

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

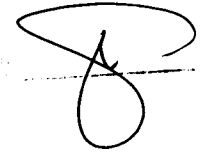
Office of the Secretary

24 MAR -4 P3:46

SENATE

S. No. 2582

RECEIVED



Introduced by Senator Loren B. Legarda

AN ACT
STRENGTHENING THE COMMISSION ON HUMAN RIGHTS (CHR) AS A
NATIONAL HUMAN RIGHTS INSTITUTION (NHRI) AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The Commission on Human Rights (CHR) is an independent office created under the 1987 Constitution and constituted on May 5, 1987, under Executive Order No. 163, s. 1987. For over forty (40) years, the CHR has had no charter.

The Commission has investigated forms of human rights violations involving civil and political rights in the country. Moreover, as the National Human Rights Institution (NHRI) of the country, CHR plays a crucial role in the protection of civil, economic, social, political, and cultural rights.

The proposed measure seeks to strengthen the CHR by (1) providing an effective and expanded structural, operational, and functional independence to meet the minimum requirement under the Principles Relating to the Status of National Human Rights Institutions or the (Paris Principles); (2) guaranteeing the CHR's full fiscal autonomy to ensure prompt, immediate, and unrestricted discharge of its functions; (3) defining the general powers and functions of the Commission, with full authority to act on a complaint or motu proprio, in all cases of human rights violations; (4) vesting the CHR with the power to issue injunctive reliefs and legal measures; and

(5) providing clear guidelines on selection process, appointment, and terms of office of the Chairperson and Members of the Commission.

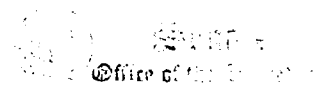
The objectives sought to be achieved by the proposed Charter were pursuant to the recommendations of the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA), which has the mandate to review and analyze accreditation applications and make recommendations to the GANHRI Bureau on the compliance of applicants with the Paris Principles. The Paris Principles set out the minimum standards that National Human Rights Institutions must meet to be considered credible and to operate effectively.

The mandates, powers, and functions of the CHR require additional reinforcement, and its significance needs broader recognition. A transparent and accountable CHR aligned with international human rights norms is imperative. Additionally, we require a CHR adaptable to contemporary challenges. It's crucial to equip the CHR with the necessary tools through this bill to effectively carry out its mandate.

In view of the foregoing, the passage of this measure is earnestly sought.


LOREN LEGARDA

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

1 Section 1. *Short Title* - This Act shall be known as the "Commission on Human
2 Rights (CHR) Charter."

3 Sec. 2. *State Policy on Human Rights*. - The State values the dignity of every
4 human person and guarantees full respect for human rights. It shall give the highest
5 priority to the enactment of measures that respect, protect, and fulfill the right of all
6 people to human dignity at all stages of human life.

7 Sec. 3. *Definition of Human Rights*. - Human rights are the supreme, universal,
8 inherent, and inalienable rights to life, dignity, and self-development of every person
9 regardless of race, sex and gender, nationality, ethnicity, language, religion, or any
10 other status. These rights include those guaranteed by the Philippine Constitution,
11 domestic laws, and international human rights instruments such as, but not limited
12 to the international bill of rights, i.e. the Universal Declaration of Human Rights, the
13 International Covenant on Civil and Political Rights, and the International Covenant
14 on Economic, Social, and Cultural Rights; and all other existing and future human
15 rights instruments to which the Philippines is a State Party.

16 Sec. 4. *The Commission as an Independent Office*. - The independence of the

1 Commission on Human Rights, hereinafter referred to as the *Commission*, shall always
2 be respected and upheld. The Commission shall enjoy full fiscal autonomy.
3 Appropriations for the Commission shall not be reduced and shall be automatically
4 and regularly released.

5 Sec. 5. *The Commission as a National Human Rights Institution.* - The Commission
6 is the National Human Rights Institution (NHRI) of the Philippines in accordance
7 with the Principles Relating to the Status of National Institutions (Paris Principles)
8 and other United Nations (UN) Resolutions and Instruments pertaining to the
9 effective functioning of NHRIs. As such, the State and all its agents shall ensure and
10 respect the compliance of the Commission with the Paris Principles.

