

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



Senate  
Office of the Secretary

13 JUL -4 AM 10:08

SENATE

S. NO. 479

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**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, the Commission is usually unable to address the protection of human rights due to its failure to prosecute reported cases of human rights violations. This can be attributed to the fact that it is tied up by existing law that provides the CHR only investigative and advocacy powers.

Recognizing the need for an effective and speedy resolution of all human rights cases filed with the CHR, this bill 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. It is hoped that the Commission will be able to efficiently respond to the victims of human rights violations and the general public through providing it with prosecutorial powers over delineated forms of human rights violations.

In view of the foregoing, immediate approval of this measure is earnestly requested.

ANTONIO "SONNY" F. TRILLANES IV  
Senator



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S. NO. 479

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**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 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 *Charter*".

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

8  
9     **SEC. 3. Definition of Terms.** - For purposes of this Act, human rights shall include those  
10 rights found in Article III of the Constitution and those affirmed and recognized by the State in  
11 the following international covenants: the Universal Declaration of Human Rights (1948); the  
12 International Covenant on Civil and Political Rights (1976); and the International Covenant on  
13 Economic, Social and Cultural Rights (1976), and any other international treaties on human  
14 rights to which the Philippines is a signatory.

15  
16                     **I. THE COMMISSION ON HUMAN RIGHTS**

17                             **A. Nature of the Commission**

18     **SEC. 4. The Commission as an Independent Office and as the National Human Rights**  
19 ***Institution of the Philippines.*** - The Commission on Human Rights is an independent  
20 constitutional office and is the national human rights institution of the Philippines in accordance  
21 with the Principles Relating to the Status of National Institutions ("The Paris Principles") and  
22 other United Nations' Resolutions and Instruments pertaining to the effective functioning of  
23 national human rights institutions.

1           **SEC. 5. Fiscal Autonomy.** - The Commission shall always enjoy full fiscal autonomy  
2 equivalent to that of the Constitutional Commissions under Art. IX of the 1987 Constitution. The  
3 approved annual appropriations of the Commission shall be automatically and regularly released.  
4

5   **B. The Chairperson and Commissioners**

6           **SEC. 6. The Commission, Composition and Qualifications.** - The Commission on  
7 Human Rights, also referred to as the Commission in this Act, is a collegial body and shall be  
8 composed of a Chairperson and four (4) Commissioners who shall possess the following  
9 qualifications:

- 10 a) Must be natural-born citizens of the Philippines;  
11 b) Must be at least thirty five (35) years of age at the time of their appointment, who are human  
12 rights advocates of known probity, competence and integrity;  
13 c) Majority of whom, including the Chairperson, must be members of the Philippine Bar who  
14 have been engaged in the practice of law for at least five (5) years;  
15 d) Must have an understanding of human rights protection, promotion and advocacy;  
16 e) Must not have been candidates, including party-list nominees, for any elective position in any  
17 national or local elections, immediately preceding their appointment.  
18

19           **SEC. 7. Appointment and Term of Office.** - The Chairperson and Commissioners shall  
20 be appointed by the President for a term of seven (7) years without re-appointment. Of those first  
21 appointed under this Act, the Chairperson shall hold office for seven (7) years, two (2)  
22 Commissioners for five (5) years and the other two (2) Commissioners for three (3) years, all  
23 without reappointment. In no case shall any commissioner be appointed, re-appointed or  
24 designated in a temporary or acting capacity.

25           The term of the Chairperson and Commissioners of the Commission shall start on the day  
26 immediately after the end of the previous term, regardless of the date of appointment.  
27 Appointment to any vacancy occurring during the term shall be only for the remaining portion of  
28 said term.  
29

30           **SEC. 8. Prohibition and Disqualification.** - The Chairperson and Commissioners of the  
31 Commission shall not, during their tenure, hold any other office or employment. Neither shall  
32 they engage in the practice of any profession or in the active management or control of any  
33 business which in any way may be affected by the functions of their office, nor shall they be  
34 financially interested, directly or indirectly, in any contract with, or in any franchise or privilege,  
35 granted by the Government and its subdivisions, agencies or instrumentalities, including  
36 government-owned or controlled corporations or their subsidiaries. They shall avoid conflict of  
37 interest in the conduct of their office. They shall not be allowed to appear or practice before the  
38 Commission for two years following their cessation from office.

1 No spouse or relative by consanguinity or affinity within the fourth civil degree and no  
2 law, business or professional partner or associate of the Chairperson or Commissioners may  
3 appear as counsellor agent on any matter pending before the Commission or transact business  
4 directly or indirectly therewith. This disqualification shall apply during the tenure of the official  
5 concerned and one year thereafter.

