

# YOUR HUMAN RIGHTS!

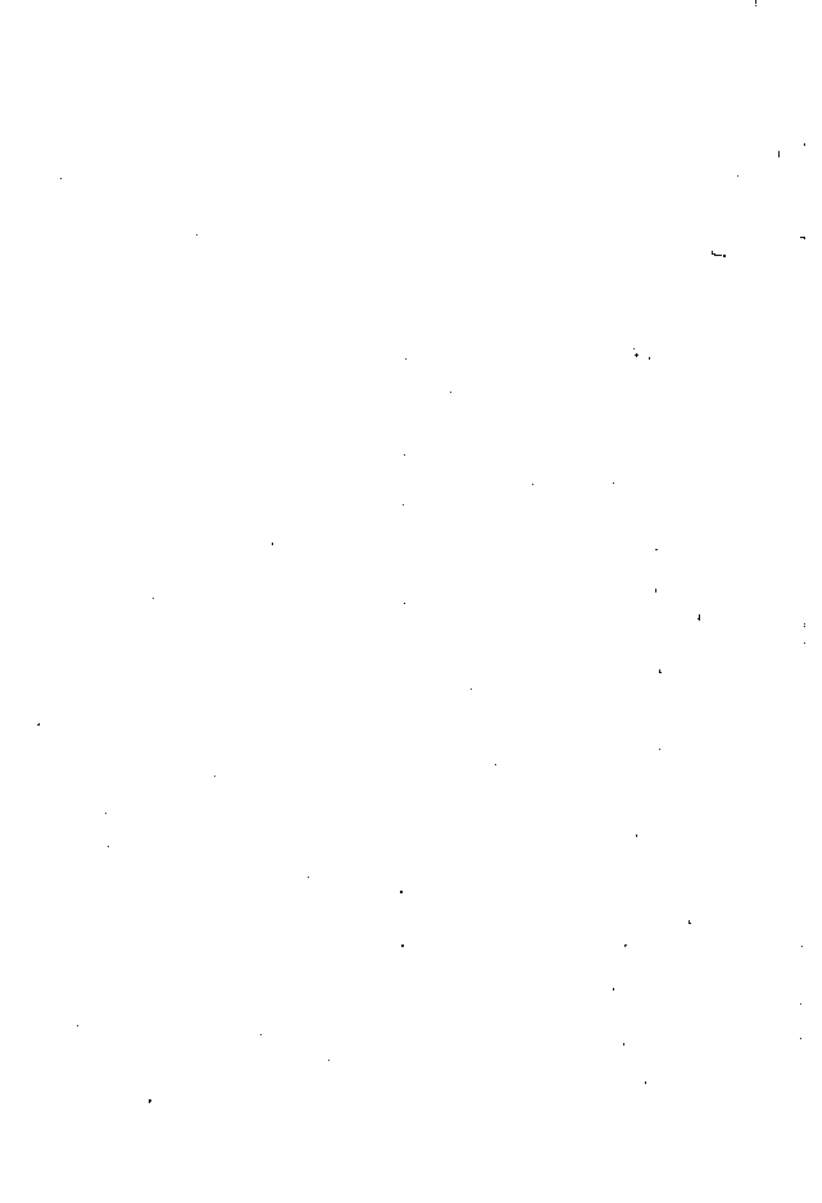


(FLAG) FREE LEGAL ASSISTANCE GROUP



# **YOUR HUMAN RIGHTS!**

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**UNDER THE CONSTITUTION,  
AND IN TIMES OF EMERGENCY,  
THE PRESIDENT MAY RESORT  
TO ANY OF THESE  
EMERGENCY POWERS—**

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• **The President, whenever it becomes necessary, may call out the armed forces to prevent or suppress lawless violence, invasion, or rebellion.**

- Congress need not concur for the call out to be effective. It is important to remember that while the implementation of the President's decision to call out the armed forces is subject to judicial review, the courts will rarely, if ever, invalidate the factual findings of the President's decision.
- Justice Kapunan in his dissent in *Lacson v Perez* said that a declaration of a "state of rebellion" only gives notice to the nation that it exists and that the armed forces may be called to prevent or suppress it. Such declaration does not justify any deviation from the constitutional proscription against unreasonable searches and seizures. FLAG believes the calling out of the armed forces and the declaration of a "state of rebellion" do not—and can never—authorize the suspension of any of your constitutional rights.

**In case of invasion or rebellion, and only when the public safety requires it, the President may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law, but:**

- The President must submit a report to Congress within 48 hours from such suspension or declaration;
- Congress, voting as one body, may revoke the suspension or shorten the period;
- The President must respect the decision of Congress.

(a) The existence of an actual rebellion or invasion is not in itself a ground to suspend the privilege of the *writ of habeas corpus* or to declare martial law unless the public safety requires it.

(b) Congress may also extend the suspension or declaration upon the initiative of the President if the invasion or rebellion persists and the public safety requires it.

(c) If Congress is not in session when the suspension or declaration is made, it shall convene in 24 hours without need for call.

(d) The suspension of the privilege of the *writ of habeas corpus* or martial law shall last for a period not exceeding 60 days unless extended by Congress upon the initiative of the President. Congress cannot extend its duration if the President does not make the initiative.

