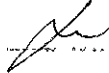


Republic of the Philippines)
 FOURTEENTH CONGRESS)
 Second Regular Session)

8 OCT -6 1991

RECEIVED BY: 

SENATE

S. No. 2657

 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.

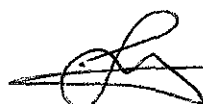
Hence, this bill basically seeks to strengthen the Commission by providing an effective and expanded structural and functional organization to meet the demands of human rights cases here and abroad. By providing the Commission with prosecutorial powers over delineated forms of human rights violations, 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.



FRANCIS G. ESCUDERO

Republic of the Philippines)
FOURTEENTH CONGRESS)
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8 OCT -6 24:6

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SENATE

S. No. 2657

Introduced by **Senator FRANCIS G. ESCUDERO**

AN ACT
STRENGTHENING THE FUNCTIONAL AND STRUCTURAL ORGANIZATION
OF THE COMMISSION ON HUMAN RIGHTS, APPROPRIATING FUNDS
THEREFOR, 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
2 Rights Act."

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.

5 SEC. 3. **Definition of Terms.** - For purposes of this Act, unless the context
6 indicates otherwise, the following terms shall mean as hereby defined:

7 **Human Rights** refers to the supreme, inherent, and inalienable right to life,
8 dignity, and to self development. It is concerned with issues in areas of civil and
9 political rights and economic, social and cultural rights, embodied in our
10 Constitution and in conventions to which the Philippine Government is a state
11 party.

12 **Political Rights** are those rights that enable the people to participate in running the
13 affairs of the government either directly or indirectly.

14 **Civil Rights** are those rights that the law enforces at the instance of private
15 individuals for the purpose of securing to them the enjoyment of their means of
16 happiness.

1 **Economic and Social Rights** are those rights that enable the people to achieve
2 social and economic development, thereby ensuring them their well-being,
3 happiness and financial security.

4 **Cultural Rights** are those rights that ensure the well-being of the individual and
5 foster the preservation, enrichment, and dynamic evolution of national culture
6 based on the principle of unity in diversity in a climate of free artistic and
7 intellectual expression.

8 SEC. 4. *The Commission, composition and qualifications.* - The Commission
9 on Human Rights, also known as the Commission from hereon, is a collegial body and
10 shall be composed of a Chairman and four (4) Members who shall possess the following
11 qualifications:

- 12 a) Must be natural-born citizens of the Philippines;
- 13 b) Must be holders of a college degree;
- 14 c) Must be at least thirty five (35) years of age at the time of their
15 appointment, with proven integrity and competence;
- 16 d) Majority of whom, including the Chairman, must be members of
17 the Philippine Bar who have been engaged in the practice of law for
18 at least ten (10) years;
- 19 e) Must have been involved in human rights protection and promotion
20 activities; and
- 21 f) Must not have been candidates for any elective position in the
22 immediately preceding elections;

23 SEC. 5. *Appointment and Term of Office.* - The Chairman and Commissioners
24 shall be appointed by the President with the consent of the Commission on Appointments
25 for a term of seven years without reappointment. The first appointees shall be subject to
26 the transitory provisions provided hereunder. Appointment to any vacancy shall be only
27 for the unexpired term of the predecessor. In no case shall any Member be appointed or
28 designated in a temporary or acting capacity.

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

9 SEC. 7. *Salary, Retirement and Other Privileges of the Chairman and*
10 *Commissioners.* - The Chairman and Members of the Commission on Human Rights
11 shall receive the same salary and privileges as the Chairman and Members, respectively,
12 of the Constitutional Commissions, which shall not be decreased during their term of
13 office. Likewise, they shall receive the same retirement benefits as that of the
14 Constitutional Commissions as provided by law existing at the time of the expiration of
15 their term of office.

