

SENATE

'19 JUL -2 P1:33

S. No. 183

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INTRODUCED BY SENATOR LEILA M. DE LIMA

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**AN ACT**  
**STRENGTHENING THE COMMISSION ON HUMAN RIGHTS OF THE**  
**PHILIPPINES AS THE NATIONAL HUMAN RIGHTS INSTITUTION, AND**  
**FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

It is a declared policy of the State to promote, protect and uphold human rights as mandated by Article XIII, Section 1 of the Constitution, which reads:

Section 1. The Congress shall give highest priority to the enactment of the measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

Harmonious to this State Policy, the 1987 Constitution established the Commission on Human Rights (CHR), later enacted into law by virtue of Executive Order no. 163, with the mandate to promote and protect human rights of all Filipinos including those overseas. Specific powers and functions of the CHR are set forth in Article XVIII on Social Justice and Human Rights. These include the core functions of investigation, monitoring, and education.

As a constitutional creation, the CHR is the national human rights institution (NHRI) of the Philippines. As such, it performs the important role of linking human rights norms, international in character, to the level of domestic implementation. Through its advisory function as NHRI, as outlined in the *United Nations Principles on the Status of National Human Rights Institution*, it can issue recommendations and guidelines on the implementation of commitments of the Philippines in treaties it has ratified including their Optional Protocols. For example, the Philippines is State Party to the United Nations Convention on the Elimination of all forms of

Discrimination Against Women (CEDAW). This treaty provides for the application of all human rights equally to women and identifies the measures by which it shall be complied with. The CHR has developed Advisories on various issues and thematic concerns covered by the CEDAW, and these include the passage of then Reproductive Health Bill, including the wearing of *Hijab*<sup>1</sup> which was lauded by both the Philippine Commission on Women<sup>2</sup> and the Department of Foreign Affairs for addressing deeply entrenched religious prejudices in society.

The CHR has consistently worked towards the better understanding of UN Special Procedures and the importance of Optional Protocols. In 2012, the CHR has participated in the Country Inquiry of the *Committee on the Elimination of Discrimination Against Women* on Manila's EO No. 003. It has also engaged with the Special Rapporteur on Trafficking Against Persons, presenting its work with the *Southeast Asia NHRI Forum*.

Over the years, the CHR has proven its exemplary work as a cornerstone of human rights in the country. This has been affirmed by the Supreme Court itself in *Edita T. Burgos v. Gen. Hermogenes Esperon et.al.*, whereby the Court expressly commended the efforts of CHR in the investigation of the disappearance of Jonas Joseph Burgos. The ruling provides, “[i]n the present case, while Jonas remains missing, the series of calculated directives issued by the Court outlined above and the extraordinary diligence the CHR demonstrated in its investigations resulted in the criminal prosecution of Lt. Baliaga. x x x”<sup>3</sup> The CHR has also made submissions in cases pertaining to discrimination of sectoral minorities as for example, individuals with diverse sexual orientation and gender identity. Recently, it has also made submissions on the issue of citizenship of foundlings, underscoring the *best interest of the child principle* of the UN Convention on the Rights of the Child.

In addition to the Constitution and E.O. No. 163, various laws were later enacted granting additional special mandates to the CHR. Currently, there are eight (8) such laws<sup>4</sup>. Foremost of these are R.A. No. 9710 or the *Magna Carta of Women*

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<sup>1</sup> See CHR Advisory number 2013-002 issued on August 8, 2013.

<sup>2</sup> See <<http://pcw.gov.ph/article/muslim-women-are-now-free-wear-%E2%80%98hijabs%E2%80%99-schools-gov%E2%80%99t-institutions-chr>>, 17 October 2016.

<sup>3</sup> See <[http://www.lawphil.net/judjuris/juri2014/feb2014/gr\\_178497\\_2014.html](http://www.lawphil.net/judjuris/juri2014/feb2014/gr_178497_2014.html)>, 17 October 2016.

<sup>4</sup> Republic Act No. 9710, Magna Carta of Women; Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006; Republic Act No. 9262 or the Anti-Violence Against Women and their Children Act of 2004; Republic Act No. 9208 or the Anti-trafficking in Persons Act of 2003; Republic Act No. 9745 or the Anti-torture Act of 2009; Republic Act No. 9372 or the Human Security Act of 2007; Republic Act No. 9851 or the Philippine Act on Crimes Against International Humanitarian Law,

*Act of 2009* which delegates to CHR the powers of *Gender Ombud*, and R.A. No. 9344 or the *Juvenile Justice and Welfare Act of 2006* which names the CHR as *Child Ombudsman*.

The work and accomplishments of the CHR, thus far, cannot be fully presented in this explanatory note. With almost thirty (30) years in existence, the CHR has served countless Filipinos through its programs and services. Notwithstanding these accomplishments, the CHR also has to occasionally address institutional challenges in terms of resources and extent of its mandate.

It is worth noting that the need to strengthen the CHR is often raised in important forums domestic and overseas. In its consideration of the 2016 Philippine State Report, the United Nations (UN) Committee on Economic Social Cultural Rights made the following recommendation for the CHR, viz.: “[t]he Committee urges the State party to expedite the discussion and adoption of the Commission on Human Rights Charter (Senate Bill No. 2818 for an Act Strengthening the Functional and Structural Organization of the Commission on Human Rights and for Other Purposes) to ensure full compliance with the Paris Principles on national institutions for the promotion and protection of human rights.”<sup>5</sup>

In recent proceedings, other UN bodies have also spoken on the need to strengthen the CHR as an organization. In its 2014 Report on 2012 country Inquiry of the Philippines regarding Executive Order No. 003 on Family Planning by then Manila City Mayor Lito Atienza, the Committee on Elimination of All Forms of Discrimination Against Women, made the recommendation for the CHR, viz.: “...provide the Commission with adequate financial, human and technical resources to ensure that it can effectively discharge its current and additional functions; and take all necessary measures to ensure its full financial autonomy.”<sup>6</sup> Likewise, the UN Committee on the Rights of the Child, in its review of the Philippines’ 3<sup>rd</sup> and 4<sup>th</sup> combined reports, included the following recommendation in its Concluding Observations, viz.: “The Committee also recommends that the State party support the prompt passing of the CHRP Charter that is awaiting approval by Congress to

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Genocide, and Other Crimes Against Humanity; Republic Act No. 10368, or the Human Rights Victims Reparation and Recognition Act of 2013.

