

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



'13 AUG 28 P2:15

SENATE

Senate Bill No. 1367

RECEIVED BY: *je*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

This measure was submitted by the Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance in the Fifteenth Congress. However, it was not passed into law.

The bill provides for the Charter of the Commission on Human Rights (CHR) that will strengthen and expand its structural and functional organization to effectively respond to the demands of human rights cases. It seeks to provide an effective and expanded structural and functional organization to effectively respond to human rights cases not only here in the country but also those in foreign lands involving Filipino citizens.

By defining the powers and functions of the CHR, this measure intends to provide better protection to our people and serve justice to the victims of human rights violations more swiftly and effectively.

The immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator



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Senate Bill No. 1367

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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 the House of Representatives of the Philippines
in Congress assembled:*

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Commission on*
2 *Human Rights Charter*”.

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

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

18
19
20 **I. THE COMMISSION ON HUMAN RIGHTS**

21
22 **A. Nature of the Commission**

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25 **SEC. 4. The Commission as an Independent Office and as the National Human**
26 *Rights Institution of the Philippines.* – The Commission on Human Rights is an
27 independent constitutional office and is the national human rights institution of
28 the Philippines in accordance with the Principles Relating to the Status of
29 National Institutions (“The Paris Principles”) and other United Nations’
30 Resolutions and Instruments pertaining to the effective functioning of national
31 human rights institutions.

1 **SEC. 5. Fiscal Autonomy.** – The Commission shall always enjoy full fiscal
2 autonomy equivalent to that of the Constitutional Commissions under Article IX of
3 the 1987 Constitution. The approved annual appropriations of the Commission
4 shall be automatically and regularly released.
5
6

7 **B. The Chairperson and Commissioners**
8
9

10 **SEC. 6. The Commission, Composition and Qualifications.** – The Commission
11 on Human Rights, also referred to as the “Commission” in this Act, is a collegial
12 body and shall be composed of a Chairperson and four (4) Commissioners who
13 shall possess the following qualifications:
14

- 15 (a) Must be a natural-born citizens of the Philippines;
- 16 (b) Must be at least thirty five (35) years of age at the time of their
17 appointment, who are human rights advocates of known probity,
18 competence and integrity;
- 19 (c) Majority of whom, including the Chairperson, must be members of the
20 Philippine Bar who have been engaged in the practice of law for at least
21 five (5) years;
- 22 (d) Must have an understanding of human rights protection, promotion and
23 advocacy;
- 24 (e) Must not have been candidates, including party-list nominees, for any
25 elective position in any national or local elections, immediately preceding
26 their appointment.
27
28

29 **SEC. 7. Appointment and Term of Office.** – The Chairperson and the
30 Commissioners shall be appointed by the President for a term of seven (7) years
31 without re-appointment. Of those first appointed under this Act, the Chairperson
32 shall hold office for seven (7) years, two (2) Commissioners for five (5) years and
33 the other two (2) Commissioners for three (3) years, all without reappointment.
34 In no case shall any commissioner be appointed, re-appointed or designated in a
35 temporary or acting capacity.
36

37 The term of the Chairperson and Commissioners of the Commission shall start
38 on the day immediately after the end of the previous term, regardless of the date
39 of appointment. Appointment to any vacancy occurring during the term shall be
40 only for the remaining portion of said term.
41
42

43 **SEC. 8. Prohibition and Disqualification.** – The Chairperson and Commissioners
44 of the Commission shall not, during their tenure, hold any other office or
45 employment. Neither shall they engage in the practice of any profession or in the
46 active management or control of any business which in any way may be affected
47 by the functions of their office, nor shall they be financially interested, directly or
48 indirectly, in any contract with, or in any franchise or privilege, granted by the
49 Government and its subdivisions, agencies or instrumentalities, including
50 government-owned or controlled corporations or their subsidiaries. They shall
51 avoid conflict of interest in the conduct of their office. They shall not be allowed
52 to appear or practice before the Commission for two (2) years following their
53 cessation from office.
54

55 No spouse or relative by consanguinity or affinity within the fourth civil degree
56 and no law, business or professional partner or associate of the Chairperson or
57 Commissioners may appear as counselor agent on any matter pending before

1 the Commission or transact business directly or indirectly therewith. This
2 disqualification shall apply during the tenure of the official concerned and one
3 year thereafter.
4

5
6 **SEC. 9. Disclosure of Relationship.** – It shall be the duty of the Chairperson and
7 Commissioners to make under oath to the best of their knowledge and
8 information a written public disclosure of the identities of, and their relationship
9 with the persons referred to in the preceding section. The disclosure shall be
10 filed with the Office of the Ombudsman before the appointee assumes office and
11 every annual anniversary of the date of assumption of office thereafter. The
12 disclosures made pursuant to this Section shall form part of the public records
13 and shall be made available and accessible to the public.
14

15
16 **SEC. 10. Salary, Retirement, Benefits and Other Privileges of the Chairperson**
17 **and Commissioners.** – The Chairperson and Commissioners of the Commission
18 shall receive the same salary, privileges and benefits as the Chairperson and
19 Members of the Constitutional Commissions which shall not be decreased during
20 their term of office. Likewise, they shall receive the same retirement benefits to
21 those of the Constitutional Commissions as provided by law.
22

23
24 **SEC. 11. Removal from Office.** – The Chairperson and Commissioners of the
25 Commission may be removed from office of any of the following grounds:
26