16 SEC. 8. *The Chairman as Executive Officer - Powers and Duties.* The
17 Chairman shall be the Chief Executive Officer of the Commission, and shall:

- 18 a) Execute and carry out the policies, decisions, orders and resolutions
19 approved by the Commission;
- 20 b) Direct and supervise the operations and internal administration of the
21 Commission;
- 22 c) Sign appointments of subordinate officials and employees made by the
23 Commission and enforce decisions on administrative discipline
24 involving them;
- 25 d) Make temporary assignments, rotate and transfer personnel in
26 accordance with the provisions of the Civil Service Law and the
27 policies involving them;

- 1 e) Submit an annual budget to the Commission for its approval and
2 submission to the Department of Budget and Management and to the
3 Congress of the Philippines;
- 4 f) Delegate his/her authority, in whole or in part, to other officials of the
5 Commission in accordance with Executive Order No. 292, otherwise
6 known as the Administrative Code of 1987, and rules and regulations
7 of the Commission; and
- 8 g) Perform such other functions as may be authorized by the Commission.

9 SEC. 9. *Powers and Functions of the Commission.* - The Commission on
10 Human Rights shall have the following powers and functions:

- 11 a) Investigate, on its own or on complaint by any party, all forms of
12 human rights violations;
- 13 b) Provide appropriate legal measures for the protection of human rights
14 of all persons within the Philippines, as well as Filipinos residing
15 abroad, and provide for preventive measures and legal services to the
16 underprivileged whose human rights have been violated or need
17 protection;
- 18 c) Request the assistance of any department, bureau, office or agency in
19 the performance of its duty;
- 20 d) Grant immunity from prosecution to any person whose testimony or
21 possession of documents or other evidence is necessary or convenient
22 to determine the truth in any investigation conducted by it or under its
23 authority;
- 24 e) Exercise visitorial powers over jails, prisons, or detention facilities;
- 25 f) Monitor the Philippine government's compliance with international
26 obligations on human rights;
- 27 g) Establish a continuing program of research, education and information
28 to enhance respect for the primacy of human rights;

- 1 h) Issue clearances to members of the military, police and other law
2 enforcement agencies for purposes of promotion and/or appointment;
3 and for such issuances, collect fees therefore, subject to government
4 accounting and auditing rules and regulations;
- 5 i) Recommend to Congress effective measures to promote human rights
6 and to provide for compensation to victims of violations of human
7 rights, or their families;
- 8 j) Adopt its operational guidelines and rules of procedures and cite for
9 contempt for violations thereof in accordance with Rules of Contempt;
- 10 k) Appoint its officers and employees in accordance with law; and
- 11 l) Perform such other duties and functions as may be provided by law.

12 SEC. 10. ***Quasi-judicial Powers of the Commission.*** - In addition to the powers
13 and functions conferred upon the Commission by the Constitution and pursuant to Section
14 18 (11) and Section 19 of Article XIII thereof, the Commission is hereby vested with
15 primary original and exclusive jurisdiction to investigate the criminal and administrative
16 aspects of human rights cases *per se*, involving civil, political, economic, social and
17 cultural rights, except cases falling under the exclusive jurisdiction of the Department of
18 Justice and the Ombudsman.

19 Specifically, such jurisdiction shall extend over, but not be limited to, human rights
20 cases where the violation of law or acts complained of is:

- 21 a) Tantamount to summary and/or extrajudicial execution (salvaging), or
22 cases of disappearances;
- 23 b) A deprivation of a person's right to a fair and public trial;
- 24 c) A willful disregard of the rights of a person under custodial
25 investigation;
- 26 d) A deprivation of the rights of political detainees;
- 27 e) An illegal demolition, arbitrary eviction or disposition of residential
28 houses or units;

1 f) A violation of international conventions and international instruments
2 ratified by the Philippine government relating to human rights;

3 g) Committed by any person or group of persons in the name of or for the
4 advancement of the cause of an organization for political purposes, for
5 religious beliefs or because of cultural or ethnic causes whereby a
6 person or group of persons are duly injured or killed or deprived of
7 liberty, property, and the free exercise of their civil and political rights.

