

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

10 JUL -5 P1:20

SENATE

S. B. No. 106

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The case of *Cariño vs. Commission on Human Rights* (CHR) (GR No. 96681, 02 December 1991) categorizes the CHR as a toothless tiger. It is neither a judicial nor a quasi-judicial body. It can only extend preventive measures, such as initiating applications in court for judicial writs and orders, conduct investigation and receive evidence of violations of human rights, among others.

The above ruling is reiterated in the more recent case of *Simon, Jr., et. al. v. CHR, et. al.* (GR No. 100150, 05 January 1994) which revisited the powers and functions of the CHR vis-à-vis the implementation of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act (UDHA) of 1992. This case defined the parameters of the CHR's jurisdiction which is limited only to political and civil rights. It enumerated the cases over which the CHR can exercise jurisdiction without, however, regarding them as having preclusive effect but merely a matter of priority setting.

Such ineffectiveness of the Commission to address the protection of human rights is blamed on the CHR's failure to prosecute reported cases of human rights violations due to the fact that it is tied up by existing law that provides the CHR only investigative and advocacy powers. However, Sections 18 (11) and 19, Article XIII of the 1987 Constitution reserves to Congress the authority and the power to give CHR "such other duties and functions" to perform and to provide "other cases of violations of human rights that should fall within the authority of the Commission", respectively.

Hence, this bill basically seeks to strengthen the Commission by providing an effective and expanded structural and functional organization to meet the demands of human rights cases here and abroad. By providing the Commission with prosecutorial powers over delineated forms of human rights violations, it is hoped that the Commission will be able to meet the rising demands from victims of human rights violations and the general public for an effective and speedy resolution of all human rights cases filed with the CHR.

To make categorical the state policy that the CHR can exercise jurisdiction over cultural, economic and social rights is very important. It is to afford in general the CHR the unequivocal authority to step into cases involving rights excluded from the definition and scope of political and civil rights. It is meant in particular to

erase all doubts brought about by the issue of whether or not the CHR can take cognizance of cases of demolition and resettlement pursuant to the UDHA.

The prosecutorial power being sought to be granted is on the other hand meant to equip the CHR a significant power if only to realize its mandate under Article XIII of the Constitution. It is unacceptable to forever regard CHR as a toothless or paper tiger if it is a State policy to secure, protect and guarantee the dignity of its citizens and to ensure the fulfillment of such citizens' human rights.

The grant of quasi-judicial powers will unclog the court dockets and further enhance specialization in the investigation and prosecution of human rights violation cases.

Hence, on the basis of the foregoing and by virtue of Section 18, par. (11), and Section 19, Article XIII of the Constitution, immediate passage of this proposed legislation is earnestly sought.

A handwritten signature in black ink, appearing to read 'Francis G. Escudero', with a stylized flourish at the end.

FRANCIS G. ESCUDERO

10 11-5 PM 20

SENATE

S. B. No. 106

RECEIVED BY



Introduced by Senator Francis G. Escudero

AN ACT
STRENGTHENING THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF
THE COMMISSION ON HUMAN RIGHTS, AND FOR OTHER PURPOSES

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

1 **Section 1. Title.** - This Act shall be known as the "Commission on Human Rights
2 Act".
3

4 **Sec. 2. State Policy on Human Rights.** - The State values the dignity of every
5 human person and guarantees full respect for human rights. It shall give highest priority to
6 the enactment of measures that protect and enhance the right of all the people to human
7 dignity at all stages of human life.
8

9 **Sec. 3. Definition of Terms.** - For purposes of this Act, human rights shall include
10 those rights found in Article III of the Constitution and those affirmed and recognized by
11 the State in the following international covenants: the Universal Declaration of Human
12 Rights (1948); the International Covenant on Civil and Political Rights (1976); and the
13 International Covenant on Economic, Social and Cultural Rights (1976), and any other
14 international treaties on human rights which the Philippines has signed and ratified.
15

16 **I. THE COMMISSION ON HUMAN RIGHTS**

17 **A. The Chairperson and Members**

18
19 **Sec. 4. The Commission, Composition and Qualifications.** - The Commission on
20 Human Rights, also referred to as the Commission in this Act, is a collegial body and shall
21 be composed of a Chairperson and four (4) Members who shall possess the following
22 qualifications:
23

- 24 a) Must be natural-born citizens of the Philippines;
25 b) Must be at least thirty five (35) years of age at the time of their appointment, with
26 proven integrity and competence;
27 c) Majority of whom, including the Chairperson, must be members of the Philippine Bar
28 who have been engaged in the practice of law for at least five (5) years;
29 d) Must have an understanding of human rights protection, promotion and advocacy;

1 e) Must not have been candidates, including party-list nominees, for any elective position
2 in any national or local, but excluding barangay, elections, immediately preceding their
3 appointment.
4

5 **Sec. 5. Appointment and Term of Office.** - The Chairperson and Members shall be
6 appointed by the President for a term of seven (7) years without re-appointment. Of those
7 first appointed under this Act, the Chairperson shall hold office for seven (7) years, two (2)
8 Members for five (5) years and the other two (2) Members for three (3) years, all without
9 reappointment. In no case shall any member be appointed, re-appointed or designated in a
10 temporary or acting capacity.
11

12 The term of the Chairperson and Members of the Commission shall start on the day
13 immediately after the end of the previous term, regardless of the date of appointment.
14 Appointment to any vacancy occurring during the term shall be only for the remaining
15 portion of said term.
16

17 **Sec. 6. Prohibition and Disqualification.** - The Chairperson and Members of the
18 Commission shall not, during their tenure, hold any other office or employment. Neither
19 shall they engage in the practice of any profession or in the active management or control
20 of any business which in any way may be affected by the functions of their office, nor shall
21 they be financially interested, directly or indirectly, in any contract with, or in any franchise
22 or privilege, granted by the Government and its subdivisions, agencies or instrumentalities,
23 including government-owned or controlled corporations or their subsidiaries. They shall
24 avoid conflict of interest in the conduct of their office. They shall not be allowed to appear
25 or practice before the Commission for two years following their cessation from office.
26

