

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. **2343**

HOUSE OF REPRESENTATIVES

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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

**EXPLANATORY NOTE**

It is a declared policy of the State to promote, protect and uphold human rights. Article XIII Section 1 states:


*"The Congress shall give highest priority to the enactment of 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."*

Pursuant to this state policy, Section 17 of the same article provided for the creation of an independent office known as the Commission on Human Rights with the power, among others, to investigate human rights violations involving civil and political rights, provide appropriate legal measures for the protection of human rights, exercise visitorial rights over jails and detention facilities, implement a continuing program of research, education, and information to enhance respect for the primacy of human rights, recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families, monitor the Philippine Government's compliance with international treaty obligations on human rights, grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority, and request the assistance of any department, bureau, office, or agency in the performance of its functions.

While the Commission has been instrumental to the protection of human rights in the country, its efforts, consistent with its current mandate, have been devoted to civil and political rights. Other forms of deprivation or violation of the right to human dignity such as poverty, various forms of discrimination and social exclusion have not been the focus of the Commission. Even in the pursuance of civil and political rights, the Commission is handicapped by such limitations as lack of prosecutorial powers, lack of power to issue immediate relief measures for human rights violations and real fiscal autonomy that should ensure its independence as a constitutional commission.

This bill seeks to strengthen the Commission on Human Rights by expanding its mandate to cover economic, social and cultural rights to be more in keeping with Article XIII Section 1 of the Constitution, granting it the power to issue temporary relief measures, residual prosecutorial powers, fiscal autonomy and strengthen its structural organization. The bill aims to ensure that the Commission, created under the Constitution pursuant to a declared state policy, is able to fully perform its mandate to ensure the dignity of every human person and guarantee full respect for human rights.

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

  
**LAWRENCE LEMUEL H. FORTUN**  
1<sup>st</sup> District of Agusan del Norte

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AN ACT  
STRENGTHENING THE COMMISSION ON HUMAN RIGHTS AND FOR  
OTHER PURPOSES

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

1        **Section 1. Title.** - This Act shall be known as the "Commission on Human  
2 Rights Act of 2016".  
3

4        **Section 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  
6 to the enactment of measures that protect and enhance the right of all the people to human  
7 dignity.  
8

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

16                    **I. THE COMMISSION ON HUMAN RIGHTS**  
17                    **A. The Chairperson and Members**  
18

19        **Section 4. The Commission, Composition and Qualifications.** - The  
20 Commission on Human Rights also known as the Commission from hereon, is a collegial  
21 body, and shall be composed of a Chairperson and four (4) Members who shall possess  
22 the following qualifications:  
23

- 24            a. Must be natural-born citizens of the Philippines;  
25            b. Must be at least thirty-five (35) years of age at the time of their appointment  
26                with proven integrity and competence;  
27            c. Majority of whom, including the Chairperson, must be members of the  
28                Philippine Bar who have been engaged in the practice of law for at least five  
29                (5) years;  
30            d. Must have an understanding of human rights protection, promotion and  
31                advocacy;  
32            e. Must not have been candidates, including partylist nominees, for any elective  
33                position in any national or local elections, excluding barangay elections,  
34                immediately preceding their appointment.  
35

36        **Section 5. Appointment and Term of Office.** - The Chairperson and Members  
37 shall be appointed by the President for a term of seven (7) years without reappointment.  
38 Of those first appointed under this Act, the Chairperson shall hold office for seven (7)  
39 years, two (2) Members for five (5) years, and the other two (2) Members for three (3)

years, all without reappointment. In no case shall any member be appointed, re-appointed or designated in temporary or acting capacity.

The term of the Chairperson and Members of the Commission shall start on the day immediately after the end of the previous term regardless of the date of appointment to any vacancy occurring during the term shall be only for the remaining portion of said term.

