

A portrait of Professor Herminio 'Harry' L. Roque, a middle-aged man with glasses, wearing a dark suit, white shirt, and red tie. He is smiling and standing in front of a blurred background of the Philippine flag. The text is overlaid on the right side of the image.

The Philippines'  
Candidate for the International Law  
Commission (ILC) 2023-2027

Professor  
**Herminio**  
**“Harry”**  
**L. Roque**

Bringing Domestic Law to the  
Forefront of the Codification  
and Development of  
International Law

# The Philippines' Candidate for the International Law Commission (ILC) 2023-2027

## Profile

Professor Herminio Harry L. Roque is a lawyer specializing in public international law and human rights. He is an educator, a litigator, a human rights champion, and a public servant. He is also one of the foremost voices in international law in Asia, having been President of the Asian Society of International Law.

As an associate professor of law at the University of the Philippines – the country's premier national university, he taught and specialized in public international law, constitutional law and international humanitarian and human rights law for over fifteen years. At the Law Center of the same institution, he served as the Director for the Institute of International Legal Studies from 2005-2008 and from 2011-2015. He is also an adjunct professor at the Academy of Human Rights and Humanitarian Law at the Washington College of Law of American University.

Prior to entering the academe and until today, Professor Roque has constantly served as a champion of human rights, most notably as a litigator with numerous landmark cases argued before both domestic and international courts and other venues. In fact, he is the first Asian admitted to practice before the International Criminal Court and was also admitted to practice before the War Crimes Tribunal for Rwanda in 2004.

Professor Roque is the founding chairman of the Onesimo Foundation in 1996, which provides support for Filipino youth from the urban poor sector. Notably in 2005, he also founded the Center for International Law, which seeks to promote the binding nature of international law in the Philippines, and avail of international remedies to enforce and implement human rights and humanitarian law.

In 2016, he entered public service by winning a seat in the Philippine House of Representatives representing marginalized sectors of the Filipino community. He authored numerous laws, including the first Universal Health Care law of the country. He currently serves as a member of the cabinet of President Rodrigo Roa Duterte as Presidential Spokesperson. He is married to Mylah Reyes Roque, a journalist. They are blessed with two children, Bianca Hacintha and Harrison Jakob.

## Mission Statement

Professor Roque believes that the development and codification of international law should be anchored on state practice. The jurisprudence and laws of member States are so rich with potential for the further advancement of international law that they really should go together. This is illustrated by the example of the Philippines, which has contributed greatly to the study by pioneering the concept of command responsibility in war crimes (see Yamashita Trials), intergenerational rights in environmental law (see Oposa v. Factoran) and strengthening norms in settlement of disputes with the Manila Declaration. All these are relevant in the scope of study of the International Law Commission.

As someone who has worked in the academe, in the private sector as a litigator and advocate, and in public service as a lawmaker, Professor Roque brings with him the vast experience gained from multiple perspectives needed to understand how good law should be made and the realities on the ground that need to be considered in its making. Given its normative character, international law must go hand in hand with national law. The development of the former is limited and less meaningful when it is not applied and set into motion by the latter. The ILC must therefore be at the forefront of ensuring that the laws it codifies and develops mirrors what is unfolding both internationally and domestically.

“It is important that the development and codification of international law should be anchored on opinio juris and the actual practice of States.”



Professor Herminio Harry L. Roque brings with him a multitude of perspectives gleaned from being a professor of international law, an advocate, a legislator, and a public servant which are valuable in ensuring that the work of the ILC reflects and addresses what is actually happening in the world.

## Notable Cases

### SIGNIFICANT CASES REPRESENTED BEFORE THE PHILIPPINE SUPREME COURT

#### GRANTED/SUSTAINED:

- Boracay Foundation, Inc. vs. Province of Aklan et. al. **GR No. 196870** Court granted Temporary Environmental Protection Order (TEPO) restraining the reclamation of 42 hectares of land in Caticlan, Malay, Aklan, located 800 meters away from the world famous Boracay beach
- Green Peace SEA vs Environmental Management Bureau et al. **G.R. No. 00013**, Granted Writ of Kalikasan vs GMO Eggplant
- In re: Nilo Baculo Sr., **G.R. No. Sp. 08-22**, First ever granted Petition for the Writ of Amparo in favor of a journalist.

#### FILED WHICH ENRICHED JURISPRUDENCE:

- Merlin Magallona, Rep. Riza Hontiveros et. al. vs. Executive Secretary. **G.R. No. 187167** Dismissed petition impugning the constitutionality of the 2009 Philippines Baselines Law.
- Pimentel vs. Executive Secretary **G.R NO. 158088**. Petition for certiorari to compel the transmittal of the signed Rome Statute of the International Criminal Court to the Senate. Dismissed but now a landmark case on the meaning of “ratification: of a treaty.