8 The offender shall also be liable for the injury and death caused by
9 his/her or their acts as fined and punished under existing laws;

10 h) Tantamount to a denial of the rights to return to one's country;

11 i) Tantamount to a denial of the rights to seek and enjoy asylum from
12 persecution pursuant to Article 14 of the Universal Declaration of
13 Human Rights; and

14 j) Tantamount to unlawful discrimination. Such discrimination shall
15 cover, but not be limited to, cases where the violation of law or acts
16 complained of is:

17 i. Related to age, sex or disability;

18 ii. Access by the public to places, vehicles and facilities;

19 iii. Right to housing, land and other accommodation.

20 Subject to the essential requirements of due process, it shall not be bound by
21 technical rules of procedure and evidence but shall proceed to hear and decide human
22 rights cases or controversies in a most expeditious manner, employing all reasonable
23 means to ascertain the facts of every case in accordance with justice and equity and the
24 merits of the case. Toward this end, it shall adopt uniform rules of procedure to achieve a
25 just, expeditious and inexpensive determination of every action or proceeding before it.

26 The Commission shall have the power to grant preliminary injunctions or
27 restraining orders, upon verified motion or of so prayed for in the complaint, when it is
28 established on the basis of sworn allegations that the acts complained of, if not enjoined,
29 would cause some grave and irreparable damage or injury to any of the parties in interest.

1 No inferior Court in the Philippines shall have jurisdiction to issue any restraining order or
2 writ of preliminary injunction against the Commission or any of its duly authorized and/or
3 duly designated officer(s) in any case or controversy pending before it in the exercise of
4 its judicial function.

5 It shall have the power to Summon the parties and witnesses to a controversy,
6 administer oath, take testimony in any investigation or hearing before it, issue *subpoena*
7 *ad testificandum* and *subpoena duces tecum* and/or delegate such power to any official of
8 the Commission who shall be a member of the Philippine Bar. It has the power to require
9 submission of reports in relation to cases before it, compel the production of books
10 documents and answers to interrogations, to enforce and execute its decisions, directives,
11 orders, writs, and instructions through sheriffs or other duly deputized officers which shall
12 have precedence over those emanating from any other authority except the Supreme Court
13 or the Court of Appeals and those issued in habeas corpus proceedings.

14 It shall have the powers to punish direct and indirect contempt in the same manner
15 and subject to the same penalties, as provided in the Rules of Court. Any violation of any
16 final and executory decision, order or ruling of the Commission shall constitute contempt
17 thereof.

18 Any controversy, matter and/or case brought before the Commission shall, after
19 compliance with the requirements of due process, be immediately heard and resolved
20 within sixty (60) days from the date of its submission for decision and/or resolution. No
21 decision or resolution shall be rendered by the Commission unless taken up in a formal
22 session *en banc* properly convened for the purpose.

23 The Commission shall promulgate its rules of procedure for the effective exercise
24 or performance of its powers, functions, and duties. It shall provide for a mechanism for
25 alternative dispute resolution in pertinent cases. The rules of procedure shall include a
26 provision whereby the Rules of Court are made suppletory. The rules shall take effect
27 after fifteen days following the completion of their publication in the Official Gazette or

1 in two (2) newspapers of national circulation in the Philippines, one of which is printed in
2 the national language.

3 SEC. 11. *Exception in Relation to Employment Matters.* – Nothing in Section 10
4 of this Act shall prevent different treatment based on sex, age, religion or a political nature
5 where:

- 6 a) The work involves national security;
- 7 b) The different treatment based on sex or age is a genuine occupational
8 qualification for the position of employment;
- 9 c) The position needs to be held by one sex to preserve reasonable
10 standards of privacy;
- 11 d) The different treatment is based on sex, race, ethnic or national origin
12 where the position is that of a counselor or highly political or personal
13 matter; and
- 14 e) The different treatment is where the duties of the position are to be
15 performed on the nature of those duties, or of some of them, is such
16 that the person could perform those duties only with a risk of harm to
17 that person or to others;
- 18 f) Where the position required a particular age group as a genuine
19 occupational qualification for the position.