**Section 6. Prohibition and Disqualification.** - The Chairperson and Members of the Commission shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in the active management or control of any business which in any way may be affected by the functions of their office, or shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege, granted by the Government and its subdivisions, agencies or instrumentalities, including government-owned or controlled corporations or their subsidiaries. They shall directly avoid conflict of interest in the conduct of their office. They shall not be allowed to appear or practice before the Commission for one (1) year following their cessation from office.

No spouse or relative by consanguinity or affinity within the fourth civil degree and no law, business or professional partner or associate of the Chairperson or Members may appear as counsel or agent, appearing for or on behalf of the Chairperson or Members for pecuniary interest, on any matter pending before the Commission or transact business directly or indirectly therewith.

The disqualification shall apply during the tenure of the official concerned one (1) year thereafter.

**Section 7. Disclosure of Relationship.** - It shall be the duty of the Chairperson and Members to make under oath to the best of their knowledge a public disclosure of the identities of and their relationship with the persons referred to in the preceding section. The disclosure, which shall be in writing, shall be filed in the Office of the Ombudsman after the appointee assumes office and every year thereafter. The disclosures made pursuant to this Section shall form part of the public records and shall be made available and accessible to the public.

**Section 8. Salary, Retirement and Other Privilege of the Chairperson and Members.** - The Chairperson and Members of the Commission shall receive the same salary and privilege as the Chairperson and Members of the Constitutional Commissions, and which shall be decreased during their term of office. Likewise, they shall receive the same retirement benefits as those of the Constitutional commission as provided by law.

## **B. Nomination of Chairperson and Members**

**Section 9. Nominations Committee.** - The President shall choose and appoint the Chairperson and Members of the Commission from a list of three (3) nominees per position selected by a Nominations Committee to be composed of the following members.

- (a) The Chairperson of the Commission on Human Rights;
- (b) The Chairperson of the Senate Committee on Justice and Human Rights;
- (c) Three (3) representatives from human rights non-government organizations (NGOs) and lawyers' groups, the academe, indigenous peoples, and women's groups involved in human rights work and advocacy, duly accredited by the Commission.

**Section 10. Selection of nominees.** - The members of the Nominations Committee shall have equal voting rights. They shall meet not later than three (3) months before the end of a current term or within a week after the occurrence of a vacancy during

the term. They shall submit to the President their list of nominees one (1) month before the end of said term or a month after of said vacancy. The President shall make the appointment within one (1) month from the submission of the list of nominees by the Nominations Committee. The Nominations Committee shall adopt its own rules of procedure.

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

**Section 11. Pluralist Representation.** In the selection of nominees for Chairperson and Members of the Commission, the Nominations Committee shall take into consideration pluralist representation of civil society involved in the promotion and protection of human rights.

**Section 12. Non-Government and People's Organizations.** - The accredited human rights non-government and people's organization shall choose their three (3) representatives to the Nominations committee from among themselves in a meeting attended by a representative of the Commission. In the absence of a selection procedure agreed upon by said organization, the Commission shall promulgate rules of procedure on the selection of three (3) representatives by the accredited organizations; *Provided,* That selection rules agreed upon by the organizations among themselves shall supersede any rule promulgated by the Commission.

Accreditation by the Commission shall be base on guidelines to be prescribed in its implementing rules and regulations.

### **C. Nature of the Commission**

**Section 13. The Commission as an Independent Office.** - The Commission on Human Rights is an independent constitutional office. It shall not be subject to instructions or orders from the President, Congress or the Judiciary, except in cases provided in the Constitution with regard to the appointment of its Chairperson and Members, legislation affecting the exercises of its powers and functions, and judicial review of the legality of its acts, orders, resolutions and decision.

**Section 14. The Commission as the National Human Rights Institution of the Philippines.** The Commission is the national human rights institution of the Philippines in accordance with the Principles Relating to the Status of National Institutions (The Paris Principles) and other United Nations' Resolutions pertaining to the effective functioning of national human rights institutions.

**Section 15. Fiscal Autonomy.** - The Commission shall enjoy full fiscal autonomy. The approved annual appropriations of the Commission shall be automatically and regularly released.

