

[REPUBLIC ACT NO. 10530, May 07, 2013]

AN ACT DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, AND RED CRYSTAL EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

PART 1
INTRODUCTORY PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as “The Red Cross and Other Emblems Act of 2013”.

SEC. 2. *Declaration of Principles and State Policies.* –

(a) The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to a policy of peace, justice, freedom, cooperation and amity with all nations.

(b) The State adopts the provisions of the Hague Convention IV of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war insofar as they have been ratified or have become part of generally accepted principles of international law.

(c) The State shall secure the protective use and indicative use of the emblems both in times of peace and in times of armed conflict in accordance with the standards and guidelines set forth under the Hague Conventions of 1907 and the 1949 Geneva Conventions and their Additional Protocols on the protection of victims of war.

(d) The misuse of the emblem of the Red Cross, Red Crescent, and Red Crystal; and of the words Red Cross, Red Crescent, and Red Crystal or their translation in any official language and dialect shall not go unpunished. Its effective prosecution shall be ensured by taking measures at the national level.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the term:

(a) *Armed conflict* means any use of force or armed violence which gives rise, or may give rise, to a situation to which the 1949 Geneva Conventions and their Additional Protocols, including their common Article 3 (Conflicts not of an International Character), apply. It does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(b) *Distinctive signals* mean any of the distinctive signals specified in Chapter III of Annex I to the Protocol Additional to the 1949 Geneva Conventions, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), being the signals of identification for medical units and transport, namely: the blue light signal, the radio signal and electronic means of identification.

(c) *Emblem* means the Red Cross, Red Crescent, and Red Crystal emblem.

(d) *Indicative use* means the use of the emblem showing that a person or an object is linked to an institution of the International Red Cross and Red Crescent Movement. The emblem shall be small in size.

(e) *Perfidious use* means the use of the emblem by a person with intent to appeal to the good faith of an adversary in order to deceive and make the latter believe that the person is entitled to receive or is to be conferred the protection provided for by the rules of international humanitarian law.

(f) *Protective use* means the visible sign of the protection conferred by the 1949 Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports in time of armed conflict. The dimensions of the emblem shall therefore be as large as possible.

(g) *Red Crescent*, when used to signify a heraldic emblem, means an emblem depicting a red crescent moon on, and completely surrounded by, a white background, as illustrated in Article 4, Chapter IV of Annex I of Protocol I to the Geneva Conventions.

(h) *Red Cross*, when used to signify a heraldic emblem, means an emblem depicting a red cross with branches of equal length on, and completely surrounded by, a white background, formed by reversing the colors of the Swiss Confederation, as illustrated in Article 4, Chapter IV of Annex I of the Additional Protocol I to the Geneva Conventions.

(i) *Red Crystal*, when used to signify a heraldic emblem, means any emblem depicting a red frame in the shape of a square on edge, and completely surrounded by, a white background, as illustrated in Additional Protocol III to the Geneva Conventions.

PART 2

RULES IN THE USE OF THE RED CROSS, THE RED CRESCENT, AND THE RED CRYSTAL EMBLEMS

SEC. 4. *Protective Use by the Medical Service and Religious Personnel of the Armed Forces of the Philippines.* – Under the supervision and control of the Department of National Defense (DND), the Medical Service of the Armed Forces of the Philippines (AFP) shall, both in peacetime and during armed conflict, use the Red Cross to identify its medical personnel, medical units and transports on the ground, sea and air.

Medical personnel, organic or attached to the AFP, shall wear armllets and carry identity cards displaying the Red Cross emblem. These armllets and identity cards shall be issued by the DND.

Religious personnel, organic or attached to the AFP, shall be afforded the same protection as medical personnel and shall be identified in the same way.

Where this may enhance protection, medical and religious personnel, organic or attached to the AFP, may, without prejudice to the use of their present emblem, make temporary use of any of the other distinctive emblems recognized by, and enjoying equal status, under the 1949 Geneva Conventions and their Additional Protocols.

SEC. 5. Protective Use by Hospitals and Other Civilian Medical Units and Transports.

– The Department of Health (DOH), exercising supervision and control over hospitals and other civilian medical units, civilian medical personnel, civilian medical transports assigned in particular to the transport and treatment of the wounded, sick and shipwrecked, shall authorize their marking by the Red Cross emblem used as a protective device in time of armed conflict, in consultation with the Philippine Red Cross (PRC). In this regard, the DOH shall coordinate and work together with the DND which may, if necessary, give advice and assistance. The DND shall authorize medical personnel, units and transports of uniformed personnel in government other than the AFP to be marked with the emblem used as a protective device in time of armed conflict.