- Albert Wilson vs. Executive Secretary **G.R. No. 189220** Pending petition for the issuance of a writ of mandamus to compel the Philippines to improve prison conditions which the UN Human Rights Committee in a “View” declared as being “torturous” in Wilson vs. Republic of the Philippines.
- Isabelita Vinuya, et al., vs. The Honorable Executive Secretary **G.R. No. 162230**, Petition for Certiorari to compel the Executive to sponsor the claims of Filipina sexual slaves during World War II for compensation before an International Tribunal

#### OTHER NOTABLE CASES

- Myrna Reblando et al. vs. Republic of the Philippines First ever communication filed by the widows of the Maguindanao massacre with the ASEAN Inter-Governmental Commission on Human Rights to declare the Philippine government in breach of its obligation to protect and promote the right to life of the victims of the Maguindanao massacre.
- Adonis vs. Republic of the Philippines Communication with the United Nations Human Rights Committee in Geneva impugning the legality of criminal libel in the Philippines. Committee issued the View that Philippine Criminal Libel Law infringed Art. 19 on Freedom of Expression under the ICCPR.





## Representative Legislative Output

### 1. House Bill/Resolution No. HB05784

**FULL TITLE:** AN ACT PROVIDING UNIVERSAL HEALTH CARE FOR ALL FILIPINOS, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.7875, AS AMENDED, OTHERWISE KNOWN AS THE "NATIONAL HEALTH INSURANCE ACT OF 1995"

**STATUS:** ENACTED AS REPUBLIC ACT 111223 (PRINCIPAL AUTHOR)

### 2. House Bill/Resolution No. HB00253

**FULL TITLE:** AN ACT STRENGTHENING THE PHILIPPINE COMPREHENSIVE POLICY ON HIV AND AIDS PREVENTION, TREATMENT, CARE AND SUPPORT, AND ESTABLISHING THE PHILIPPINE NATIONAL HIV AND AIDS PLAN, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8504, OTHERWISE KNOWN AS "THE PHILIPPINE AIDS PREVENTION AND CONTROL ACT OF 1998"

**STATUS:** ENACTED AS REPUBLIC ACT 11166 (PRINCIPAL AUTHOR)

### 3. House Bill/Resolution No. HB05670

**FULL TITLE:** AN ACT STRENGTHENING ASSISTANCE TO ALL FARMERS BY PROVIDING FREE IRRIGATION SERVICE FEE AND ALL OTHER SIMILAR OR RELATED FEES OR CHARGES, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 3601, AS AMENDED BY PRESIDENTIAL

DECREE NO. 552, PRESIDENTIAL DECREE NO. 1702, OTHERWISE KNOWN AS THE NATIONAL IRRIGATION ADMINISTRATION ACT AND REPUBLIC ACT NO. 8435, OTHERWISE KNOWN AS AGRICULTURAL AND FISHERIES MODERNIZATION ACT, AND APPROPRIATING FUNDS THEREFOR

**STATUS:** ENACTED AS REPUBLIC ACT NO. 10969 (PRINCIPAL AUTHOR)

### 4. House Bill/Resolution No. HB05269

**FULL TITLE:** AN ACT INSTITUTIONALIZING THE NATIONAL SCHOOL FEEDING PROGRAM FOR PUBLIC KINDERGARTEN AND ELEMENTARY PUPILS AND APPROPRIATING FUNDS THEREFOR

**STATUS:** ENACTED AS REPUBLIC ACT 11037 (PRINCIPAL AUTHOR)

### 5. House Bill/Resolution No. HB05633

**FULL TITLE:** AN ACT PROMOTING UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION BY PROVIDING FOR FREE TUITION AND OTHER SCHOOL FEES IN STATE UNIVERSITIES AND COLLEGES AND STATE-RUN TECHNICAL-VOCATIONAL INSTITUTIONS, STRENGTHENING THE UNIFIED STUDENT FINANCIAL ASSISTANCE SYSTEM FOR TERTIARY EDUCATION, AND APPROPRIATING FUNDS THEREFOR

**STATUS:** ENACTED AS REPUBLIC ACT NO. RA10931 (PRINCIPAL AUTHOR)

## Selected Publications and Conference Papers

### PUBLICATIONS

Roque, H., *Public International Law: A Decade of Commentaries* (Off the Press).

\_\_\_\_\_. *Chapter 13. Philippine Practice in The Privileges and Immunities of International Organizations in Domestic Courts* (Reinisch, Ed, 2013).

\_\_\_\_\_. *The Call of the Times: Strategic Public Interest Lawyering During the Arroyo Regime in the Philippines (2001-2010)*. Wisconsin International Law Journal, University of Wisconsin Law School, Vol. 31, No. 3 (2013).

\_\_\_\_\_. *Parcon vs Republic of the Philippines: A Challenge for a Relevant ASEAN Human Rights Mechanism in Rule of Law: Perspectives from Asia*, Konrad-Adenaur-Stiftung, Singapore (2013).