## **II. POWERS AND FUNCTIONS**

### **A. General Powers and Functions**

**Section 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 those in violation thereof or its lawful orders in accordance in the Rules of Court;
- c. Provide appropriate legal and preventive measures for the protection of human rights of all person within the Philippines as well as Filipinos residing abroad;



- d. Provide legal aid services to the underprivileged whose human rights have been violated or need protection;
- e. Exercise unhampered and unrestrained visitorial powers over jails, prisons or detention facilities;
- f. Establish a continuing program of research, education and information to enhance respect for the primacy of human rights;
- g. Recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
- h. Monitor the Philippine government's compliance with international treaty obligations on human rights;
- i. Grant immunity from prosecution to any person whose testimony or possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority.
- j. Request the assistance of any department, bureau, office or agency in the performance of its functions;
- k. Deputize government prosecutors or private lawyers, who shall be under the direct control and supervisions of the Commission for the prosecution of human rights cases under Section 26 hereof.
- l. Accredite national non-government and peoples' organizations involved in human rights promotion, protection and advocacy, including for purposes of visiting persons arrested, detained or under custodial investigation;
- m. Ensure that the status, rights and interests of children are upheld in accordance with the Constitution, laws and international instruments on human rights.
- n. Appoint its officers or employees in accordance with law; and
- o. Perform such other duties and functions as may be provided law.

## B. Investigation

**Section 17. Investigative Powers and Functions.** - The Commission shall exercise primary and original jurisdiction to investigate, on complaint or *motu proprio*, cases of human rights violation to include civil, political, economic, social and cultural rights, in the exercise of its investigative function, the Commission shall have the following powers.

- a. Act promptly on complaints filed in any form or manner by any person, whether directly affected or not, and on finding on human rights violation, recommend the filing of appropriate administrative, civil and/or criminal action. Any investigation being conducted by any other body shall not be a bar to the investigation of the Commission;
- b. Compel the attendance of witnesses and production of evidence, to place the witness under oath of affirmation, issue *subpoenas* and take testimony in any investigation or inquiry;
- c. Issue orders and directives constituting preventive and legal measures, provided for under Section 19 and 20, respectively;
- d. Provide protection and financial assistance to witnesses to ensure their attendance in investigations and production of evidence;
- e. Delegate to its deputies, investigators or representatives, such authority or duty as shall ensure the effective exercise of performance of its investigative function;
- f. Require the assistance of any officer or employee of any department, bureau or office, subdivision, agency or instrumentality of the Government, including government-owned or controlled corporations and local government;
- g. Deputize lawyers or legal aid groups, medical organization, as well as government agencies and offices, to provide assistance in the exercise of its investigative functions;
- h. Make the results and findings of its investigations available and accessible to the public; and

- i. Cite and punish for direct or indirect contempt any person for violations of the Commission's lawful order. The Rules of Court shall apply suppletorily to the Rules of the Commission.

**Section 18. Imprescribability of Human Rights Violations.** - The investigation of human rights violations shall not be subject to any statute of limitations of prescriptive period.

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

- a. Injunction orders directing any members of the government's military or police forces, as well as public officials or employees, or any person acting under their control and supervision, to desist from hiding, transferring or torturing a detainee and to allow access to said detainee by the Commission, his/her counsel, physician, and relatives;
- b. Order directing the government official or employee, or any person in control of the premises of any government agency or office, specifically police and military detention facilities, secret detention places, stations, installations, camps, bases and training schools, as well as private lands and property, to permit the inspection of said premises;
- c. Orders to transfer persons deprived of their liberty and in danger of reprisal due to the filing of a complaint in connection with his/her detention, or order to secure safety of his/her person.
- d. Restraining orders restricting respondent, his/her unit or command from entering the immediate vicinity of the affected area or residence and from searching the victim or his belongings;
- e. General writs of injunction ordering the respondent to refrain from committing any and all acts that would tend to cause irreparable harm and have the immediate effect to rendering the investigation of the Commission moot and academic.