11 Sec. 6. *The Commission En Banc as a Collegial Body.* - The Commission *en banc*,
12 as a collegial body, is responsible for the promulgation of policies, decisions, orders,
13 and resolutions necessary for the efficient administration of the Commission and for
14 the proper execution of its constitutional mandate. Every policy, decision, order, or
15 resolution of the Commission must bear the concurrence and signature of a majority
16 of the Members.

17 In the exercise of its powers and functions, the Commission shall sit and render its
18 decision *en banc*, unless otherwise provided in an internal resolution, adopted by the
19 Commission *en banc*. The Commission shall meet regularly. A majority of the
20 Members shall constitute a quorum.

21 Sec. 7. *The Commission, Composition, and Qualifications.* - The Commission shall
22 be composed of a Chairperson and four (4) Members who must be:

- 23 a.) natural-born citizens of the Philippines;
- 24 b.) at least thirty-five years of age at the time of their appointment;
- 25 c.) with proven probity, integrity, and competence in the field of human
26 rights work;
- 27 d.) must not have been convicted by final judgment of any crime involving
28 moral turpitude, and
- 29 e.) must not have been candidates for any elective position in the national
30 elections immediately preceding their appointment.

31 A majority thereof shall be members of the Philippine Bar, who have been engaged in

1 the practice of law for at least ten years. The composition must observe gender-
2 balanced and pluralist representation, which shall be in accordance with the Paris
3 Principles.

4 *Sec. 8. Appointment and Term of Office of the Chairperson and Members of the*
5 *Commission.* - The Chairperson and Members of the Commission shall be appointed
6 by the President for a term of seven years without reappointment.

7 Of those first appointed under the enactment of this Charter, the Chairperson shall
8 hold office for seven (7) years, two Members for six (6) years and the other two
9 Members for five (5) years. The term of the Chairperson and Members shall start on
10 the day immediately after the end of the previous one, regardless of the date of
11 appointment. In no case shall any Chairperson or Member be appointed, reappointed,
12 or designated in a temporary, part-time, or acting capacity. Appointment to any
13 vacancy occurring during the term shall be only for the unexpired portion of the term
14 of the predecessor.

15 Vacancies in the offices of the Chairperson and of the Commissioners shall be filled
16 within ninety (90) days from its occurrence. However, the incumbent Chair or
17 Member shall hold the position until such time appointment was made by the
18 President for the same position

19 *Sec. 9. Selection Process for the Chairperson and Members of the Commission.* - The
20 sitting Chairperson and the Members of the Commission shall act as the Selection
21 Committee for the appointment of the new Chairperson and four (4) Members of the
22 Commission.

23 The Selection Committee shall convene immediately, as soon as a vacancy exists or 6
24 months before the term of the current Commission Members ends or when an
25 impending vacancy occurs. The Committee shall develop its own rules of procedures
26 for the selection of nominees for the position of Chair and Commissioners, in
27 accordance with requirements of an open, transparent, and merit-based selection
28 process, as mandated by the Paris Principles. The conduct of consultations with
29 human rights organizations and other relevant stakeholders for the selection of the
30 new members of the Commission En Banc shall form part of the rules and procedures.

31 *Sec. 10. Prohibition and Disqualification.* - The Chairperson and Members of the

1 Commission shall not, during their tenure, hold any other office or employment.
2 Neither shall they engage in the practice of any profession or in the active
3 management or control of any business, which in any way may be affected by the
4 functions of their office, nor shall they be financially interested, directly or indirectly,
5 in any contract with, or in any franchise or privilege granted by the Government and
6 its subdivisions, agencies, or instrumentalities, including government-owned or
7 controlled corporations or their subsidiaries.

8 They shall avoid conflict of interest in the conduct of their office. They shall not be
9 allowed to appear or practice before the Commission within one year following the
10 completion of their term of office, resignation, or any other manner of separation from
11 office.