(e) The suspension applies only to persons charged in court (not just in the fiscal's or prosecutor's office) for rebellion or offenses inherent in or directly connected with invasion. If the person arrested or detained is not charged in court within 3 days of his/her arrest, s/he must be immediately released.

(f) The declaration of martial law does not carry with it the automatic suspension of the privilege of the *writ of habeas corpus*, does not suspend the operation of the Constitution, supplant civilian courts, authorize the military to exercise jurisdiction over civilians, or give the President the power to legislate.

(g) The Supreme Court may review the sufficiency of the factual basis of the suspension or declaration upon petition of any citizen, who need not be a taxpayer. The Supreme Court may entertain the petition even during the first 60 days of the suspension or declaration, and must decide the case within 30 days from filing.

- In times of national emergency, the President may temporarily takeover or direct the operation of any privately owned public utility or business affected with public interest.

(a) A national emergency refers to a situation where there is a threat of external aggression or calamities or natural disasters, including military or economic dislocations. Labor strikes do not constitute a national emergency unless the strikes are of such proportion that they would paralyze government service.

(b) The take-over may only be done during the emergency and under reasonable terms. Only the operations of any privately owned business utility or

business affected with public interest may be taken over. The transfer of ownership of such business is not required. The owner of any business taken over shall be properly compensated, when prejudiced by the take over. The owner cannot prevent the take over during the period of emergency but may contest it later.

(c) The President may not resort to sequestration by virtue of the state of emergency.

- The President may, in the interest of national welfare or defense, establish and operate vital industries. Upon payment of just compensation, the government may also transfer to public ownership utilities and other enterprises to be operated by it.
- The President may exercise powers authorized or delegated by Congress.

(a) The powers that may be authorized by Congress do not include the power to legislate. The areas over which Congress may delegate to the President certain authority must be limited to meet the exigency of the emergency and nothing more.

(b) The powers that may be authorized by Congress must cease upon withdrawal by, or next adjournment of, Congress. Hence, the exercise of such powers is not coextensive with the existence of the emergency.

**IN ANY SITUATION, YOU DO NOT  
LOSE YOUR BASIC RIGHTS,  
SUCH AS—**

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- **The right to life;**
- **The right not to be tortured, nor subjected to cruel, inhuman or degrading treatment or punishment;**
- **The right not to be subjected to forced labor;**
- **The right not to be imprisoned for non-payment of debt;**
- **The right not to be punished for an act which was not yet a crime at the time of its commission;**
- **The right to be recognized and treated as a person; and**
- **The right to freedom of thought, conscience and religion.**

These rights are absolute. Under no condition can their fulfillment or enjoyment be suspended. This is true even when martial law or any other state of public emergency has been declared. These are non-derogable rights under the International Covenant on Civil and Political Rights to which the Philippine Government is a party.

There are other rights that are considered inalienable and inviolable, such as—

☛ **The right not to have your house searched without a search warrant issued by a Judge, and not to have anything seized which is not specified in the search warrant. However, if you are legally arrested, your person and immediate surroundings may be searched for dangerous weapons, and any evidence found on your person or immediate vicinity (only on your person and immediate vicinity) which may have been used to commit the crime for which you are being arrested may be seized.**

☛ **The right to liberty and security of person. You can be deprived of liberty only on grounds and procedures established by the Constitution and existing law.**

☛ **The right not to be arrested except on evidence that a crime has been committed and that you probably committed it. You may be arrested only on the strength of a warrant of arrest issued by a Judge, except:**

- When you have committed, are actually committing, or are attempting to commit an offense in the presence of the arresting officer;
- When an offense has just been committed and the arresting officer has probable cause to believe, based on personal knowledge of facts and circumstances, that you committed the offense;

- When you have escaped from prison or detention or while being transferred from one confinement to another.

The legality of your arrest must be determined in an inquest proceeding conducted by a civilian prosecutor. The prosecutor, in a summary proceeding, can:

(a) Order your release (this may or may not be subject to a full-blown preliminary investigation);

(b) Affirm the legality of your arrest, and prepare the corresponding complaint or information with the trial court.

(c) Often the inquest prosecutor will ask the person arrested if s/he desires a preliminary investigation, in which case s/he will be asked to sign a waiver. Do not sign the waiver without being duly informed of the nature and consequences of signing it. Signing the waiver may—and often does—mean that you are going to remain in detention, pending a preliminary investigation. It may also mean that you are waiving your right to file cases against those who arrested you.

☛ **While under arrest or detention, if you are questioned or investigated by the police or military, you have the following rights:**

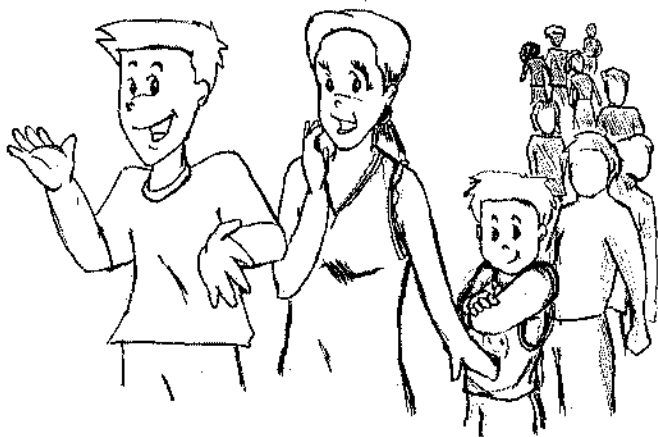
- To be informed of your right to remain silent and other constitutional rights;
- To have competent and independent counsel preferably of your own choice; and
- To be provided with counsel if you cannot afford one.