<sup>5</sup> See E/C.12/PHL/CO/5-6 (07 October 2016), available at <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPHL%2fCO%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPHL%2fCO%2f5-6&Lang=en)>, 19 October 2016.

<sup>6</sup> See CEDAW/C/OP.8/PHL/1, available at <[http://www.ohchr.org/Documents/Issues/Women/WRGS/Philippines\\_inquiry.pdf](http://www.ohchr.org/Documents/Issues/Women/WRGS/Philippines_inquiry.pdf)>, 19 October 2016.

strengthen the protection and promotion of children's rights.”<sup>7</sup> Finally, in the last Universal Periodic Review of the UN Human Rights Council for the 2<sup>nd</sup> cycle reporting of the Philippines, the following recommendations were made by foreign governments *viz.*: “Further consolidate its national human rights infrastructure, including support to the Commission on Human Rights (Egypt); Continue to improve its capacity to uphold human rights, including by increasing the Commission on Human Rights’ (CHR) fiscal autonomy and organizational capacity, as well as further efforts to prevent human rights violations by Armed Forces of the Philippines and Philippines National Police personnel (Australia); Continue the work to build-up the capacity in the area of human rights protection, including through strengthening the national human rights institution (Russian Federation); Intensify the efforts and measures to consolidate the state of law and its national mechanisms on human rights (Viet Nam)”.<sup>8</sup>

To empower the CHR as an institution through a Charter will therefore not only reinforce the recommendations and recognition of its contribution to safeguard fundamental rights and freedom but will serve the higher purpose of institutionalization of treaty commitments by the Philippine government.

It is not uncommon that popular opinion may not fully appreciate the status of the CHR as the highest government machinery in the protection of human rights. The CHR is a partner of security forces in human rights education, the legislative department in rights-based approach to law-making, the judiciary in evolving breaches of human security through enforced disappearance, and intermediary between government and civil society. The CHR Charter will help bridge the disconnect between the unpopular opinion against human rights defenders and the importance of the role the CHR plays in our modern society.

In view of the foregoing, early approval of this measure is earnestly sought.

  
LEILA M. DE LIMA

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<sup>7</sup> See CRC/C/PHL/CO3-4 (22 October 2009), available at <[http://www.bayefsky.com/pdf/philippines\\_t4\\_crc\\_52.pdf](http://www.bayefsky.com/pdf/philippines_t4_crc_52.pdf)>, 19 October 2016.

<sup>8</sup> See A/HRC/21/12.

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



SENATE

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Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT**  
**STRENGTHENING THE COMMISSION ON HUMAN RIGHTS OF THE**  
**PHILIPPINES AS THE NATIONAL HUMAN RIGHTS INSTITUTION, AND**  
**FOR OTHER PURPOSES**

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

Section 1. *Short Title.* - This Act shall be known as the "Commission on Human Rights Act of 2019".

Sec. 2. *State Policy on Human Rights.* - The State values the dignity of every human person and guarantees full respect for human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Sec. 3. *Definition of Human Rights.* - Human rights are the supreme, inherent, and inalienable rights to life, dignity, and self- development. It is the essence of these rights that makes a person human. These rights include those guaranteed and recognized by the Philippine Constitution, other domestic laws and international instruments such as the Universal Declaration of Human Rights, and treaties to which the Philippines is a state party.

**TITLE I. NATURE OF THE COMMISSION**

Sec. 4. *The Commission as an Independent Office.* - The Commission on Human Rights is an independent constitutional body. It is the national human rights institution of the Philippines in accordance with the United Nations Principles Relating to the Status of National Institutions ("The Paris Principles") and other United Nations' Resolutions and Instruments pertaining to the effective functioning of national human rights institutions.

1           Sec. 5. The Commission shall enjoy full fiscal autonomy and its approved  
2 annual appropriations of the Commission shall be automatically and regularly  
3 released.

#### 4                           **A. CHAIRPERSON AND MEMBERS**

5           Sec. 6. *The Commission, Composition, and Qualifications.* -- The Commission  
6 shall be a collegial body composed of a Chairperson and four (4) Commissioners who  
7 shall possess the following qualifications:

- 8           a. Must be natural-born citizens of the Philippines;
- 9           b. Must be at least thirty-five (35) years of age at the time of their  
10           appointment, with proven integrity and competence;
- 11           c. Must have a deep and comprehensive understanding and knowledge of, as  
12           well as practical experience, on human rights protection, promotion and  
13           advocacy;
- 14           d. Majority of whom must be members of the Philippine Bar, who have been  
15           engaged in the practice of law for at least ten (10) years;
- 16           e. Must not have been a candidate, including as party-list nominee, for any  
17           elective position in any national or local election, except barangay  
18           elections, immediately preceding his or her appointment;
- 19           f. For non-lawyers, must have at least ten (10) years of professional  
20           experience in human rights; and
- 21           g. Composition must observe equal gender balance and sectoral  
22           representation.

23           Sec. 7. *Application, Nomination, Appointment and Term of Office.* - The  
24 Chairperson and Commissioners shall be appointed by the President for a term of  
25 seven (7) years without re-appointment. Appointees shall be chosen either from the  
26 list of shortlisted candidates who either applied for the position or nominated by at  
27 least two (2) civil society organizations comprised solely of Filipinos. Shortlisting  
28 shall be undertaken through the process of assessment of qualifications and public  
29 interview.

1           Of those first appointed under this Act, the Chairperson shall hold office for  
2 seven (7) years, two (2) Commissioners for five (5) years and the other two (2)  
3 Commissioners for three (3) years. The term of the Chairperson and Commissioners  
4 of the Commission shall start on the day immediately after the end of the previous  
5 term, regardless of the date of appointment. In no case shall any Chairperson or  
6 Commissioner be appointed, re-appointed, or designated in a temporary or acting  
7 capacity. Appointment to any vacancy occurring during the term shall be only for the  
8 remaining portion of said term.

9           Sec. 8. *Removal From Office.* – The Chairperson and Members of the  
10 Commission may be removed from office on any of the following grounds:

- 11       a. Disloyalty to the Republic of the Philippines;
- 12       b. Culpable violation of the Constitution;
- 13       c. Bribery or 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  
16       by imprisonment of more than 6 years;
- 17       f. Abuse of governmental authority; and
- 18       g. Acts that constitute gender based discrimination, violence against women,  
19       including sexual harassment irrespective of sexual orientation and gender  
20       identity of the Commission official or that of his or her victim.