6  
7 **SEC. 9. *Disclosure of Relationship.*** - It shall be the duty of the Chairperson and  
8 Commissioners to make under oath to the best of their knowledge and information a written  
9 public disclosure of the identities of, and their relationship with the persons referred to in the  
10 preceding section. The disclosure shall be filed with the Office of the Ombudsman before the  
11 appointee assumes office and every annual anniversary of the date of assumption of office  
12 thereafter. The disclosures made pursuant to this Section shall form part of the public records and  
13 shall be made available and accessible to the public.

14  
15 **SEC. 10. *Salary, Retirement, Benefits and Other Privileges of the Chairperson and 10***  
16 ***Commissioners.*** - The Chairperson and Commissioners of the Commission shall receive the  
17 same salary, privileges and benefits as the Chairperson and Members of the Constitutional  
18 Commissions which shall not be decreased during their term of office. Likewise, they shall  
19 receive the same retirement benefits to those of the Constitutional Commissions as provided by  
20 law.

21  
22 **SEC. 11. *Removal from Office.*** - The Chairperson and Commissioners of the  
23 Commission may be removed from office on any of the following grounds:

- 24 (a) Disloyalty to the Republic of the Philippines;  
25 (b) Culpable violation of the Constitution;  
26 (c) Bribery and graft and corruption, [other high crimes, or betrayal of public trust];  
27 (d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;  
28 (e) Commission of any offense involving moral turpitude or an offense punishable by *prision*  
29 *mayor*;  
30 (f) Abuse of authority;  
31 (g) Such other grounds as may be provided by law.

32  
33 The proceedings for removal shall be initiated by filing a verified complaint with the  
34 Court of Appeals stating the grounds therefor and alleging the ultimate facts upon which the  
35 complaint is based.

36  
37 The Court of Appeals shall act on the complaint and conduct the necessary investigation  
38 and hearing. Thereafter, the Court of Appeals shall dismiss the complaint or declare the removal

1 from office of the Chairperson or Commissioner of the Commission within ninety (90) days from  
2 the date of filing of the complaint. Failure to resolve the complaint within said period shall result  
3 in its automatic dismissal.

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

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

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### C. Nomination of Chairperson and Commissioners

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**SEC. 12. *Nominations Committee.*** - The President shall choose and appoint the  
Chairperson and Commissioners of the Commission from a list of three (3) nominees per  
position selected by a Nominations Committee to be composed of the following members:

a) The Chairperson of the Commission on Human Rights or if vacant, any Commissioner as  
designated by the Commission En Banc;

b) The Chairperson of the Senate Committee on Justice and Human Rights;

c) The Chairperson of the House of Representatives' Committee on Human Rights;

d) Four (4) members selected by the Commission from any of the following duly accredited  
entities, sectors or groups : human rights non-government organizations (NGOs), people's  
organizations, lawyers' and/or paralegal groups, indigenous peoples, the academe; woman, child  
and family rights groups.

**SEC. 13. *Selection of Nominees.*** - The members of the Nominations Committee shall  
each have one vote. They shall meet not later than thirty (30) days before the end of a current  
term or within seven (7) days after the occurrence of a vacancy during a term. They shall submit  
to the President their list of nominees thirty (30) days before the end of said term or thirty (30)  
days after said vacancy. The President shall make the appointment within thirty (30) days after  
the submission of the list of nominees by the Nominations Committee.

The Commission shall provide secretariat support to the Nominations Committee. It shall  
make all proceedings of the Nominations Committee open and accessible to the public.  
Vacancies as well as the list of nominees shall be published in a newspaper of general  
circulation. The Nominations Committee shall adopt its own rules of procedure.

**SEC. 14. *Pluralist Representation.*** - In the selection of nominees for Chairperson and  
Commissioners of the Commission, the Nominations Committee shall take into consideration  
pluralist representation of Philippine society in the promotion and protection of human rights.

**SEC. 15. *Non-Government and People's Organization Representatives to the  
Nominations Committee.*** - The duly accredited human rights non-government organizations

1 (NGOs), people's organizations (PO's), lawyers' and/ or paralegal groups, representatives from  
2 indigenous peoples, representatives from the academe, as well as woman, child and family rights  
3 groups shall from among themselves choose the four (4) representatives to the Nominations  
4 Committee in a meeting attended by an authorized representative of the Commission. In the  
5 absence of a selection procedure agreed upon by said organizations, the Commission shall  
6 promulgate the rules of procedure to govern the selection of the four (4) representatives by the  
7 accredited organizations.