**Section 20. Scope of Legal Measures.** The measures under Article XIII, Section 18 (3) of the Constitution that may be provided by the Commission shall include the following:

- a. Mandatory protection orders directing the government security forces, other appropriate government agencies or private institutions to provide specific protection to victims of human rights violations;
- b. Orders to deputize government offices and private institutions for the purpose of providing protection; and
- c. Orders to deputize government and private lawyers as counsels *de oficio* to ensure that the human rights of the victims are not further violated.

**Section 21. Grant of Immunity.** - The Commission may grant immunity for prosecution to any person whose possession and production of documents or other evidence as may be necessary to determine the truth in any hearing, inquiry or proceeding under such terms and conditions as it may determine taking into account the pertinent provisions of the rules of court and its own rules. The immunity granted shall be recovered on account of evidence presented to be true but which is, in fact, false and spurious, and without which the Commission would not have granted immunity.

**Section 22. Preventive Suspension.** - With the exception of Members of Congress, those of the judiciary, and impeachable officials, the Commission may preventively suspend any officer or employee, after summary hearing/s, pending an investigation, if in its judgment (a) the evidence of guilt is strong; (b) the charges would warrant removal from the services, and (c) the respondent's continued stay in office may prejudice the case filed against him/her.

283 In the case of suspended elective official/s, upon expiration of his preventive  
284 suspension, he shall be deemed reinstated in the office without prejudice to the  
285 continuation of the proceedings against him which shall be terminated within one  
286 hundred twenty (120) days from the time he formally notified of the case against him.

287  
288 The preventive suspension shall be immediately executor, unless restrained by the  
289 Court of appeals or the Supreme Court and shall continue until the case is terminated by  
290 the Commission; *Provided*, That said suspension shall not be more than three (3) months  
291 without pay, except when the delay in the disposition of the case by the Commission is  
292 due to fault, negligence or petition of the respondent, in which case the period of such  
293 delay shall not be counted in computing the period of suspension herein provided.

294  
295 Any abuse of the exercise of the power of preventive suspension shall be  
296 penalized as abuse of authority.

297  
298 The respondent official preventively suspended from office shall receive no salary  
299 or compensation during such suspension but upon subsequent exoneration and  
300 reinstatement, the employee shall be paid full salary or compensation including such  
301 emoluments accruing during such suspension.

302  
303 The respondent shall be accorded full opportunity to appear and defend  
304 himself/herself in person or by counsel, to confront and cross-examine the witnesses  
305 against him/her, and to require the attendance of witnesses and the production of the  
306 document evidence in his/her favor through the compulsory process of subpoena or  
307 subpoena *duces tecum*.

308  
309 **Section 23. Referral to Disciplining Authority.** - The Commission may direct  
310 disciplining authority to take appropriate action against a public officer or employee  
311 found guilty of committing violations of human rights and recommend his/her removal,  
312 suspension, demotion, censure, imposition of fine, or prosecution and to ensure  
313 compliance by requiring the officer concerned to report on his action within thirty (30)  
314 days from receipt of the recommendation of the Commission. Failure to act or comply  
315 with said recommendation shall be actionable by mandamus.

316  
317 For this purpose, every case on which the Commission has rendered a resolution  
318 or recommendation adverse to a public official shall be transmitted to the head of the  
319 department, agency or instrumentality, or of the province, city or municipality concerned  
320 for immediate action, as may be necessary.

321  
322 **Section 24. Motu Proprio Dismissal.** - The Commission may dismiss, *motu*  
323 *proprio*, a complaint for the investigation of human rights violations on any of the  
324 following grounds:

- 325  
326 a. The complaint pertains to a matter outside the jurisdiction of the commission.  
327 b. The complaint is trivial, frivolous, vexatious or made in bad faith; or  
328 c. Other valid grounds as may be provided by the Commission.

