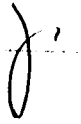


16 JUL 19 AM 11:34

SENATE

S. No. 483

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

EXPLANATORY NOTE

The 1987 Constitution envisaged the Commission on Human Rights (CHR) 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.

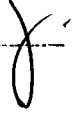
In view of the foregoing, immediate approval of this measure is earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator

'16 JUL 19 AM 11:34

SENATE

S. No. 483

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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*
2 *Right Charter*".

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

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

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

17 **A. Nature of the Commission**

18
19 **SEC. 4. The Commission as an Independent Office and as the National Human**
20 **Rights Institution of the Philippines.** - The Commission on Human Rights is an independent
21 constitutional office and is the national human rights institution of the Philippines in

1 accordance with the Principles Relating to the Status of National Institutions ("The Paris
2 Principles") and other United Nations' Resolutions and Instruments pertaining to the effective
3 functioning of national human rights institutions.

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

9
10 **B. The Chairperson and Commissioners**

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

16
17 a) Must be natural-born citizens of the Philippines;

18
19 b) Must be at least thirty five (35) years of age at the time of their appointment, who
20 are human rights advocates of known probity, competence and integrity;

21
22 c) Majority of whom, including the Chairperson, must be members of the Philippine
23 Bar who have been engaged in the practice of law for at least five (5) years;

24
25 d) Must have an understanding of human rights protection, promotion and advocacy;

26
27 e) Must not have been candidates, including party-list nominees, for any elective
28 position in any national or local elections, immediately preceding their appointment.

29
30
31 **SEC. 7. *Appointment and Term of Office.*** - The Chairperson and Commissioners
32 shall be appointed by the President for a term of seven (7) years without re-appointment. Of
33 those first appointed under this Act, the Chairperson shall hold office for seven (7)
34 years, two (2) Commissioners for five (5) years and the other two (2) Commissioners for

1 three (3) years, all without reappointment. In no case shall any commissioner be appointed,
2 re-appointed or designated in a temporary or acting capacity.

3
4 The term of the Chairperson and Commissioners of the Commission shall start on the day
5 immediately after the end of the previous term, regardless of the date of appointment.
6 Appointment to any vacancy occurring during the term shall be only for the remaining
7 portion of said term.

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

18
19 No spouse or relative by consanguinity or affinity within the fourth civil degree and
20 no law, business or professional partner or associate of the Chairperson or Commissioners
21 may appear as counsellor agent on any matter pending before the Commission or transact
22 business directly or indirectly therewith. This disqualification shall apply during the tenure of
23 the official concerned and one year thereafter.

24
25 **SEC. 9. Disclosure of Relationship.** - It shall be the duty of the Chairperson and
26 Commissioners to make under oath to the best of their knowledge and information a written
27 public disclosure of the identities of, and their relationship with the persons referred to in the
28 preceding section. The disclosure shall be filed with the Office of the Ombudsman before the
29 II appointee assumes office and every annual anniversary of the date of assumption of office
30 thereafter. The disclosures made pursuant to this Section shall form part of the public records
31 and shall be made available and accessible to the public.

1 **SEC. 10. Salary, Retirement, Benefits and Other Privileges of the Chairperson and**
2 **Commissioners.-** The Chairperson and Commissioners of the Commission shall receive the
3 same salary, privileges and benefits as the Chairperson and Members of the
4 Constitutional Commissions which shall not be decreased during their term of office.
5 Likewise, they shall receive the same retirement benefits to those of the Constitutional
6 Commissions as provided by law.

7
8 **SEC. 11. Removal from Office.** - The Chairperson and Commissioners of the
9 Commission may be removed from office on any of the following grounds:

- 10
11 (a) Disloyalty to the Republic of the Philippines;
12 (b) Culpable violation of the Constitution;
13 (c) Bribery and graft and corruption, other high crimes, or betrayal of public trust;
14 (d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
15 (e) Commission of any offense involving moral turpitude or an offense punishable by
16 prison mayor;
17 (f) Abuse of authority; and
18 (g) Such other grounds as may be provided by law.

19
20 The proceedings for removal shall be initiated by filing a verified complaint with the
21 Court of Appeals stating the grounds therefor and alleging the ultimate facts upon which the
22 complaint is based.