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## II. POWERS AND FUNCTIONS

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### A. General Powers and Functions

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**SEC. 16. *General Powers and Functions of the Commission.*** - The Commission on

12

Human Rights shall have the following general powers and functions:

13

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

14

b) Adopt its operational guidelines and rules of procedure and cite for direct and indirect  
15 contempt for violations thereof or its lawful orders in accordance with the Rules of Court;

16

c) Provide appropriate legal and preventive measures for the protection of human rights of all  
17 persons within the Philippines, as well as Filipinos residing abroad;

18

d) Provide legal aid services to the underprivileged whose human rights have been determined by  
19 the Commission to have been violated or in of need protection to prevent a violation thereof;

20

e) Exercise unhampered and unrestrained visitorial powers over jails, prisons, camps, detention  
21 facilities, safe houses and similar premises, provided prior coordination is had with the agencies  
22 of government concerned;

23

f) Establish a continuing program of research, education and information dissemination to  
24 promote respect for the primacy of human life and dignity, and the protection of human rights;

25

g) Recommend to Congress effective measures to promote human rights and to provide for  
26 compensation to victims of violations of human rights, or their families;

27

h) Monitor the Philippine government's compliance with international treaty obligations on  
28 human rights;

29

i) Grant immunity from prosecution to any person whose testimony or possession of documents  
30 or other evidence is necessary to determine the truth in any investigation or prosecution  
31 conducted by it or under its authority;

32

j) Request the assistance of any department, bureau, office or agency in the performance of its  
33 functions;

34

k) Deputize government prosecutors or private lawyers, who shall be under the direct control and  
35 supervision of the Commission, for the prosecution of human rights cases under Section hereof;

36

l) Accredite national non-government and people's organizations involved in human rights  
37 promotion, protection and advocacy, including those for purposes of visiting persons arrested,  
38 detained or under custodial investigation;

- 1 m) Ensure that the status, rights and interests of children and of the family are upheld in  
2 accordance with the Constitution, laws and duly ratified instruments on human rights;
- 3 n) Create, establish, organize, re-structure, compress, and otherwise manage such offices and  
4 centers the Commission deems necessary and appropriate for expeditious and effective  
5 fulfilment of its mandate, including a central office, regional, sub-regional, and provincial offices  
6 for specific thematic and functional matters;
- 7 o) Appoint its officers and employees in accordance with law; and
- 8 p) Perform such other duties and functions as may be provided by law.

9  
10 **B. Investigation**

11 **SEC. 17. Investigative Powers and Functions.** - The Commission shall exercise primary  
12 and original jurisdiction to investigate, on complaint or *motu proprio*, cases of human rights  
13 violations to include civil, political, economic, social and cultural rights. In the exercise of its  
14 investigative function, the Commission shall have the following powers:

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

36 **SEC. 18 . Imprescriptibility of Human Rights Violations.** - The investigation of human  
37 rights violations shall not be subject to any statute of limitations or prescriptive period.

38

1           **SEC. 19. *Scope of Preventive Measures.*** - The preventive measures under Article XIII,  
2 Sec. 18 (3) of the Constitution that may be issued by the Commission in the investigation of  
3 cases involving all forms of human rights violations shall include the following:

4 a) Issuance of injunctive relief directing any member of the government's military or police  
5 forces, as well as public officials or employees, or any person acting under their control and  
6 supervision, to immediately desist from hiding, transferring, torturing or abusing a detainee and  
7 to allow access to said detainee by the Commission, his/her counsel, physician, psychologist,  
8 priest, pastor, rabbi, imam or any spiritual adviser and relatives;

9 b) Order compelling the government official or employee, or any person in control of the  
10 premises of any government agency or office, specifically police and military detention facilities,  
11 secret detention places, stations, installations, camps, bases, and training schools, as well as  
12 private land and property, to permit the inspection of said premises;

13 c) Order to transfer persons deprived of their liberty and in danger of reprisal or retaliation due to  
14 the filing of a complaint in connection with his/her detention, in order to secure safety of his/her  
15 person;

16 d) Restraining order prohibiting respondent, any unites), personnel or persons under his/her  
17 immediate supervision from entering the immediate vicinity of the affected area or residence of  
18 any person who's human rights are being violated or are in danger of violation and from  
19 searching the victim or his belongings;

20 e) Injunction ordering respondent to refrain from committing any and all acts that would tend to  
21 cause irreparable harm and have the immediate effect of rendering the investigation of the  
22 Commission moot and academic.