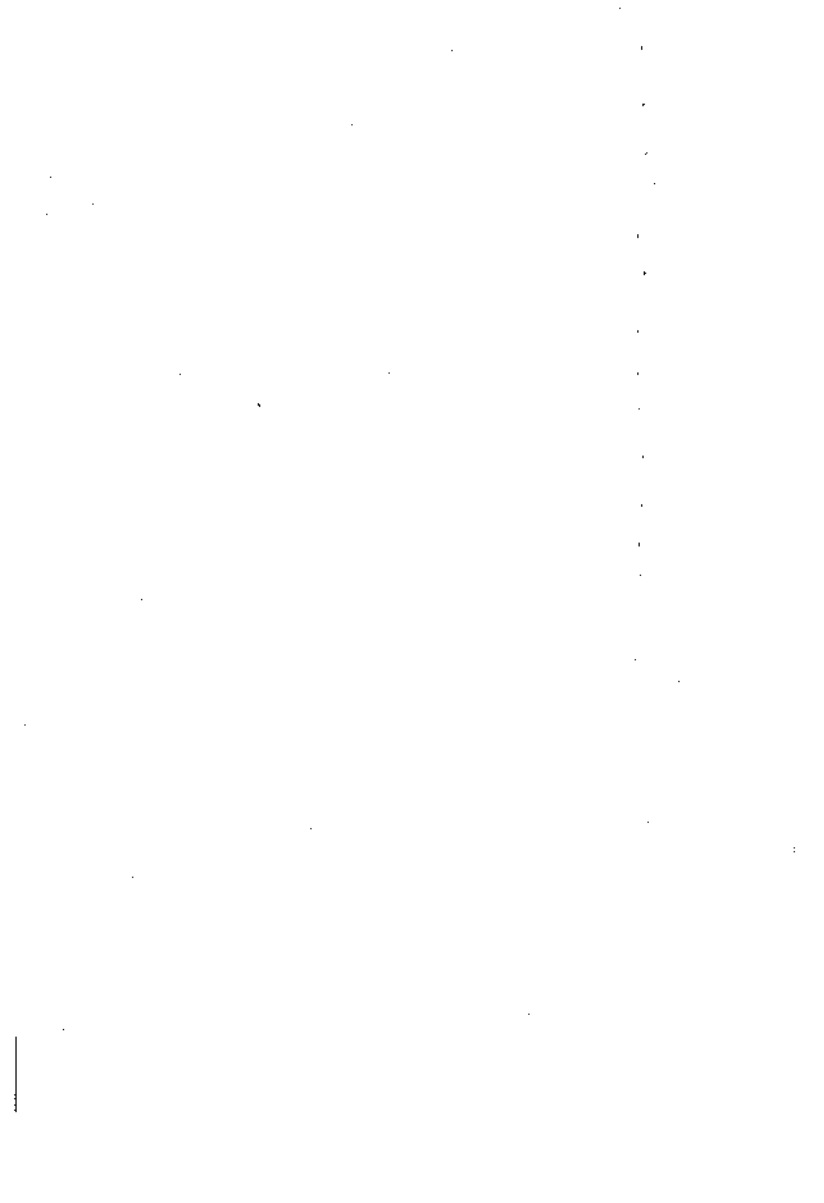
**In all criminal prosecutions, you have the following rights:**

- Not to be compelled to testify against yourself;
- To remain silent and to counsel;
- To be informed of the nature and cause of the accusation against you;
- To have a speedy, public and impartial trial;
- To appeal any conviction;
- To be presumed innocent until the contrary is proved;
- To be present and heard by yourself and counsel;
- To avail of court processes to secure the compulsory attendance of witnesses and the presentation of evidence in your defense; and
- To meet the witnesses face-to-face and to cross-examine them.
- The right to a preliminary investigation.
- The right against double jeopardy.
- Before conviction, the right to bail except for capital offenses when evidence of guilt is strong.
- The right to be treated with humanity and with respect for your personal dignity.
- The right to liberty of abode and the right to travel.



## What to do . . .





## **IF YOUR HOUSE OR OFFICE IS SEARCHED**

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- Your house or office cannot be searched without a warrant duly issued by a Judge. When a valid search warrant is issued, the searching party can only seize those things that are particularly described in the search warrant, unless you consent, or the articles are contraband in plain view. However, if you are arrested, your person and immediate surroundings may be searched for dangerous weapons and evidence that you committed the crime for which you are being arrested; any evidence which may be found on your person or immediate vicinity can be seized.
  
- A search warrant is valid if:
  - It is signed by the Judge;
  - It specifies one offense only;
  - It describes with particularity the exact location and/or address of the place to be searched and lists down exactly what things are to be seized;
  - It is used within ten days from its issuance.