- 27 (a) Disloyalty to the Republic of the Philippines;
28
29 (b) Culpable violation of the Constitution;
30
31 (c) Bribery and graft and corruption;
32
33 (d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
34
35 (e) Commission of any offense involving moral turpitude or an offense
36 punishable by *prision mayor*;
37
38 (f) Abuse of authority;
39
40 (g) Such other grounds as may be provided by law.
41

42 The proceedings for removal shall be initiated by filing a verified complaint with
43 the Court of Appeals stating the grounds therefor and alleging the ultimate facts
44 upon which the complaint is based:
45

46 The Court of Appeals shall act on the complaint and conduct the necessary
47 investigation and hearing. Thereafter, the Court of Appeals shall dismiss the
48 complaint or declare the removal from office of the Chairperson or Commissioner
49 of the Commission within ninety (90) days from the date of filing of the complaint.
50 Failure to resolve the complaint within said period shall result in its automatic
51 dismissal.
52

53 In deciding upon a complaint for removal from office, the Court of Appeals shall
54 not impose any lesser penalty or disciplinary action such as suspension,
55 censure, or reprimand other than removal from office.
56

1 Any decision of removal from office shall be automatically stayed by the filing of a
2 petition for review on certiorari with the Supreme Court.
3
4

5 **C. Nomination of Chairperson and Commissioners**

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7

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

- 13 (a) The Chairperson of the Commission on Human Rights or if vacant, any
14 Commissioner as designated by the Commission En Banc;
15
16 (b) The Chairperson of the Senate Committee on Justice and Human Rights;
17
18 (c) The Chairperson of the House of Representatives' Committee on Human
19 Rights;
20
21 (d) Four (4) members selected by the Commission from any of the following
22 duly accredited entities, sectors or groups : human rights non-government
23 organizations (NGOs), people's organizations, lawyers' and/or paralegal
24 groups, indigenous peoples, the academe; woman, child and family rights
25 groups.
26
27

28 **SEC. 13. Selection of Nominees.** – The members of the Nominations Committee
29 shall each have one vote. They shall meet not later than thirty (30) days before
30 the end of a current term or within seven (7) days after the occurrence of a
31 vacancy during a term. They shall submit to the President their list of nominees
32 thirty (30) days before the end of said term or thirty (30) days after said vacancy.
33 The President shall make the appointment within thirty (30) days after the
34 submission of the list of nominees by the Nominations Committee.
35

36 The Commission shall provide secretariat support to the Nominations Committee.
37 It shall make all proceedings of the Nominations Committee open and accessible
38 to the public. Vacancies as well as the list of nominees shall be published in a
39 newspaper of general circulation. The Nominations Committee shall adopt its
40 own rules of procedure.
41
42

43 **SEC. 14. Pluralist Representation.** – In the selection of nominees for
44 Chairperson and Commissioners of the Commission, the Nominations
45 Committee shall take into consideration pluralist representation of Philippine
46 society in the promotion and protection of human rights.
47
48

49 **SEC. 15. Non-Government and People's Organization Representatives to the**
50 **Nominations Committee.** – The duly accredited human rights non-government
51 organizations (NGOs), people's organizations (PO's), lawyers' and/ or paralegal
52 groups, representatives from indigenous peoples, representatives from the
53 academe, as well as woman, child and family rights groups shall from among
54 themselves choose the four (4) representatives to the Nominations Committee in
55 a meeting attended by an authorized representative of the Commission. In the
56 absence of a selection procedure agreed upon by said organizations, the

1 Commission shall promulgate the rules of procedure to govern the selection of
2 the four (4) representatives by the accredited organizations.
3
4

5 **II. POWERS AND FUNCTIONS**

6

7 **A. General Powers and Functions**

8
9

10 **SEC. 16. General Powers and Functions of the Commission.** – The Commission
11 on Human Rights shall have the following general powers and functions:
12

- 13 (a) Investigate, on its own or on complaint by any party, all forms of human
14 rights violations;
15
16 (b) Adopt its operational guidelines and rules of procedure and cite for direct
17 and indirect contempt for violations thereof or its lawful orders in
18 accordance with the Rules of Court;
19
20 (c) Provide appropriate legal and preventive measures for the protection of
21 human rights of all persons within the Philippines, as well as Filipinos
22 residing abroad;
23
24 (d) Provide legal aid services to the underprivileged whose human rights have
25 been determined by the Commission to have been violated or in need of
26 protection to prevent a violation thereof;
27
28 (e) Exercise unhampered and unrestrained visitorial powers over jails,
29 prisons, camps, detention facilities, safe houses and similar premises;
30 *Provided*, That prior coordination is made with the agencies of government
31 concerned;
32
33 (f) Establish a continuing program of research, education and information
34 dissemination to promote respect for the primacy of human life and
35 dignity, and the protection of human rights;
36
37 (g) Recommend to Congress effective measures to promote human rights
38 and to provide for compensation to victims of violations of human rights, or
39 their families;
40
41 (h) Monitor the Philippine government's compliance with international treaty
42 obligations on human rights;
43
44 (i) Grant immunity from prosecution to any person whose testimony or
45 possession of documents or other evidence is necessary to determine the
46 truth in any investigation or prosecution conducted by it or under its
47 authority;
48
49 (j) Request the assistance of any department, bureau, office or agency in the
50 performance of its functions;
51
52 (k) Deputize government prosecutors or private lawyers, who shall be under
53 the direct control and supervision of the Commission, for the prosecution
54 of human rights cases under Section 21 hereof;
55
56 (l) Accredite national non-government and people's organizations involved in
57 human rights promotion, protection and advocacy, including those for