23  
24           **SEC. 20. *Scope of Legal Measures.*** - The legal measures under Article XIII, Sec. 18  
25 (3) of the Constitution that may be provided by the Commission shall include the following:

26 a) Mandatory protection orders (MPO's) directing government security forces, other government  
27 agencies, or private institutions to provide specific protection to victims of human rights  
28 violations;

29 b) Orders deputizing government offices and private institutions and organizations for the  
30 purpose of providing protection; and

31 c) Orders deputizing government and private lawyers as counsels *de officio* to ensure that the  
32 human rights of the victim are not further violated; and

33 d) Any order the purpose of which is analogous to any of the foregoing.

34  
35           **SEC. 21. *Grant of Immunity.*** - The Commission may grant immunity from prosecution  
36 to any person whose possession and production of documents or other evidence may be  
37 necessary to determine the truth in any hearing, inquiry or proceeding under such terms and  
38 conditions as it may determine taking into account the pertinent provisions of the Rules of Court



1 and its own rules. The immunity shall only be granted after a determination of the relevance,  
2 veracity and authenticity of the evidence sought to be presented by the Commission. The  
3 immunity granted shall be revoked on account of evidence presented to be true but which is, in  
4 fact, false and spurious and without which the Commission would not have granted immunity.

5  
6 **SEC. 22. Preventive Suspension.** - With the exception of Members of Congress, the  
7 Judiciary, and impeachable officials, the Commission may preventively suspend any officer or  
8 employee including but not limited to elective or appointive public officers or employees,  
9 including Members of the Cabinet, local government, government-owned-or- controlled  
10 corporations and their subsidiaries, pending an investigation, provided it determines that (a) the  
11 evidence of guilt is strong; (b) the charges would warrant removal from the service; and (c) the  
12 respondent's continued stay in office may prejudice the case filed against him/ her.

13 The preventive suspension shall be immediately executory, unless restrained by the Court  
14 of Appeals or the Supreme Court and shall continue until the case is terminated by the  
15 Commission; *Provided*, that said suspension shall not be more than sixty (60) days without pay,  
16 except when the delay in the disposition of the case by the Commission is due to the fault,  
17 negligence or petition of the respondent, in which case the period of such delay shall not be  
18 counted in computing the period of suspension herein provided.

19 The respondent official or employee preventively suspended from office shall receive no  
20 salary or compensation during such suspension. However, upon subsequent exoneration and  
21 reinstatement, he shall be paid full salary or compensation including such emoluments, benefits  
22 and privileges accruing during such suspension.

23 In the case of a suspended elective official, upon expiration of the period of preventive  
24 suspension, he shall be deemed reinstated in office without prejudice to the continuation of the  
25 proceedings against him which shall be terminated within one hundred twenty (120) days from  
26 the date the official was formally notified of the case.

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

31  
32 **SEC. 23. Referral to Disciplining Authority.** - The Commission may endorse and/ or  
33 recommend to the proper authorities the filing of the appropriate sanction or disciplinary action  
34 against a public officer or employee found guilty of committing violations of human rights and  
35 recommend his removal, suspension, demotion, censure, imposition of fine, or prosecution and  
36 to ensure compliance by requiring the officer concerned to report on his action within thirty (30)  
37 days from receipt of the recommendation and or endorsement of the Commission. The failure of

1 the appropriate authority to act or comply with said recommendation or endorsement shall  
2 constitute a ground for an application of the issuance of a writ of mandamus by the Commission.

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

7  
8 **SEC. 24. *Motu Proprio Dismissal.*** - The Commission may dismiss, *motu proprio*, a  
9 complaint for the investigation of human rights violations on any of the following grounds:

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

13  
14 **SEC. 25. *Investigation by Regional Offices.*** - The proper regional office of the  
15 Commission shall investigate complaints falling within its territorial jurisdiction unless the  
16 Commission *en banc*, in its discretion, takes direct cognizance of the same. Upon  
17 recommendation of the regional office in investigations pending before it, the Commission *en*  
18 *banc* may issue legal and preventive measures and preventive suspension orders which are  
19 immediately executory. Within ten (10) days after concluding the investigation, the regional  
20 office shall render the appropriate order, directive or resolution subject to appeal to the  
21 Commission *en banc* pursuant to its rules.

### 22 23 **C. Prosecution**

24 **SEC. 26. *Concurrent Limited Prosecutorial Powers and Functions.*** - The Commission  
25 shall exercise concurrent prosecutorial powers and functions as herein provided.