20 SEC. 12. *Exceptions.* – The Commission shall not conduct the necessary
21 investigation of any act or omission complained of if it believes that:

- 22 a) The complaint has an adequate remedy in another judicial or quasi-judicial
23 body;
- 24 b) The complaint pertains to a matter outside the jurisdiction of the CHR;
- 25 c) The complaint is trivial, frivolous, vexatious or made in bad faith;
- 26 d) The complainant has no sufficient personal interest in the subject matter of
27 the grievance; or

1 e) The complaint was filed after one (1) year from the act or occurrence of the act
2 or omission complained of.

3 f) The complainant is forum shopping

4 SEC. 13. ***Preventive Suspension.*** – The Commission may preventively suspend
5 any government officer or government employee pending an investigation, if in its
6 judgment: (a) the evidence of guilt is strong; (b) the charges would warrant removal
7 from the service, and (c) the respondent’s continued stay in office may prejudice the case
8 filed against him.

9 The preventive suspension shall continue until the case is terminated by the
10 Commission but not more than three (3) months without pay, except when the delay in
11 the disposition of the case by the Commission is due to the fault, negligence or petition
12 of the respondent, in which case the period of such delay shall not be counted in
13 computing the period of suspension herein provided.

14 SEC. 14. ***Damages.*** – The Commission may award damages to complainant(s)
15 chargeable against respondent(s) for breach of any of the provisions of this Act in
16 respect to any one or more of the following:

17 a) Pecuniary loss;

18 b) Loss of any benefit, whether or not of monetary kind;

19 c) Humiliation, loss of dignity, or injured feelings of the aggrieved person.

20 The Commission may award damages to respondent(s) chargeable against
21 complainant(s) for complaints that are trivial, frivolous, vexatious or made in bad faith.

22 SEC. 15. ***Duty to Render Assistance to the Commission on Human Rights.*** –
23 Any officer or employee of any department, bureau or office, subdivision, agency or
24 instrumentality of the Government, including government-owned or controlled
25 corporations and local government, when required by the Commission shall render
26 assistance to the Commission on Human Rights.

27 SEC. 16. ***Obstruction.*** – Any person who, after hearing, is found to have
28 willfully obstructed or hindered the proper exercise of the functions of the Commission
29 on Human Rights, or who willfully misleads or attempts to mislead the Chairman, the

1 Commissioner and the duly delegated Commission lawyers in replying to their queries
2 shall be cited for contempt in accordance with the Rules of Court. In addition, he shall be
3 penalized by a fine of not exceeding Twenty Five Thousand Pesos (P 25,000.00), at the
4 discretion of the Commission.

5 SEC. 17. **Penalties.** - Any person found guilty of any human rights violation shall
6 be punished with suspension or removal from the office, disqualification from holding
7 public office or public trust, if the offender is a public official, or by a fine of not
8 exceeding Fifty Thousand Pesos (P50,000.00), or both at the discretion of the
9 Commission. This is without prejudice to whatever liabilities he may have incurred under
10 the Revised Penal Code or any other laws.

11 SEC. 18. **Transmittal/Publication of Resolution.** - Every case to which the
12 Commission has readied a resolution or recommendation adverse to a public official or
13 agency shall be transmitted to the head of the department, agency or instrumentality, or of
14 the province, city or municipality concerned for such immediate actions as may be
15 necessary.

16 SEC. 19. **Judicial Review.** - Any resolution, order and/or ruling of the
17 Commission on all forms of human rights violations involving civil and political rights, as
18 well as violations of economic, social and cultural rights as provided in this Act, may be
19 brought to the Court of Appeals by certiorari within fifteen (15) days from receipt of a
20 copy thereof.

21 The findings of facts of the Commission shall be final and conclusive if based on
22 substantial evidence.

23 SEC. 20. **Appeals.** - An appeal from the resolution, order or ruling of the Court of
24 Appeals shall be by petition for review with the Supreme Court within a non-extendible
25 period of fifteen days from receipt of a copy of the said decision.