27 No spouse or relative by consanguinity or affinity within the fourth civil degree and
28 no law, business or professional partner or associate of the Chairperson or Members may
29 appear as counsel or agent on any matter pending before the Commission or transact
30 business directly or indirectly therewith. This disqualification shall apply during the tenure
31 of the official concerned and one year thereafter.
32

33 **Sec. 7. Disclosure of Relationship.** - It shall be the duty of the Chairperson and
34 Members to make under oath to the best of their knowledge and information a written
35 public disclosure of the identities of, and their relationship with the persons referred to in
36 the preceding section. The disclosure shall be filed with the Office of the Ombudsman
37 before the appointee assumes office and every annual anniversary of the date of
38 assumption of office thereafter. The disclosures made pursuant to this Section shall form
39 part of the public records and shall be made available and accessible to the public.
40

41 **Sec. 8. Salary, Retirement and Other Privileges of the Chairperson and Members.**
42 - The Chairperson and Members of the Commission shall receive the same salary and
43 privileges as the Chairperson and Members of the Constitutional Commissions, and which
44 shall not be decreased during their term of office. Likewise, they shall receive the same
45 retirement benefits as that of the Constitutional Commissions as provided by law.
46

47 **Sec. 9. Removal from Office.** - The Chairperson and Members of the Commission
48 may be removed from office on any of the following grounds:
49

- 50 (a) Disloyalty to the Republic of the Philippines;
- 51 (b) Culpable violation of the Constitution;

- 1 (c) Bribery and graft and corruption, [other high crimes, or betrayal of public trust];
- 2 (d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
- 3 (e) Commission of any offense involving moral turpitude or an offense punishable by
- 4 *prision mayor*;
- 5 (f) Abuse of authority;
- 6 (g) Such other grounds as may be provided by law.

7
8 The proceedings for removal shall be initiated by filing a verified complaint with the
9 Court of Appeals stating the grounds therefor and alleging the ultimate facts upon which
10 the complaint is based.

11
12 The Court of Appeals shall act on the complaint and conduct the necessary
13 investigation and hearing. Thereafter, the Court of Appeals shall dismiss the complaint or
14 declare the removal from office of the Chairperson or Member of the Commission within
15 ninety (90) days from the date of filing of the complaint. Failure to resolve the complaint
16 within said period shall result in its automatic dismissal.

17
18 In deciding upon a complaint for removal from office, the Court of Appeals shall not
19 impose any lesser penalty or disciplinary action such as suspension, censure, or reprimand
20 other than removal from office.

21
22 Any decision of removal from office shall be automatically stayed by the filing of a
23 petition for review on *certiorari* with the Supreme Court.

24 25 **B. Nomination of Chairperson and Members**

26
27 **Sec. 10. Nominations Committee.** - The President shall choose and appoint the
28 Chairperson and Members of the Commission from a list of three (3) nominees per position
29 selected by a Nominations Committee to be composed of the following members:

- 30
31 a) The incumbent chairperson of the Commission on Human Rights;
- 32
33 b) The Chairperson of the Senate Committee on Justice and Human Rights;
- 34
35 c) The Chairperson of the House of Representatives' Committee on Human
36 Rights;
- 37
38 d) Three (3) members selected by the Commission from any of the following
39 duly accredited entities, sectors or groups : human rights non-government
40 organizations (NGOs), lawyers' and/or para-legal groups, indigenous
41 peoples, the academe; woman, child and family rights groups.

42
43 **Sec. 11. Selection of Nominees.** - The members of Nominations Committee shall
44 have equal voting rights. They shall meet not later than thirty (30) days before the end of a
45 current term or within seven (7) days after the occurrence of a vacancy during a term. They
46 shall submit to the President their list of nominees thirty (30) days before the end of said
47 term or thirty (30) days after said vacancy. The President shall make the appointment
48 within thirty (30) days after the submission of the list of nominees by the Nominations
49 Committee.

50
51 The Commission shall provide secretariat support to the Nominations
52 Committee. It shall make all proceedings of the Nominations Committee open and

1 accessible to the public. Vacancies as well as the list of nominees shall be published in a
2 newspaper of general circulation. The Nominations Committee shall adopt its own rules of
3 procedure.
4
5

6 **Sec. 12. Representation.** - In the selection of nominees for Chairperson and
7 Members of the Commission, the Nominations Committee shall take into consideration
8 representation from various sectors of civil society involved in the promotion and
9 protection of human rights and human life and dignity.
10

11 **Sec.13. Accredited Non-Government Representatives to the Nominations**
12 **Committee.** - The duly accredited human rights non-government organizations (NGOs),
13 lawyers' and/or para-legal groups, representatives from indigenous peoples,
14 representatives from the academe, as well as woman, child and family rights groups shall
15 from among themselves choose the three (3) representatives to the Nominations Committee
16 in a meeting attended by an authorized representative of the Commission. In the absence of
17 a selection procedure agreed upon by said organizations, the Commission shall promulgate
18 the rules of procedure to govern the selection of the three (3) representatives by the
19 accredited organizations.
20
21

22 C. Nature of the Commission 23

24 **Sec. 14. The Commission as an Independent Office.** - The Commission on Human
25 Rights is an independent constitutional office. It shall not be subject to instructions or
26 orders from the President, Congress or the Judiciary, except in cases provided in the
27 Constitution with regard to the appointment of its Chairperson and Members, legislation
28 affecting the exercise of its powers and functions, and judicial review of the legality of its
29 acts, orders, resolutions or decisions.
30

31 **Sec. 15. The Commission as the National Human Rights Institution of the**
32 **Philippines.** - The Commission shall be the national human rights institution of the
33 Philippines in accordance with the Principles Relating to the Status of National Institutions
34 ("The Paris Principles") and other United Nations' Resolutions pertaining to the effective
35 functioning of national human rights institutions, as may be consistent with the
36 Constitution.
37

38 **Sec. 16. Fiscal Autonomy.** - The Commission shall always enjoy full fiscal
39 autonomy. The approved annual appropriations of the Commission shall be automatically
40 and regularly released.
41
42

43 II. POWERS AND FUNCTIONS 44

45 A. General Powers and Functions 46

47 **Sec. 17. General Powers and Functions of the Commission.** - The Commission on
48 Human Rights shall have the following general powers and functions:
49