26 In the event of the failure of the Department of Justice or Office of the Ombudsman to  
27 initiate a preliminary investigation within twenty (20) days from its receipt of the case  
28 recommended for prosecution by the Commission, the inaction shall be considered as an  
29 automatic endorsement of the matter to the Commission without any further act or notice by the  
30 Department of Justice or Office of the Ombudsman for purposes of preliminary investigation.  
31 Thereafter, the Commission shall conduct the preliminary investigation and upon a finding of  
32 probable cause, issue a resolution for the filing of the appropriate information and prosecution of

33 For this purpose, the Commission shall have the power to deputize government  
34 prosecutors or private lawyers to prosecute the criminal offenses that have been the subject of  
35 its preliminary investigation. The prosecution shall remain under the Commission's direct control  
36 and supervision.

37 This section shall apply only to the following cases:

1 **A.) When committed by State Actors** - in cases where the offender is a public officer as  
2 defined under Article 203 of Republic Act No. 3815, otherwise known as the Revised Penal  
3 Code as amended, and acting in his capacity as such, or any person acting on behalf or under the  
4 immediate control of the State and its agents, and where the human rights violation constitutes a  
5 criminal offense under the Revised Penal Code and special laws, as follows:

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

26  
27 **B.) When Committed by Non-State Actors** - Non-state actors are persons, other than public  
28 officers, belonging to and acting on behalf or under the immediate control of a juridical or non-  
29 juridical person, whether legitimate or illegitimate, including but not limited to the following:

- 30 a) Armed groups, bandits, warlords and private armies;
- 31 b) Criminal organizations and groups; and
- 32 c) Multi-national, foreign and domestic corporations, and other business entities.

33  
34 **C.) When Committed Against Vulnerable Persons** - in the investigation and prosecution of the  
35 following offenses as penalized under the Revised Penal Code and special laws when committed  
36 by any person against any member or group of vulnerable persons, as defined herein:

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

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

8 Vulnerable persons shall include children, the unborn, women, elderly, persons with  
9 disabilities, migrant workers, indigenous peoples, and ethnic and religious minorities.

10

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#### **D. Monitoring**

12 **SEC. 27. *Monitoring Powers and Functions.*** - In the exercise of its mandate to monitor  
13 the Government's compliance with its international human rights treaty obligations, the  
14 Commission shall have the following powers and functions:

- 15 a) Require any department, bureau or office, subdivision, agency or instrumentality of the  
16 Government to submit compliance reports on international human rights treaty and to furnish the  
17 Commission copies thereof within thirty (30) days from submission to the United Nations and  
18 other international bodies;
- 19 b) Conduct inquiries on the manner of implementation by the Philippine Government of specific  
20 human rights treaty obligations;
- 21 c) Summon any public official to explain on the measures undertaken by his or her agency in  
22 order to comply with the State's international treaty obligations on human rights;
- 23 d) Enter and inspect the premises of any government agency or office, specifically police and  
24 military stations, installations, camps, bases, and training schools and access books, records,  
25 files, documents or papers located in the above-mentioned office and facilities;
- 26 e) Study and recommend to the government international human rights treaties or instruments for  
27 its signature, ratification or accession;
- 28 f) Make timely and regular submission of independent reports to international human rights  
29 treaty bodies and other international human rights mechanisms;
- 30 g) Advise and assist the government on clearly-identified gaps in human rights treaty  
31 h) Capacitate stakeholders to enable participation in monitoring human rights treaty compliance  
32 by the government;
- 33 i) Delegate to its deputies, investigators or representatives, such authority or duty which shall  
34 ensure the effective exercise or performance of its monitoring functions; and  
35 j) Recommend and institutionalize best practices and incentives for human rights advocates and  
36 institutions.

37

1           **SEC. 28. *Other Monitoring Functions.*** - The Commission shall likewise monitor  
2 observance by non-state actors of human rights obligations arising from agreements entered into  
3 with the government, as well as unilateral declarations and similar undertakings.  
4

5           **SEC. 29. *Annual Report.*** - The Commission shall prepare and make public an annual  
6 report on the findings of its monitoring activities with regard to the state of the Government's  
7 compliance with its international human rights treaty obligations. The report shall include, but  
8 not be limited, to the following:

- 9 a) Identification of systematic patterns of human rights violations using documented cases;
- 10 b) Analysis of the factors which contribute to the commission of human rights violations;
- 11 c) Assessment of the legal mechanisms of existing institutions in providing adequate human  
12 rights protection;
- 13 d) Recommendations for legal, legislative, and institutional reforms for the greater promotion  
14 and protection of human rights; and
- 15 e) Statistics and data indicating the nature of complaints received, the investigations conducted  
16 and findings made, and the actions taken by the government agencies concerned on the  
17 Commission's recommendations.