23
24 The Court of Appeals shall act on the complaint and conduct the necessary
25 investigation and hearing. Thereafter, the Court of Appeals shall dismiss the complaint or
26 declare the removal from office of the Chairperson or Commissioner of the Commission
27 within ninety (90) days from the date of filing of the complaint. Failure to resolve the
28 complaint within said period shall result in its automatic dismissal.

29
30 In deciding upon a complaint for removal from office, the Court of Appeals shall not
31 impose any lesser penalty or disciplinary action such as suspension, censure, or reprimand
32 other than removal from office.

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 **C. Nomination of Chairperson and Commissioners**

5
6 **SEC. 12. *Nominations Committee.*** - The President shall choose and appoint
7 the Chairperson and Commissioners of the Commission from a list of three (3)
8 nominees per position selected by a Nominations Committee to be composed of the
9 following members:

- 10
11 a) The Chairperson of the Commission on Human Rights or if vacant, any
12 Commissioner as designated by the Commission En Banc;
13
14 b) The Chairperson of the Senate Committee on Justice and Human Rights;
15
16 c) The Chairperson of the House of Representatives' Committee on Human Rights; and
17
18 d) Four (4) members selected by the Commission from any of the following duly
19 accredited entities, sectors or groups: human rights non-government organizations
20 (NGOs), people's organizations, lawyers' and/or paralegal groups, indigenous
21 peoples, the academe, woman, child and family rights groups.

22
23 **SEC. 13. *Selection of Nominees.*** - The members of the Nominations Committee shall
24 each have one vote. They shall meet not later than thirty (30) days before the end of a current
25 term or within seven (7) days after the occurrence of a vacancy during a term. They shall
26 submit to the President their list of nominees thirty (30) days before the end of said term or
27 thirty (30) days after said vacancy. The President shall make the appointment within thirty
28 (30) days after the submission of the list of nominees by the Nominations Committee.

29
30 The Commission shall provide secretariat support to the Nominations Committee. It shall
31 make all proceedings of the Nominations Committee open and accessible to the public.
32 Vacancies as well as the list of nominees shall be published in a newspaper of general
33 circulation. The Nominations Committee shall adopt its own rules of procedure.

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

II. POWERS AND FUNCTIONS

A. General Powers and Functions

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

- a) Investigate, on its own or on complaint by any party, all forms of human rights violations;
- b) Adopt its operational guidelines and rules of procedure and cite for direct and indirect contempt for violations thereof or its lawful orders in accordance with the Rules of Court;
- c) Provide appropriate legal and preventive measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad;

- 1 d) Provide legal aid services to the underprivileged whose human rights have been
2 determined by the Commission to have been violated or in of need protection to
3 prevent a violation thereof;
4
- 5 e) Exercise unhampered and unrestrained visitorial powers over jails, prisons, camps,
6 detention facilities, safe houses and similar premises, provided, prior coordination is
7 done with the agencies of government concerned;
8
- 9 f) Establish a continuing program of research, education and information
10 dissemination to promote respect for the primacy of human life and dignity, and the
11 protection of human rights;
12
- 13 g) Recommend to Congress effective measures to promote human rights and to provide
14 for compensation to victims of violations of human rights, or their families;
15
- 16 h) Monitor the Philippine government's compliance with international treaty
17 obligations on human rights;
18
- 19 i) Grant immunity from prosecution to any person whose testimony or possession of
20 documents or other evidence is necessary to determine the truth in any
21 investigation or prosecution conducted by it or under its authority;
22
- 23 j) Request the assistance of any department, bureau, office or agency in the performance
24 of its functions;
25
- 26 k) Deputize government prosecutors or private lawyers, who shall be under the direct
27 control and supervision of the Commission, for the prosecution of human rights cases
28 under Section hereof;
29
- 30 l) Accredite national non-government and people's organizations involved in human
31 rights promotion, protection and advocacy, including those for purposes of visiting
32 persons arrested, detained or under custodial investigation;
33