- A search warrant must be served during the daytime unless the affidavit supporting it asserts that the property is on the person or in the place ordered to be searched, in which case the warrant must specifically direct that it can be served at any time of the day or night.
- If the warrant is invalid, the search and seizure is unlawful. Any evidence obtained as a result of an unlawful search and seizure cannot be used as evidence in any proceeding. You may peacefully refuse, without liability, an unlawful search and seizure. You may also file criminal, civil or disciplinary action cases against the officer serving an unlawful warrant.
- Where there is no search warrant, do not voluntarily submit yourself to a search. Object immediately. Do not agree to be searched but do not physically resist. A warrantless search without your express, prior and voluntary consent is illegal.

**During a search:**

- Before allowing your home or office to be searched, ask for and read the search warrant. Examine it carefully to see if it:
  - (a) states your address;
  - (b) describes the items to be seized with particularity;

- (c) is signed by a civilian judge;
- (d) specifies only one offense; and
- (e) is being used within 10 days from its issuance.

- Contact your lawyer by the most expedient means (telephone, text message) and inform him/her that your home or office is about to be searched.

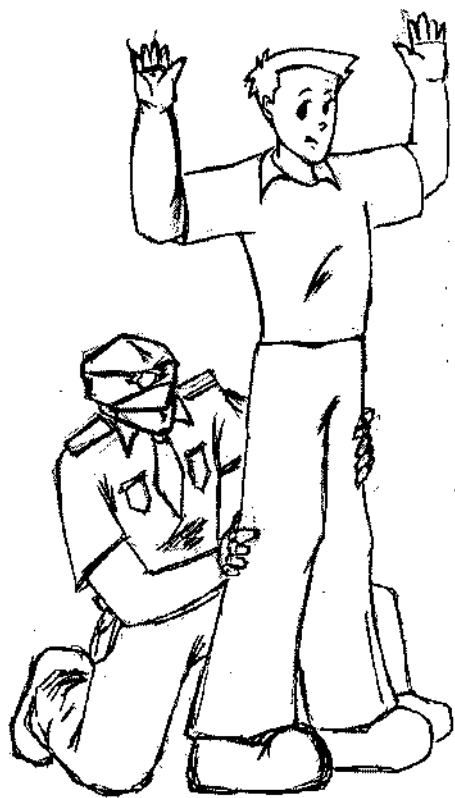
The search party has the right to break any outer or inner door or window to effect the search if the search party is refused admittance to the place of the search after giving notice of the purpose and authority for the search.

- If it is a valid warrant, only then should you allow the search to be conducted. Upon letting the search party enter your premises, ask for their names, rank, and the office or unit to which they belong. Get the name and rank of the commanding officer.
- During the search, accompany the group conducting the search at all times. This lessens the possibility of their planting documents, weapons or other materials in your home or office.

**Remember:** The search party is allowed to conduct the search only in the presence of the lawful occupant or any member of his/her family. If no occupant or family member is present, the search must be conducted in the presence of two witnesses of sufficient age and discretion who reside in the locality. This means that every room,

compartment, section or portion of the place cannot be searched unless the above witnesses are present.

- If anything is taken from your home or office, the officer seizing the property must give you a detailed receipt. Before signing the receipt —
  - (a) Go over it carefully to ensure its accuracy in designation, description and quantity;
  - (b) If there are blank spaces that might be used by unscrupulous police officers to “add” items that were not actually found during the search, ask the officer to place a line across the blank space.
  - (c) Insist that you be given a copy of the receipt; if they agree, make sure that the copy accurately reflects the original.
  - (d) If there is anything in the receipt that tends or appears to be incriminating, tell the searching party you are invoking your right to a lawyer and to remain silent and that you refuse to sign anything without talking to your lawyer first.
- You may be asked to sign an affidavit of orderly search. If the search was not conducted in an orderly manner, do not sign the affidavit. Instead, register your objection. In any case, read it very carefully and tell the police officers you want to consult your lawyer before you sign anything.





## **IF YOU ARE INTERCEPTED AT A STOP-AND-FRISK OPERATION**

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- The “stop” and the “frisk” are actually two separate acts.
  - The “stop” is employed by the police to investigate a suspicious individual. It involves briefly detaining you for the limited purpose of determining if any further police action should be taken against you.
  - The “frisk” is intended for the safety of the police officer. It involves an actual physical invasion of your body for the limited purpose of determining if you are armed with a deadly or dangerous weapon.
  - If the police officer has reasonable grounds to “stop” you for investigation, s/he does not automatically have the right to “frisk” you. A “frisk” may only be done if the police officer has good reason to believe that you are armed with a deadly or dangerous weapon.
  - The “stop” may provide the police officer with a valid ground to arrest you, if you have a standing warrant of arrest or if there are valid grounds to effect a warrantless arrest. But if the “stop” does

not provide the police officer with the legal basis to arrest you, there is no reason to believe that you are armed and the police officer must let you go.