26 SEC. 21. **Monitoring Function.** - The Commission, under its monitoring
27 function, shall investigate *motu proprio*, the Philippine government's compliance with
28 international treaty obligations on human rights. The Commission shall then remind the
29 heads of departments, agencies or offices of said treaty obligations.

- 1 SEC. 22. *Structural Organization.* - The Commission shall have the following
2 line offices and operating units:
- 3 a) *Office of the Chairman and Commissioners;*
 - 4 b) *Office of the Assistant Commissioners, Office of the Executive Director and*
5 *the Commission Secretariat;*
 - 6 c) *Clerk of the Commission;*
 - 7 d) *Legal Office;*
 - 8 e) *Field Operations Office;*
 - 9 f) *Public Information office;*
 - 10 g) *Education and Training Office;*
 - 11 h) *Information System Management Office;*
 - 12 i) *Assistance and Visitorial Office;*
 - 13 j) *Planning and Management Office;*
 - 14 k) *Financial Management Office;*
 - 15 l) *Forensic Office;*
 - 16 m) *Sectoral Rights Offices;*
 - 17 n) *General Administrative Service Office; and*
 - 18 o) *Regional Offices.*

19 Each of the above line offices and operating units, except for the Offices of the
20 Assistant Commissioners, Executive Director and Commission Secretary, shall be headed
21 by an officer with an equivalent rank and salary and privileges of a Director IV. Each
22 office may have such divisions as are necessary to carry out their respective functions. As
23 an independent constitutional office, the Commission may effect changes in the
24 organization as the need arises.

25 All officers and employees of the Commission, unless otherwise provided herein,
26 shall receive salaries and privileges that shall not be less than those given to comparable
27 positions in any office in the government.

28 SEC. 23. **The Assistant Commissioners** - There shall be ten (10) Assistant
29 Commissioners, including the Executive Director and the Commission Secretary. Eight of

1 whom shall be responsible for sectoral concerns on human rights. The Assistant
2 Commissioners must be with proven integrity and competence, has been in the actual
3 practice of human rights promotion and protection for five (5) years. He/She shall have
4 the rank and salary and privileges of a Director V.

5 SEC. 24. *The Executive Director* - The Executive Director shall be responsible
6 for managing the day-to-day affairs, activities and operations of the Commission, in
7 accordance with its policies and instruction; she/he shall have general supervision over all
8 line and staff offices, regional offices and personnel; and, she/he shall perform such other
9 duties and functions as the Commission may assign to her/him.

10 The Executive Director shall be appointed by the Commission and shall be a
11 member of the *Philippine Bar with proven integrity and competence*, has been in the
12 actual practice of law for five (5) years and/or has held any position in the government
13 requiring the qualifications of a lawyer prior to her/his appointment, and has been
14 involved in human rights promotion and protection activities. She/He shall have the rank
15 and salary and privileges of an Assistant Commissioner.

16 SEC. 25. *The Commission Secretary*. - A Commission Secretariat shall provide
17 executive services to the Commission on its regular, special and executive meetings,
18 assistance on policy review and coordination, review and appraisal of the programs and
19 other project undertakings of the Commission and technical support on the formulation of
20 guidelines, directives, mandates and executive summaries and reports of the Commission.
21 In addition, this office shall assist in the establishment, promotion and coordination of
22 inter-agency network with local and international private and public organizations
23 concerned with human rights problems and also, undertake special studies and researches
24 on the country's human rights plans and international commitments.

25 The Commission Secretary, appointed by the Commission, shall be a holder of any
26 master's degree, with proven integrity and competence, must have at least three (3) years
27 experience in management services and technical assistance work or its equivalent
28 position in the government and has consistently been involved in human rights promotion

1 activities. He/She shall have the rank and salary and privileges of an Assistant
2 Commissioner.

3 **SEC. 26. Clerk of the Commission.** – The Clerk of the Commission shall be
4 appointed by the Commission who shall be a member of the Philippine Bar, and who shall
5 have been in actual practice of law for five (5) years, or has held during the same period
6 any position in the government requiring the qualifications of a lawyer. He shall receive
7 the rank and salary of a Director IV.