- 1 m) Ensure that the status, rights and interests of children and of the family are
2 upheld in accordance with the Constitution, laws and duly ratified instruments on
3 human rights;
4
5 n) Create, establish, organize, re-structure, compress, and otherwise manage such offices
6 and centers the Commission deems necessary and appropriate for expeditious
7 and effective fulfilment of its mandate, including a central office, regional, sub-
8 regional, and provincial offices for specific thematic and functional matters;
9
10 o) Appoint its officers and employees in accordance with law; and
11
12 p) Perform such other duties and functions as may be provided by law.
13

14 **B . Investigation**

15
16 **SEC. 17. *Investigative Powers and Functions.*** - The Commission shall exercise
17 primary and original jurisdiction to investigate, on complaint or motu proprio, cases of
18 human rights violations to include civil, political, economic, social and cultural rights. In the
19 exercise of its investigative function, the Commission shall have the following powers:
20

- 21 a) Act promptly on complaints filed in any form or manner by any person; and
22 upon finding of human rights violation, recommend the filing of appropriate
23 administrative, civil and/or criminal action(s). Any investigation being
24 conducted by any other body shall not be a bar to the investigation of
25 the Commission;
26
27 b) Compel the attendance of witnesses and the production of evidence,
28 administer oaths, issue subpoenas and take testimony in any investigation or
29 inquiry;
30
31 c) Issue orders and directives constituting preventive and legal measures,
32 provided for under Sections 20 and 21 of this Act, respectively;
33

- 1 d) Provide protection and extend financial assistance to witnesses to ensure their
2 attendance in investigations and production of evidence;
3
- 4 e) Delegate to its deputies, investigators or representatives, such authority or duty
5 to ensure the effective exercise or performance of its investigative functions;
6
7
- 8 f) Request and require the assistance and cooperation of any officer or
9 employee of any department, bureau or office, subdivision, agency or
10 instrumentality of the Government, including government-owned or
11 controlled corporations and local governments;
12
- 13 g) Deputize lawyers or legal aid groups, medical organizations, as well as
14 government agencies and offices, to provide assistance in the exercise of its
15 investigative functions;
16
- 17 h) Make the results and findings of its investigations available and accessible to
18 the public; and
19
- 20 i) Cite in contempt any person for failure to comply with a lawful order of the
21 Commission issued in the exercise of its investigative and prosecutorial
22 functions. In this regard, the 1997 Revised Rules of Procedure shall apply
23 suppletorily.
24

25 **SEC. 18 . *Imprescriptibility of Human Rights Violations.*** - The investigation of
26 human rights violations shall not be subject to any statute of limitations or prescriptive
27 period.
28

29 **SEC. 19. *Scope of Preventive Measures.*** - The preventive measures under Article
30 XIII, Sec. 18 (3) of the Constitution that may be issued by the Commission in the
31 investigation of cases involving all forms of human rights violations shall include the
32 following:
33

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

27 **SEC. 20. *Scope of Legal Measures.*** - The legal measures under Article XIII, Sec. 18
28 (3) of the Constitution that may be provided by the Commission shall include the following:
29

- 30 a) Mandatory protection orders (MPO's) directing government security forces,
31 other government agencies, or private institutions to provide specific
32 protection to victims of human rights violations;
33

- 1 b) Orders deputizing government offices and private institutions and
2 organizations for the purpose of providing protection;
3
4 c) Orders deputizing government and private lawyers as counsels de officio to
5 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 **SEC. 21. *Grant of Immunity.*** – The commission may grant immunity from
10 prosecution to any person whose possession and production of documents or other evidence
11 may be necessary to determine the truth in any hearing, inquiry or proceeding under such
12 terms and conditions as it may determine taking into account the pertinent provisions of the
13 Rules of Court and its own rules. The immunity shall only be granted after a determination of
14 the relevance, veracity and authenticity of the evidence sought to be presented by the
15 Commission. The immunity granted shall be revoked on account of evidence presented to be
16 true but which is, in fact, false and spurious and without which the Commission would not
17 have granted immunity.
18

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

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

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

5
6 In the case of a suspended elective official, upon expiration of the period of
7 preventive suspension, he shall be deemed reinstated in office without prejudice to the
8 continuation of the proceedings against him which shall be terminated within one hundred
9 twenty (120) days from the date the official was formally notified of the case.