21           The proceedings for removal shall be initiated by filing a verified complaint  
22 with the Office of the Ombudsman stating the grounds therefor and alleging the  
23 ultimate facts upon which the complaint is based. If the Office of the Ombudsman  
24 finds the complaint sufficient in form and substance, it shall file a petition for  
25 removal from office before the Sandiganbayan.

26           The Sandiganbayan shall have original and exclusive jurisdiction over  
27 petitions for removal from office for the members of the Commission.

28           Sec. 9. *Prohibition and Disqualification.* - The Chairperson and  
29 Commissioners of the Commission shall not, during their tenure, hold any other  
30 office or employment.

1 Neither shall they engage in the practice of any profession or in the active  
2 management or control of any business, which in any way may be affected by the  
3 functions of their office, nor shall they be financially interested, directly or indirectly,  
4 in any contract with, or in any franchise or privilege, granted by the Government and  
5 its subdivisions, agencies, or instrumentalities, including government-owned or  
6 controlled corporations or their subsidiaries. They shall avoid conflict of interest in  
7 the conduct of their office.

8 No spouse, common-law partner, or relative by consanguinity or affinity  
9 within the fourth civil degree, and no business or professional partner of the  
10 Chairperson or Commissioners, may appear as counsel or agent, on any matter  
11 pending before the Commission or to transact business directly or indirectly  
12 therewith.

13 This disqualification shall apply during the tenure of the official concerned.

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

20 In case of death of a retired Chairperson or Commissioner, the surviving  
21 legitimate spouse, unless disqualified by law, shall be entitled to receive, on a  
22 monthly basis, all the retirement benefits that the said deceased retiree was receiving  
23 at the time of his/her demise under the provisions of applicable retirement laws.

24 The said surviving legitimate spouse shall continue to receive such retirement  
25 benefits during his/her lifetime or until he/she remarries. Provided, that if the  
26 surviving legitimate spouse is receiving benefits under existing retirement laws,  
27 he/she shall only be entitled to the difference between the amount provided for  
28 under this Act and the benefits he/she is receiving.

29 In case of unmarried retirees, the legal heirs shall be those recognized under  
30 the *New Civil Code*.

## 31 **TITLE II. POWERS AND FUNCTIONS**

### 32 **A. GENERAL POWERS AND FUNCTIONS**

1        *Sec. 12. General Powers and Functions of the Commission.* - The Commission  
2 shall have the following general powers and functions:

- 3        a. Investigate, on its own or on complaint by any party, all forms of human rights  
4        violations;
- 5        b. Adopt its operational guidelines and rules of procedure and cite for contempt  
6        for violations thereof or its lawful orders in accordance with the Rules of  
7        Court;
- 8        c. Provide appropriate legal and preventive measures for the protection of  
9        human rights of all persons within the Philippines, especially the  
10       underprivileged, as well as Filipinos residing abroad;
- 11       d. Exercise unhampered and unrestrained visitorial powers anytime of the day or  
12       night over jails, prisons, camps, detention facilities, safe houses, and similar  
13       premises;
- 14       e. Establish a continuing program of research, education, and information to  
15       enhance respect for the primacy of human rights;
- 16       f. Recommend to Congress legislative measures to promote and protect human  
17       rights and to provide for remedies to victims of violations of human rights or  
18       their families;
- 19       g. Monitor the Philippine government's compliance with international treaty  
20       obligations on human rights and prepare periodic reports to treaty bodies;
- 21       h. Grant immunity from prosecution to any person whose testimony or  
22       possession of documents or other evidence is necessary or convenient to  
23       determine the truth in any investigation conducted by it or under its  
24       authority;
- 25       i. Require the assistance of any department, bureau, office, or agency in the  
26       performance of its functions;
- 27       j. Establish working relationships with civil society organizations, non-  
28       government organizations, and people's organizations involved in human  
29       rights promotion, protection, and advocacy;
- 30       k. Perform its Gender and Child Ombud roles as well as to ensure that the status,  
31       rights, and interests of the marginalized and vulnerable sectors, are upheld in

1 accordance with the Constitution, laws, and international instruments on  
2 human rights;

3 l. Issue human rights directives, observations, and advisories directed to all  
4 concerned agencies of government for their implementation;

5 m. Appoint its officers and employees in accordance with law; and

6 n. Perform such other duties and functions as may be provided by law.

## 7 **B. CHR PROTECTION FUNCTIONS**

8 *Sec. 13. Scope of CHR Protection Functions.* - The CHR Protection Functions  
9 shall consist of the following:

10 a. Investigation of Human Rights Violations;

11 b. Legal and Preventive Measures;

12 c. Visitation Function;

13 d. National Preventive Mechanism; and

14 e. Witness Protection.

15 *Sec. 14. Investigative Powers and Functions.* -The Commission shall exercise  
16 primary and original jurisdiction to investigate, upon complaint or on its own, cases  
17 of human rights violations involving civil, political, economic, social, and cultural  
18 rights.

19 In the exercise of its investigative function, the Commission shall have the  
20 following powers:

21 a. Act promptly on reports or complaints, filed in any form, by any  
22 person/organization. Findings of human rights violations shall include  
23 recommendations for appropriate remedies, and referral to proper  
24 government agencies for the filing of administrative, criminal, or civil  
25 actions. The recommendations may include proposals for legislative,  
26 administrative, and judicial reforms.

27 The investigation and other proceedings conducted by any administrative,  
28 judicial, or quasi-judicial bodies shall not bar the investigation by the  
29 Commission of allegations of human rights violations.

1 Final orders, decisions, or resolutions of the Commission, in the exercise of  
2 its investigative functions, shall be appealed to the Court of Appeals on both  
3 questions of fact and law, or on *certiorari* to the Supreme Court on  
4 questions of law;

5 b. In addition to its power to investigate all violations of human rights as  
6 defined in Title II, Section 12 of this Act, the Commission shall have the  
7 power to investigate human rights and international humanitarian law  
8 violations, as provided in pertinent laws, including but not limited to the  
9 provisions of the following:

- 10 1. An Act Defining Certain Rights of Persons Arrested, Detained or  
11 Under Custodial Investigation as well as the Duties of the Arresting,  
12 Detaining and Investigating Officers, and Providing Penalties for  
13 Violations Thereof (*Republic Act No. 7438*);
- 14 2. Special Protection of Children Against Abuse, Exploitation, and  
15 Discrimination Act (*Republic Act No. 7610*);
- 16 3. Anti-Violence Against Women and Their Children Act of 2004  
17 (*Republic Act No. 9262*);
- 18 4. Juvenile Justice and Welfare Act of 2006 (*Republic Act No. 9344*);
- 19 5. The Magna Carta of Women (*Republic Act No. 9710*);
- 20 6. Anti-Torture Act of 2009 (*Republic Act No. 9745*);
- 21 7. Anti-Child Pornography Act of 2009 (*Republic Act No. 9775*);
- 22 8. Philippine Act on Crimes Against International Humanitarian Law,  
23 Genocide, and Other Crimes Against Humanity (*Republic Act No.*  
24 *9851*);
- 25 9. Anti-Enforced or Involuntary Disappearance Act of 2012 (*Republic*  
26 *Act No. 10353*);
- 27 10. Human Rights Victims Reparation and Recognition Act of 2013  
28 (*Republic Act No. 10368*);
- 29 11. Human Security Act of 2007 (*Republic Act No. 9372*); and  
30 Such other related laws as may hereafter be enacted.