- In upholding stop-and-frisk operations, the Philippine Supreme Court relied to a large extent on the ruling of the United States Supreme Court in *Terry v. Ohio*. In that case, the U. S. Supreme Court adopted the balancing of interests approach (e.g., "balancing the need to search against the invasion which the search entails"<sup>1</sup>). The U. S. Supreme Court also mandated a two-step process to determine the validity of the stop-and-frisk operation: (1) was the "stop" justified? and (2) was the "frisk" limited in scope and intensity so as to achieve its limited purpose? The Philippine Supreme Court, however, did not apply the two-step process and a number of decisions are difficult to reconcile. This has opened the door to abuse by unscrupulous law enforcement officers.
- In a stop and frisk situation, remember:
  - The police officer may ask for your identity but s/he cannot require you to present your identification papers;
  - The police officer may frisk you only if s/he has reasonable suspicion that you are armed. The frisk

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1. *Camara v. Municipal Court*, 387 US at 539; see also *Terry v. Ohio*, 462 US 696.

should only involve patting down the outer shell of your clothing, but the police officer cannot order you to take off your clothes to see if you have body marks or tattoos; neither can the police officer open your bag or ask to see your wallet;

- If, during the frisk, the police officer feels an object that could be a concealed weapon, the officer may take it out to examine it. If it is a deadly or dangerous weapon, the officer may seize it;
  - The police officer may seize any concealed weapon (gun, knife) found on you and charge you.
- If you believe that you are a target of police harassment, do not act belligerently. Instead, file criminal, civil or disciplinary action cases against the erring police officer.



## IF YOU ARE STOPPED AT A CHECKPOINT

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### Remember:

- You need not step out of the vehicle nor open its trunk. *The inspection must be limited to a visual search.* Neither the inside of the vehicle nor the occupants are subject to a search. Only objects in plain view of the officers conducting the search are subject to seizure.

An extensive search is allowed only if the officers *conducting the search have probable cause* to believe before the search that either the motorist is an offender or that they will find evidence pertaining to the commission of a crime in the vehicle to be searched.

- When ordered to step out of the vehicle or open its trunk, do not readily accede to the order. Ask *the officer or officers conducting the search* for their names, their official positions, the office or unit to which they belong and reason for the order. If you believe that the order is unjustified, object firmly but peacefully to the order and state that you are not waiving any of your rights. Nonetheless, even if you fail to object, any *evidence obtained as a result* cannot be used against you. Consent under intimidating or

coercive circumstances is not consent within the purview of the Constitution.

The right against unreasonable searches and seizures may be impliedly waived if you do not object to the unreasonable search.

- If you are being arrested because of any incriminating evidence found on your person or in the vehicle, follow the advice in the succeeding section.
- Checkpoints are allowed only under exceptional circumstances (in red alert situations where the survival of organized government is on the balance or the lives and safety of the people are in grave peril or when there is a need to arrest a criminal or fugitive from justice). When the exceptional circumstances no longer exist, checkpoints are no longer allowed, and any checkpoints established are illegal.
- The area where checkpoints are established must be properly lighted. Clear and legible signs must be exhibited to show that searches are being conducted. Enforcement officers must at all times be in uniform with their identification cards and nametags on. The unit manning checkpoints must always be led by an officer with the rank of lieutenant. If these standards are not met, you may report all instances of non-compliance to the police and military authorities for proper action.

## **IF YOU BELIEVE THAT YOU WILL BE ARRESTED OR SALVAGED**

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Take the following precautions:

- *Do not go out alone. The risk of disappearance and being salvaged increases because no one witnesses or is willing to testify to the arrest of the person who disappeared/was salvaged.*
- *Avoid going to places where no one knows you.*
- *Do not stay at home or elsewhere alone.*
- *Tell your family or friends of the possibility of your being arrested, and what to do in case you are arrested. Tell them specifically whom to run to for help, how to get in touch with them, and where to search for you.*
- *Before going out, tell your family or friends where you are going, whom you will see, why, how long you expect to be out, and what to do if you fail to return on time, or fail to reach your destination, or keep your appointment. If you own a cell phone, send a text message to yours friends or family informing them that you have reached your destination and are proceeding to your next appointment.*





- When you go out, always carry adequate identification, and avoid carrying anything that could be construed as incriminating.
- In case you are being arrested, see to it that people know that you are being arrested and by whom. If necessary, shout or make a scene to attract attention to your arrest. If you own a cell phone, call or send a text message to your family, friends and lawyer to inform them that you are being arrested.
- Disappearances and salvaging can be prevented or minimized if your family, friends or even bystanders will accompany or follow you and your arresting officers to learn where you are being taken and to show concern over your safety. As soon as possible, they should notify a lawyer or respected member of the community (a priest, teacher, doctor or civic leader) who, in turn, should try to visit you immediately.
- During detention, your family and friends should visit you as often as possible, and send things to you (food, magazines, medicines, clothes, etc.) on days they cannot or are not allowed to visit. Never agree to be taken out of jail or the detention center by anyone unless accompanied by your lawyer or a member of your family.
- Even if you have reliable information that there is a plan to arrest or salvage you, it is not advisable to go into hiding. Instead, request your lawyer or other

responsible person to inquire if there is a warrant for your arrest, and if there is, to arrange for you to present yourself to the proper authorities under adequate guarantees for your safety. Meanwhile, prepare yourself by reviewing your rights and deciding what you will do if you are arrested to protect your safety and enforce your rights.