10
11 The respondent officer or employee shall be accorded full opportunity to appear and
12 defend himself in person or by counsel, to confront and cross-examine the witnesses against
13 him, and to require the attendance of witnesses and the production of documentary evidence
14 in his favour through the compulsory process of *subpoena ad testificandum* or *subpoena*
15 *duces tecum*.

16
17 **SEC. 23. Referral to Disciplining Authority.** - The Commission may endorse and/or
18 recommend to the proper authorities the filing of the appropriate sanction or disciplinary
19 action against a public officer or employee found guilty of committing violations of human
20 rights and recommend his removal, suspension, demotion, censure, imposition of fine, or
21 prosecution and to ensure compliance by requiring the officer concerned to report on his
22 action within thirty (30) days from receipt of the recommendation and/or endorsement of the
23 Commission. The failure of the appropriate authority to act or comply with said
24 recommendation or endorsement shall constitute a ground for an application of the issuance
25 of a writ of mandamus by the Commission. For this purpose, every case on which the
26 Commission has rendered a resolution or recommendation adverse to a public official shall
27 be transmitted to the head of the department, agency or instrumentality, or of the province,
28 city or municipality concerned for immediate action, as may be necessary.

29
30 **SEC. 24. Motu Proprio Dismissal.** - The Commission may dismiss, *motu proprio*, a
31 complaint for the investigation of human rights violations on any of the following grounds:

- 32
33 a) The complaint pertains to a matter outside of the jurisdiction of the Commission;
34 b) The complaint is trivial, frivolous, vexatious or made in bad faith; or

1 c) Other valid grounds as may be determined by the Commission.
2

3 **SEC. 25. *Investigation by Regional Offices.*** - The proper regional office of the
4 Commission shall investigate complaints falling within its territorial jurisdiction unless
5 the Commission en banc, in its discretion, takes direct cognizance of the same. Upon
6 recommendation of the regional office in investigations pending before it, the Commission en
7 banc may issue legal and preventive measures and preventive suspension orders which
8 are immediately executory. Within ten (10) days after concluding the investigation, the
9 regional office shall render the appropriate order, directive or resolution subject to
10 appeal to the Commission en banc pursuant to its rules.
11

12 **C. Prosecution** 13

14 **SEC. 26. *Concurrent Limited Prosecutor/al Powers and Functions.*** - The
15 Commission shall exercise concurrent prosecutorial powers and functions as herein provided.
16

17 In the event of the failure of the Department of Justice or Office of the Ombudsman to
18 initiate a preliminary investigation within twenty (20) days from its receipt of the case
19 recommended for prosecution by the Commission, the inaction shall be considered as
20 an automatic endorsement of the matter to the Commission without any further act or notice
21 by the Department of Justice or Office of the Ombudsman for purposes of preliminary
22 investigation. Thereafter, the Commission shall conduct the preliminary investigation and
23 upon a finding of probable cause, issue a resolution for the filing of the appropriate
24 information and prosecution of.
25

26 For this purpose, the Commission shall have the power to deputize, government
27 prosecutors or private lawyers to prosecute the criminal offences that have been the subject of
28 its preliminary investigation. The prosecution shall remain under the Commission's direct
29 control and supervision.
30

31 This section shall apply only to the following cases:
32

- 33 a) When committed by State Actors - in cases where the offender is a public officer as
34 defined under Article 203 of Republic Act No. 3815, otherwise known as the

1 Revised Penal Code as amended, and acting in his capacity as such, or any person
2 acting on behalf or under the immediate control of the State and its agents, and where
3 the human rights violation constitutes a criminal offense under the Revised Penal
4 Code and special laws, as follows:

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

29

30 b) When Committed by Non-State Actors - Non-state actors are persons, other than
31 public officers, belonging to and acting on behalf or under the immediate control of a
32 juridical or non- juridical person, whether legitimate or illegitimate, including but not
33 limited to the following:

- 34 1) Armed groups, bandits, warlords and private armies;