329  
330 **Section 25. Investigation by Regional Offices.** - The regional office shall  
331 investigate complaint falling within its territorial jurisdiction unless the Commission *en*  
332 *banc*, in its discretion, take direct cognizance of the same. Upon recommendation of the  
333 regional office in investigations pending before it, the Commission *en banc* may issue  
334 legal and preventive measures and preventive suspension orders which are immediately  
335 executor. Within ten (10) days after concluding the investigation the regional office shall  
336 render the appropriate order, directive or resolution subject to appeal to the Commission  
337 *en banc* pursuant to its rules.

### 338 339 C. Prosecution

340  
341 **Section 26. Concurrent Prosecutorial Powers and Functions.** - The  
342 Commission all exercise concurrent prosecutorial powers and functions as herein  
343 provided.



344 In the event of the failure of the prosecution agency to file the information within  
345 thirty (30) calendar days upon receipt of the resolution of the Commission finding  
346 probable cause, the latter shall exercise concurrent prosecutorial powers by filing the  
347 information in court on its own and prosecuting the case. For this purpose, the  
348 Commission shall have the power to deputize government prosecutors or private lawyers  
349 who shall be under its direct control and supervision.

350  
351 This section shall apply in cases where the offender is a public officer as defined  
352 under Article 203 of Republic Act 3815, otherwise known as the Revised Penal Code as  
353 amended, and acting in his capacity as such, or any person acting on behalf or under the  
354 immediate control of the State and its agents, and where the human rights violation  
355 constitutes a criminal offense under the Revised Penal Code and special laws, as follows:

- 356  
357 a. Use of physical, psychological and degrading punishment, torture,  
358 force, violence, threats, and intimidation.
- 359 b. Extra-judicial killings, summary executions, and "massacres" or mass  
360 killings;
- 361 c. Violations of the right to be secure from unreasonable searches and  
362 seizures, including involuntary or enforced disappearances.
- 363 d. Violations of the rights of person arrested, detained, or under custodial  
364 investigation, including deprivation of the rights of political detainees;
- 365 e. Violations of the right to speedy, impartial and public trial in the  
366 disposition of cases;
- 367 f. Hamleting, forced evacuation or eviction, illegal demolition,  
368 development aggression and other violations of the right to travel and  
369 to freely choose one's abode and change the same;
- 370 g. Violations of the right to peaceably assemble, free association, and to  
371 petition the government for redress of grievances;
- 372 h. Violations of the right to workshop and the free exercise of a religion;
- 373 i. Violations of the right to privacy;
- 374 j. Violations of civil and political rights of persons suspected of, accused  
375 of, or detained for the crime of terrorism or conspiracy to commit  
376 terrorism;
- 377 k. Political, religious, racial, ethnic, social or sexual persecution,  
378 oppression or harassment committed with acts constituting offenses  
379 punished under the Revised Penal Code and special laws; and
- 380 l. In general, any crime penalized under the Revised Penal Code or  
381 special laws when committed within the context or resulting to human  
382 rights violations.

383  
384 **Section 27. When Committed by Non-State Actors.** - The preceding section  
385 shall also apply when the violations is committed by non-state actors. Non-state actors  
386 are persons, other than public officers, belonging to and acting on behalf or under the  
387 immediate control of a juridical or non-juridical person, whether legitimate or  
388 illegitimate, including, but not limited to the following:

- 389  
390 a. Armed groups, warlords and private armies;
- 391 b. Criminal organizations and groups; and
- 392 c. Multi-national, foreign and domestic corporations, and other business entities.

393  
394 **Section 28. When Committed Against Vulnerable Persons.** - The concurrent  
395 prosecutorial powers of the Commission shall likewise apply in the investigation and  
396 prosecution of the following offenses as penalized under the Revised Penal Code and  
397 special laws when committed by any person against any member or group of vulnerable  
398 persons, as defined herein:

- 399  
400 a. Involuntary, servitude constituting Crimes Against Personal Liberty and  
401 Security;
- 402 b. Crimes penalized under Republic Act No. 7610 or the "Special Protection of  
403 Children Against Abuse, Exploitation and Discrimination Act".