## **IF YOU ARE BEING ARRESTED**

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### **Remember:**

- Stay calm. Being arrested is not the end of the world. Some apprehension is unavoidable; but you can reduce this by concentrating on each event as it happens, and not letting your imagination run wild about what will happen next.
- Ask a relative, friend or even a stranger (get the name and address) to witness your arrest. If you own a cellular phone, send a text message to your family, friends and lawyer informing them that you are being arrested. You may also call your family, friends and lawyer so they may listen in on your arrest.
- Ask the person or persons arresting you for their names, their official positions, and the office or unit they belong to.
- Ask for a copy of their authority to arrest you and examine it carefully. Note particularly if you are correctly named in the warrant of arrest, and the offense for which you are being arrested.
- *If there is any defect in the warrant, register your objection to being arrested, but do not use force.*

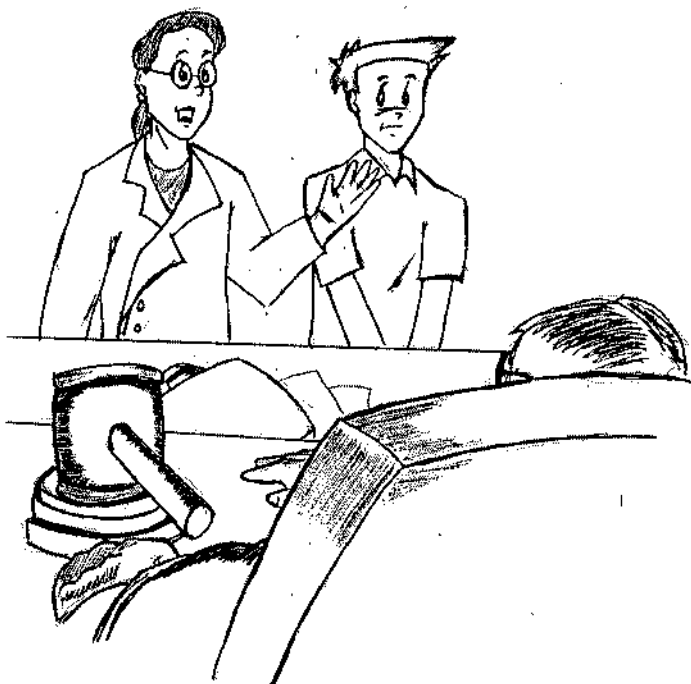


- If you are lawfully arrested, you may be searched for dangerous weapons or anything which may be used as proof that you committed the crime for which you are being arrested.
- Inquire from your arresting officer where you will be taken. Ask that you be accompanied by the relative, friend or stranger who witnessed your arrest. Assure the arresting officers that this is for their protection as well as yours.
- Ask to be allowed to telephone your lawyer; if denied, ask your relative, friend or other witness to your arrest, to do so. Inform your lawyer of your arrest, the identity of the arresting officers, the cause of your arrest, and where you will be taken.
- Do not, at any time, offer any physical resistance to the arrest. State that you object to your arrest and are not waiving any of your rights, but are going peacefully in order to avoid violence.
- If the persons making the arrest are in civilian clothes, or refuse to give their names or show any warrant of arrest, refuse to go with them. Ask them to let you call for a policeman to verify their authority. Do not agree to being blindfolded. The law requires arresting officers to be properly dressed, to behave properly and to respect your rights and your dignity. If the arresting officers violate these requirements, do not cooperate, but do not use violence either. Make them carry you out, shout for help, create a scene so that

your neighbors and other passers-by may notice what is happening. Remember all violations of your rights, and complain about them at the first opportunity after your arrest, when you are presented to a judge or fiscal.

- If you are told that you are not being arrested but merely invited for questioning, reply that you will consult your lawyer first. Do so, then get your lawyer to talk to the officers and arrange a date, time and place for your questioning. If they do not allow you to consult your lawyer, refuse to go along with them. If they insist, their acts become an arrest, and the preceding advice applies.
- The general rule is that you can only be arrested upon proper warrant of arrest issued by a competent Court. However, there are three exceptions to this rule—
  - When you have committed, are actually committing, or attempting to commit an offense in the presence of the arresting officer;
  - When an offense has just been committed and the arresting officer has probable cause to believe based on personal knowledge of facts and circumstances that you committed the offense;
  - When you have escaped from prison or detention or while being transferred from one confinement to another.

**REPEAT: REMAIN CALM.** Concentrate on what is happening now. Do not imagine what will happen next. Many of our fears are self-created. Above all, do not worry if you forget to do any of the things listed above. They are counsels of perfection, not always attainable. As long as you remain calm and collected, you will be able to protect your rights.





## **IF YOU HAVE ALREADY BEEN ARRESTED**

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These are your rights:

- To remain silent and to be assisted by a competent and independent lawyer of your choice.
  - Not to be subjected to torture, manhandling, intimidation, deceit, promises of reward or leniency of any means (drugs, hypnosis, etc.) that vitiate or weaken your free will.
  - To be brought for inquest as soon as possible, but not later than:
    - 12 hours after arrest for a light offense
    - 18 hours after arrest for a less grave offense
    - 36 hours after arrest for a grave offense.
- The legality of your arrest must be determined in an inquest proceeding conducted by a civilian prosecutor. The prosecutor, in a summary proceeding, can
- (a) Order your release (this may or may not be subject to a full-blown investigation);

(b) Affirm the legality of your arrest, and prepare the corresponding complaint or information with the trial court. Very often the inquest prosecutor will ask the person arrested if s/he desires a preliminary investigation; in which case s/he will be asked to sign a waiver. Do not sign the waiver without being duly informed of the nature and consequences of signing it. Signing the waiver may—and often does—mean that you are going to remain in detention, pending a preliminary investigation. It may also mean that you are waiving your right to file cases against those who arrested you.