- 1 b) Conduct inquiries on the manner of implementation by the Philippine Government of
2 specific human rights treaty obligations;
3
- 4 c) Summon any public official to explain on the measures undertaken by his or her
5 agency in order to comply with the State's international treaty obligations on human
6 rights;
7
- 8 d) Enter and inspect the premises of any government agency or office, specifically police
9 and military stations, installations, camps, bases, and training schools and access
10 books, records, files, documents or papers located in the above-mentioned office and
11 facilities;
12
- 13 e) Study and recommend to the government international human rights treaties or
14 instruments for its signature, ratification or accession;
15
- 16 f) Make timely and regular submission of independent reports to international human
17 rights treaty bodies and other international human rights mechanisms;
18
- 19 g) Advise and assist the government on clearly-identified gaps in human rights treaty;
20
- 21 h) Capacitate stakeholders to enable participation in monitoring human rights treaty
22 compliance by the government;
23
- 24 i) Delegate to its deputies, investigators or representatives, such authority or duty which
25 shall ensure the effective exercise or performance of its monitoring functions; and
26
- 27 j) Recommend and institutionalize best practices and incentives for human rights
28 advocates and institutions.
29

30 **SEC. 28. *Other Monitoring Functions.*** - The Commission shall likewise monitor
31 observance by non-state actors of human rights obligations arising from agreements entered
32 into with the government, as well as unilateral declarations and similar undertakings.
33

1 cooperate and coordinate with human rights non-government organizations, lawyers' groups,
2 the academe and people's organizations of the concerned sectors of civil society.

3
4 **SEC. 32. *Research.*** - The Commission shall undertake a continuing research and
5 study on select human rights issues for purposes of recommending policy reforms, as well as
6 administrative and legislative measures that will also address economic, social and cultural
7 rights.

8
9 **SEC. 33. *Coverage of Programs.*** - The Commission shall prescribe the scope
10 and coverage of education, advocacy, information and training programs on human rights,
11 and which will be provided for in the implementing rules and regulations of this Act.

12
13
14 **F. Other Powers and Functions**

15
16 **SEC. 34. *Witness Protection Program.*** - The Commission shall strengthen its
17 witness protection program, including the provision of security, shelter, relocation and
18 livelihood assistance to witnesses and their families.

19
20 **SEC. 35. *Financial Assistance Program.*** - The Commission shall enhance its
21 financial assistance program to victims of human rights violations and their families.

22
23 **SEC. 36. *Legal Assistance Program.*** - The Commission shall implement a legal
24 assistance program to benefit victims of human rights violations in coordination with human
25 rights organizations and lawyers' groups, the Integrated Bar of the Philippines and Philippine
26 law schools.

27
28 **SEC. 37. *Protection of Filipinos Abroad.*** - The Commission shall undertake
29 measures for the protection and promotion of human rights of Filipinos living abroad. It shall
30 coordinate with Philippine Embassy or Consulate officers as well as private individuals of
31 known probity and active involvement in human rights work, or foreign-based human
32 rights and migrant workers' non-government organizations in countries where the
33 incidence of human rights violations of Filipinos is widespread and commonplace, including
34 traditional host' countries of Overseas Filipino Workers, for purposes of monitoring the status

1 of human rights of Filipinos living abroad, establishing networks among Filipinos to promote
2 protection of human rights, reporting cases of violations thereof, facilitating the remedial
3 measures of victims and coordinating with respective agencies to provide counselling and
4 financial aid.

5
6 **SEC. 38. *Creation of Ad Hoc Truth Commissions.*** - The Commission may
7 recommend the creation of an ad hoc Truth Commission on matters of transcendental
8 importance, such as widespread and systematic human rights violations occurring over
9 prolonged periods of time, or under extraordinarily-repressive conditions, or attended by
10 a culture of impunity that is instigated, inspired or orchestrated by public officials, in
11 conspiracy with government security forces or State-sponsored armed groups.

12
13 **SEC. 39. *Issuance of clearances.*** - The Commission shall issue clearances to
14 members of the military, police and other law enforcement agencies prior to, and as
15 requirement for, their promotion or assumption of office. The Commission may also
16 issue clearances for other purposes such as training, education or study grants abroad upon
17 proper request of the applicant.