- 50 a) Investigate, on its own or on complaint by any party, all forms of human
51 rights violations;
- 52 b) Adopt its operational guidelines and rules of procedure and cite for direct
53

1 and indirect contempt for violations thereof or its lawful orders in
2 accordance with the Rules of Court;

- 3
4 c) Provide appropriate legal and preventive measures for the protection of
5 human rights of all persons within the Philippines, as well as Filipinos
6 residing abroad;
7
8 d) Provide legal aid services to the underprivileged whose human rights
9 have been determined by the Commission to have been violated or in of
10 need protection to prevent a violation thereof;
11
12 e) Exercise unhampered and unrestrained visitorial powers over jails,
13 prisons, camps, detention facilities, safe houses and similar premises;
14
15 f) Establish a continuing program of research, education and information
16 dissemination to promote respect for the primacy of human life and
17 dignity, and the protection of human rights;
18
19 g) Recommend to Congress effective measures to promote human rights and
20 to provide for compensation to victims of violations of human rights, or
21 their families;
22
23
24 h) Monitor the Philippine government's compliance with international treaty
25 obligations on human rights;
26
27 i) Grant immunity from prosecution to any person whose testimony or
28 possession of documents or other evidence is necessary to determine the
29 truth in any investigation or prosecution conducted by it or under its
30 authority;
31
32 j) Request the assistance of any department, bureau, office or agency in the
33 performance of its functions;
34
35 k) Deputize government prosecutors or private lawyers, who shall be under
36 the direct control and supervision of the Commission; for the prosecution
37 of human rights cases under Section 21 hereof;
38
39 l) Accredite national non-government and people's organizations involved in
40 human rights promotion, protection and advocacy, including those for
41 purposes of visiting persons arrested, detained or under custodial
42 investigation;
43
44 m) Ensure that the status, rights and interests of children and of the family
45 are upheld in accordance with the Constitution, laws and duly ratified
46 instruments on human rights;
47
48
49 n) Create, establish, organize, re-structure, compress, and otherwise manage
50 such offices and centers the Commission deems necessary and
51 appropriate for expeditious and effective fulfillment of its mandate,
52 including a central office, regional, sub-regional, and provincial offices for
53 specific thematic and functional matters; and

- 1
2 o) Perform such other duties and functions as may be provided
3 by the law.
4

5 **B. Investigation**

6
7 **Sec. 18. Investigative Powers and Functions.** - The Commission shall exercise
8 primary and original jurisdiction to investigate, on complaint or *motu proprio*, cases of
9 human rights violations to include civil, political, economic, social and cultural rights. In
10 the exercise of its investigative function, the Commission shall have the following powers:
11

- 12 a) Act promptly on complaints filed in any form or manner by any person;
13 and upon finding of human rights violation, recommend the filing of
14 appropriate administrative, civil and/or criminal action(s). Any
15 investigation being conducted by any other body shall not be a bar to the
16 investigation of the Commission;
17
18 b) Compel the attendance of witnesses and the production of evidence,
19 administer oaths, issue *subpoenas* and take testimony in any investigation
20 or inquiry;
21
22 c) Issue orders and directives constituting preventive and legal measures,
23 provided for under Sections 20 and 21 of this Act, respectively;
24
25 d) Provide protection and extend financial assistance to witnesses to ensure
26 their attendance in investigations and production of evidence;
27
28 e) Delegate to its deputies, investigators or representatives, such authority or
29 duty to ensure the effective exercise or performance of its investigative
30 functions;
31
32 f) Require the assistance of any officer or employee of any department,
33 bureau or office, subdivision, agency or instrumentality of the
34 Government, including government-owned or controlled corporations
35 and local governments;
36
37 g) Deputize lawyers or legal aid groups, medical organizations, as well as
38 government agencies and offices, to provide assistance in the exercise of
39 its investigative functions;
40
41 h) Make the results and findings of its investigations available and accessible
42 to the public; and
43
44 i) Cite in contempt any person for failure to comply with a lawful order of
45 the Commission issued in the exercise of its investigative and/or
46 prosecutorial functions. In this regard, the 1997 Revised Ruled of
47 Procedure shall apply suppletorily.
48

49 **Sec. 19. Imprescriptibility of the Investigation of Human Rights Violations.** - The
50 investigation of human rights violations shall not be subject to any statute of limitations or
51 prescriptive period.
52

53 **Sec. 20. Scope of Preventive Measures.** - The preventive measures under Article

1 XIII, Sec. 18 (3) of the Constitution that may be issued by the Commission in the
2 investigation of cases involving all forms of human rights violations shall include the
3 following:

- 4
- 5 a) Issuance of injunctive relief directing any member of the government's
6 military or police forces, as well as public officials or employees, or any
7 person acting under their control and supervision, to immediately desist
8 from hiding, transferring, torturing or abusing a detainee and to allow
9 access to said detainee by the Commission, his/her counsel, physician,
10 psychologist, priest, pastor, rabbi, imam or any spiritual adviser and
11 relatives;
- 12
- 13 b) Order compelling the government official or employee, or any person in
14 control of the premises of any government agency or office, specifically
15 police and military detention facilities, secret detention places, stations,
16 installations, camps, bases, and training schools, as well as private land
17 and property, to permit the inspection of said premises;
- 18
- 19 c) Order to transfer persons deprived of their liberty and in danger of
20 reprisal or retaliation due to the filing of a complaint in connection with
21 his/her detention, in order to secure safety of his/her person;
- 22
- 23 d) Restraining order prohibiting respondent, his/her unit or persons under
24 his or her command or acting under the latter's orders from entering the
25 immediate vicinity of the area or residence of any person who's human
26 rights are being violated or are in danger of violation and from searching
27 the victim or his belongings;
- 28
- 29 e) Injunction ordering respondent to refrain from committing any and all
30 acts that would tend to cause irreparable harm and have the immediate
31 effect of rendering the investigation of the Commission moot and
32 academic.
- 33

34 **Sec. 21. Scope of Legal Measures.** - The legal measures under Article XIII, Sec. 18
35 (3) of the Constitution that may be provided by the Commission shall include the
36 following:

