

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

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OFFICE OF THE CLERK

10 JUL -6 AM 11:05

SENATE

S. NO. 297

RECEIVED BY

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The 1987 Constitution envisaged the Commission on Human Rights to exist as an "independent office". This is indeed necessary if the Commission is to ensure that the State performs its duty to respect, protect and uphold the rights of our people. However, there are two institutional impediments that compromise the independence of the Commission, namely the lack of transparency in the selection and appointment of the Chairman and Members of the Commission, and its limited fiscal autonomy.

This bill will strengthen the independence of the Commission on Human Rights by: 1) the Constitution of a Nominations Committee that will screen applicants/aspirants to the Commission and submit a short list of nominees to the President; 2) the appointment of the Chairman and Members of the Commission on a staggered basis; and 3) the grant of full fiscal autonomy to the Commission.

It is hoped that the Nominations Committee will ensure the transparency of the selection process so that those that are appointed have a proven track record of integrity, independence and competence in human rights advocacy. The adoption of the staggered term of the Chairman and members of the Commission precludes their appointment by only one president, even as it guarantees the continuity of policies and programs of the Commission. Finally, the grant of full fiscal autonomy will give the Commission sufficient flexibility to promptly and fully discharge its powers and functions as envisaged by the constitution.

The seven year term of the incumbent Commission will expire in May this year. It is in this respect that immediate approval of this measure is earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

OFFICE OF THE SECRETARY

10 JUL -6 AM 10:05

SENATE

S. NO. 297

RECEIVED BY

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT

STRENGTHENING THE INDEPENDENCE OF THE COMMISSION ON HUMAN RIGHTS, AMENDING FOR THE PURPOSE, SECTIONS 1 AND 5 OF EXECUTIVE ORDER NO. 163

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

1 **SECTION 1.** Sec. 2 of Executive of Executive Order No. 163 is hereby amended to read as
2 follows:

3
4 “Sec. 2. (a) The Commission on Human Rights shall be composed of a chairman and four
5 Members who must be natural-born citizens of the Philippines WHO ARE HUMAN RIGHTS
6 ADVOCATES OF KNOWN PROBITY, COMPETENCE AND INTEGRITY, and at the time of
7 their appointment, at least thirty five years of age, and must not have been candidates for any
8 elective position in the elections immediately preceding their appointment. However, a majority
9 thereof shall be members of the Philippine Bar.”

10 (b) x x x

11 (c) The Chairman and the members of the Commission on Human Rights shall be appointed
12 by the President FROM A LIST OF TEN (10) NOMINEES TO BE SUBMITTED BY A
13 NOMINATIONS COMMITTEE TO BE CHAIRED BY THE EXECUTIVE SECRETARY WITH
14 MEMBERS REPRESENTING THE FOLLOWING:

- 15 1) COMMISSION ON HUMAN RIGHTS
16 2) PRESIDENTIAL HUMAN RIGHTS COMMITTEE
17 3) PHILIPPINE AALLIANCE OF HUMAN RIGHTS ADVOCATES
18 4) KARAPATAN

1 5) FREE LEGAL ASSISTANCE GROUP

2 6) INTEGRATED BAR OF THE PHILIPPINES

3 [for a term of seven years without reappointment. Appointment to any vacancy shall be only for the
4 unexpired term of the predecessor.]

5 THE FIRST NOMINEE APPOINTED BY THE PRESIDENT OR THE APPOINTEE
6 WHOSE NAME APPEARS FIRST IN THE LIST OF APPOINTEES SHALL BE THE
7 CHAIRMAN OF THE COMMISSION WHO ALONG WITH THE SECOND APPOINTEE
8 SHALL SERVE FOR SEVEN YEARS. THE THIRD AND FOURTH APPOINTEES SHALL
9 SERVE FOR FIVE (5) YEARS, AND THE LAST APPOINTEE FOR THREE YEARS. THE
10 CHAIRMAN AND MEMBERS OF THE COMMISSION SHALL NOT BE REAPPOINTED.

11 APPOINTMENT TO ANY VACANCY SHALL BE ONLY FOR THE UNEXPIRED
12 PORTION OF THE TERM OF THE PREDECESSOR. IN NO CASE SHALL ANY MEMBER BE
13 APPOINTED OR DESIGNATED IN A TEMPORARY OR ACTING CAPACITY.

14 (d) x x x

15

16 **SEC. 2.** Sec. 5. Of Executive Order No. 163 is hereby amended to read as follows:

17 “SECTION 5. THE COMMISSION ON HUMAN RIGHTS SHALL ENJOY FISCAL
18 AUTONOMY. The approved annual appropriations of the Commission [on Human Rights] shall be
19 automatically and regularly released.”

20

21 **SEC. 3.** All laws, decrees, executive orders, rules and regulations and other issuances or
22 parts thereof inconsistent with any provision of this Act are hereby repealed, amended or modified
23 accordingly.

24

25 **SEC.4.** If any section or provision of this Act is declared unconstitutional or invalid, such
26 other sections or provisions not affected thereby shall remain in full force and effect.

27 **SEC. 5.** This Act shall take effect immediately.

Approved,