12 No spouse, common-law partner, or relative by consanguinity or affinity within the
13 fourth civil degree, or business or professional partner of the Chairperson or
14 Members, may transact business directly or indirectly with the Chairperson or its
15 Members, or appear as counsel or agent of a party in any matter pending before the
16 Commission.

17 These prohibitions and disqualifications shall apply during the tenure of the official
18 concerned and one year thereafter.

19 *Sec. 11. Salary, Retirement, and Other Privileges of the Chairperson and Members. -*
20 The Chairperson and Members of the Commission shall receive the same salary,
21 retirement, privileges, and benefits as Court of Appeals Justices, and their salaries
22 shall not be decreased during their term of office.

23 Upon the death of a retired Chairperson or Member, the surviving legitimate spouse
24 shall be entitled to receive, on a monthly basis, all the retirement benefits that the
25 deceased retiree was receiving at the time of his or her death under the provisions of
26 applicable retirement laws. The surviving legitimate spouse shall continue to receive
27 such retirement benefits during his or her lifetime or until he or she remarries.

28 *Sec. 12. Structural Organization. -* The Commission shall have the following
29 offices in the Central Office: Office of the Chairperson, Offices of the Commissioners,
30 Office of the Executive Director, Office of the Commission Secretary, Planning and
31 Management Office, General Administration Office, Financial Management Office,

1 separate offices for the performance of its powers and functions, (which shall include
2 but not limited to offices for human rights protection services, human rights education
3 and training services, human rights prevention and visitorial services, human rights
4 policy advisory services), regional and provincial offices and such other offices as the
5 Commission may establish in accordance with its functions.

6 The Commission shall have regional offices in every region, each of which shall be
7 headed by a Regional Director and each shall have their own office building. The
8 regional offices will include the geographically grouped regional offices and the
9 Cordillera Administrative Region. The National Capital Region shall be divided into
10 four (4) districts each shall also be headed by a District Director.

11 The Commission shall also have a provincial office in every province. These
12 Provincial Offices shall be under the direct supervision of the District Office having
13 territorial jurisdiction over them.

14 The authority and responsibility for the exercise of the mandate of the Commission
15 and the discharge of its powers and functions shall be vested in the Commission En
16 Banc, who shall have supervision and control of the said office.

17 The Commission may affect changes in the organization as the need arises, *Provided*,
18 that such reorganization shall be funded out of the personnel services appropriation
19 of the Commission.

20 *Sec. 13. Privileges and Emoluments of Commission Officials and Employees.* - All
21 officials and employees of the Commission shall receive emoluments and privileges,
22 which shall not be less than those given to their counterparts in Constitutional
23 Commissions.

24 *Sec. 14. Powers and Functions of the Commission.* - The Commission shall
25 promote and protect all human rights, including civil, political, economic, social, and
26 cultural rights, and shall have the following general powers and functions:

27 (a) Investigate, on its own or on complaint by any party, all forms of violations
28 of human rights;

29 (b) Adopt its operational guidelines and rules of procedure and cite for
30 contempt any person for violations thereof or its lawful orders and, for this
31 purpose, the Rules of Court shall have supplementary application;

1 (c) Provide appropriate legal and preventive measures, which include but are
2 not limited to the following:

- 3 1. Legal assistance and counseling to victims;
- 4 2. Directing concerned government agencies in giving protection to
5 victims of human rights violations;
- 6 3. Issuing cease and desist orders;
- 7 4. Petition the Court for Writ of *habeas corpus*, *Writ of Amparo*, *Writ of Habeas*
8 *Data*, *Writ of Kalikasan*, and any other protective writs, on behalf of the
9 victims of human rights violations; and
- 10 5. Issue continuing mandamus for the protection of human rights of all
11 persons within the Philippines,

12 (d) Provide legal aid services to the underprivileged whose human rights have
13 been violated or need protection. Clients needing legal
14 assistance/representation may also be referred to the Public Attorney's Office
15 or Legal Aid Offices, as may be necessary and appropriate;