8 The Clerk of the Commission shall take charge of the case docket of the
9 Commission as a quasi judicial body and supervises the administration of and records of
10 cases related to human rights violations.

11 **SEC. 27. *Duties and Functions of the Offices of the Commission.*** - The
12 different offices of the Commission provided in Section 15 of this Act shall operate in
13 accordance with their respective duties and functions assigned them by the Commission
14 subject to requirements of efficiency, economy and effectiveness, and pertinent budget
15 and civil service laws, rules and regulations.

16 **SEC. 28. *Regional Offices.*** - The Commission shall have seventeen (17)
17 regional offices established by law, with two regional offices for Region IV and including
18 the National Capital Region (NCR), the Caraga Administrative Region, Cordillera
19 Administrative Region (CAR) and Autonomous Region of Muslim Mindanao (ARMM).

20 Each Regional Office shall be headed by a Regional Human Rights Director, who
21 must be a lawyer, assisted by an Assistant Regional Human Rights Director, and such
22 other subordinate officers or employees as the Commission may appoint. The Assistant
23 Regional Human Rights Director shall carry the rank and receive the same salary and
24 privileges of Director III.

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

1 SEC. 29. *Implementing Rules and Regulations.* – The Commission, shall, within
2 sixty (60) days from the approval of this act formulate the implementing rules and
3 procedures which shall include, but not limited to, the functions and duties of the assistant
4 commissioners, the executive director, the commission secretary and the heads of the line
5 offices, the procedure for investigation and such other matters necessary for the
6 implementation of this Act.

7 SEC. 30. *Franking Privilege.* - All official mail matters and telegrams of the
8 Commission addressed for delivery within the Philippines shall be received, transmitted
9 and delivered free of charge by the Philippine Postal Corporation, *Provided*, that such
10 mail matters when addressed to private persons or non-government offices shall not
11 exceed one thousand and twenty (1,020) grams. All mail matters and telegrams sent
12 through government telegraph facilities containing complaints to the Commission on
13 Human Rights shall be transmitted free of charge, *Provided*, that the telegram shall
14 contain not more than one hundred and fifty (150) words.

15 SEC. 31. *Appropriations.* - Such sums as may be necessary for the effective
16 implementation of this Act shall be included in the Annual General Appropriations Act for
17 the year following the enactment of this Act.

18 SEC. 32. *Fiscal Autonomy.* - The Commission on Human Rights shall be
19 independent and shall enjoy fiscal autonomy. Appropriations for the Commission may
20 not be reduced by the legislature below the amount appropriated for the previous years
21 and after approval shall be automatically and regularly released.

22 Fines, penalties, fees, charges and other collections made by the Commission shall
23 form part of its funds.

24 SEC. 33. *Transitory Provisions.* - In order to properly implement the provisions
25 of this Act, the terms of office of the Chairman and the members shall be as follows: of
26 those first appointed, the Chairman shall hold office for seven (7) years, two (2) Members
27 for five (5) years and the other two (2) Members for three (3) years without
28 reappointment. Thereafter, all Members of the Commission will hold office for seven (7)
29 years without reappointment.

1 Provided that, nothing in this Act shall prejudice the positions, emoluments,
2 security of tenure and other privileges enjoyed by the incumbent officers and employees
3 of the Commission before the implementation of this Act.

4 SEC. 34. *Separability Clause.* - If any provision of this Act shall be held
5 unconstitutional, other provisions not affected thereby shall remain valid and binding.

6 SEC. 35. *Repealing Clause.* - All laws, presidential decrees, letters of
7 instructions, executive orders, rules and regulations insofar as they are inconsistent with
8 this Act are hereby repealed or amended, as the case may be.

9 SEC. 36. *Effectivity Clause.* - This Act shall take effect fifteen (15) days upon
10 its publication in at least two (2) newspapers of national circulation or in the Official
11 Gazette.

12 **Approved,**