1 purposes of visiting persons arrested, detained or under custodial
2 investigation;

3
4 (m) Ensure that the status, rights and interests of children and of the family are
5 upheld in accordance with the Constitution, laws and duly ratified
6 instruments on human rights;

7
8 (n) Create, establish, organize, re-structure, compress, and otherwise
9 manage such offices and centers the Commission deems necessary and
10 appropriate for expeditious and effective fulfillment of its mandate,
11 including a central office, regional, sub-regional, and provincial offices for
12 specific thematic and functional matters;

13
14 (o) Appoint its officers and employees in accordance with law; and,

15
16 (p) Perform such other duties and functions as may be provided by law.
17

18 **B. Investigation**

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20
21
22 **SEC. 17. Investigative Powers and Functions.** – The Commission shall exercise
23 primary and original jurisdiction to investigate, on complaint or *motu proprio*,
24 cases of human rights violations to include civil, political, economic, social and
25 cultural rights. In the exercise of its investigative function, the Commission shall
26 have the following powers:

27
28 (a) Act promptly on complaints filed in any form or manner by any person; and
29 upon finding of human rights violation, recommend the filing of appropriate
30 administrative, civil and/or criminal action(s). Any investigation being
31 conducted by any other body shall not be a bar to the investigation of the
32 Commission;

33
34 (b) Compel the attendance of witnesses and the production of evidence,
35 administer oaths, issue subpoenas and take testimony in any investigation
36 or inquiry;

37
38 (c) Issue orders and directives constituting preventive and legal measures,
39 provided for under Sections 20 and 21 of this Act, respectively;

40
41 (d) Provide protection and extend financial assistance to witnesses to ensure
42 their attendance in investigations and production of evidence;

43
44 (e) Delegate to its deputies, investigators or representatives, such authority or
45 duty to ensure the effective exercise or performance of its investigative
46 functions;

47
48 (f) Request and require the assistance and cooperation of any officer or
49 employee of any department, bureau or office, subdivision, agency or
50 instrumentality of the Government, including government-owned or
51 controlled corporations and local governments;

52
53 (g) Deputize lawyers or legal aid groups, medical organizations, as well as
54 government agencies and offices, to provide assistance in the exercise of
55 its investigative functions;
56

- 1 (h) Make the results and findings of its investigations available and accessible
2 to the public; and,
3
4 (i) Cite in contempt any person for failure to comply with a lawful order of the
5 Commission issued in the exercise of its investigative and prosecutorial
6 functions. In this regard, the 1997 Revised Rules of Procedure shall apply
7 suppletorily.
8
9

10 **SEC. 18. *Imprescriptibility of Human Rights Violations.*** – The investigation of
11 human rights violations shall not be subject to any statute of limitations of
12 prescriptive period.
13
14

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

- 20 (a) Issuance of injunctive relief directing any member of the government's
21 military or police forces, as well as public officials or employees, or any
22 person acting under their control and supervision, to immediately desist
23 from hiding, transferring, torturing or abusing a detainee and to allow
24 access to said detainee by the Commission, his/her counsel, physician,
25 psychologist, priest, pastor, rabbi, imam or any spiritual adviser and
26 relatives;
27
28 (b) Order compelling the government official or employee, or any person in
29 control of the premises of any government agency or office, specifically
30 police and military detention facilities, secret detention places, stations,
31 installations, camps, bases, and training schools, as well as private land
32 and property, to permit the inspection of said premises;
33
34 (c) Order to transfer persons deprived of their liberty and in danger of reprisal
35 or retaliation due to the filing of a complaint in connection with his/her
36 detention, in order to secure safety of his/her person;
37
38 (d) Restraining order prohibiting respondent, any unit(s), personnel or
39 persons under his/her immediate supervision from entering the immediate
40 vicinity of the affected area or residence of any person whose human
41 rights are being violated or are in danger of violation and from searching
42 the victim or his belongings;
43
44 (e) Injunction ordering respondent to refrain from committing any and all acts
45 that would tend to cause irreparable harm and have the immediate effect
46 of rendering the investigation of the Commission moot and academic.
47
48

49 **SEC. 20. *Scope of Legal Measures.*** – The legal measures under Article XIII,
50 Sec. 18 (3) of the Constitution that may be provided by the Commission shall
51 include the following:
52

- 53 (a) Mandatory protection orders (MPO's) directing government security
54 forces, other government agencies, or private institutions to provide
55 specific protection to victims of human rights violations;
56

1 (b) Orders deputizing government offices and private institutions and
2 organizations for the purpose of providing protection; and,
3

4 (c) Orders deputizing government and private lawyers as counsels *de officio*
5 to ensure that the human rights of the victim are not further violated; and,
6

7 (d) Any order the purpose of which is analogous to any of the foregoing.
8
9

10 **SEC. 21. Grant of Immunity.** – The Commission may grant immunity from
11 prosecution to any person whose possession and production of documents or
12 other evidence may be necessary to determine the truth in any hearing, inquiry or
13 proceeding under such terms and conditions as it may determine taking into
14 account the pertinent provisions of the Rules of Court and its own rules. The
15 immunity shall only be granted after a determination of the relevance, veracity
16 and authenticity of the evidence sought to be presented by the Commission. The
17 immunity granted shall be revoked on account of evidence presented to be true
18 but which is, in fact, false and spurious and without which the Commission would
19 not have granted immunity.
20
21