- 404 c. Crimes penalized under Republic Act No. 9262, or the Anti-Violence Against  
405 Women and Their Children Act of 2004"; and  
406 d. Crimes penalized under Republic Act No. 8371 or the "Indigenous People's  
407 Rights Act of 1997".  
408

409 Vulnerable persons shall include those identified as such an international human  
410 rights treaties which include but not limited children, women, elderly, persons with  
411 disabilities, migrant workers, indigenous peoples, and ethnic and religious minorities.  
412

#### 413 **D. Monitoring**

414  
415 **Section 29. Monitoring Powers and Functions.** - In the exercise of its mandate to  
416 monitor the Government's compliance with its international human rights treaty  
417 obligations the Commission shall have the following powers and functions:  
418

- 419 a. Request any department, bureau or office, subdivision, agency, or  
420 instrumentality of the Government to submit timely international human rights  
421 treaty compliance reports and to furnish the Commission copies thereof within  
422 thirty (30) days from submission to the United Nations and other international  
423 bodies.  
424 b. Conduct inquiries on the manner of implementation by the Philippine  
425 Government of specific human rights treaty obligations.  
426 c. Summon any public official to explain on the measures undertaken by his/her  
427 agency in order to comply with the State's international treaty obligations on  
428 human rights;  
429 d. Access any book, record, file, document or paper located in the above-  
430 mentioned offices and facilities;  
431 e. Study and recommend to the government international human rights treaties  
432 or instrument for its signature, ratification or accession.  
433 f. Make timely and regular submission of independent reports to international  
434 human rights treaty bodies and other international human rights mechanisms.  
435 g. Advise and assist the government on clearly identified gaps in human rights  
436 treaty compliance;  
437 h. Capacitate stakeholders to enable participation to monitoring human rights  
438 treaty compliance by the government;  
439 i. Delegate to its deputies, investigators or representatives, such authority or  
440 duty which shall ensure the effective exercise or performance of its  
441 monitoring functions; and  
442 j. Recommend and institutionalize best practice and incentives for human rights  
443 advocates and institutionalize best practices and incentives for human rights  
444 advocates and institutions.  
445

446 **Section 30. Other Monitoring Functions.** - The commission shall likewise  
447 monitor observance by non-state actors of human rights obligations arising from  
448 agreements entered into with government, as well as unilateral declaration and similar  
449 undertakings.  
450

451 **Section 31. Annual Report.** - The Commission shall prepare and make public an  
452 annual report on the findings of its monitoring activities with regard to the state of the  
453 Government's compliance with its international human rights treaty obligations. The  
454 report shall not include, but not limited to the following:

- 455 a. Identification of systematic patterns of human rights violations using  
456 documented cases;  
457 b. Analysis of the factors which contribute to the commission of human rights  
458 violations;  
459 c. Assessment of the legal mechanisms of existing institutions in providing  
460 adequate human rights protection;  
461 d. Recommendations for legal, legislative, and institutional reforms for greater  
462 promotion and protection of human rights; and

- e. Statistics and data indicating the nature of complaints received, the investigations conducted and findings made, and the action taken by government agencies concerned on the Commission's recommendations.

#### **E. Education and Advocacy**

**Section 32. Education and Advocacy in Government.** - The Commission shall undertake program of human rights promotion and advocacy through education and training to enhance respect for primacy of human rights in coordination with the different agencies of the 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, and shall, for this purpose, draw up the components of the program, accredit course and training providers, and issue certificate of completion to those who have successfully completed the program.

**Section 33. Education and Advocacy in Civil Society.** - 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 organization of the concerned sectors of civil society.

**Section 34. Research.** - The Commission shall undertake a continuing research and study on select human rights issues for purposes of recommending policy reforms, as well as administrative and legislative measures that will address economic, social and cultural rights.