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

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

31
32 **SEC. 41. *Protection from Harassment Suits; Dismissal.*** - The Chairperson,
33 Commissioners, officers and employees of the Commission shall be immune from civil

1 or criminal prosecution for acts performed in pursuance of their official functions for the
2 duration of their tenure.

3
4 **SEC. 42. *Obstruction.*** - Any person who, after due hearing, is found to have wilfully
5 obstructed or hindered the proper exercise of the powers and functions of the Commission, or
6 who wilfully misleads or attempts to mislead the Chairperson, Commissioners and the duly
7 designated Commission officials and representatives shall be punished for obstruction of
8 justice by the Commission. In addition, he/she shall be penalized by a fine not exceeding
9 Twenty Five Thousand Pesos (P25,000.00), at the discretion of the Commission.

10
11 **TITLE III. ORGANIZATION AND STRUCTURE**

12
13 **SEC. 43. *Commission as a Collegial Body.*** - The Commission composed of the
14 Chairperson and four (4) Commissioners, as a collegial body, is responsible for the
15 promulgation of policies, decisions, orders and resolutions necessary for the efficient
16 administration of the 33 Commission and for proper execution of its constitutional mandate.

17
18 In the exercise of its powers and functions, the Commission shall sit and render its
19 decision en bane. Every such decision, order or resolution of the Commission must bear the
20 concurrence and signature of at least three (3) Members thereof.

21
22 The Commission shall meet regularly once a week, or as the Commission may direct,
23 or upon call by the Chairperson. A majority of the members, at least three (3), constitutes a
24 quorum needed in any en bane meeting of the Commission.

25
26 **SEC. 44. *The Chairperson as Executive Officer; Powers and Duties.*** - The Chairperson
27 shall be the Chief Executive Officer of the Commission, and shall:

- 28
29 a) Execute and carry out the policies, decisions, orders and resolutions
30 approved by the Commission;
31 b) Direct and supervise the operations and internal administration of the
32 Commission;

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

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

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

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

7
8 All officers and employees of the Commission, unless otherwise provided herein,
9 shall receive emoluments and privileges that shall not be less than those given to
10 comparable positions 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
14 with its policies, standards, rules and regulations adopted and promulgated by the
15 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 the
19 Commissioner;
- 20 b) Recommend and/or implement administrative and management policies, rules
21 and standard operating procedures to be established by the Commission;
- 22 c) Recommend and initiate programs, projects and policies which promote
23 productivity, efficiency and effectiveness in the Commission;
- 24 d) Coordinate with different CHR organization units in the information and
25 reporting requirement of the Commission;
- 26 e) Resolve operational issues in accordance with the levels of authority
27 prescribed by the Commission;
- 28 f) Undertake appraisal on issues/problems and policy recommendations
29 requiring decision/action by the Commission;
- 30 g) Conduct necessary representation with different branches and agencies of the
31 government on vital issues/concerns involving the organization, operations
32 and programs of the Commission; and
- 33 h) Perform such other functions as may be assigned by the Commission En Banc.
- 34

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

6 **SEC. 47. *The Commission Secretary.*** - The Commission Secretary, who shall head
7 the Commission Secretariat, shall provide executive services to the Commission on its
8 regular, special and executive meetings, assistance on policy review and coordination, review
9 and appraisal of the programs and other project undertakings of the Commission, including
10 technical support on the formulation of guidelines, directives, mandates and executive
11 summaries and reports. In addition, the Commission Secretary shall:
12

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

1
2 The Commission Secretary, who must be at least a degree holder of Bachelor of Laws
3 (L.L.B.) or Juris Doctor (JD), shall have the rank, salary and privileges of a Director IV.
4

5 **SEC. 48. *Duties and Functions of the Offices of the Commission.*** - The different
6 offices of the Commission provided in Section 47 of this Act shall operate in accordance with
7 their respective duties and functions assigned them by the Commission subject to
8 requirements of efficiency, economy and effectiveness, and pertinent budget and civil service
9 laws, rules and regulations.
10

11 **SEC. 49. *Officers of the Commission.*** - All officers appointed by the Commission
12 who possess the rank or position above Division Chief level and officially perform
13 managerial and executive functions, must be Career Executive Service (CES) eligible
14 under the Career Executive Service Board or has equivalent eligibility as the Commission
15 may establish.
16