- If you are questioned or investigated by the police or military, you have the following rights, among others:
  - To remain silent;
  - To have competent and independent counsel preferably of your own choice;
  - To be provided with counsel if you cannot afford one; and
  - To be informed of these rights, and to be told that anything you say may be used against you in court.
- In all criminal prosecutions, you have the following rights:
  - Not to be compelled to testify against yourself;
  - To remain silent and to counsel;

- To be informed of the nature and causes of the accusation against you;
  - To have a speedy, public and impartial trial;
  - To appeal any conviction;
  - To be presumed innocent until the contrary is proved;
  - To be present and heard by yourself and counsel;
  - To avail of court processes to secure the compulsory attendance of witnesses and the presentation of evidence in your defense; and
  - To meet the witnesses face-to-face and to cross-examine them.
- When you are brought before the Judge, to make a *formal complaint* if you have been denied counsel, forced to confess, or manhandled, tortured or intimidated.
  - To be released on reasonable bail, unless you are charged with a crime punishable by death and the evidence of your guilt is strong.

Release on bail does not bar you from challenging the validity of your arrest nor the legality of the warrant of arrest, provided you raise these challenges before being arraigned.

All arresting, detaining, inviting or investigating officers and their companions **must** follow and observe the following procedures, guidelines and duties, at the time of your arrest and again during your custodial investigation. These guidelines, procedures and duties were laid down by the Supreme Court in *People v. Mahinay* (G.R. No. 122485, 1 February 1999):

- You must be informed in a language known and understood by you of the reason for your arrest, and you must be shown the warrant of arrest. All other warnings, information or communication must be in a language known and understood by you.
- You must be warned that you have the right to remain silent and that any statement you make may be used as evidence against you.
- You must be informed that you have the right to be assisted at all times and have the presence of an independent and competent lawyer of your own choice.
- You must be informed that if you have no lawyer or you cannot afford the services of a lawyer, one will be provided for you; and that a lawyer may also be engaged by any person on your behalf, or may be appointed by the court upon a petition by you or by one acting on your behalf.

- *Whether or not you have a lawyer, you must be informed that no custodial investigation in any form shall be conducted except in the presence of your lawyer or unless you have validly waived any of your rights.*
  
- *You must be informed that you have the right, at any time, to communicate or confer by the most expedient means (telephone, text message, radio, letter, or messenger) with your lawyer, any member of your immediate family, any medical doctor, priest or minister you choose or one chosen by your immediate family or lawyer; you must also be informed that you have the right, at any time, to be visited by and confer with duly accredited national or international non-governmental organizations.*
  
- *You must be informed that you have the right to waive any of your rights provided you do so voluntarily, knowingly, intelligently and you understand the consequences of your waiver.*
  
- *If you waive your right to a lawyer, you must be informed you must waive your right in writing and in the presence of your lawyer, otherwise you must be warned that your waiver is void even if you insist on your waiver and you choose to speak.*
  
- *You must be informed that you may indicate in any manner at any time or stage of the process*

that you do not wish to be questioned and that once you make such indication, you may not be interrogated, if the interrogation has not yet begun, or the interrogation must cease if it has already begun.

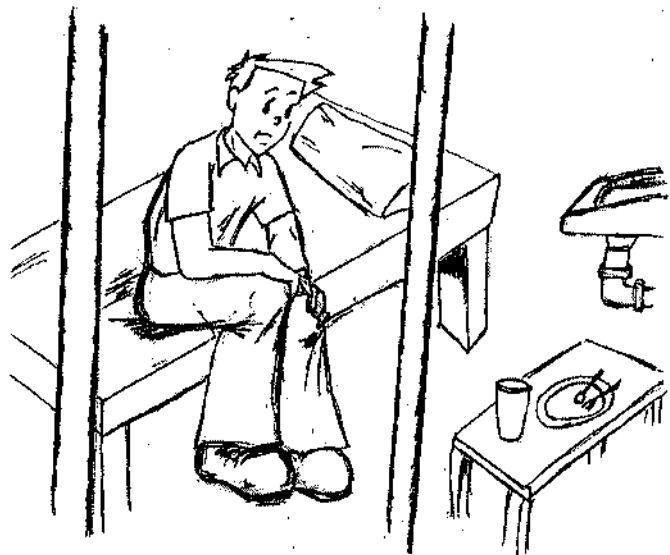
- You must be informed that your initial waiver of your right to remain silent, your right to counsel, or any of your rights, does not bar you from invoking your rights at any time during the process, regardless of whether you have answered some questions or volunteered some statements.
- You must also be informed that any statement or evidence obtained in violation of any of the above procedures or guidelines, whether inculpatory or exculpatory, in whole or in part, is inadmissible in evidence.

(a) A common practice of investigating officers is to present a person arrested with a confession already drawn up and ready for signature, then to intimidate the suspect into signing the statement without reading it. And since uncounselled confessions have been disallowed under the Constitution, the investigating officers now have lawyers who are ready to assist you during the confession, to make everything legal and valid. Remain firm, but respectful. Insist that you would like to get your own lawyer, and ask for the opportunity to get in touch with your lawyer. Since they now know that you know your rights, the chances that you will be manhandled are reduced.