22 **SEC. 22. Preventive Suspension.** – With the exception of Members of Congress,
23 the Judiciary, and impeachable officials, the Commission may preventively
24 suspend any officer or employee including but not limited to elective or appointive
25 public officers or employees, including Members of the Cabinet, local
26 government, government-owned-or-controlled corporations and their
27 subsidiaries, pending an investigation, provided it determines that (a) the
28 evidence of guilt is strong; (b) the charges would warrant removal from the
29 service; and (c) the respondent's continued stay in office may prejudice the case
30 filed against him/ her.
31

32 The preventive suspension shall be immediately executory, unless restrained by
33 the Court of Appeals or the Supreme Court and shall continue until the case is
34 terminated by the Commission; *Provided*, That said suspension shall not be
35 more than sixty (60) days without pay, except when the delay in the disposition of
36 the case by the Commission is due to the fault, negligence or petition of the
37 respondent, in which case the period of such delay shall not be counted in
38 computing the period of suspension herein provided.
39

40 The respondent official or employee preventively suspended from office shall
41 receive no salary or compensation during such suspension. However, upon
42 subsequent exoneration and reinstatement, he shall be paid full salary or
43 compensation including such emoluments, benefits and privileges accruing
44 during such suspension.
45

46 In the case of a suspended elective official, upon expiration of the period of
47 preventive suspension, he shall be deemed reinstated in office without prejudice
48 to the continuation of the proceedings against him which shall be terminated
49 within one hundred twenty (120) days from the date the official was formally
50 notified of the case.
51

52 The respondent officer or employee shall be accorded full opportunity to appear
53 and defend himself in person or by counsel, to confront and cross-examine the
54 witnesses against him, and to require the attendance of witnesses and the
55 production of documentary evidence in his favour through the compulsory
56 process of *subpoena* or *subpoena duces tecum*.
57

1 **SEC. 23. Referral to Disciplining Authority.** – The Commission may endorse and/
2 or recommend to the proper authorities the filing of the appropriate sanction or
3 disciplinary action against a public officer or employee found guilty of committing
4 violations of human rights and recommend his removal, suspension, demotion,
5 censure, imposition of fine, or prosecution and to ensure compliance by requiring
6 the officer concerned to report on his action within thirty (30) days from receipt of
7 the recommendation and! or endorsement of the Commission. The failure of the
8 appropriate authority to act or comply with said recommendation or endorsement
9 shall constitute a ground for an application of the issuance of a writ of mandamus
10 by the Commission.

11
12
13 **SEC. 24. Motu Propio Dismissal.** – The Commission may dismiss, *motu proprio*,
14 a complaint for the investigation of human rights violations on any of the following
15 grounds:

- 16
17 (a) The complaint pertains to a matter outside of the jurisdiction of the
18 Commission;
19
20 (b) The complaint is trivial, frivolous, vexatious or made in bad faith; or
21
22 (c) Other valid grounds as may be determined by the Commission.
23
24

25 **SEC. 25. Investigation by Regional Office.** – The proper regional office of the
26 Commission shall investigate complaints falling within its territorial jurisdiction
27 unless the Commission *en banc*, in its discretion, takes direct cognizance of the
28 same. Upon recommendation of the regional office in investigations pending
29 before it, the Commission *en banc* may issue legal and preventive measures and
30 preventive suspension orders which are immediately executory. Within ten (10)
31 days after concluding the investigation, the regional office shall render the
32 appropriate order, directive or resolution subject to appeal to the Commission *en*
33 *banc* pursuant to its rules.
34

35 **C. Prosecution**

36
37
38
39 **SEC. 26. Concurrent Limited Prosecutorial Powers and Functions.** – The
40 Commission shall exercise concurrent prosecutorial powers and functions as
41 herein provided.
42

43 In the event of the failure of the Department of Justice or Office of the
44 Ombudsman to initiate a preliminary investigation within twenty (20) days from its
45 receipt of the case recommended for prosecution by the Commission, the
46 inaction shall be considered as an automatic endorsement of the matter to the
47 Commission without any further act or notice by the Department of Justice or
48 Office of the Ombudsman for purposes of preliminary investigation. Thereafter,
49 the Commission shall conduct the preliminary investigation and upon a finding of
50 probable cause, issue a resolution for the filing of the appropriate information and
51 prosecution of the offense/s found to exist.
52

53 For this purpose, the Commission shall have the power to deputize government
54 prosecutors or private lawyers to prosecute the criminal offense/s that have been
55 the subject of its preliminary investigation. The prosecution shall remain under
56 the Commission's direct control and supervision.
57

1 This section shall apply only to the following cases:
2

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

- 10
- 11 a) Use of physical, psychological and degrading punishment, torture,
12 force, violence, threats, and intimidation;
 - 13
 - 14 b) Extra-judicial killings, summary executions, and "massacres" or mass
15 killings;
 - 16
 - 17 c) Violations of the right to be secure from unreasonable searches and
18 seizures, including involuntary or enforced disappearances;
 - 19
 - 20 d) Violations of the rights of persons arrested, detained, or under
21 custodial investigation, including deprivation of the rights of political
22 detainees;
 - 23
 - 24 e) Violations of the right to a speedy, impartial and public trial or
25 disposition of cases;
 - 26
 - 27 f) Hamletting, forced evacuation or eviction, illegal demolition,
28 development aggression and other violations of the right to travel and
29 to freely choose one's abode and change the same;
 - 30
 - 31 g) Violations of the right to peaceably assemble, free association, and to
32 petition the government for redress of grievances;
 - 33
 - 34 h) Violations of the right to worship and the free exercise of a religion;
 - 35
 - 36 i) Violations of the right to privacy;
 - 37
 - 38 j) Violations of civil and political rights of persons suspected, detained
39 for, and/or accused of the crime of terrorism or conspiracy to commit
40 terrorism; and,
 - 41
 - 42 k) Political, religious, racial, ethnic, social or sexual persecution,
43 oppression, or harassment committed with acts constituting offenses
44 punished under the Revised Penal Code and special laws;
 - 45