16 (e) Exercise unannounced, unhampered, unrestricted visits over jails, prisons,
17 camps, custodial or detention facilities, places of confinement, safe houses, and
18 similar places of deprivation of liberty. *Places of deprivation of liberty* refer to any
19 place of detention, imprisonment, confinement, or the placement of a person
20 in a public or private custodial or rehabilitative setting under or within the
21 jurisdiction and control of the Philippines where persons are or may be
22 deprived of their liberty by virtue of an order given by a public authority, at
23 his/her instigation, or with his/her consent or acquiescence;

24 (f) Establish a continuing program of research, education, and information to
25 enhance respect for the primacy of human rights. The CHR shall coordinate
26 with the Department of Education (DepEd), the Commission on Higher
27 Education (CHED), the Philippine Judicial Academy (PHILJA), the Legal
28 Education Board, and other State Colleges and Universities to ensure the
29 objective of above stated;

30 (g) Recommend to Congress effective measures to promote and protect human
31 rights;

1 (h) Recommend effective measures to provide compensation to victims of
2 violations of human rights, or their families;

3 (i) Monitor the Philippine government's compliance with international treaty
4 obligations on human rights;

5 (j) Report to international human rights mechanism on all aspects
6 relating to government's compliance with its treaty obligations;

7 (k) Grant immunity from prosecution to any person whose testimony or
8 possession of documents or other evidence is necessary or convenient to
9 determine the truth in any investigation conducted by it or under its authority;

10 (l) Request the assistance of any department, bureau, office, or agency in the
11 performance of its functions;

12 (m) Call on government departments, bureaus, offices or agencies to comply
13 with its obligations under the international human rights obligations;

14 (n) Perform its Gender and Child Ombud roles, as well as to ensure that the
15 status, rights, and interests of the marginalized and vulnerable sectors, are
16 upheld in accordance with the Constitution, laws, and international
17 instruments on human rights;

18 (o) Issue human rights advisories, positions papers/opinion on all matters
19 affecting the human rights of all persons, directed to concerned agencies of
20 government for their consideration and implementation;

21 (p) Issue Human Rights Clearances and Certificates of No Pending Human
22 Rights Case;

23 (q) Appoint its officers and employees in accordance with law; and

24 (r) Perform such other duties and functions as may be provided by law.

25 Sec. 15. *Investigative Powers and Functions.* – The Commission shall investigate,
26 on complaint or on its own, cases of human rights violations. In the exercise of its
27 investigative function, the Commission shall:

28 (a) Act promptly on reports or complaints, filed in any form, by any individual
29 or organization. Findings of human rights violations shall include
30 recommendations for appropriate remedies, and referral to proper government
31 agencies for the filing of administrative, criminal, or civil actions. The

1 recommendations may include proposals for legislative, administrative, or
2 judicial reforms. The investigation and other proceedings conducted by any
3 administrative, judicial, or quasi-judicial bodies shall not bar the investigation
4 of the Commission on allegations of human rights violations and findings by
5 the Commission must be given weight;

6 (b) Investigate alleged violations of human rights, international humanitarian
7 law, and anti-terrorism law violations, as provided in pertinent laws;

8 (c) Compel the attendance of witnesses and the production of evidence, to place
9 the witness under oath or affirmation, issue *subpoenas*, and take testimony in any
10 investigation or inquiry conducted by the Commission or any of its offices;

11 (d) Conduct forensic and medical sciences in making findings of human rights
12 violations, including but not limited to collection of physical evidence from
13 locations relevant to its investigation; assessment of living victims of human
14 rights violations to determine their physical and mental well-being; and conduct
15 an independent examination of the remains of alleged victims to document any
16 injury and to determine cause and manner of death. Pursuant thereto, the
17 Commission shall have the authority to exhume and conduct an autopsy on the
18 aforesaid human remains, subject to the consent of the family of the deceased,
19 if applicable;

20 (e) Provide psychosocial support, which includes but not limited to referral to
21 primary health care centers with existing mental health programs to victims of
22 human rights violations as well as human rights defenders under threat;

23 (f) Ensure provision of compensation for victims of human rights violations or
24 their families, as appropriate and proportional to the gravity of the violation and
25 the circumstances of each case, resulting from gross violations of international
26 human rights law and serious violations of international humanitarian law;