- 1 c. Compel the attendance of witnesses and the production of evidence, to place  
2 the witness under oath or affirmation, issue *subpoenas*, and take testimony  
3 in any investigation or inquiry;
- 4 d. Employ forensic sciences in making findings of human rights violations and  
5 to assess the physical and mental well-being of living victims as well as to  
6 exhume and/or autopsy dead victims;
- 7 e. Issue invitations, subpoenas, orders, or other processes requesting or  
8 directing any person to appear, attend and testify at the meeting, forum,  
9 conference, dialogue, public inquiry, or hearing conducted by the  
10 Commission, any of its Regional Offices, sub-offices or designated  
11 Commission officers or committees; and for such person to produce and  
12 submit records, documents, books, or other things under his/her/their  
13 possession, control or supervision, and which are relevant to the case/s  
14 being investigated by the Commission;
- 15 f. Issue orders and directives constituting legal and preventive measures,  
16 provided for under Sections 14 and 15 of this Act, respectively;
- 17 g. Establish a witness protection program to provide safety to witnesses as  
18 well as human rights defenders under threat and safeguard the integrity of  
19 evidence;
- 20 h. Monitor status of implementation/action taken on recommended remedies  
21 for human rights violations as referred and/or filed with appropriate  
22 agencies, courts, or any other body;
- 23 i. Require the assistance of any officer or employee of any department,  
24 bureau, office, instrumentality, or government-owned or controlled  
25 corporations or local government or a district unit therein;
- 26 j. Engage the assistance of lawyers or legal aid groups, medical organizations,  
27 as well as government agencies, in the exercise of its investigative functions;
- 28 k. Cite and punish for contempt any person for violations of the Commission's  
29 Rules of Procedures and lawful orders. The Rules of Court shall apply  
30 suppletory to the Rules of the Commission; and

1 l. Perform such other powers as may be necessary or incidental for the  
2 effective exercise or conduct of its investigative powers.

3 No restraining order or writ of injunction shall be issued against the  
4 Commission in the performance of its powers and functions, except those issued  
5 by the Court of Appeals or the Supreme Court.

6 Sec. 15. *Scope of Legal and Preventive Measures.* – In all cases under  
7 investigation, the Commission may issue all legal measures as well as provisional  
8 remedies, which shall include, but are not limited to the following:

- 9 a. Mandatory Protection Orders (MPOs) directing government security forces  
10 and other government agencies or private institutions to provide specific  
11 protection to victims of and witnesses to human rights violations;
- 12 b. Orders directed to government officers and private institutions and  
13 organizations for the purpose of providing protection such as but not limited  
14 to temporary shelter, and security arrangements;
- 15 c. Orders directed to government and private lawyers as counsels *de officio* to  
16 ensure that the human rights of the victim are not further violated in  
17 processes in which they shall participate; and
- 18 d. Mediation between parties on issues that can be subject to settlement.

19 In investigation cases, the Commission may issue preventive measures, which  
20 shall include, but are not limited to the following:

- 21 a. Injunctive orders to prevent any member of the government's military or  
22 police forces, as well as public officials or employees, or any person acting  
23 under their control and supervision, from concealing, transferring, torturing,  
24 or inflicting injury or abusing a person deprived of liberty.
- 25 b. Orders directing the government official or employee, or any person in control  
26 of any places of detention or confinement officials to allow access to persons  
27 deprived of liberty by his/her counsel, physician, psychologist, priest, pastor,  
28 rabbi, imam, or any spiritual adviser and relatives. Places of detention and  
29 confinement shall refer to any physical space, area or structure, whether  
30 moving or stationary, permanent or temporary, where deprivation of liberty is  
31 carried out, and which establishment, operation, and maintenance of the same

1 is punishable under *Section 14(i) of Republic Act No.9745 (Anti Torture Act of*  
2 *2009)*;

3 c. Orders directing the government official or employee, or any person in control  
4 of any places of detention or confinement to permit the inspection of said  
5 premises;

6 d. Order the custodian of persons deprived of their liberty to be transferred and  
7 in danger of reprisal or retaliation of the latter's transfer due to the filing of a  
8 complaint in connection with his/her detention of the alleged victim and to  
9 take immediate measures to secure the safety of said person;

10 e. Orders restraining/prohibiting the respondent, his unit or command from  
11 entering the immediate vicinity of the affected area or residence and from  
12 searching the victim or his belongings unless in the exercise of a valid search;  
13 and

14 f. General writs of injunction ordering respondent to refrain from committing  
15 any and all acts that would tend to cause irreparable harm or have the  
16 immediate effect of rendering the investigation of the Commission moot and  
17 academic.

18 *Sec. 17. Referral to Disciplining Authority.* – The Commission shall direct  
19 the disciplining authority to take appropriate action against a public officer or  
20 employee found guilty of committing violations of human rights and recommend his  
21 removal, suspension, demotion, censure, imposition of fine, or prosecution.

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

26 In cases where the Commission's recommendations are not adopted by the  
27 disciplining authority, a written information stating the reasons therefor must be  
28 submitted to the Commission. The failure to report will warrant administrative  
29 charges under Civil Service rules.

30 *Sec. 18. National Preventive Mechanism (NPM).* – In line with its  
31 Constitutional mandate to exercise visitorial powers over jails, prisons, or detention

1 facilities and to monitor the Government's compliance with international treaty  
2 obligations on human rights, the Commission shall perform the duties of the  
3 National Preventive Mechanism for the Prevention of Torture.

4 The Commission shall create a National Preventive Committee to fully implement  
5 its functions as NPM. The members of this Committee shall have a term of two (2)  
6 years and shall perform functions as may be defined by the Commission.