**Section 35. Coverage of Programs.** - The Commission shall prescribe the scope and coverage of education, advocacy, information and training programs on human rights, and which shall be provided for in the implementing rules and regulations of this Act.

#### **F. Other Powers and Functions**

**Section 36. Witness Protection Program.** - In the conduct of its investigations, the Commission shall implement and manage a witness protection program, including the provision of security, shelter, relocation and livelihood assistance to witnesses and their families.

**Section 37. Financial Assistance Program.** - The Commission shall strengthen its financial assistance program to victims of human rights violations and their families.

The initial funding for the Witness Protection and Financial Assistance Programs shall be allocated for such purposes and shall be included thereafter in the annual regular appropriations for the Commission, and the same shall be automatically and regularly released.

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

**Section 38. Legal Assistance Program.** - The Commission shall implement a legal assistance program to benefit victims of human rights violations consisting of the provision of legal services in coordination with human rights organizations and lawyers' groups, the Integrated Bar of the Philippines and Philippine law school with legal aid programs.

Upon its discretion, the Commission may also provide allowances and incentives to private lawyers or lawyer's groups who would render their professional services on

524 behalf of the Commission in any court proceedings involving the litigation of human  
525 rights cases, subject to auditing rules and regulations.

526  
527 **Section 39. Protection of Filipinos Abroad.** - The Commission shall undertake  
528 measures for the protection and promotion of human rights of Filipinos living abroad. It  
529 may assign organic personnel to act as Human Rights *Attachés* in Philippine Embassies  
530 or consulates or deputize Philippine Embassy or Consulate officers, resident private  
531 individuals of known probity and active involvement in human rights work, or foreign-  
532 based human rights and migrant workers' non-government organizations in countries  
533 where the incidence of human rights violations of Filipinos is widespread and  
534 commonplace, including traditional host countries of Overseas Filipino Workers.

535  
536 The assigned personnel acting as Human Rights *Attachés* or deputized individuals  
537 of the Commission shall monitor the status of human rights of Filipinos living abroad and  
538 establish networks among Filipinos for purposes of monitoring and reporting cases of  
539 human rights violations, as well as for providing counseling and financial assistance to  
540 victims. They shall immediately notify the concerned Embassy officials, of incidents of  
541 human rights violations of Filipino and provide immediate assistance to victims.

542  
543 **Section 40. Creation of Ad Hoc Truth Commissions.** - The Commission may  
544 recommend the creation of an *ad hoc* Truth Commission on matters of transcendental  
545 importance, such as widespread and systematic human rights violations occurring over  
546 prolonged period of time, or under extraordinary-repressive conditions, or attended by a  
547 culture of impunity that is instigated, inspired or orchestrated by public officials, in  
548 conspiracy with government security forces or State-sponsored armed groups.

549  
550 **Section 41. Issuance of Certifications.** - The Commission shall issue  
551 certifications to members of the military, police and other law enforcement agencies prior  
552 to their promotion or assumption to office. The Commission shall clearly indicate in its  
553 certification if the applicant has a pending case with them and shall state the nature and  
554 status of the cases filed.

555  
556 The Commission shall also make its own recommendations to the Commission on  
557 Appointments prior to the confirmation of other officials other than those mentioned in  
558 the preceding paragraph, who are being considered for promotion or appointment.

559  
560 This provision shall also apply to other government officers with salary grade  
561 twenty-seven (27) or its equivalent and higher.

562  
563 It may also issue certification for purposes of training, local or foreign study  
564 grants and education purposes, upon proper request made by the applicant.

565  
566 **Section 42. Appeals, Prohibition against Injunction.** - Orders, decision, or  
567 findings of the Commission, including determination of probable cause, shall be appealed  
568 to the Court of Appeals on both questions of fact and law, or on certiorari to the Supreme  
569 Court on pure question of law. No writ of injunction against the Commission in the  
570 performance of its functions shall be issued other than those emanating from the Court of  
571 Appeals or the Supreme Court.