- 37
- 38 a) The issuance of mandatory protection orders (MPO's) directing
39 government security forces, other appropriate government agencies, or
40 private institutions to provide specific protection to victims of human
41 rights violations;
- 42
- 43 b) The issuance of orders deputizing government offices and private
44 institutions for the purpose of providing protection; and
- 45
- 46 c) The issuance of orders deputizing government and private lawyers as
47 counsels *de officio* to ensure that the human rights of the victim are not
48 further violated; and
- 49
- 50 d) Any order the purpose of which is analogous to any of the
51 foregoing.
- 52
- 53

1 **Sec. 22. Grant of Immunity.** - The Commission may grant immunity from
2 prosecution to any person whose possession and production of documents or other
3 evidence may be necessary to determine the truth in any hearing, inquiry or proceeding
4 under such terms and conditions as it may determine taking into account the pertinent
5 provisions of the Rules of Court and its own rules. The immunity shall only be granted
6 after a determination of the relevance, veracity and authenticity of the evidence sought to
7 be presented by the Commission. The grant of immunity shall be revoked should the
8 evidence warranted as true by person or persons granted such turns out to be false or
9 fabricated.

10
11 **Sec. 23. Preventive Suspension.** - With the exception of Members of Congress, the
12 Judiciary, and impeachable officials, the Commission may preventively suspend any
13 officer or employee including but not limited to elective or appointive public officers or
14 employees, including Members of the Cabinet, local government, government-owned-or-
15 controlled corporations and their subsidiaries, pending an investigation, *provided it*
16 *determines that (a) the evidence of guilt is strong; (b) the charges would warrant removal*
17 *from the service; and (c) the respondent's continued stay in office may prejudice the case*
18 *filed against him/her.*

19
20 The preventive suspension shall be immediately executory, unless restrained by
21 the Court of Appeals or the Supreme Court and shall continue until the case is terminated
22 by the Commission; *Provided, that said suspension shall not be more than ninety (90) days*
23 *without pay, except when the delay in the disposition of the case by the Commission is*
24 *due to the fault, negligence or petition of the respondent, in which case the period of such*
25 *delay shall not be counted in computing the period of suspension herein provided.*

26
27 The respondent official or employee preventively suspended from office shall
28 receive no salary or compensation during such suspension. However, upon subsequent
29 exoneration and reinstatement, he shall be paid full salary or compensation including
30 such emoluments accruing during such suspension.

31
32 In the case of a suspended elective officials, upon expiration of the period of
33 preventive suspension, he shall be deemed reinstated in office without prejudice to the
34 continuation of the proceedings against him which shall be terminated within one
35 hundred twenty (120) days from the date the officer was formally notified of the case.

36
37 The respondent officer or employee shall be accorded full opportunity to appear
38 and defend himself in person or by counsel, to confront and cross-examine the witnesses
39 against him, and to require the attendance of witnesses and the production of
40 documentary evidence in his favour through the compulsory process of *subpoena* or
41 *subpoena duces tecum.*

42
43
44 **Sec. 24. Referral to Disciplining Authority.** - The Commission may endorse
45 and/or recommend to the proper authorities the filing of the appropriate sanction or
46 disciplinary action against a public officer or employee found guilty of committing
47 violations of human rights and recommend his removal, suspension, demotion, censure,
48 imposition of fine, or prosecution and to ensure compliance by requiring the officer
49 concerned to report on his action within thirty (30) days from receipt of the
50 recommendation and/or endorsement of the Commission. The failure of the appropriate
51 authority to act or comply with said recommendation or endorsement shall constitute a
52 ground for an application of the issuance of a writ of mandamus by the Commission.

1 For this purpose, every case on which the Commission has rendered a resolution or
2 recommendation adverse to a public official shall be transmitted to the head of the
3 department, agency or instrumentality, or of the province, city or municipality concerned
4 for immediate action, as may be necessary.
5

6 **Sec. 25. Motu Proprio Dismissal.** - The Commission may dismiss, *motu proprio*, a
7 complaint for the investigation of human rights violations on any of the following
8 grounds:
9

- 10 a) The complaint pertains to a matter outside of the jurisdiction of the
11 Commission;
12
13 b) The complaint is trivial, frivolous, vexatious or made in bad faith; or
14
15 c) Other valid grounds as may be determined by the Commission.
16

17 **Sec. 26. Investigation by Regional Offices.** - The proper regional office of the
18 Commission shall investigate complaints falling within its territorial jurisdiction unless the
19 Commission *en banc*, in its discretion, takes direct cognizance of the same. Upon
20 recommendation of the regional office in investigations pending before it, the Commission
21 *en banc* may issue legal and preventive measures and preventive suspension orders which
22 are immediately executory. Within ten (10) days after concluding the investigation, the
23 regional office shall render the appropriate order, directive or resolution subject to appeal
24 to the Commission *en banc* pursuant to its rules.
25

26 C. Prosecution 27

28 **Sec. 27. Concurrent Prosecutorial Powers and Functions.** - The Commission shall
29 exercise concurrent prosecutorial powers and functions as herein provided.
30

31 In the event of the failure of the Department of Justice or Office of the Ombudsman
32 to initiate a preliminary investigation within twenty (20) days from its receipt of the case
33 recommended for prosecution by the Commission, the inaction shall be considered as an
34 automatic endorsement of the matter to the Commission without any further act or notice
35 by the Department of Justice or Office of the Ombudsman for purposes of preliminary
36 investigation. Thereafter, the Commission shall conduct the preliminary investigation and
37 upon a finding of probable cause, issue a resolution recommending the filing of the
38 appropriate information and prosecution of the offence/s found to exist.
39

40 For this purpose, the Commission shall have the power to deputize government
41 prosecutors or private lawyers to prosecute the criminal offence/s that have been the
42 subject of its preliminary investigation. The prosecution shall remain under the
43 Commission's direct control and supervision.
44

45 This section shall apply in cases where the offender is a public officer as defined
46 under Article 203 of Republic Act No. 3815, otherwise known as the Revised Penal Code
47 as amended, and acting in his capacity as such, or any person acting on behalf or under
48 the immediate control of the State and its agents, and where the human rights violation
49 constitutes a criminal offense under the Revised Penal Code and special laws, as follows:
50

- 51 a) Use of physical, psychological and degrading punishment, torture, force,
52 violence, threats, and intimidation;
53