27 (g) Provide safety to witnesses, as well as human rights defenders under threat.
28 For this purpose, the Commission shall implement and manage a Witness
29 Protection Service, which will provide security, shelter, relocation, and
30 livelihood assistance to witnesses and their families, until such time the threat
31 ceases, or when the case can be endorsed to the Department of Justice (DOJ) and

1 the witness, or person under threat qualifies for the latter's protection service;
2 (h) Grant immunity from prosecution to any person whose testimony or
3 possession of documents or other evidence is necessary or convenient to
4 determine the truth in any investigation conducted by it or under its authority;
5 (i) Cite for contempt of any person for violating the Commission's Rules of
6 Procedures and lawful orders. In matters concerning contempt, the Rules of
7 Court shall apply suppletory to the Rules of Procedures of the Commission; and
8 (j) Perform such other powers and functions as may be necessary or incidental
9 for the effective exercise or conduct of its investigative powers.

10 Sec. 16. *Visitorial powers.* - The Commission or its duly authorized
11 representatives are hereby mandated and authorized to conduct regular,
12 independent, unannounced, unhampered, and unrestricted visits to or inspection of
13 all places of detention and confinement.

14 Sec. 17. *Scope of Legal Measures.* - To strengthen the exercise of its investigatory
15 power, the Commission, including its Regional and Provincial/District Offices, may
16 issue the following legal measures as well as provisional remedies, which shall
17 include, but not limited to:

18 (a) Mandatory Protection Orders (MPOs) directing government security forces
19 and other government agencies or private institutions to provide specific
20 protection to victims of and witnesses to human rights violations;

21 (b) Petition for the protection of the rights of persons, such as:

22 1. Temporary liberty for medical examination (especially for sick and/or
23 pregnant persons deprived of liberty; and

24 2. Such other legal remedies to correct government actions that encroach on
25 or have the threat to violate human rights, such as petitions for certiorari,
26 mandamus, and declaratory relief;

27 (c) Other remedies in relation to the protection of the rights of children such as,
28 but not limited to:

29 1. Actions for protective custody of minors who are victims of violation of
30 children's rights;

31 2. Petitions for involuntary commitment, in coordination with the concerned

1 social work and development office; and

2 3. Petitions, motions, or pleadings to correct an error in the commitment,
3 detention and/or taking of custody of children in conflict with the law (CICL);

4 (d) Mediation between parties on issues that are and can be subject to settlement.

5 Sec. 18. *Monitoring Functions.* - In the exercise of its mandate to monitor the
6 Government's compliance with its international human rights obligations, the
7 Commission shall:

8 (a) Monitor and advise the government on its responsibilities and obligations
9 under international human rights treaties to which the Philippines is a signatory;

10 (b) Prepare its own independent reports to the UN, human rights treaty bodies,
11 and other international human rights mechanisms, including the Universal
12 Periodic Review and special procedures mechanisms, in relation to its monitoring
13 of the government's compliance with its international human rights obligation;

14 (c) Make the appropriate recommendations to the concerned government agency
15 with regard to requests for official visits of Special Procedures mandate-holders
16 and other treaty and charter-based mechanisms;

17 (d) Recommend ratification of, or accession to, international human rights
18 instruments, and ensure their implementation;

19 (e) Conduct inquiries on the manner of implementation by the Government of
20 specific human rights obligations;

21 (f) Request the cooperation of any public official on the measures undertaken by
22 his or her agency to comply with the State's international human rights
23 obligations;

24 (g) Coordinate with relevant government agencies in terms of its compliance with
25 international human rights obligations; and

26 (h) Undertake other activities as may be necessary in the conduct of its monitoring
27 and reporting function as an NHRI.

28 Sec. 19. *Other Monitoring Functions.* - The Commission shall also monitor
29 observance by non-state actors of human rights obligations arising from international
30 and domestic laws or agreements entered into with the government, as well as
31 unilateral declarations and similar undertakings.