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

- 50
- 51 a) Armed groups, bandits, warlords and private armies;
 - 52
 - 53 b) Criminal organizations and groups; and,
 - 54
 - 55 c) Multi-national, foreign and domestic corporations, and other business
56 entities.
 - 57

1 C.) When Committed Against Vulnerable Persons – In the investigation and
2 prosecution of the following offenses as penalized under the Revised
3 Penal Code and special laws when committed by any person against any
4 member or group of vulnerable persons, as defined herein:
5

- 6 a) Involuntary servitude constituting Crimes Against Personal Liberty and
7 Security under the Revised Penal Code;
8
9 b) Crimes penalized under Republic Act No. 7610, or the "Special
10 Protection of Children Against Abuse, Exploitation and Discrimination
11 Act;"
12
13 c) Crimes penalized as Infanticide and Abortion under the Revised Penal
14 Code;
15
16 d) Crimes penalized under Republic Act No. 9262, or the "Anti-Violence
17 Against Women and Their Children Act of 2004;" and,
18
19 e) Crimes penalized under Republic Act No. 8371 or the "Indigenous
20 Peoples Rights Act of 1997."
21

22 Vulnerable persons shall include children, the unborn, women, elderly, persons
23 with disabilities, migrant workers, indigenous peoples, and ethnic and religious
24 minorities.
25

26 D. Monitoring 27

28
29
30 **SEC. 27: *Monitoring Powers and Functions.*** – In the exercise of its mandate to
31 monitor the Government's compliance with its international human rights treaty
32 obligations, the Commission shall have the following powers and functions:
33

- 34 a) Require any department, bureau or office, subdivision, agency or
35 instrumentality of the Government to submit compliance reports on
36 international human rights treaty and to furnish the Commission copies
37 thereof within thirty (30) days from submission to the United Nations and
38 other international bodies;
39
40 b) Conduct inquiries on the manner of implementation by the Philippine
41 Government of specific human rights treaty obligations;
42
43 c) Summon any public official to explain on the measures undertaken by his
44 or her agency in order to comply with the State's international treaty
45 obligations on human rights;
46
47 d) Enter and inspect the premises of any government agency or office,
48 specifically police and military stations, installations, camps, bases, and
49 training schools and access books, records, files, documents or papers
50 located in the above-mentioned office and facilities;
51
52 e) Study and recommend to the government international human rights
53 treaties or instruments for its signature, ratification or accession;
54
55 f) Make timely and regular submission of independent reports to
56 international human rights treaty bodies and other international human
57 rights mechanisms;

- 1
2 g) Advise and assist the government on clearly-identified gaps in human
3 rights treaty compliance;
4
5 h) Capacitate stakeholders to enable participation in monitoring human rights
6 treaty compliance by the government;
7
8 i) Delegate to its deputies, investigators or representatives, such authority or
9 duty which shall ensure the effective exercise or performance of its
10 monitoring functions; and,
11
12 j) Recommend and institutionalize best practices and incentives for human
13 rights advocates and institutions.
14
15

16 **SEC. 28. Other Monitoring Functions.** – The Commission shall likewise monitor
17 observance by non-state actors of human rights obligations arising from
18 agreements entered into with the government, as well as unilateral declarations
19 and similar undertakings.
20
21

22 **SEC. 29. Annual Report.** – The Commission shall prepare and make public an
23 annual report on the findings of its monitoring activities with regard to the state of
24 the Government's compliance with its international human rights treaty
25 obligations. The report shall include, but not be limited, to the following:
26

- 27 (a) Identification of systematic patterns of human rights violations using
28 documented cases;
29
30 (b) Analysis of the factors which contribute to the commission of human rights
31 violations;
32
33 (c) Assessment of the legal mechanisms of existing institutions in providing
34 adequate human rights protection;
35
36 (d) Recommendations for legal, legislative, and institutional reforms for the
37 greater promotion and protection of human rights; and,
38
39 (e) Statistics and data indicating the nature of complaints received, the
40 investigations conducted and findings made, and the actions taken by the
41 government agencies concerned on the Commission's recommendations.
42
43

44 **E. Education and Advocacy**

45
46

47 **SEC. 30. Education and Advocacy in Government.** – The Commission shall
48 undertake a program of human rights promotion and advocacy through education
49 and training to promote and increase respect for the primacy and dignity of
50 human life in all its stages and the protection of human rights in coordination with
51 the different agencies of the government. It shall likewise administer a
52 mandatory and continuing human rights education program for the military, police
53 and other law enforcement agencies, as well as public school teachers, and
54 shall, for this purpose, draw up the components of the program, accredit course
55 and training providers, and issue certificates of completion to those who have
56 successfully completed the program.
57