- 1 b) Extra-judicial killings, summary executions, and “massacres” or mass
2 killings;
3
4 c) Violations of the right to be secure from unreasonable searches and
5 seizures, including involuntary or enforced disappearances;
6
7 d) Violations of the rights of persons arrested, detained, or under custodial
8 investigation, including deprivation of the rights of political detainees;
9
10 e) Violations of the right to a speedy, impartial and public trial or disposition
11 of cases;
12
13 f) Hamletting, forced evacuation or eviction, illegal demolition,
14 development aggression and other violations of the right to travel and to
15 freely choose one’s abode and change the same;
16
17 g) Violations of the right to peaceably assemble, free association, and to
18 petition the government for redress of grievances;
19
20 h) Violations of the right to worship and the free exercise of a religion;
21
22 i) Violations of the right to privacy;
23
24 j) Violations of civil and political rights of persons suspected, detained for,
25 and/or accused of the crime of terrorism or conspiracy to commit
26 terrorism; and
27
28 k) Political, religious, racial, ethnic, social or sexual persecution, oppression,
29 or harassment committed with acts constituting offenses punished under
30 the Revised Penal Code and special laws;
31
32

33 **Sec. 28. When Committed by Non-State Actors.** - The preceding section shall also
34 apply when the violation is committed by non-state actors. Non-state actors are persons,
35 other than public officers, belonging to and acting on behalf or under the immediate
36 control of a juridical or non-juridical person, whether legitimate or illegitimate, including
37 but not limited to the following:
38

- 39 a) Armed groups, bandits, warlords and private armies;
40
41 b) Criminal organizations and groups; and
42
43 c) Multi-national, foreign and domestic corporations, and other business
44 entities.
45

46 **Sec. 29. When Committed Against Vulnerable Persons.** - The concurrent
47 prosecutorial powers of the Commission shall likewise apply in the investigation and
48 prosecution of the following offenses as penalized under the Revised Penal Code and
49 special laws when committed by any person against any member or group of vulnerable
50 persons, as defined herein:
51

- 52 a) Involuntary servitude constituting Crimes Against Personal Liberty and
53 Security under the Revised Penal Code;

- 1
2 b) Crimes penalized under Republic Act No. 7610, or the "Special Protection
3 of Children Against Abuse, Exploitation and Discrimination Act;"
4
5 c) Crimes penalized as Infanticide and Abortion under the Revised Penal
6 Code;
7
8 d) Crimes penalized under Republic Act No. 9262, or the "Anti-Violence
9 Against Women and Their Children Act of 2004;" and
10
11 e) Crimes penalized under Republic Act No. 8371 or the "Indigenous
12 Peoples Rights Act of 1997."
13
14

15 Vulnerable persons shall include children, the unborn, women, elderly, persons
16 with disabilities, migrant workers, indigenous peoples, and ethnic and religious
17 minorities.
18
19

20 D. Monitoring 21

22 **Sec. 30. Monitoring Powers and Functions.** - In the exercise of its mandate to
23 monitor the Government's compliance with its international human rights treaty
24 obligations, the Commission shall have the following powers and functions:
25

- 26 a) Require any department, bureau or office, subdivision, agency or
27 instrumentality of the Government to submit compliance reports on
28 international human rights treaty and to furnish the Commission copies
29 thereof within thirty (30) days from submission to the United Nations and
30 other international bodies;
31
32 b) Conduct inquiries on the manner of implementation by the Philippine
33 Government of specific human rights treaty obligations;
34
35 c) Summon any public official to explain on the measures undertaken by his
36 or her agency in order to comply with the State's international treaty
37 obligations on human rights;
38
39 d) Enter and inspect the premises of any government agency or office,
40 specifically police and military stations, installations, camps, bases, and
41 training schools and access books, records, files, documents or papers
42 located in the above-mentioned office and facilities;
43
44 e) Study and recommend to the government international human rights
45 treaties or instruments for its signature, ratification or accession;
46
47 f) Make timely and regular submission of independent reports to international
48 human rights treaty bodies and other international human rights
49 mechanisms;
50
51 g) Advise and assist the government on clearly-identified gaps in human
52 rights treaty compliance;
53

- 1 h) Capacitate stakeholders to enable participation in monitoring human rights
2 treaty compliance by the government;
3
4 i) Delegate to its deputies, investigators or representatives, such authority or
5 duty which shall ensure the effective exercise or performance of its
6 monitoring functions; and
7
8 j) Recommend and institutionalize best practices and incentives for human
9 rights advocates and institutions.
10

11 **Sec. 31. Other Monitoring Functions.** - The Commission shall likewise monitor
12 observance by non-state actors of human rights obligations arising from agreements
13 entered into with the government, as well as unilateral declarations and similar
14 undertakings.
15

16 **Sec. 32. Annual Report.** - The Commission shall prepare and make public an annual
17 report on the findings of its monitoring activities with regard to the state of the
18 Government's compliance with its international human rights treaty obligations. The
19 report shall include, but not be limited, to the following:
20

- 21 a) Identification of systematic patterns of human rights violations using
22 documented cases;
23
24 b) Analysis of the factors which contribute to the commission of human
25 rights violations;
26
27 c) Assessment of the legal mechanisms of existing institutions in providing
28 adequate human rights protection;
29
30 d) Recommendations for legal, legislative, and institutional reforms for the
31 greater promotion and protection of human rights; and
32
33 e) Statistics and data indicating the nature of complaints received, the
34 investigations conducted and findings made, and the actions taken by the
35 government agencies concerned on the Commission's recommendations.
36

37 **E. Education and Advocacy** 38

39 **Sec. 33. Education and Advocacy in Government.** - The Commission shall
40 undertake a program of human rights promotion and advocacy through education and
41 training to promote and increase respect for the primacy and dignity of human life in all
42 its stages and the protection of human rights in coordination with the different agencies of
43 the government. It shall likewise administer a mandatory and continuing human rights
44 education program for the military, police and other law enforcement agencies, as well as
45 public school teachers, and shall, for this purpose, draw up the components of the
46 program, accredit course and training providers, and issue certificates of completion to
47 those who have successfully completed the program.
48