1 Violations of human rights committed by non-state actors that may be subject of the
2 Commission's monitoring functions shall include, but not limited to:

3 (a) Those committed by rebel groups in relation to international humanitarian
4 law;

5 (b) Those committed by persons, both natural and juridical, in relation to
6 economic, social, and cultural rights, such as but not limited to labor,
7 environment, and demolition of houses; and

8 (c) Those committed by individuals in relation to violations of rights and
9 protections of marginalized, disadvantaged, and vulnerable sectors.

10 Sec. 20. *Human Rights Education, Information and Advocacy.* - The Commission
11 shall establish a continuing program of education and information to enhance respect
12 for the primacy of human rights through its education and promotion office, in line
13 with the 1987 Constitution, domestic laws, applicable treaty obligations of the
14 Philippines, and the UN Declaration on Human Rights Education and Training.

15 The Commission shall develop and implement a Human Rights Education and
16 Training Program for law enforcement officers, education and training institutions,
17 and other government agencies in coordination with the Department of the Interior
18 and Local Government (DILG), the Department of National Defense (DND), the DOJ,
19 the DepEd, CHED, PHILJA, Legal Education Board (LEB), the Professional
20 Regulation Commission (PRC), and all other concerned agencies.

21 Likewise, the Commission shall develop and implement a Human Rights Information
22 Campaigns Program for civil society and the general public.

23 Sec. 21. *Establishment of Human Rights Institute.* - The Commission shall establish
24 a Human Rights Institute (HRI). It is an educational and training institute responsible
25 for the promotion, and education of human rights and related fields, with in-house
26 capability in these areas of specialization. The Institute shall focus on formal education
27 programs and shall offer certificate courses on human rights and related fields.

28 Sec. 22. *Functions of the Human Rights Institute.* - The Institute shall have the
29 following functions:

30 1. Serve as a training institute for investigators, prosecutors, justices, judges,
31 lawyers, and other human rights workers in the government, human rights

1 organizations, and civil society. For this purpose, it shall provide and implement
2 curricula on human rights and shall conduct seminars, workshops, and other
3 training programs designed to develop human rights knowledge, skills, attitudes,
4 and behaviors;

5 2. Receive income, legacies, and donations for the benefit of its Human Rights
6 Institute or for its support or maintenance, which shall be exempt from the
7 payment of taxes and other fees and charges of the government, its branches and
8 subdivisions, and which shall constitute a special fund to be administered and
9 disbursed solely for the Institute;

10 3. Enter into consortium agreements with other educational and training
11 institutes for the development and implementation of its programs on human
12 rights education; and

13 4. Advise basic and higher education institutions and regulators on the teaching
14 of human rights and related issues including recommending effective measures
15 to promote human rights.

16 Sec. 23. *Annual Report* - The Commission shall prepare and make public an
17 annual report on the findings of its monitoring activities with regard to the status of
18 the government's compliance with its international human rights treaty obligations.
19 The report shall include, but shall not be limited to the following:

20 (a) Recommendations for legal, legislative, and institutional reforms for the
21 greater promotion and protection of human rights; and

22 (b) Adoption and implementation by the concerned government agency of the
23 recommendations on the protection and promotion of human rights contained
24 in the Commission's policy issuances and case and investigation resolutions.

25 The Commission shall directly submit its annual report to the Office of the President,
26 the House of Representatives, and the Senate, for consideration of its
27 recommendations.

28 Sec. 24. *Financial Assistance Program*. - The Commission may provide financial
29 assistance to victims of human rights violations and their families through a Financial
30 Assistance Program.

31 The funds necessary for the initial implementation of the Financial Assistance

1 Program shall be taken from the current year's appropriation of the Commission.
2 Thereafter, the funding requirement shall be included in the annual General
3 Appropriations Act.

4 *Sec. 25. Legal Assistance Program.* - The Commission shall maintain a Legal
5 Assistance Program to benefit underprivileged victims of human rights violations,
6 which may be in coordination with human rights organizations and lawyers' groups,
7 the Integrated Bar of the Philippines, the Public Attorney's Office, and Philippine law
8 schools.