(b) If you have not been informed of your rights to remain silent and to have competent and independent counsel of your choice, the arresting officer or employee or the investigating officer, who fails to inform you of your rights is liable to suffer a fine or a penalty of imprisonment, or both. If the arresting officer or employee or investigating officer has been previously convicted for a similar offense, s/he shall suffer the penalty of perpetual absolute disqualification.

(c) If the arresting officer or employee or the investigating officer or anyone acting upon their orders or in their place, fails to provide you with competent and independent counsel if you cannot afford the services of your own counsel, s/he is liable to suffer a fine or a penalty of imprisonment, or both. If the arresting officer or employee or investigating officer has been previously convicted for a similar offense, s/he shall suffer the penalty of perpetual absolute disqualification.

(d) Whoever obstructs, prevents or prohibits your lawyer, any member of your family, any medical doctor or religious minister, from visiting and conferring privately with you, or from examining and treating you, or from ministering to your spiritual needs, at any hour of the day, or, in urgent cases, of the night, is liable to suffer the penalty of imprisonment and a fine.





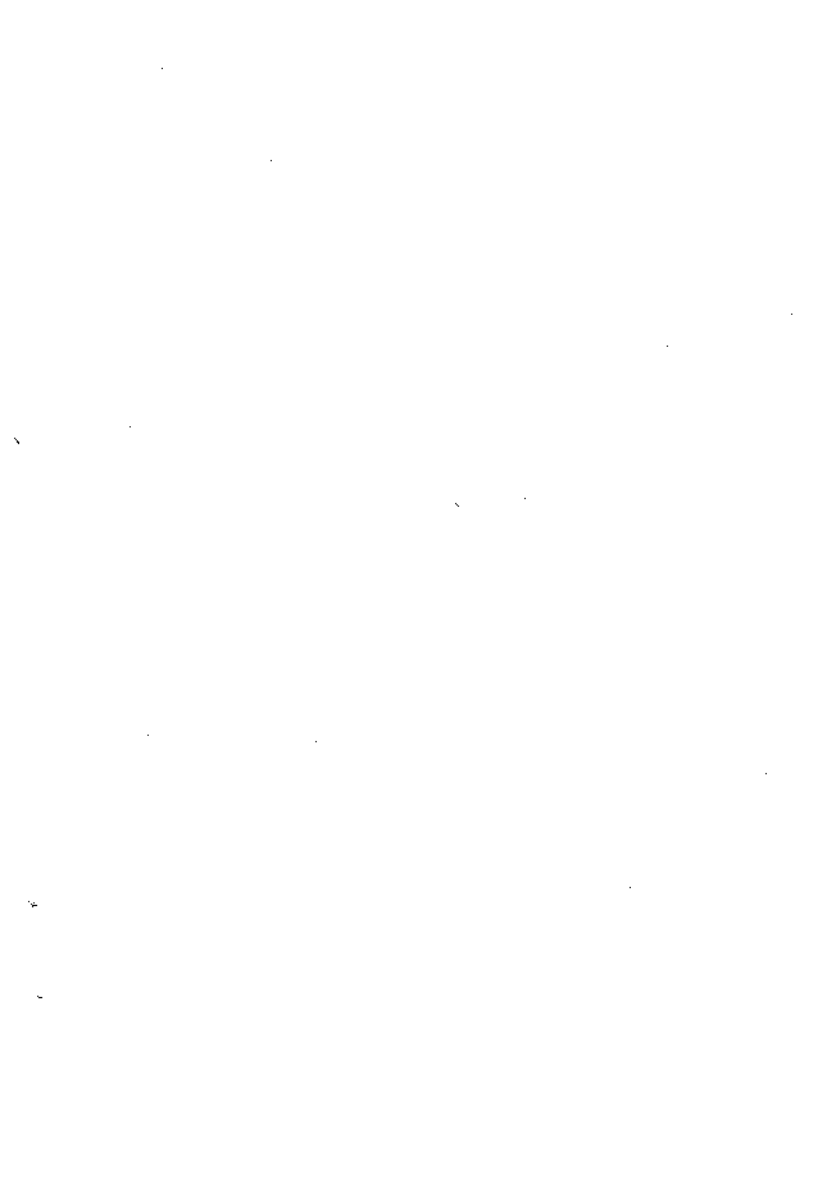
## IF YOU ALREADY UNDER DETENTION

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Your rights are:

- To be treated as a human being.
- To due process, which comprises the rights:
  - To be informed of the written regulations governing the detention center;
  - Not to be punished for any act except in accordance with those regulations;
  - To be subjected to only such punishment for breaches of discipline as are the least restrictive means to maintain order and security in the detention center;
  - Not to be subjected to corporal punishment, confinement in a dark cell or total isolation (*bartolina*).
- To receive visits from your family, friends and lawyers.
- To practice your religion.

- To adequate food and, if you desire, to procure food from outside, through the administration of the detention center or through family and friends.
- To wear your own clothing unless you have none, in which case the detention administration shall supply it, but such clothing must be different from that supplied to convicts.
- To healthful accommodations, with sufficient light and ventilation, and adequate sanitary and bathing facilities.
- To a separate bed with sufficient bedding.
- To at least one hour's daily outdoor exercise.
- To competent medical and dental service, and to be treated by your own doctor or dentist if there is reasonable need for it and you or your family or friends will pay for it.
- To be furnished with or to procure reading and writing materials.
- To be kept separate from convicts serving sentence.
- To a speedy, impartial and public trial.





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