1 **SEC. 31. *Education and Advocacy in Civil Society.*** – The Commission shall also
2 undertake human rights education, advocacy, and information campaign
3 programs among sectors of civil society, particularly the vulnerable, marginalized
4 and underprivileged groups. In conducting this program, the Commission shall
5 actively cooperate and coordinate with human rights non-government
6 organizations, lawyers' groups, the academe and people's organizations of the
7 concerned sectors of civil society.
8

9
10 **SEC. 32. *Research.*** – The Commission shall undertake a continuing research
11 and study on select human rights issues for purposes of recommending policy
12 reforms, as well as administrative and legislative measures that will also address
13 economic, social and cultural rights.
14

15
16 **SEC. 33. *Coverage of Programs.*** – The Commission shall prescribe the scope
17 and coverage of education, advocacy, information and training programs on
18 human rights, and which will be provided for in the implementing rules and
19 regulations of this Act.
20

21 **F. Other Powers and Functions**

22
23
24
25 **SEC. 34. *Witness Protection Program.*** – The Commission shall strengthen its
26 witness protection program, including the provision of security, shelter, relocation
27 and livelihood assistance to witnesses and their families
28

29
30 **SEC. 35. *Financial Assistance Program.*** – The Commission shall enhance its
31 financial assistance program to victims of human rights violations and their
32 families.
33

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

40
41 **SEC. 37. *Protection of Filipinos Abroad.*** – The Commission shall undertake
42 measures for the protection and promotion of human rights of Filipinos living
43 abroad. It shall coordinate with Philippine Embassy or Consulate officers as well
44 as private individuals of known probity and active involvement in human rights
45 work, or foreign-based human rights and migrant workers' non-government
46 organizations in countries where the incidence of human rights violations of
47 Filipinos is widespread and commonplace, including traditional host countries of
48 Overseas Filipino Workers, for purposes of monitoring the status of human rights
49 of Filipinos living abroad, establishing networks among Filipinos to promote
50 protection of human rights, reporting cases of violations thereof, facilitating the
51 remedial measures of victims and coordinating with respective agencies to
52 provide counselling and financial aid.
53

54
55 **SEC. 38. *Creation of Ad Hoc Truth Commission.*** – The Commission may
56 recommend the creation of an ad hoc Truth Commission on matters of
57 transcendental importance, such as widespread and systematic human rights

1 violations occurring over prolonged periods of time, or under extraordinarily-
2 repressive conditions, or attended by a culture of impunity that is instigated,
3 inspired or orchestrated by public officials, in conspiracy with government
4 security forces or State-sponsored armed groups.
5
6

7 **SEC. 39. Issuance of Clearances.** – The Commission shall issue clearances to
8 members of the military, police and other law enforcement agencies prior to, and
9 as requirement for, their promotion or assumption of office. The Commission
10 may also issue clearances for other purposes such as training, education or
11 study grants abroad upon proper request of the applicant.
12

13 The Commission shall make its own recommendations to the Commission on
14 Appointments prior to the confirmation of other officials other than those
15 mentioned in the preceding paragraph, who are being considered for promotion
16 or appointment. This provision shall also apply to other government officers with
17 salary grade 27 or its equivalent and higher.
18

19
20 **SEC. 40. Appeals; Prohibition against Injunction.** – Orders, decisions, or findings
21 of the Commission, including determination of probable cause, shall be appealed
22 to the Court of Appeals on both questions of fact and law, or on certiorari to the
23 Supreme Court on pure questions of law. No restraining order or writ of injunction
24 shall be issued against the Commission in the performance of its powers and
25 functions other than those issued by the Court of Appeals or the Supreme Court.
26

27
28 **SEC. 41. Protection from Harassment Suits; Dismissal.** – The Chairperson,
29 Commissioners, officers and employees of the Commission shall be immune
30 from civil or criminal prosecution for acts performed in pursuance of their official
31 functions for the duration of their tenure.
32

33
34 **SEC. 42. Obstruction.** – Any person who, after due hearing, is found to have
35 wilfully obstructed or hindered the proper exercise of the powers and functions of
36 the Commission, or who wilfully misleads or attempts to mislead the Chairperson,
37 Commissioners and the duly designated Commission officials and
38 representatives shall be punished for obstruction of justice by the Commission.
39 In addition, he/she shall be penalized by a fine not exceeding Twenty Five
40 Thousand Pesos (P25,000.00), at the discretion of the Commission.
41

42 43 **III. ORGANIZATION AND STRUCTURE** 44 45

46 **SEC. 43. Commission as a Collegial Body.** – The Commission composed of the
47 Chairperson and four (4) Commissioners, as a collegial body, is responsible for
48 the promulgation of policies, decisions, orders and resolutions necessary for the
49 efficient administration of the Commission and for proper execution of its
50 constitutional mandate.
51

52 In the exercise of its powers and functions, the Commission shall sit and render
53 its decision *en banc*. Every such decision, order or resolution of the Commission
54 must bear the concurrence and signature of at least three (3) Members thereof.
55

1 The Commission shall meet regularly once a week, or as the Commission may
2 direct, or upon call by the Chairperson. A majority of the members, at least three
3 (3), constitutes a quorum needed in any en banc meeting of the Commission.
4
5

6 **SEC. 44. *The Chairperson as Executive Officer; Powers and Duties.*** – The
7 Chairperson shall be the Chief Executive Officer of the Commission, and shall:
8