9 *Sec. 26. Protection of Filipinos Abroad.* - The Commission shall undertake
10 measures for the protection and promotion of human rights of Filipinos living abroad
11 in coordination and cooperation with the Department of Migrant Workers (DMW),
12 Department of Foreign Affairs (DFA), or deputize Philippine Embassy or Consulate
13 officers, resident private individuals of known probity and active involvement in
14 human rights, or foreign-based human rights and migrant workers' non-government
15 organizations in countries where the incidence of human rights violations against
16 Filipinos is widespread and commonplace, including traditional host countries of
17 overseas Filipino workers.

18 The Commission may establish bilateral or multilateral relationships with other
19 national human rights institutions for the protection of the human rights of Filipinos.

20 *Sec. 27. Security of Data.* - All documentation and information collected by the
21 Commission shall be kept strictly confidential unless the Commission decides
22 otherwise in relation to a particular document: *Provided*, That no sensitive
23 information, whether personal or otherwise, shall be published without the express
24 consent of the individual or authority concerned: *Provided further*, That this provision
25 shall be in accordance with all applicable existing and future laws, particularly, but
26 not limited to, the Data Privacy Act of 2012. Publication of sensitive information
27 without the express consent of the individual or authority concerned will be dealt
28 with accordingly, which may include, but will not be limited to, being penalized
29 under the Data Privacy Act of 2012.

30 *Sec. 28. Protection from Criminal and Administrative Liability.* - Any act or acts
31 made pursuant to the functions and powers conferred upon the Commission under

1 this Act and other applicable laws, or in respect of any publication by or under the
2 authority of the Commission of any report, proceeding, or any other matter under
3 this Act, shall not be a ground for action, suit or other legal proceeding against any
4 member or staff of the Commission.

5 Any legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse
6 that any member or staff of the Commission has taken, or may take, in the
7 performance of their functions, under this Act and other applicable laws, if proven in
8 court to have been filed for any of the aforementioned purposes, be immediately
9 dismissed with prejudice and the court may award damages, attorney's fees, and costs
10 of suit under a counterclaim if such has been filed.

11 Sec. 29. *Franking Privilege.* – The Commission may transmit through ordinary
12 mail and/or registered mail with a return card, free of charge, all official
13 communications and papers directly connected with the conduct of its duties,
14 functions, or the exercise of administrative supervision over its personnel.

15 Sec. 30. *Financial Report.* – The Commission shall make available to the public
16 its annual financial statements and related financial reports as required by governing
17 oversight agencies.

18 Sec. 31. *Appropriations.* – In addition to the regular appropriations of the
19 Commission, the sum of Two Billion Three Hundred Forty-Six Million Pesos
20 (₱2,346,000,000.00) for the initial implementation of this Act shall be included in the
21 annual General Appropriations Act (GAA), in the year following its enactment into
22 law. Thereafter, such sums, as may be necessary for the full implementation of this
23 Act, shall be included in the annual GAA.

24 Sec. 32. *Transitory Provisions.* – Nothing in this Act shall prejudice the positions,
25 emoluments, security of tenure, qualifications, privileges, and benefits of the
26 incumbent Chairperson and Members of the Commission, and the officers and
27 employees of the Commission upon its effectivity. However, officials and employees
28 of the Commission, in aid of its reorganization upon the effectivity of this Act, may
29 avail of an early retirement program as may be provided for by the Commission.

30 Sec. 33. *Implementing Rules and Regulation.* – The Commission shall, within sixty
31 (60) days from the approval of this Act, formulate the implementing rules and

1 regulations in the exercise of its general, investigative, monitoring, education, and
2 advocacy powers and functions in consultation with other concerned government
3 agencies and stakeholders.

4 Sec. 34. *Separability Clause.* – Should any provision of this Act or part hereof be
5 declared unconstitutional, the other provisions or parts not affected thereby shall
6 remain valid and effective.

7 Sec. 35. *Repealing Clause.* – All laws, decrees, orders, and issuances, or portions
8 thereof, which are inconsistent with the provisions of this Act, are hereby repealed,
9 amended, or modified accordingly.

10 Sec36. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days from
11 its complete publication in two (2) newspapers of general circulation.

Approved,