49 **Sec. 34. Education and Advocacy in Civil Society.** - The Commission shall also
50 undertake human rights education, advocacy, and information campaign programs
51 among sectors of civil society, particularly the vulnerable, marginalized and
52 underprivileged groups. In conducting this program, the Commission shall actively
53 cooperate and coordinate with human rights non-government organizations, lawyers'

1 groups, the academe and people's organizations of the concerned sectors of civil society.
2

3 **Sec. 35. Research.** - The Commission shall undertake a continuing research and
4 study on select human rights issues for purposes of recommending policy reforms, as well
5 as administrative and legislative measures that will also address economic, social and
6 cultural rights.
7

8 **Sec. 36. Coverage of Programs.** - The Commission shall prescribe the scope and
9 coverage of education, advocacy, information and training programs on human rights,
10 and which will be provided for in the implementing rules and regulations of this Act.
11

12 **F. Other Powers and Functions**

13
14
15 **Sec. 37. Witness Protection Program.** - In the conduct of its investigations, the
16 Commission shall implement and manage a witness protection program, including the
17 provision of security, shelter, relocation and livelihood assistance to witnesses and their
18 families
19

20 **Sec. 38. Financial Assistance Program.** - The Commission shall strengthen its
21 financial assistance program to victims of human rights violations and their families.
22

23 The guidelines for the proper implementation of this program shall be included in
24 the implementing rules and regulations of the Commission.
25

26 The initial funding for the Witness Protection and the Financial Assistance Programs
27 shall be allocated for such purposes and shall be included thereafter in the annual regular
28 appropriations for the Commission, and the same shall be automatically and regularly
29 released.
30

31 The Commission shall adopt operational guidelines in the implementation and
32 management of these programs.
33

34 **Sec. 39. Legal Assistance Program.** - The Commission shall implement a legal
35 assistance program to benefit victims of human rights violations consisting of the provision
36 of legal services in coordination with human rights organizations and lawyers' groups, the
37 Integrated Bar of the Philippines and Philippine law schools with legal aid programs.
38

39 **Sec. 40. Protection of Filipinos Abroad.** - The Commission shall undertake
40 measures for the protection and promotion of human rights of Filipinos living abroad. It
41 shall coordinate with Philippine Embassy or Consulate officers as well as private
42 individuals of known probity and active involvement in human rights work, or foreign-
43 based human rights and migrant workers' non-government organizations in countries
44 where the incidence of human rights violations of Filipinos is widespread and
45 commonplace, including traditional host countries of Overseas Filipino Workers, for
46 purposes of monitoring the status of human rights of Filipinos living abroad, establishing
47 networks among Filipinos to promote protection of human rights, reporting cases of
48 violations thereof, facilitating the remedial measures of victims and coordinating with
49 respective agencies to provide counselling and financial aid.
50

51
52 **Sec. 41. Creation of Ad Hoc Truth Commissions.** - The Commission may
53 recommend the creation of an ad hoc Truth Commissions on matters of transcendental

1 importance, such as widespread and systematic human rights violations occurring over
2 prolonged periods of time, or under extraordinarily-repressive conditions, or attended by
3 a culture of impunity that is instigated, inspired or orchestrated by public officials, in
4 conspiracy with government security forces or State-sponsored armed groups.
5

6 **Sec. 42. Issuance of clearances.** - The Commission shall issue clearances to
7 members of the military, police and other law enforcement agencies prior to, and as
8 requirement for, their promotion or assumption of office. The Commission may also issue
9 clearances for other purposes such as training, education or study grants abroad upon
10 proper request of the applicant.
11

12 The Commission shall make its own recommendations to the Commission on
13 Appointments prior to the confirmation of other officials other than those mentioned in
14 the preceding paragraph, who are being considered for promotion or appointment. This
15 provision shall also apply to other government officers with salary grade 27 or its
16 equivalent and higher.
17

18 **Sec. 43. Appeals; Prohibition against Injunction.** - Orders, decisions or findings of
19 the Commission, including determination of probable cause, shall be appealed to the Court
20 of Appeals on both questions of fact and law, or on certiorari to the Supreme Court on pure
21 questions of law. No restraining order or writ of injunction shall be issued against the
22 Commission in the performance of its powers and functions other than those issued by the
23 Court of Appeals or the Supreme Court.
24

25 **Sec. 44. Protection from Harassment Suits; Dismissal.** - The Chairperson,
26 Members, officers and employees of the Commission shall be immune from civil or
27 criminal prosecution for acts performed in pursuance of their official functions for the
28 duration of their tenure.
29

30 **Sec. 45. Obstruction.** - Any person who, after due hearing, is found to have
31 wilfully obstructed or hindered the proper exercise of the powers and functions of the
32 Commission, or who wilfully misleads or attempts to mislead the Chairperson, Members
33 and the duly designated Commission officials and representatives shall be punished for
34 obstruction of justice by the Commission. In addition, he/she shall be penalized by a fine
35 not exceeding Twenty Five Thousand Pesos (P25,000.00), at the discretion of the
36 Commission.
37

38 39 TITLE III. ORGANIZATION AND STRUCTURE 40

41 **Sec. 46. Commission as a Collegial Body.** - The Commission composed of the
42 Chairperson and four (4) Members, as a collegial body, is responsible for the promulgation
43 of policies, decisions, orders and resolutions necessary for the efficient administration of
44 the Commission and for proper execution of its constitutional mandate.
45

46 In the exercise of its powers and functions, the Commission shall sit and render its
47 decision en banc. Every such decision, order or resolution of the Commission must bear the
48 concurrence and signature of at least three (3) Members thereof.
49

50 The Commission shall meet regularly once a week, or as the Commission may
51 direct, or upon call by the Chairperson. A majority of the Members, at least three (3)
52 Members, constitutes a quorum needed in any en banc meeting of the Commission
53

1 **Sec. 47. The Chairperson as Executive Officer; Powers and Duties.** The
2 Chairperson shall be the Chief Executive Officer of the Commission, and shall:

- 3
4 a) Execute and carry out the policies, decisions, orders and resolutions
5 approved by the Commission;
6 b) Direct and supervise the operations and internal administration of the
7 Commission;
8 c) Sign appointments of subordinate officials and employees made by the
9 Commission and enforce decisions on administrative discipline involving
10 them;
11 d) Make temporary assignments, rotate and transfer personnel in
12 accordance with the provisions of the Civil Service Law and the policies
13 involving them;
14 e) Submit an annual budget to the Commission for its approval and
15 submission to the Department of Budget and Management and to the
16 Congress of the Philippines;
17 f) Delegate his/her authority, in whole or in part, to other officials of the
18 Commission in accordance with Executive Order No. 292, otherwise
19 known as the Administrative Code of 1987, and rules and regulations of
20 the Commission; and
21 g) Perform such other functions as may be authorized by the Commission.