- 9 (a) Execute and carry out the policies, decisions, orders and resolutions
10 approved by the Commission;
11
12 (b) Direct and supervise the operations and internal administration of the
13 Commission;
14
15 (c) Sign appointments of subordinate officials and employees made by the
16 Commission and enforce decisions on administrative discipline involving
17 them;
18
19 (d) Make temporary assignments, rotate and transfer personnel in
20 accordance with the provisions of the Civil Service Law and the policies
21 involving them;
22
23 (e) Submit an annual budget to the Commission for its approval and
24 submission to the Department of Budget and Management and to the
25 Congress of the Philippines;
26
27 (f) Delegate his/her authority, in whole or in part, to other officials of the
28 Commission in accordance with Executive Order No. 292, otherwise
29 known as the Administrative Code of 1987, and rules and regulations of
30 the Commission; and,
31
32 (g) Perform such other functions as may be authorized by the Commission.
33
34

35 **SEC. 45. *Structural Organization.*** – The Commission shall have the following
36 offices and operating units:
37

- 38 (a) Office of the Chairperson;
39 (b) Office of the Commissioners;
40 (c) Office of the Executive Director;
41 (d) Office of the Commission Secretary;
42 (e) Legal Office;
43 (f) Investigation Office;
44 (g) Human Rights Instruments Compliance And Monitoring Office;
45 (h) Education, Advocacy And Research Office;
46 (i) Information System Management Office;
47 (j) Assistance and Visitorial Office;
48 (k) Forensic Office;
49 (l) Planning And Management Office;
50 (m) Financial Management Office;
51 (n) General Administrative Office;
52 (o) Sectoral Rights Offices;
53 (p) Public Information Office; and,
54 (q) Regional Offices.
55

56 All the above offices will be headed by an officer with a rank, salary and
57 privileges equivalent to a Director IV, except for the Executive Director and who

1 shall have the rank, salary and privileges of an Assistant Secretary. All centers
2 will be headed by a Director III. Each office may have such divisions as are
3 necessary to carry out their respective functions. As an independent
4 constitutional office, the Commission may effect changes in the organization as
5 the need arises.

6
7 All officers and employees of the Commission, unless otherwise provided herein,
8 shall receive emoluments and privileges that shall not be less than those given to
9 comparable positions in any office in the government.

10
11
12 **SEC. 46. The Executive Director.** – The Executive Director shall be responsible
13 for managing the day-to-day affairs, activities and operations of the Commission,
14 in accordance with its policies, standards, rules and regulations adopted and
15 promulgated by the Commission. In particular, the Executive Director shall:

- 16
17 (a) Provide direct supervision, control, coordination and monitoring of all
18 activities, functions and operations of both the central and regional units of
19 the Commission;
- 20
21 (b) Recommend and / or implement administrative and management policies,
22 rules standard operating procedures to be established by the Commission;
- 23
24 (c) Recommend and initiate programs, projects and policies which promoted
25 productivity, efficiency and effectiveness in the Commission;
- 26
27 (d) Coordinate with different GHR organization units in the information and
28 reporting requirement of the Commission;
- 29
30 (e) Resolve operational issues in accordance with the levels of authority
31 prescribed by the Commission;
- 32
33 (f) Undertake appraisal on issues/problems and policy recommendations
34 requiring decision/action by the Commission;
- 35
36 (g) Conduct necessary representation with different branches and agencies of
37 the government on vital issues/concerns involving the organization,
38 operations and programs of the Commission; and,
- 39
40 (h) Perform such other functions as may be assigned by the Commission *En*
41 *Banc.*

42
43 The Executive Director shall be appointed by the Commission and shall be a
44 member of the Philippine Bar with proven integrity and competence, and must
45 have been involved in human rights promotion and protection activities for seven
46 (7) years. He/she shall have the rank, salary and privileges of an Assistant
47 Secretary.

48
49
50 **SEC. 47. The Commission Secretary.** – The Commission Secretary, who shall
51 head the Commission Secretariat, shall provide executive services to the
52 Commission on its regular, special and executive meetings, assistance on policy
53 review and coordination, review and appraisal of the programs and other project
54 undertakings of the Commission, including technical support on the formulation
55 of guidelines, directives, mandates and executive summaries and reports. In
56 addition, the Commission Secretary shall:

57

- 1 (a) Prepare the agenda of meetings of the Commission *En Banc* and ensure
2 complete recording of proceedings;
3
4 (b) Develop, recommend to the Commission *En Banc*, and implement an
5 approved disclosure policy for the Commission on Human Rights of the
6 Philippines;
7
8 (c) Formulate, propose and implement a central records management system
9 for the Commission *En Banc*, and act as the custodian of all records on
10 human rights cases filed with the Commission, including records on
11 resolutions, rules, policies, regulations and other decisions, proceedings of
12 its meetings, and other pertinent records;
13
14 (d) Design, propose and implement a central records management system
15 and provide records management orientation and assistance to the
16 various offices of the Commission;
17
18 (e) Prepare and issue directives to concerned offices, by authority of the
19 Commission *En Banc*;
20
21 (f) Represent the Commission *En Banc* in different technical working
22 committees of the Commission; as may be directed by it;
23
24 (g) Respond to queries from the different central and regional offices on
25 matters pertaining to policies, rules and decisions, as authorized by the
26 Commission *En Banc*; and,
27
28 (h) Perform such other related functions as may be assigned by the
29 Commission *En Banc*.
30

31 The Commission Secretary, who must be at least a degree holder of Bachelor of
32 Laws (Ll.B.) or Juris Doctor (JD), shall have the rank, salary and privileges of a
33 Director IV.
34
35