7 Sec. 19. *Powers of the National Preventive Mechanism.* - The National  
8 Preventive Mechanism ("NPM") shall have the following powers:

- 9 a. Full access to all information concerning the number of persons deprived of  
10 their liberty in places of detention, as well as the number of places and  
11 location;
- 12 b. Full access to all information referring to the treatment of those persons as  
13 well as their conditions of detention;
- 14 c. Full access to all places of detention and their installation and facilities;
- 15 d. Conduct private interviews with persons deprived of liberty without witnesses,  
16 either personally or with a translator if deemed necessary, as well as with any  
17 other person who in the discretion of the Board possesses relevant  
18 information;
- 19 e. Liberty to choose the places to visit and persons to interview; and when these  
20 should take place;
- 21 f. Freedom for its members to be accompanied, if needed, by an expert with  
22 relevant expertise, experience, and knowledge as the Chairperson may  
23 determine, on visits to places of detention; and
- 24 g. Determine its own rules and procedures, including its programs of visits.

25 Sec. 20. *Functions of the National Preventive Mechanism.* - The National  
26 Preventive Mechanism ("NPM") shall have the following functions:

- 27 a. Visit places of detention on a regular basis to examine treatment of persons  
28 deprived of liberty with a view to ensuring their protection against torture and  
29 inhuman or degrading treatment or punishment;

- b. To refer for investigation any complaint made by a detainee with his/her consent to the Commission on Human Rights proper or the appropriate investigative agency of government;
- c. Make recommendations to the President regarding the improvement of the treatment and conditions of persons deprived of their liberty in places of detention;
- d. Submit to the President and other relevant authorities proposals and observations concerning legislation relating to places of detention and the treatment of persons deprived of their liberty;
- e. Work, where appropriate, in cooperation or consultation with any person or body, whether public or private, in connection with the discharge of any of its functions under this Act and the Optional Protocol;
- f. Maintain direct contact with the Sub-Committee on Prevention to strengthen the capacity and mandate of the National Preventive Mechanism for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment and the protection of persons deprived of liberty;
- g. Coordinate and strengthen cooperation with concerned government authorities on their roles and commitment for the effective and full implementation of the NPM through constructive dialogue and meaningful interaction with relevant stakeholders;
- h. Publicize information covered by its visitation of the matters mentioned in paragraphs (a), (b), (c) and (d) hereof, when circumstances so warrant, and with due prudence: provided, that the NPM under its rules and regulations may determine what information is confidential and may not be made public: *Provided, further*, that any publicity issued by the said Board shall be balanced, fair, and true. However, the NPM shall not publish personal data relating to any person without the latter's express consent; and
- i. Publish and disseminate an independent annual report including an annual budget and expenditures report.

Sec. 21. *Confidentiality*. – Information collected by the National Preventive Mechanism shall be confidential. No personal data shall be published without the

1 express consent of the individual concerned. However, the NPM may share case  
2 reports and studies with Congress for purposes of legislation, provided that the  
3 identities and other pieces of personal information of the persons concerned are  
4 sufficiently concealed.

5       Sec. 22. *Immunity.* – No authority or official shall order, apply, permit, or  
6 tolerate any sanction against any person or organization for having communicated to  
7 the National Preventive Mechanism any information, and no such person or  
8 organization shall be otherwise prejudiced in any way.

9       Sec. 23. *Protection from Criminal Liability.* –

10       a. No criminal, disciplinary, or administrative sanction shall be taken against  
11 any person for having communicated, in good faith, any information to the  
12 NPM or the Subcommittee.

13       b. Anything done, or purported to be done, in good faith, and in pursuance of  
14 the functions and powers conferred under this Act or in respect of any  
15 publication by or under the authority of the Board of any report,  
16 proceedings or any other matter under this Act shall not be a ground for  
17 action, suit or other legal proceedings against the Board or a member or  
18 officer of the Board

19       c. Private Legal Assistance. – The Board Members, Officers and Staff of the  
20 NPM are hereby authorized to engage the services of private lawyers or  
21 extend counsel immediately upon receipt of court notice that a civil or  
22 criminal action, suit or proceeding is filed against them. The lawyer's fee  
23 shall be part of the indemnification package for the NPM Board Members,  
24 Officers and Staff, subject to the provisions of Section 24 hereof.

25       Sec. 24. *Indemnification of NPM Board Members, Officers, and Staff.* –  
26 There shall be an indemnification package for the Board Members, Officers, and  
27 Staff, which may be in the form of free legal assistance, liability insurance, and other  
28 forms of protection and indemnification for all costs and expenses reasonably  
29 incurred by such persons in connection with any civil or criminal action, suit, or  
30 proceeding to which they may be, or have been made a party by reason of the  
31 performance of their functions or duties, unless they are finally adjudged in such

1 action or proceeding to be liable for gross negligence, misconduct or grave abuse of  
2 discretion.

3       Sec. 25. *Imprescriptibility of Human Rights Violations.* – The investigation of  
4 human rights violations shall not be subject to any statute of limitations or  
5 prescriptive period.

6       Sec. 26. *Motu Proprio Dismissal.* – The Commission may dismiss, *motu*  
7 *proprio*, a complaint for the investigation of human rights violations on any of the  
8 following grounds:

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

12       The dismissal of complaint is appealable to the Court of Appeals.

13       Sec. 27. *Immunity From Suit.* – The chairperson, members, officers, and  
14 employees of the Commission shall be immune from legal action/s arising from the  
15 performance of his/her duties. However, such immunity shall not cover acts done in  
16 abuse of authority.

17       Sec. 28. *Witness Auxiliary Protection Service.* – In the exercise of its  
18 protection powers, the Commission shall implement and manage an Auxiliary  
19 Witness Protection Service, which consists of, among others, the provisions of  
20 security, shelter, relocation, and livelihood assistance to witnesses and their families.

21       The initial funding for the Auxiliary Witness Protection Service shall be  
22 allocated for such purposes and shall be included thereafter in the annual regular  
23 appropriations of the Commission.

24       The funds necessary for the initial implementation of the Auxiliary Witness  
25 Protection Service shall be taken from the current year's appropriation of the  
26 Commission. Thereafter, the funding requirement shall be included in the annual  
27 General Appropriations Act.