22
23
24 **Sec. 48. Structural Organization.** - The Commission shall have the following line
25 offices and operating units:

- 26
27 a) Office of the Chairperson;
28 b) Office of the Commissioners;
29 c) Office of the Assistant Commissioners;
30 d) Office of the Executive Director;
31 e) Office of the Commission Secretary;
32 f) Legal Office;
33 g) Investigation Office;
34 h) Human Rights Instruments Compliance And Monitoring Office;
35 i) Education, Advocacy And Research Office;
36 j) Information System Management Office;
37 k) Assistance and Visitorial Office;
38 l) Forensic Office;
39 m) Planning And Management Office;
40 n) Financial Management Office;
41 o) General Administrative Office;
42 p) Sectoral Rights Offices;
43 q) Public Information Office; and
44 r) Regional Offices.

45
46 All the above offices will be headed by an officer with a rank, salary and privileges
47 equivalent to a Director IV, except for the Executive Director and who shall have the rank,
48 salary and privileges of an Assistant Secretary. All centers will be headed by a Director III.
49 Each office may have such divisions as are necessary to carry out their respective functions.
50 As an independent constitutional office, the Commission may effect changes in the
51 organization as the need arises.

52
53 All officers and employees of the Commission, unless otherwise provided herein,

1 shall receive emoluments and privileges that shall not be less than those given to
2 comparable positions in any office in the government.

3
4 **Sec.49. Assistant Commissioners.** - There shall be four (4) Assistant Commissioners
5 as Head of the different clusters: Assistant Commissioner for Internal Administration,
6 which shall be comprised of Planning and Management Office, Financial Management
7 Office, General Administration Office, and Information System Management Office;
8 Assistant Commissioner for Human Rights Protection, which shall be composed of the
9 Legal Office, Investigation Office, Forensic Office, and Assistance and Visitorial Office;
10 Deputy Commissioner for Human Rights Promotion and Advocacy, which shall be
11 comprised of Human Rights Instruments Compliance and Monitoring Office, and the
12 Education, Advocacy and Research Office; Deputy Commissioner for Regional
13 Operations, which shall be comprised of the Regional and Provincial Offices.

14
15 The Assistant Commissioners shall act as facilitators in conveying the directives and
16 policies of the Commission to their respective cluster offices, as monitors of their respective
17 cluster offices' actions as well as their implementation and as advocates for their cluster
18 offices who will identify, raise and settle issues or concerns which require appropriate
19 action.

20
21 The Assistant Commissioners shall identify, analyze and evaluate approaches,
22 strengths and weaknesses of programs' reports and performance evaluations and in the
23 case of regional operations, the implementation and pursuit of mandates nationwide.

24
25 The Assistant Commissioners shall be appointed to the Commission, with
26 preferential status given to the officers and employees within the Commission who have
27 been working therein for at least 7 years prior to the time of their appointment. They must
28 have been involved in human rights promotion and protection activities during that time
29 period. In addition, the Assistant Commissioner for Human Rights Protection, must also be
30 a member of the Philippine Bar, and the Assistant Commissioner for Internal
31 Administration must be a Certified Public Accountant.

32
33 **Sec. 50. The Executive Director.** - The Executive Director shall be responsible for
34 managing the day-to-day affairs, activities and operations of the Commission, in
35 accordance with its policies, standards, rules and regulations adopted and promulgated by
36 the Commission. In particular, the Executive Director shall:

- 37
38 a. Provide direct supervision, control, coordination and monitoring of all
39 activities, functions and operations of both the central and regional units
40 of the Commissioner;
41 b. Recommend and /or implement administrative and management policies
42 , rules and standard operating procedures to be established by the
43 Commission;
44 c. Recommend and initiate programs, projects and policies which promoted
45 productivity, efficiency and effectiveness in the Commission;
46 d. Coordinate with different CHR organization units in the information and
47 reporting requirement of the Commission;
48 e. Resolve operational issues in accordance with the levels of authority
49 prescribed by the Commission;
50 f. Undertake appraisal on issues/problems and policy recommendations
51 requiring decision/action by the Commission;
52 g. Conduct necessary representation with different branches and agencies of
53 the government on vital issues/concerns involving the organization,

- 1 operations and programs of the Commission and
2 h. Perform such other functions as may be assigned by the Commission *En*
3 *Banc*.

4
5 The Executive Director shall be appointed by the Commission and shall be a
6 member of the Philippine Bar with proven integrity and competence, and must have been
7 involved in human rights promotion and protection activities for seven (7) years. He/she
8 shall have the rank, salary and privileges of an Assistant Secretary.

9
10 **Sec. 51. The Commission Secretary.** - The Commission Secretary, who shall head
11 the Commission Secretariat, shall provide executive services to the Commission on its
12 regular, special and executive meetings, assistance on policy review and coordination,
13 review and appraisal of the programs and other project undertakings of the Commission,
14 including technical support on the formulation of guidelines, directives, mandates and
15 executive summaries and reports. In addition, the Committee Secretary shall:

- 16
17 a. Prepare the agenda of meetings of the Commission *En Banc* and ensure
18 complete recording of proceedings;
19 b. Develop, recommend to the Commission *En Banc*, and implement an
20 approved disclosure policy for the Commission on Human Rights of the
21 Philippines;
22 c. Formulate, propose and implement a central records management system
23 for the Commission *En Banc*, and act as the custodian of all records on
24 human rights cases filed with the Commission, including records on
25 resolutions, rules, policies, regulations and other decisions, proceedings of
26 its meetings, and other pertinent records;
27 d. Design, propose and implement a central records management system
28 and provide records management orientation and assistance to the
29 various offices of the Commission;
30 e. Prepare and issue directives to concerned offices, by authority of the
31 Commission *En Banc*;
32 f. Represent the Commission *En Banc* in different technical working
33 committees of the Commission, as may be directed by it;
34 g. Respond to queries from the different central and regional offices on
35 matters pertaining to policies, rules and decisions, as authorized by the
36 Commission *En Banc*; and
37 h. Perform such other related functions as may be assigned by the
38 Commission *En Banc*.