Civilian medical and religious personnel attached to hospitals and other medical units shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DOH.

SEC. 6. Protective Use by the Philippine Red Cross. – The PRC shall be authorized to place medical personnel and medical units and transports at the disposal of the Medical Service of the AFP.

Such personnel, units and transportation shall be subject to military security regulations and may be authorized by the DND to display, as a protective device, the emblem of the Red Cross or where this may enhance protection, to make temporary use of any of the distinctive emblems recognized by, and enjoying equal status, under the 1949 Geneva Conventions and their Additional Protocols.

Such personnel shall wear armlets and carry identity cards displaying the Red Cross emblem. These armlets and identity cards shall be issued by the DND.

The PRC may be authorized to use the emblem as a protective device for its medical personnel and medical units in accordance with Section 5 of this Act.

SEC. 7. Indicative Use by the Philippine Red Cross and National Societies. – The PRC is authorized to use the emblem as an indicative device. It may, in exceptional circumstances as determined by the PRC, and to facilitate its work, make temporary use of the Red Crystal emblem. It shall apply the “Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies”.

National societies of other countries present in the territory of the Republic of the Philippines shall, with the consent of the PRC, be entitled to use the emblem under the same conditions.

SEC. 8. Use by the International Organizations of the International Red Cross and Red Crescent Movement. – The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the Red Cross or the Red Crescent emblems at any time and for all their activities.

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may

make use of the Red Crystal emblem in exceptional circumstances and to facilitate their work.

PART 3 CONTROL AND PENALTIES

SEC. 9. *Control Measures and Enforcement.* – The DND, the DOH and the Department of Trade and Industry (DTI) shall at all times ensure strict compliance with the rules governing the use of the emblems of the Red Cross, the Red Crescent, and the Red Crystal; the name “Red Cross”, “Red Crescent”, or “Red Crystal” or their translation in any official language and dialect or the distinctive signals. They shall exercise strict control over their respective personnel authorized to use the said emblems, names and signals.

They shall take every appropriate step to prevent misuse, in particular by disseminating the rules on their usage as widely as possible, among the armed forces, the police forces, the instrumentalities of the State and the civilian population. They shall likewise issue instructions to national, civilian and military authorities on the use of the distinctive emblem in accordance with the 1949 Geneva Conventions and their Additional Protocols and by providing appropriate sanctions in cases of misuse.

SEC. 10. *Role of the Philippine Red Cross.* – The PRC shall cooperate with the DND, the DOH and the DTI in their efforts to prevent and repress any misuse. It shall be entitled to information on such misuse and to participate in relevant criminal, civil or administrative proceedings.

SEC. 11. *Misuse of the Red Cross, the Red Crescent, or the Red Crystal Emblem as Indicative Device in Peacetime and in Times of Armed Conflict.* – Any person who willfully, and without entitlement, make use of the Red Cross, Red Crescent, or Red Crystal emblem; the words “Red Cross”, “Red Crescent”, and “Red Crystal” or their translation in any official language and dialect; a distinctive signal or any other sign, designation or signal which constitutes an imitation thereof or likely to cause confusion or mistake or to deceive the general public, irrespective of the purpose of such use; as well as any person who has displayed the said emblems or words on signs, posters, announcements, leaflets or commercial documents, or has affixed them to goods or packaging, or has sold, offered for sale or placed in circulation goods thus marked shall be punished by the penalty of *arresto mayor*, or a fine of not less than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court for each and every violation.

If the misuse is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator or officer who consents to or knowingly tolerates such misuse shall be held criminally liable as a co-principal. If the person convicted is a foreigner, he or she may be ordered deported and blacklisted after serving his or her sentence.

In addition, the court may order the forfeiture in favor of the PRC of any proceeds, or property or assets upon which an emblem, designation, design, wording or sign was used directly or indirectly in violation of this Act, without prejudice to the rights of *bona fide* third parties.

SEC. 12. *Misuse of the Red Cross, the Red Crescent, or the Red Crystal Emblem as Protective Device in Times of Armed Conflict.* – (a) Any person who willfully commits