

****Title:**** Sabir v. Department of Justice-Refugees and Stateless Persons Protection Unit

****Facts:****

Rehman Sabir, a Pakistani national, applied to the Department of Justice-Refugees and Stateless Persons Protection Unit (DOJ-RSPPU) for refugee status due to religious persecution. Sabir claimed he faced forced conversion to Islam and threats to his life in Pakistan, which is substantiated by country of origin information (COI) on Christian persecution in Pakistan.

Sabir's application was initially denied by the protection officer of DOJ-RSPPU. Sabir then appealed to the Court of Appeals, which upheld the DOJ-RSPPU's decision. Seeking further relief, Sabir petitioned the Supreme Court, which issued a decision on August 2, 2022, partially granting the petition, setting aside the Court of Appeals' decision, and remanding the case to the DOJ-RSPPU for further proceedings as per the Supreme Court's guidelines.

Unconvinced, Sabir filed a Motion for Partial Reconsideration on December 27, 2022, arguing he should be declared a bona fide refugee based on his well-founded fear of persecution due to the failure of the protection officer to properly assess and ascertain relevant facts, particularly focusing on his non-prosecution for blasphemy instead of his overall claim of persecution. He also contended that relevant COI was not adequately considered to his detriment.

****Issues:****

1. Whether the Supreme Court should reconsider its earlier decision, and directly declare Sabir a bona fide refugee based on the evidence presented.
2. Whether the protection officer of DOJ-RSPPU duly fulfilled the duty to ascertain and evaluate relevant facts in the context of the refugee determination procedure.
3. How the issuance of DOJ Circular No. 024, series of 2022 affects the adjudication of Sabir's application for refugee status.

****Court's Decision:****

1. ****Reconsideration of the Court's Decision****: The Supreme Court denied Sabir's Motion for Partial Reconsideration, maintaining that the Court's initial ruling to remand the case to DOJ-RSPPU was correct. The Court emphasized that the remand was necessary for a proper factual determination and that an automatic grant of refugee status would be inappropriate.
2. ****Duty of the Protection Officer****: The Court underscored the shared burden of proof in refugee determination. Specifically, the applicant must provide a full and credible account

of the claim, while the protection officer must actively assist in ascertaining and evaluating the relevant facts. The protection officer's failure to fulfill this duty required remanding the case for a reassessment of the facts as per the guidelines laid out by the Supreme Court.

3. **Impact of DOJ Circular No. 024, Series of 2022**: The Court recognized the 2022 Circular, which implements significant procedural changes including the adoption of the principle of non-refoulement, and enumerates specific rights for Applicants and Persons of Concern. The Circular introduces a more streamlined and accessible status determination process and clearly delineates the shared burden of proof. The Supreme Court ruled that these procedural changes, being procedural in nature, apply retroactively to ongoing cases, including Sabir's.

Doctrine:

The case reaffirms the collaborative and shared burden of proof in refugee status determination processes. It underscores the responsibility of the protection officer to assist applicants comprehensively to clarify their claims and ensure that all relevant facts are considered. Additionally, it highlights the importance of procedural adherence to ensure fair and efficient determination of refugee status.

Class Notes:

- **Elements of Refugee Status Claim**: Accurate, full, and credible account and submission of relevant evidence by the applicant. Active role of protection officer in ascertaining and evaluating facts.
- **Burden of Proof**: Shared between applicant and protection officer.
- **Principle of Non-Refoulement**: Prohibits the return of individuals to territories where their lives or freedom are threatened.
- **DOJ Circular No. 024, Series of 2022**: Establishes new procedural guidelines enhancing fairness and efficiency in refugee status determinations.

Historical Background:

The case arises within a global context of increasing displacement due to religious persecution and conflicts. Pakistan, Sabir's country of origin, has been noted for significant persecution of religious minorities, particularly Christians. The issuance of DOJ Circular No. 024, Series of 2022 reflects international legal norms and brings Philippine refugee determination processes in alignment with these standards, particularly emphasizing the principle of non-refoulement and shared burden of proof in refugee status determinations as highlighted by UNHCR guidelines. This case emphasizes the Philippines' commitment to

upholding international humanitarian standards while ensuring procedural fairness in refugee status determinations.