39
40 The Commission Secretary, who must be at least a degree holder of Bachelor of
41 Laws (L.L.B.) or Juris Doctor (JD), shall have the rank, salary and privileges of a Director IV.

42
43 **Sec. 52. Duties and Functions of the Offices of the Commission.** - The different
44 offices of the Commission provided in Section 48 of this Act shall operate in accordance
45 with their respective duties and functions assigned them by the Commission subject to
46 requirements of efficiency, economy and effectiveness, and pertinent budget and civil
47 service laws, rules and regulations.

48
49 **Sec. 53. Officers of the Commission.** - All officers appointed by the Commission
50 who possess the rank or position above Division Chief level and officially performs
51 managerial and executive functions, must be Career Executive Service (CES) eligible under
52 the Career Executive Service Board or has equivalent eligibility as the Commission may
53 establish.

1
2 The Commission may propose additional qualification standards to be submitted for
3 approval to the Department of Budget and Management and for information of the Civil
4 Service Commission.

5
6 **Sec 54. Central Offices** - The Commission shall establish Central Offices to
7 effect its functional mandates of investigation, legal advocacy, visitorial, education,
8 research and compliance monitoring, and such other functions necessary for the effective
9 and efficient performance of its duties.

10
11 **Sec. 55. Regional Offices.** - The Commission shall have seventeen (17) regional
12 offices, as may be further established by law, with two regional offices for Region IV,
13 including the National Capital Region (NCR), the Caraga Administrative Region
14 (CARAGA), Cordillera Administrative Region (CAR) and the Autonomous Region of
15 Muslim Mindanao (ARMM).

16
17 Each Regional Office shall be headed by a Regional Human Rights Director with a
18 rank and salary of Director IV, who must be a member of the Philippine Bar, assisted by an
19 Assistant Regional Human Rights Director, and such other subordinate officers or
20 employees as the Commission may appoint. The Assistant Regional Human Rights
21 Director shall carry the rank and receive the same salary and privileges of a Director III.

22
23 The Commission may delegate its powers and functions or order the
24 implementation or enforcement of its orders, rulings or decisions through the heads of its
25 regional offices in accordance with its rules and regulations to be promulgated by the
26 Commission.

27
28 **Sec 56. Provincial Offices.** - The Commission may establish such Provincial Offices
29 as may be necessary in the provinces falling under the administrative jurisdiction of the
30 Regional Office. The Provincial Office shall be headed by a Provincial Human Rights
31 Officer and staffed by such other officers or employees as the Commission may appoint.
32 The Provincial Human Rights Officer shall carry the rank and receive the same salary and
33 privileges of a Division Chief.

34
35 **Sec. 57. Sectoral Rights Offices.** - The Commission shall establish offices and centers
36 to undertake promotion and protection of the rights of vulnerable sectors, to include but
37 not be limited to women and children, as the Commission may deem appropriate.

38
39 **Sec. 58. Joint Congressional Oversight Committee.** - A Joint Congressional
40 Oversight Committee is hereby created, composed of the Chairman of the Senate
41 Committee on Justice and Human Rights and three (3) other Senators designated by the
42 Senate President, and the Chairman of the House Committee on Human Rights, and three
43 (3) other Members of the House of Representatives designated by the Speaker of the House
44 of Representatives: Provided, That, of the three (3) members to be designated by each
45 House of Congress, two (2) should come from the majority and the remaining Member
46 from the minority.

47
48 The Joint Congressional Oversight Committee shall have the power to monitor and
49 evaluate the implementation of this Act.

50
51 **Sec. 59. Implementing Rules and Regulations.** - The Commission shall, within
52 sixty (60) days from the approval of this Act, formulate the implementing rules and
53 regulations in the exercise of its general, investigative, prosecutorial, monitoring, education

1 and advocacy powers and functions in consultation with other concerned agencies of the
2 Government.

3
4 **Sec. 60. Operational Guidelines.** - The Commission shall also formulate its
5 operational guidelines which shall include, but not be limited to, the functions and duties
6 of the Assistant Commissioners, the Executive Director, the Commission Secretary and the
7 heads of the line offices, the implementation and management of its *Witness Protection*,
8 Financial Assistance and Legal Aid Programs, and such other matters as may be necessary
9 for the implementation of this Act.

10
11 **Sec. 61. Franking Privilege.** - All official mail matters and telegrams of the
12 Commission addressed for delivery within the Philippines shall be received, transmitted
13 and delivered free of charge; *Provided*, That such mail matters when addressed to private
14 persons or non-government offices shall not exceed One Thousand and Twenty (1,020)
15 grams. All mail matters and telegrams sent through government telegraph facilities
16 containing complaints to the Commission on Human Rights shall be transmitted free of
17 charge; *Provided*, That the telegram shall contain not more than One Hundred and Fifty
18 (150) words.

19
20 **Sec. 62. Financial Report.** - The Commission shall make available to the public its
21 annual financial statements, including but not limited to, expenditures and sources of
22 funds.

23
24 **Sec. 63. Transitory Provision.** - Nothing in this Act shall prejudice the positions,
25 emoluments, security of tenure, and privileges of the incumbent Chairperson and
26 Commissioners, officers and employees of the Commission upon its effectivity. However,
27 officials and employees of the Commission, in aid of its reorganization upon the effectivity
28 of this Act, may avail of an early retirement program as may be provided for by the
29 Commission.

30
31 **Sec. 64. Separability Clause.** - If any provision of this Act shall be held
32 unconstitutional, other provisions not affected thereby shall remain valid and binding.

33
34 **Sec. 65. Repealing Clause.** - All laws, republic acts, presidential decrees, letters of
35 instructions, executive orders, rules and regulations insofar as they are inconsistent with
36 this Act are hereby repealed or amended, as the case may be.

37
38 **Sec. 66. Effectivity Clause.** - This Act shall take effect fifteen (15) days upon its
39 publication in at least two (2) newspapers of general circulation.

40
41
42 *Approved,*