## C. PROMOTION AND ADVOCACY

Sec. 29. *Human Rights Education and Advocacy.* – The Commission shall establish a program of human rights promotion and advocacy through education and training to enhance respect for the primacy of human rights in coordination with different agencies of government. It shall likewise administer a Mandatory and Continuing Human Rights Education Program for the military, police, and other law enforcement agencies, as well as public school teachers. For this purpose, the Commission shall develop the components of the Program, accredit course and training providers, and issue certificates of completion to those who have successfully completed the Program.

The Commission shall also undertake a Human Rights Education, Advocacy, and Information Campaign Programs among sectors of civil society, particularly the vulnerable, marginalized, and underprivileged groups. In conducting this Program, the Commission shall actively cooperate and coordinate with human rights non-government organizations, lawyers' groups, the academe, and people's organizations of the concerned sectors of civil society.

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The Commission shall establish a Human Rights Institute as its research and training arm for human rights education.

Sec. 30. *Coverage of Program.* - The Commission shall prescribe the scope and coverage of education, advocacy, information, and training programs on human rights.

Sec. 31. *Research.* - The Commission shall undertake a continuing research and study on various human rights issues for purposes of education, recommending policy reforms, as well as administrative and legislative measures of government.

1           Sec. 32. *Human Rights Information and Communication.* - The Commission  
2 shall develop its information and communication program for the effective  
3 dissemination and advocacy of human rights and international humanitarian law, as  
4 well as other related human rights laws.

#### 5                           **D. MONITORING AND POLICY DEVELOPMENT**

6           Sec. 33. *Monitoring Powers and Functions.* - In the exercise of its mandate to  
7 monitor the Government's compliance with its international human rights  
8 obligations, the Commission shall:

- 9           a. Monitor and advice government on its responsibilities and obligations under  
10 international human rights treaties to which the Philippines is a signatory;
- 11           b. Recommend ratification of, or accession to, international human rights  
12 instruments, and to ensure their implementation;
- 13           c. Conduct inquiries on the manner of implementation by the Government of  
14 specific human rights obligations;
- 15           d. Request the full cooperation of any public official on the measures undertaken  
16 by his or her agency to comply with the State's international human rights  
17 obligations; and
- 18           e. Enable stakeholders to participate in monitoring human rights treaty  
19 compliance by the Government through consultative processes and similar  
20 forums.

21           Sec. 34. *Monitoring for Legislative and Policy Development.* - The  
22 Commission shall recommend to Congress effective measures to promote human  
23 rights. It shall advise the concerned executive, legislative, and judicial agencies to  
24 ensure conformity of national legislation, policy issuances, and local ordinances with  
25 international human rights instruments.

26           Sec. 35. *Compliance Reports to United Nations Treaty Monitoring Bodies*  
27 *and Special Procedures.* - In the exercise of its human rights treaty monitoring  
28 function, the Commission shall conduct the following functions, to wit:

- 29           a. Advise Government to submit State Reports in compliance with the  
30 reportorial obligations under international human rights treaties and to

1 furnish the Commission copies thereof upon submission to the United  
2 Nations and other international bodies;

3 b. Provide, where necessary, the reports which States are required to submit to  
4 United Nations bodies and committees, and to regional institutions, pursuant  
5 to treaty obligations;

6 c. As a national human rights institution, the Commission shall have the power  
7 to prepare its own independent reports to the United Nations, or other treaty  
8 bodies and special procedures mechanisms in relation to its monitoring of  
9 government's compliance with its international human rights obligations;

10 d. Monitor and follow-up compliance of the recommendations made by the  
11 United Nations' treaty monitoring bodies and other special procedures  
12 mechanisms;

13 e. Make the appropriate recommendations to the concerned executive agency  
14 with regard to requests for official visits of United Nations Special  
15 Rapporteurs and other treaty and charter-based mechanisms; and

16 f. Such other activities as may be necessary in the conduct of its monitoring and  
17 reporting functions as a National Human Rights Institution.

18 Sec. 36. *Cooperation with the United Nations and other Human Rights*  
19 *System.* – To strengthen the power of the Commission in the promotion and  
20 protection of human rights, it shall cooperate with the United Nations and any other  
21 organization in the United Nations System including special procedures and charter-  
22 based mechanism on matters pertaining to monitoring compliance on international  
23 treaties on human rights.

24 The Commission shall likewise undertake collaborative efforts with  
25 international and regional human rights networks and national human rights  
26 institutions of other countries in relation to promotion and protection of human  
27 rights.

28 Sec. 37. *Other Monitoring Functions.* – The Commission shall monitor  
29 observance by non-state actors of human rights obligations arising from  
30 international and domestic laws or agreements entered into with the government, as  
31 well as unilateral declarations and similar undertakings.

1           Sec. 38. *Annual Report.* – The Commission shall prepare and make public an  
2 annual report on the findings of its monitoring activities with regard to the state of  
3 the Government's compliance with its international human rights treaty obligations.

4 The report shall include, but not limited, to the following:

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

## 17                                   **E. OTHER POWERS AND FUNCTIONS**

18           Sec. 39. *Financial Assistance Program.* – The Commission shall establish a  
19 financial assistance program for victims of human rights violations and their  
20 families.

21           The initial funding for the Financial Assistance Program shall be allocated for  
22 such purposes and shall be included thereafter in the annual regular appropriations  
23 for the Commission, and the same shall be automatically and regularly released.

24           The funds necessary for the initial implementation of the Financial Assistance  
25 Program shall be taken from the current year's appropriation of the Commission.  
26 Thereafter, the funding requirement shall be included in the annual General  
27 Appropriations Act.

28           Sec. 40. *Legal Assistance Program.* – The Commission shall promote a legal  
29 assistance program to benefit victims of human rights violations in coordination with

1 human rights organizations and lawyers' groups, the Integrated Bar of the  
2 Philippines, and Philippine law schools.

3       Upon its discretion, the Commission may also provide allowances and  
4 incentives to private lawyers or lawyers' groups who would render their professional  
5 services on behalf of the Commission in any court proceeding involving the litigation  
6 of human rights cases, subject to auditing rules and regulations.

7       Sec. 41. *Protection of Filipinos Abroad.* – The Commission shall undertake  
8 measures for the protection and promotion of human rights of Filipinos living  
9 abroad. It may assign organic personnel as Human Rights Attachés in Philippine  
10 Embassy or Consulates, or deputize Philippine Embassy or Consulate officers,  
11 resident private individuals of known probity and active involvement in human  
12 rights, or foreign- based human rights and migrant workers' non-government  
13 organizations in countries where the incidence of human rights violations of  
14 Filipinos is widespread and commonplace, including traditional host countries of  
15 Overseas Filipino Workers.

