

1 FOURTEENTH CONGRESS OF THE )  
2 REPUBLIC OF THE PHILIPPINES )  
3 First Regular Session )  
4

5 S E N A T E

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7 S. No. 1427  
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9 Introduced by Senator M. A. Madrigal  
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12 AN ACT  
13 PUNISHING GOVERNMENT OFFICIALS OR SUPERIORS  
14 FOR CRIMES OR OFFENSES COMMITTED BY THEIR SUBORDINATES  
15 UNDER THE PRINCIPLE OF COMMAND RESPONSIBILITY  
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18 **Section 1. *Title.*** – This Act shall be known as the “Command Responsibility Act of  
19 2007.”  
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21 **Sec. 2. *Policy.*** – It shall be the policy of the State:  
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- 23 A. To uphold the Constitutional principle that public office is a public trust;  
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25 B. To implement the basic Constitutional premise that public employees must  
26 at all times be accountable to the people, serve them with utmost  
27 responsibility, integrity, loyalty and efficiency, and act with patriotism and  
28 justice; and  
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30 C. To make public officials and superiors accountable for the acts of their  
31 subordinates under the principle of Command Responsibility.  
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33 **Sec. 3. *Definition of Terms.*** – The following terms shall mean:  
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- 35 A. Command Responsibility – is the responsibility of an official or superior for  
36 crimes or offenses committed by their subordinates subject to their effective  
37 control or supervision or which their subordinates were about to commit or  
38 have committed, and such official or superior did not take measures to  
39 prevent such commission of crimes or offenses, or having learned about  
40 such crimes or offenses did not act to prevent and punish the offending  
41 subordinates.  
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43 B. Official/Superior – is the person who has actual powers to exercise effective  
44 control over the actions of their subordinates considering their position,  
45 their capacity to issue orders, the procedure for appointment; and the tasks  
46 that their subordinates are performing; and that they have the material  
47 ability to prevent and punish criminal acts of their subordinates. The control  
48 may be *de jure* or *de facto* and the official/superior may be military or civilian.

1 matter to the competent authorities for investigation and prosecution

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3 **Sec 7. *Presumption of Knowledge.*** – A government official or superior is presumed  
4 to have knowledge of the crime committed by his or her subordinates when any of  
5 the following circumstances are present:

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7 A. When the same crime was committed by his or her subordinates two or  
8 more times in one year, whether or not the said offenses were committed by  
9 the same subordinate;

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11 B. When the crime committed by the subordinate was pursuant to a policy  
12 being implemented by the official or superior whether or not said policy is  
13 in writing; and

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15 C. When the crime was committed in compliance with the order of the  
16 superior, albeit only the intended result was manifested to the subordinate.

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18 **Sec. 8. *Penalties.*** – For violation of the acts stated in Sections 4 and 5, the following  
19 penalties may be imposed:

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21 A. Imprisonment for a specified number of years, which may not exceed a  
22 maximum of thirty (30) years; or

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24 B. A term of life imprisonment when justified by the extreme gravity of the  
25 crime and the individual circumstances of the convicted person.

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27 In addition to imprisonment, the Court may impose:

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29 C. A fine; or

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31 D. Forfeiture of proceeds, property and assets derived directly or indirectly  
32 from that crime, without prejudice to the rights of bona fide third parties.

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34 In all cases, the penalty provided shall carry with it the accessory penalty of  
35 perpetual disqualification from holding public office.

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37 **Sec. 9. *Separability Clause.*** – If any part, section or provision of this Act shall be  
38 held invalid or unconstitutional, the other provisions shall not be affected thereby.

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40 **Sec. 10. *Repealing Clause.*** – All other acts, laws, executive orders, presidential  
41 issuances, rules and regulations or any part thereof which are inconsistent  
42 herewith are hereby deemed repealed or modified accordingly.

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44 **Sec. 11. *Effectivity Clause.*** – The provisions of this Act shall take effect fifteen (15)  
45 days from its publication in the *Official Gazette* or in at least two (2) national  
46 newspapers of general circulation.

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48 **Approved,**

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