36 **SEC. 48. *Duties and Functions of the Offices of the Commission.*** – The different
37 offices of the Commission provided in Section 47 of this Act shall operate in
38 accordance with their respective duties and functions assigned them by the
39 Commission subject to requirements of efficiency, economy and effectiveness,
40 and pertinent budget and civil service laws, rules and regulations.
41
42

43 **SEC. 49. *Officers of the Commission.*** – All officers appointed by the
44 Commission who possess the rank or position above Division Chief level and
45 officially performs managerial and executive functions, must be Career Executive
46 Service (CES) eligible under the Career Executive Service Board or has
47 equivalent eligibility as the Commission may establish.
48

49 The Commission may propose additional qualification standards to be submitted
50 for approval to the Department of Budget and Management and for information of
51 the Civil Service Commission.
52
53

54 **SEC. 50. *Central Offices.*** – The Commission shall establish Central Offices to
55 effect its functional mandates of investigation, legal advocacy, visitorial
56 education, research and compliance monitoring, and such other functions
57 necessary for the effective and efficient performance of its duties.

1
2
3 **SEC. 51. Regional Offices.** – The Commission shall have seventeen (17)
4 regional offices, as may be further established by law, with two regional offices
5 for Region IV, including the National Capital Region (NCR), the Caraga
6 Administrative Region (CARAGA), Cordillera Administrative Region (CAR) and
7 the Autonomous Region of Muslim Mindanao (ARMM).

8
9 Each Regional Office shall be headed by a Regional Human Rights Director with
10 a rank and salary of Director IV, who must be a member of the Philippine Bar,
11 assisted by an Assistant Regional Human Rights Director, and such other
12 subordinate officers or employees as the Commission may appoint. The
13 Assistant Regional Human Rights Director shall carry the rank and receive the
14 same salary and privileges of a Director III.

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

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

28
29
30 **SEC. 53. Sectoral Rights Offices.** – The Commission shall establish offices and
31 centers to undertake promotion and protection of the rights of vulnerable sectors,
32 to include but not be limited to women and children, as the Commission may
33 deem appropriate.

34
35
36 **SEC. 54. Joint Congressional Oversight Committee.** – A Joint Congressional
37 Oversight Committee is hereby created, composed of the Chairman of the
38 Senate Committee on Justice and Human Rights and three (3) other Senators
39 designated by the Senate President, and the Chairman of the House Committee
40 on Human Rights, and three (3) other Members of the House of Representatives
41 designated by the Speaker of the House of Representatives; *Provided,* That of
42 the three (3) members to be designated by each House of Congress, two (2)
43 should come from the majority and the remaining Member from the minority.

44
45 The Joint Congressional Oversight Committee shall have the power to monitor
46 and evaluate the implementation of this Act.

47
48
49 **SEC. 55. Implementing Rules and Regulations.** – The Commission shall, within
50 sixty (60) days from the approval of this Act, formulate the implementing rules
51 and regulations in the exercise of its general, investigative, prosecutorial,
52 monitoring, education and advocacy powers and functions together with the
53 Department of Justice (DOJ), Department of National Defense (DND),
54 Department of Interior and Local Government (DILG), Department of Social
55 Welfare and Development (DSWD), Armed Forces of the Philippine (AFP),
56 Philippine National Police (PNP) and other concerned agencies of the
57 government.

1
2
3 **SEC. 56. Operational Guidelines.** – The Commission shall also formulate its
4 operational guidelines which shall include, but not be limited to, the functions and
5 duties of the Executive Director, the Commission Secretary and the heads of the
6 line offices, the implementation and management of its Witness Protection,
7 Financial Assistance and Legal Aid Programs, and such other matters as may be
8 necessary for the implementation of this Act.
9

10
11 **SEC. 57. Franking Privilege.** – All official mail matters and telegrams of the
12 Commission addressed for delivery within the Philippines shall be received,
13 transmitted and delivered free of charge; *Provided*, That such mail matters when
14 addressed to private persons or non-government offices shall not exceed One
15 Thousand and Twenty (1,020) grams. All mail matters and telegrams sent
16 through government telegraph facilities containing complaints to the Commission
17 on Human Rights shall be transmitted free of charge; *Provided*, That the
18 telegram shall contain not more than One Hundred and Fifty (150) words.
19

20
21 **SEC. 58. Financial Report.** – The Commission shall make available to the public
22 its annual financial statements, including, but not limited to, expenditures and
23 sources of funds.
24

25
26 **SEC. 59. Transitory Provision.** – Nothing in this Act shall prejudice the positions,
27 emoluments, security of tenure, qualifications, privileges and benefits of the
28 incumbent Chairperson and Commissioners, officers and employees of the
29 Commission upon its effectivity. However, officials and employees of the
30 Commission, in aid of its reorganization upon the effectivity of this Act, may avail
31 of an early retirement program as may be provided for by the Commission.
32

33
34 **SEC. 60. Separability Clause.** – If any provision of this Act shall be held
35 unconstitutional, other provisions not affected thereby shall remain valid and
36 binding.
37

38
39 **SEC. 61. Repealing Clause.** – All laws, republic acts, presidential decrees,
40 letters of instructions, executive orders, rules and regulations insofar as they are
41 inconsistent with this Act are hereby repealed or amended, as the case may be.
42

43
44 **SEC. 62. Effectivity Clause.** – This Act shall take effect fifteen (15) days upon its
45 publication in at least two (2) newspapers of general circulation.
46
47
48
49
50

51 *Approved,*