16       The assigned personnel acting as Human Rights Attaché or deputized  
17 individuals of the Commission shall monitor the status of human rights of Filipinos  
18 living abroad and establish networks among Filipinos for purposes of monitoring and  
19 reporting cases of human rights violations, as well as for providing counseling and  
20 financial assistance to victims. They shall immediately notify the concerned Embassy  
21 officials of incidents of human rights violations of Filipinos and provide immediate  
22 assistance to victims.

23       The Commission may establish bilateral relationship with other national  
24 human rights institutions for the protection of human rights of Filipinos.

25       Sec. 42. *Issuance of Certifications.* – The Commission shall issue  
26 certifications to members of the military, police, and other law enforcement agencies  
27 prior to, and as a requirement for their promotion or assumption of office.

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

1           It shall also issue certifications for purposes of training, local or foreign study  
2 grants and education, or for other purposes as may be determined by the  
3 Commission, upon proper request made by the applicant.

4           Sec. 43. *Ombudsman for Children's Rights.* – The Commission shall act as an  
5 Ombudsman for Children's Rights to promote and safeguard the rights and welfare  
6 of children and young people up to eighteen (18) years of age and to investigate  
7 complaints made by children and young people or by adults on their behalf.

8           Sec. 44. *Gender and Development Ombud.* – The Commission shall act as the  
9 Gender and Development Ombud to ensure the promotion and protection of  
10 women's human rights and exercise its powers and functions under the *Magna*  
11 *Carta of Women Act of 2009.*

### 12                           **TITLE III. ORGANIZATIONAL STRUCTURE**

13           Sec. 45. *The Commission as a Collegial Body.* – The Commission, composed  
14 of the Chairperson and four (4) Members, as a collegial body, is responsible for the  
15 promulgation of policies, decisions, orders, and resolutions necessary for the efficient  
16 administration of the Commission and for proper execution of its constitutional  
17 mandate.

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

22           The Commission shall meet regularly. A majority of the members, at least  
23 three (3) constitutes a quorum needed in any *en banc* meeting of the Commission.

24           Sec. 46. *The Chairperson as Executive Officer; Powers and Duties.* – The  
25 Chairperson shall be the Chief Executive Officer of the Commission, and shall:

- 26           a. Execute and carry out the policies, decisions, orders, and resolutions  
27           approved by the Commission;
- 28           b. Direct and supervise the operations and internal administration of the  
29           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
- 5 accordance with the provisions of the Civil Service Law and the policies
- 6 involving them;
- 7 e. Submit an annual budget to the Commission for its approval and
- 8 submission to the Department of Budget and Management and to the
- 9 Congress of the Philippines;
- 10 f. Delegate his/her authority, in whole or in part, to other officials of the
- 11 Commission in accordance with *Executive Order No. 292*, otherwise
- 12 known as the *Administrative Code of 1987*, and the rules and regulations
- 13 of the Commission; and
- 14 g. Perform such other functions as may be authorized by the Commission.

15 Sec. 47. *Structural Organization.* – The Commission shall have the following  
16 offices and operating units:

- 17 a. Office of the Chairperson;
- 18 b. Office of the Commissioners;
- 19 c. Office of the Executive Director, Finance Administration and Management
- 20 d. Office of the Commission Secretariat;
- 21 e. Office for Planning and Development, Special Projects, and Audit
- 22 f. Human Rights Protection Office;
- 23 g. Human Rights Education, Research, Training and Promotion Office;
- 24 h. Office of the Director for Regional Operations, Thematic and Sectoral
- 25 Concerns

26 As an independent constitutional office, the Commission may effect changes  
27 in the organization as the need arises, provided that such reorganization shall be  
28 funded within the personnel services appropriation of the Commission.

1 All officers and employees of the Commission, unless otherwise provided  
2 herein, shall receive emoluments and privileges, which shall not be less than those  
3 given to comparable positions in any office in the government.

4 Sec. 48. *Office of the Executive Director, Finance Administration and*  
5 *Management.* – The Commission shall appoint an Executive Director who shall also  
6 be the Director for Finance Administration and Management. He or she shall oversee  
7 the day-to-day activities of offices handling administrative, finance, and support to  
8 operations in keeping with the directions of the Commission.

9 The Executive Director shall also perform other tasks as maybe assigned to  
10 him or her by the Commission.

11 Sec. 49. *Commission Secretariat.* – The Executive Director shall also head the  
12 Commission Secretariat to provide executive and support services to the Commission  
13 on its regular, special and executive meetings, assist on policy review and  
14 coordination, undertake review and appraisal of the programs and other project  
15 undertakings of the Commission, including technical support on the formulation of  
16 guidelines, directives, mandates and executive summaries and reports. He/she shall  
17 review processes and systems as they affect the efficient operations of the  
18 Commission and submit to the *en banc* proposals to improve processes, systems, and  
19 operations.

20 Sec. 50. *Office for Planning and Development, Special Projects, Audit.* – The  
21 Planning, Development, Special Project and Audit shall be under the direct  
22 supervision of the Chairperson, and shall coordinate with offices and specialized  
23 centers in developing programs, strategic plans to detailed proposals for submission  
24 to partner organizations; ensures compliance of agency to donor requirements and  
25 other documentation; maintain linkages with international donors for foreign  
26 assisted programs and projects. It shall also coordinate with offices to identify  
27 baseline standards, performance indicators, and targets to achieve the organizational  
28 goal of the Commission.

29 Audit shall include the process of determining cost effectiveness, value for  
30 money, and benefits of major investments and expenditures of the Commission and  
31 enhance individual and unit accountabilities of established systems and procedures.  
32 It shall evaluate the efficiency of operations and determine whether policies are being

1 followed consistently in all offices of the Commission and correct deficiencies in  
2 established internal control systems and procedures.

3       Sec. 51. *Duties and Functions of the Offices of the Commission.* – The  
4 different offices of the Commission provided in Section 47 of this Act shall operate in  
5 accordance with their respective duties and functions assigned to them by the  
6 Commission, subject to the requirements of efficiency, economy, and effectiveness,  
7 and pertinent budget and civil service laws, rules and regulations.

8       Sec. 52. *Office of the Director for Regional Operations, Thematic and*  
9 *Sectoral Concerns.* – The Director for Regional Operations shall be responsible for  
10 managing the day-to-day affairs, activities and operations of the Commission in  
11 Regional and Provincial Offices, in accordance with its policies, standards, rules and  
12 regulations adopted and promulgated by the Commission. It shall also manage the  
13 operations of existing specialized centers of the Commission with legal mandate,  
14 such as the Women's Human Rights Center under the *Magna Carta of Women Act*  
15 *of 2009*, and Child Rights Center under the *Juvenile Justice and Welfare Act of*  
16 *2006*.