17 The Commission may propose additional qualification standards to be submitted for
18 approval to the Department of Budget and Management and for information of the Civil
19 Service Commission.
20

21 **SEC 50. *Central Offices*** - The Commission shall establish Central Offices to effect
22 its functional mandates of investigation, legal advocacy, visitorial education, research
23 and compliance monitoring, and such other functions necessary for the effective and
24 efficient performance of its duties.
25

26 **SEC. 51. *Regional Offices.*** - The Commission shall have seventeen (17) regional
27 offices, as may be further established by law, with two regional offices for Region IV,
28 including the National Capital Region (NCR), the Caraga Administrative Region
29 (CARAGA), Cordillera Administrative Region (CAR) and the Autonomous Region of
30 Muslim Mindanao (ARMM).
31

32 Each Regional Office shall be headed by a Regional Human Rights Director with a
33 rank and salary of Director IV, who must be a member of the Philippine Bar, assisted by an
34 Assistant Regional Human Rights Director, and such other subordinate officers or

1 employees as the Commission may appoint. The Assistant Regional Human Rights Director
2 shall carry the rank and receive the same salary and privileges of a Director III.

3
4 The Commission may delegate its powers and functions or order the implementation
5 or enforcement of its orders, rulings or decisions through the heads of its regional
6 offices in accordance with its rules and regulations to be promulgated by the Commission.

7
8 **SEC 52. Provincial Offices.** - The Commission may establish such Provincial Offices
9 as may be necessary in the provinces falling under the administrative jurisdiction of the
10 Regional Office. The Provincial Office shall be headed by a Provincial Human Rights Officer
11 and staffed by such other officers or employees as the Commission may appoint. The
12 Provincial Human Rights Officer shall carry the rank and receive the same salary and
13 privileges of a Division Chief.

14
15 **SEC. 53. Sectoral Rights Offices.** - The Commission shall establish offices and
16 centers to undertake promotion and protection of the rights of vulnerable sectors, to include
17 but not be limited to women and children, as the Commission may deem appropriate.

18
19
20 **SEC. 54. Joint Congressional Oversight Committee.** - A Joint Congressional
21 Oversight Committee is hereby created, composed of the Chairman of the Senate Committee
22 on Justice and Human Rights and three (3) other Senators designated by the Senate President,
23 and the Chairman of the House Committee on Human Rights, and three (3) other Members
24 of the House of Representatives designated by the Speaker of the House of Representatives:
25 Provided, That, of the three (3) members to be designated by each House of Congress, two
26 (2) should come from the majority and the remaining Member from the minority.

27
28 The Joint Congressional Oversight Committee shall have the power to monitor and
29 evaluate the implementation of this Act.

30
31 **SEC. 55. Implementing Rules and Regulations.** - The Commission shall, within
32 sixty (60) days from the approval of this Act, formulate the implementing rules and
33 regulations in the exercise of its general, investigative, prosecutorial, monitoring, education
34 and advocacy powers and functions together with the Department of Justice (DOJ),

1 Department of National Defense (DND), Department of Interior and Local Government
2 (DILG), Department of Social Welfare and Development (DSWD), Armed Forces of the
3 Philippine (AFP), Philippine National Police' (PNP) and other concerned agencies of the
4 Government.

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

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

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

23
24 **SEC. 59. *Transitory Provision.*** - Nothing in this Act shall prejudice the
25 positions, emoluments, security of tenure, qualifications, privileges and benefits of the
26 incumbent Chairperson and Commissioners, officers and employees of the Commission
27 upon its effectivity. However, officials and employees of the Commission, in aid of its
28 reorganization upon the effectivity of this Act, may avail of an early retirement program as
29 may be provided for by the Commission.

30
31 **SEC. 60. *Separability Clause.*** If any provision of this Act shall be held
32 unconstitutional, other provisions not affected thereby shall remain valid and binding.

1 **SEC. 61. *Repealing Clause.*** - All laws, republic acts, presidential decrees, letters
2 of instructions, executive orders, rules and regulations insofar as they are inconsistent with
3 this Act 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 the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,