#### 18 19                                   **E. Education and Advocacy**

20           **SEC. 30. *Education and Advocacy in Government.*** - The Commission shall  
21 undertake a program of human rights promotion and advocacy through education and training to  
22 promote and increase respect for the primacy and dignity of human life in all its *stages* and the  
23 protection of human rights in coordination with the different agencies of the government. It shall  
24 likewise administer a mandatory and continuing human rights education program for the  
25 military, police and other law enforcement agencies, as well as public school teachers, and shall,  
26 for this purpose, draw up the components of the program, accredit course and training providers,  
27 and issue certificates of completion to those who have successfully completed the program.  
28

29           **SEC. 31. *Education and Advocacy in Civil Society.*** - The Commission shall also  
30 undertake human rights education, advocacy, and information campaign programs among sectors  
31 of civil society, particularly the vulnerable, marginalized and underprivileged groups. In  
32 conducting this program, the Commission shall actively cooperate and coordinate with human  
33 rights non-government organizations, lawyers' groups, the academe and people's organizations of  
34 the concerned sectors of civil society.  
35

36           **SEC. 32. *Research.*** - The Commission shall undertake a continuing research and study  
37 on select human rights issues for purposes of recommending policy reforms, as well as

1 administrative and legislative measures that will also address economic, social and cultural  
2 rights.

3  
4 **SEC. 33. Coverage of Programs.** - The Commission shall prescribe the scope and  
5 coverage of education, advocacy, information and training programs on human rights, and which  
6 will be provided for in the implementing rules and regulations of this Act.

7  
8 **F. Other Powers and Functions**

9 **SEC. 34. Witness Protection Program.** - The Commission shall strengthen its witness  
10 protection program, including the provision of security, shelter, relocation and livelihood  
11 assistance to witnesses and their families.

12  
13 **SEC. 35. Financial Assistance Program.** - The Commission shall enhance its financial  
14 assistance program to victims of human rights violations and their families.

15  
16 **SEC. 36. Legal Assistance Program.** - The Commission shall implement a legal  
17 assistance program to benefit victims of human rights violations in coordination with human  
18 rights organizations and lawyers' groups, the Integrated Bar of the Philippines and Philippine law  
19 schools.

20  
21 **SEC. 37. Protection of Filipinos Abroad.** - The Commission shall undertake measures  
22 for the protection and promotion of human rights of Filipinos living abroad. It shall coordinate  
23 with Philippine Embassy or Consulate officers as well as private individuals of known probity  
24 and active involvement in human rights work, or foreign-based human rights and migrant  
25 workers' non-government organizations in countries where the incidence of human rights  
26 violations of Filipinos is widespread and commonplace, including traditional host countries of  
27 Overseas Filipino Workers, for purposes of monitoring the status of human rights of Filipinos  
28 living abroad, establishing networks among Filipinos to promote protection of human rights,  
29 reporting cases of violations thereof, facilitating the remedial measures of victims and  
30 coordinating with respective agencies to provide counselling and financial aid.

31  
32 **SEC. 38. Creation of Ad Hoc Truth Commissions.** - The Commission may recommend  
33 the creation of an ad hoc Truth Commission on matters of transcendental importance, such as  
34 widespread and systematic human rights violations occurring over prolonged periods of time, or  
35 under extraordinarily-repressive conditions, or attended by a culture of impunity that is  
36 instigated, inspired or orchestrated by public officials, in conspiracy with government security  
37 forces or State-sponsored armed groups.

38

1           **SEC. 39. Issuance of clearances.** - The Commission shall issue clearances to members  
2 of the military, police and other law enforcement agencies prior to, and as requirement for, their  
3 promotion or assumption of office. The Commission may also issue clearances for other  
4 purposes such as training, education or study grants abroad upon proper request of the applicant.

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

9  
10           **SEC. 40. Appeals; Prohibition against Injunction.** - Orders, decisions or findings of the  
11 Commission, including determination of probable cause, shall be appealed to the Court of  
12 Appeals on both questions of fact and law, or on certiorari to the Supreme Court on pure  
13 questions of law. No restraining order or writ of injunction shall be issued against the  
14 Commission in the performance of its powers and functions other than those issued by the Court  
15 of Appeals or the Supreme Court.

16  
17           **SEC. 41. Protection from Harassment Suits; Dismissal.** - The Chairperson,  
18 Commissioners, officers and employees of the Commission shall be immune from civil or  
19 criminal prosecution for acts performed in pursuance of their official functions for the duration  
20 of their tenure.

21  
22           **SEC. 42. Obstruction.** - Any person who, after due hearing, is found to have wilfully  
23 obstructed or hindered the proper exercise of the powers and functions of the Commission, or  
24 who wilfully misleads or attempts to mislead the Chairperson, Commissioners and the duly  
25 designated Commission officials and representatives shall be punished for obstruction of justice  
26 by the Commission. In addition, he/she shall be penalized by a fine not exceeding Twenty Five  
27 Thousand Pesos (P25,000.00), at the discretion of the Commission.