17       The Commission shall have the following field offices:

18       (a) Regional Offices:

19       The Commission shall have eighteen (18) Regional Human Rights Offices.  
20 These will include the twelve (12) geographically grouped regional offices; the  
21 four (4) special administrative regions created by law, namely, the National  
22 Capital Region (NCR), the Cordillera Administrative Region (CAR), the  
23 Caraga Administrative Region (CARAGA), and the Autonomous Region for  
24 Muslim Mindanao (ARMM).

25       For purposes of an efficient and effective administration and operation,  
26 Region IV shall be divided into Region IV-A and Region IV-B. The former  
27 shall cover the provinces of Cavite, Laguna, Batangas, Rizal, and Quezon,  
28 while the latter shall cover the provinces of Oriental Mindoro, Occidental  
29 Mindoro, Marinduque, Romblon, and Palawan.

30       Each Regional Office shall be headed by a Regional Human Rights Director  
31 IV, who must be a member of the Philippine Bar, assisted by an Assistant

1 Regional Human Rights Director, and such other subordinate officers or  
2 employees as the Commission may appoint. They should be persons having  
3 general understanding of the human rights situation over the locality and are  
4 of known probity and independence.

5 (b) Provincial Offices:

6 Each Provincial/District Human Rights Office shall be headed by a  
7 Provincial/District Human Rights Officer, and such other subordinate officers  
8 or employees as the Commission may appoint. The Provincial/District Human  
9 Rights Officers shall carry the rank and receive salaries or benefits equivalent  
10 to a Director III. They should be persons having general understanding of the  
11 human rights situation over the locality and are of known probity and  
12 independence.

13 The Commission shall have an office in every province corresponding to each  
14 Regional Office, except the National Capital Region. The latter shall instead be  
15 subdivided into four (4) separate districts: the Northern District, Eastern  
16 District, Western District, and the Southern District, and each shall be  
17 considered a separate District Human Rights Office.

18 These Provincial/District Human Rights Offices shall provide identified  
19 services for the protection and promotion of human rights within their  
20 specific areas of jurisdiction. They shall be under the direct supervision of the  
21 Regional Human Rights Office having territorial jurisdiction over them.

22 Sec. 53. *Human Rights Protection Office.* – The Human Rights Protection  
23 Office shall provide legal, investigation, visitorial, and victims support services.

24 Sec. 54. *Human Rights Education, Research, Training and Promotion Office.*  
25 – The Human Rights Education Office shall provide education, training, advocacy,  
26 and campaign services. It shall also conduct research on human rights situations and  
27 provide research and documentation including management of library and  
28 publications. Within three years from the entry into force of this law, it shall assist  
29 the Commission in establishing the Institute of Human Rights which shall be the  
30 principal training unit of the Commission.

1           Sec. 55. *Operational Guidelines.* – The Commission shall also formulate its  
2 operational guidelines which shall include, but not be limited to, the functions and  
3 duties of the Director for Finance Administration and Management, the Director for  
4 Operations and Commission Secretary, Director for Regional Operations, and the  
5 heads of the line offices, the implementation and management of its Temporary  
6 Witness Protection Service, Financial Assistance and Legal Aid Programs, and such  
7 other matters as may be necessary for the implementation of this Act

8           Sec. 56. *Franking Privilege.* – All official mail matters and telegrams of the  
9 Commission addressed for delivery within the Philippines shall be received,  
10 transmitted and delivered free of charge; *Provided*, That such mail matters when  
11 addressed to private persons or non-government offices shall not exceed One  
12 Thousand and Twenty (1,020) grams. All mail matters and telegrams sent through  
13 government telegraph facilities containing complaints to the Commission shall be  
14 transmitted free of charge; *Provided*, That the telegram shall contain not more than  
15 One Hundred and Fifty (150) words.

16           Sec. 57. *Financial Report.* – The Commission shall make available to the  
17 public its annual financial statements, including but not limited to, expenditures and  
18 sources of funds.

19           Sec. 58. *Appropriations.* – In addition to the regular appropriations of the  
20 Commission, the sum of Three Hundred Million Pesos (P300,000,000) for the  
21 initial implementation of this Act shall be included in the Annual General  
22 Appropriations Act, in the year following its enactment into law. Thereafter, such  
23 sums, as maybe necessary for the full implementation of this Act, shall be included  
24 in the annual General Appropriations Act.

25           Sec. 59. *NPM Appropriations.* – The National Preventive Mechanism shall  
26 have an initial operating budget from the General Appropriations Act. This budget  
27 shall not be utilized for any other purpose apart from NPM work as determined by  
28 the NPM Board.

29           The amount for the initial operation of the NPM shall be sourced from the  
30 Contingent Fund of the Office of the President. Subsequent funding requirements  
31 shall be included in the annual GAA.

1           Sec. 60. *Transitory Provisions.* – Nothing in this Act shall prejudice the  
2 positions, emoluments, security of tenure, qualifications, privileges, and benefits of  
3 the incumbent Chairperson and Commissioners, officers and employees of the  
4 Commission upon its effectivity. However, officials and employees of the  
5 Commission, in aid of its reorganization upon the effectivity of this Act, may avail of  
6 an early retirement program as may be provided for by the Commission.

7           To prevent interruption or disruption in the operations of the Commission,  
8 the Chairperson and members of the Commission shall continue in office in a hold-  
9 over capacity unless their successors shall have been duly appointed; Provided that,  
10 while acting in a hold-over capacity, they shall not make appointments, including  
11 promotions, transfers and/or assignments of personnel.

12           Sec. 61. *Implementing Rules and Regulation.* – The Commission shall, within  
13 sixty (60) days from the approval of this Act, formulate the implementing rules and  
14 regulations in the exercise of its general, investigative, monitoring, education, and  
15 advocacy powers and functions in consultation with other concerned agencies of  
16 government.

17           Sec. 62. *Separability Clause.* – Should any provision of this Act or part hereof  
18 be declared unconstitutional, the other provisions or parts not affected thereby shall  
19 remain valid and effective.

20           Sec. 63. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
21 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
22 repealed, amended or modified accordingly.

23           Sec. 64. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days  
24 from its complete publication in two (2) newspapers of general circulation.

Approved,