\_\_\_\_\_. *The Human Security Act and the IHL Law of the Philippines: of security and insecurity in GLOBAL ANTI-TERRORISM LAW AND POLICY* Second Edition , (Ramraj, Hor, Roach and Williams, Eds., 2012).

\_\_\_\_\_. *Legal Nuances to the Philippine Ratification of the Rome Statute of the International Criminal Court* Philippine Judicial Academy Journal Vol. 14, No 38 (2012).

\_\_\_\_\_. *The Role of Prosecutors in the Investigation and Prosecution of Extralegal Killings and Enforced Disappearances* in HELPBOOK ON HUMAN RIGHTS ISSUES: EXTRALEGAL KILLINGS AND ENFORCED DISAPPEARANCES (CHUA Ed, 2011) Supreme Court of the Philippines, Philippine Judicial Academy, USAID and Asia Foundation.

\_\_\_\_\_. *The Basis of our Insecurity: The Human Security Act*, 3 APYIHL (2009).

\_\_\_\_\_. *The Press Strikes Back in Index of Censorship* vol, 38, No. 2. Sage Publications (2009).

\_\_\_\_\_. *The Neri Ruling on executive Privilege: Issues and Challenges for the Accountability of Public Officers and Separation of Powers*, National Taiwan University Law Review, Volume 6, Number 2 (2011).

\_\_\_\_\_. *The Binding Nature of Human Rights and International Humanitarian Law in the Philippines*, Volume 3, Constitutionalism in Southeast Asia (Hill, Eds. 2009).

\_\_\_\_\_. *The Export of War: Issues of International Criminal and State Responsibility*, Asian Yearbook of International Law, Nijhoff Publishers, Netherlands Vol. 14 (2007).

\_\_\_\_\_. *The Redress for Victims of War Crimes: The Philippine Comfort Women's Continuing Search for Legal Remedies*, 3 JILPAC 241-249 (2006).

### CONFERENCE PAPERS

1. "The Role of the Asian Society of International Law in Facing Challenges to the Rule of Law", Hague Academy of International Law, The Hague, French and American Societies of International Law, September 3, 2019.
2. "Addressing and Finding Solutions to Civilizational Issues through International Law, Responses and Contributions from the Philippines", Plenary Address, Asian Society of International Law 7th Biennial Conference, Manila Philippines, August, 22, 2019, Quezon City, Metro-Manila
3. "Challenges of Modern Day Terrorism to International Humanitarian Law", Asian Society of International Law, 7th Biennial Conference, Quezon City, Metro-Manila
4. "Southeast Asian Experiences on hate speech and blasphemy: Impact on radicalization", Youth and the Internet: Fighting Radicalization and Extremism, UNESCO Conference, UNESCO Headquarters, Paris, France 16-17 June 2015
5. "Human Rights Accountability for MNCs in a Post-Kiobel World", South Asia and International Law: Engagement or Encounter?, Asian SIL Regional Conference, Dhaka, Bangladesh August 22-24, 2014

# Professor Herminio Harry L. Roque



## Education

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- 1995 to 1996 - *Master of Laws (LLM)* London School of Economics and Political Science, University of London, United Kingdom
- 1986 to 1990 - *Juris Doctor (JD)* College of Law, University of the Philippines Diliman, Quezon City, Philippines
- 1983 to 1986 - *Bachelor of Arts (BA) in Economics and Political Science*, The University of Michigan Ann Arbor, Michigan, U.S.A.

## Professional Experience

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- Adjunct Professor - Academy of Human Rights and Humanitarian Law, Washington College of Law, American University, Washington, D.C. (2011-present)
  - President - Asian Society of International Law (2017 to 2019)
  - Presidential Spokesperson - Republic of the Philippines (2017 to 2018; 2020 to present)  
*Concurrent Presidential Adviser on Human Rights*
  - Representative - House of Representatives of the Republic of the Philippines (2016 to 2017)
  - Partner - ROQUE & BUTUYAN Law Offices, Makati City, Philippines (1991 to 2017)
  - Director - Institute of International Legal Studies (IILS), University of the Philippines Law Center (2005 to 2008; 2011 to 2015)
  - Professor - Department of International and Human Rights Law, Philippine Judicial Academy, Supreme Court (2006 to 2016)
  - Associate Professor - College of Law, University of the Philippines (2007 to 2015)
  - President - South East Asia Media Legal Defence, Kuala Lumpur, Malaysia (2011 to 2015)
  - Member - Executive Council, Asian Society of International Law in National University of Singapore (2004 to 2012; 2015 to 2017),
  - Member - Executive Council, International Criminal Bar, The Hague (2005 to 2008)
  - Chairperson - Center for International Law (Centerlaw), Makati City, Philippines (2005 to 2015)
  - Lecturer - Institute of Judicial Administration, UP Law Center, July 2002 to Present.  
*Areas of Specialization: International Law, International Legal Processes, Constitutional Law, General Law Practice*
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