### 28 29           **TITLE III. ORGANIZATION AND STRUCTURE**

30           **SEC. 43. Commission as a Collegial Body.** - The Commission composed of the  
31 Chairperson and four (4) Commissioners, as a collegial body, is responsible for the promulgation  
32 of policies, decisions, orders and resolutions necessary for the efficient administration of the  
33 Commission and for proper execution of its constitutional mandate.

34           In the exercise of its powers and functions, the Commission shall sit and render its  
35 decision *en bane*. Every such decision, order or resolution of the Commission must bear the  
36 concurrence and signature of at least three (3) Members thereof.

1           The Commission shall meet regularly once a week, or as the Commission may direct, or  
2 upon call by the Chairperson. A majority of the members, at least three (3), constitutes a quorum  
3 needed in any *en banc* meeting of the Commission.  
4

5           **SEC. 44. *The Chairperson as Executive Officer; Powers and Duties.*** The Chairperson  
6 shall be the Chief Executive Officer of the Commission, and shall:

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

21           **SEC. 45. *Structural Organization.*** - The Commission shall have the following line  
22 offices and operating units:

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



1 q) Regional Offices.

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

8 All officers and employees of the Commission, unless otherwise provided herein, shall  
9 receive emoluments and privileges that shall not be less than those given to comparable positions  
10 in any office in the government.

11  
12 **SEC. 46. The Executive Director.** - The Executive Director shall be responsible for  
13 managing the day-to-day affairs, activities and operations of the Commission, in accordance with  
14 its policies, standards, rules and regulations adopted and promulgated by the Commission. In  
15 particular, the Executive Director shall:

16 a. Provide direct supervision, control, coordination and monitoring of all activities, functions  
17 and operations of both the central and regional units of the Commission;

18 b. Recommend and / or implement administrative and management policies, rules and standard  
19 operating procedures to be established by the Commission;

20 c. Recommend and initiate programs, projects and policies which promoted productivity,  
21 efficiency and effectiveness in the Commission;

22 d. Coordinate with different CHR organization units in the information and reporting  
23 requirement of the Commission;

24 e. Resolve operational issues in accordance with the levels of authority prescribed by the  
25 Commission;

26 f. Undertake appraisal on issues/problems and policy recommendations requiring decision/  
27 action by the Commission;

28 g. Conduct necessary representation with different branches and agencies of the government on  
29 vital issues/concerns involving the organization, operations and programs of the Commission and

30 h. Perform such other functions as may be assigned by the Commission *En Banc*.

31  
32 The Executive Director shall be appointed by the Commission and shall be a member of  
33 the Philippine Bar with proven integrity and competence, and must have been involved in human  
34 rights promotion and protection activities for seven (7) years. He/she shall have the rank, salary  
35 and privileges of an Assistant Secretary.

36 **SEC. 47. The Commission Secretary.** - The Commission Secretary, who shall head the  
37 Commission Secretariat, shall provide executive services to the Commission on its regular,  
38 special and executive meetings, assistance on policy review and coordination, review and

- 1 appraisal of the programs and other project undertakings of the Commission, including technical  
2 support on the formulation of guidelines, directives, mandates and executive summaries and  
3 reports. In addition, the Commission Secretary shall:
- 4 a. Prepare the agenda of meetings of the Commission *En Banc* and ensure complete recording of  
5 proceedings;
  - 6 b. Develop, recommend to the Commission *En Banc*, and implement an approved disclosure  
7 policy for the Commission on Human Rights of the Philippines;
  - 8 c. Formulate, propose and implement a central records management system for the Commission  
9 *En Banc*, and act as the custodian of all records on human rights cases filed with the  
10 Commission, including records on resolutions, rules, policies, regulations and other decisions,  
11 proceedings of its meetings, and other pertinent records;
  - 12 d. Design, propose and implement a central records management system and provide records  
13 management orientation and assistance to the various offices of the Commission;
  - 14 e. Prepare and issue directives to concerned offices, by authority of the Commission *En Banc*;
  - 15 f. Represent the Commission *En Banc* in different technical working committees of the  
16 Commission, as may be directed by it;
  - 17 g. Respond to queries from the different central and regional offices on matters pertaining to  
18 policies, rules and decisions, as authorized by the Commission *En Banc*; and
  - 19 h. Perform such other related functions as may be assigned by the Commission *En Banc*.
- 20

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

23

24 **SEC. 48. Duties and Functions of the Offices of the Commission.** - The different  
25 offices of the Commission provided in Section 47 of this Act shall operate in accordance with  
26 their respective duties and functions assigned them by the Commission subject to requirements  
27 of efficiency, economy and effectiveness, and pertinent budget and civil service laws, rules and  
28 regulations.

29

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

34 The Commission may propose additional qualification standards to be submitted for  
35 approval to the Department of Budget and Management and for information of the Civil Service  
36 Commission.

37

1           **SEC 50. Central Offices** - The Commission shall establish Central Offices to effect its  
2 functional mandates of investigation, legal advocacy, visitorial education, research and  
3 compliance monitoring, and such other functions necessary for the effective and efficient  
4 performance of its duties.

5  
6           **SEC. 51. Regional Offices.** - The Commission shall have seventeen (17) regional offices,  
7 as may be further established by law, with two regional offices for Region IV, including the  
8 National Capital Region (NCR), the Caraga Administrative Region (CARAGA), Cordillera  
9 Administrative Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM).

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

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

18  
19           **SEC 52. Provincial Offices.** - The Commission may establish such Provincial Offices as  
20 may be necessary in the provinces falling under the administrative jurisdiction of the Regional  
21 Office. The Provincial Office shall be headed by a Provincial Human Rights Officer and staffed  
22 by such other officers or employees as the Commission may appoint. The Provincial Human  
23 Rights Officer shall carry the rank and receive the same salary and privileges of a Division  
24 Chief.

25  
26           **SEC. 53. Sectoral Rights Offices.** - The Commission shall establish offices and centers  
27 to undertake promotion and protection of the rights of vulnerable sectors, to include but not be  
28 limited to women and children, as the Commission may deem appropriate.

29  
30           **SEC. 54. Joint Congressional Oversight Committee.** - A Joint Congressional Oversight  
31 Committee is hereby created, composed of the Chairman of the Senate Committee on Justice and  
32 Human Rights and three (3) other Senators designated by the Senate President, and the Chairman  
33 of the House Committee on Human Rights, and three (3) other Members of the House of  
34 Representatives designated by the Speaker of the House of Representatives: Provided, That, of  
35 the three (3) members to be designated by each House of Congress, two (2) should come from  
36 the majority and the remaining Member from the minority.

37           The Joint Congressional Oversight Committee shall have the power to monitor and  
38 evaluate the implementation of this Act.

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**SEC. 55. *Implementing Rules and Regulations.*** - The Commission shall, within sixty (60) days from the approval of this Act, formulate the implementing rules and regulations in the exercise of its general, investigative, prosecutorial, monitoring, education and advocacy powers and functions together with the Department of Justice (DOJ), Department of National Defense (DND), Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Armed Forces of the Philippine (AFP), Philippine National Police (PNP) and other concerned agencies of the Government.

**SEC. 56. *Operational Guidelines.*** - The Commission shall also formulate its operational guidelines which shall include, but not be limited to, the functions and duties of the Executive Director, the Commission Secretary and the heads of the line offices, the implementation and management of its Witness Protection, Financial Assistance and Legal Aid Programs, and such other matters as may be necessary for the implementation of this Act.

**SEC. 57. *Franking Privilege.*** - All official mail matters and telegrams of the Commission addressed for delivery within the Philippines shall be received, transmitted and delivered free of charge; *Provided*, That such mail matters when addressed to private persons or non-government offices shall not exceed One Thousand and Twenty (1,020) grams. All mail matters and telegrams sent through government telegraph facilities containing complaints to the Commission on Human Rights shall be transmitted free of charge; *Provided*, That the telegram shall contain not more than One Hundred and Fifty (150) words.

**SEC. 58. *Financial Report.*** - The Commission shall make available to the public its annual financial statements, including but not limited to, expenditures and *sources* of funds.

**SEC. 59. *Transitory Provision.*** - Nothing in this Act shall prejudice the positions, emoluments, security of tenure, qualifications, privileges and benefits of the incumbent Chairperson and Commissioners, officers and employees of the Commission upon its effectivity. However, officials and employees of the Commission, in aid of its reorganization upon the effectivity of this Act, may avail of an early retirement program as may be provided for by the Commission.

**SEC. 60. *Separability Clause.*** If any provision of this Act shall be held unconstitutional, other provisions not affected thereby shall remain valid and binding.

1           **SEC. 61. *Repealing Clause.*** - All laws, republic acts, presidential decrees, letters of  
2 instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act  
3 are hereby repealed or amended, as the case may be.  
4

5           **SEC. 62. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days upon its  
6 publication in at least two (2) newspapers of general circulation.

Approved,