572  
573 **Section 43. Protection from Harassment Sans Dismissal.** -The Chairperson,  
574 Members, officers and employees of the Commission shall be free from any  
575 administrative, civil or criminal liability in the regular performance of their functions.  
576 Personal legal actions brought against them shall be dismissed where it appears that the  
577 same was filed for acts committed in the regular performance of said functions.

### 578 579 TITLE III. ORGANIZATION AND STRUCTURE

580  
581 **Section 44. Commission as a Collegial Body.** - The Commission composed of  
582 the Chairperson and four (4) Members, as a collegial body, is responsibly for the  
583 promulgation of policies, decisions, orders and resolutions necessary for the efficient  
584 administration of the Commission and for proper execution of its constitutional mandate.



585  
586 In the exercise of its powers and functions, the Commission shall sit and render its  
587 decision *en banc*. Every such decision, order or resolution of the Commission must bear  
588 the concurrence and signature of at least three (3) Members thereof.  
589

590 The Commission shall meet regularly once a week, or as the Commission may  
591 direct or upon call by the Chairperson. A majority of the Members, at least three (3)  
592 Members, constitutes a quorum needed in any *en banc*, meeting of the Commission.  
593

594 **Section 45. The Chairperson as Executive Officer. Power and Duties.** – The  
595 Chairperson shall be the Chief Executive Officer of the Commission, and shall:  
596

- 597 a. Execute and carry out the policies, decisions, orders and resolutions approved  
598 by the Commission;  
599 b. Direct and supervise the operations and internal administration of the  
600 Commission;  
601 c. Sign appointment of subordinate officials and employees made by the  
602 Commission and enforce decisions on administrative discipline involving  
603 them;  
604 d. Make temporary assignments, rotate and transfer personnel in accordance with  
605 the provisions of the Civil Service Law and the policies involving them;  
606 e. Submit and annual budget to the Commission for its approval and submission  
607 to the department of Budget and Management and to the Congress of the  
608 Philippines;  
609 f. Delegate his/her authority in whole or in part, to other officials of the  
610 Commission, in accordance with Executive Order No. 292, otherwise known  
611 as the Administrative Code of 1987, and rules and regulations of the  
612 Commission; and  
613 g. Perform such other functions as may be authorized by the Commission.  
614

615 **Section 46. Structural Organization.** - the commission shall have the following  
616 line offices and operating units:  
617

- 618 a. Office of the Chairperson;  
619 b. Office of the Commissioners;  
620 c. Office of the Assistant Commissioner for Internal Administration;  
621 d. Office of the Assistant Commissioner for Human Rights Protection;  
622 e. Office of the Assistant Commissioner for Human Rights Promotion and  
623 Advocacy;  
624 f. Office of the Assistant Commissioner for Regional Operations;  
625 g. Office of the Executive Director;  
626 h. Office of the Commission Secretary  
627 i. Information System Management Office;  
628 j. Planning and Management Office;  
629 k. Financial Management Office;  
630 l. General Administrative Office;  
631 m. Legal Office;  
632 n. Investigation Office;  
633 o. Assistance and Visitorial Office;  
634 p. Forensic Office;  
635 q. Special Protection;  
636 r. Human Rights Instruments Compliance and Monitoring Office;  
637 s. Education, Advocacy and Research Office;  
638 t. Sectoral Rights Offices; and  
639 u. Regional Offices  
640

641 With the exception of the Chairperson, Commissioners, Assistant Commissioners  
642 and Executive Directors, all the above-mentioned offices shall be headed by an official  
643 with a rank, salary and privileges equivalent to a Director IV. The Sectoral Rights  
644 Offices shall be headed by officials with the rank of Director III.  
645

646 As an independent constitutional office, the Commission may effect changes in  
647 the organization as the need arises. *Provided*, That said reorganization shall be funded  
648 within the personal services appropriation of the Commission.  
649

650 The Public Information Office which will be under the direct supervision of the  
651 Chairperson of the Commission, shall assume the role of a media relations unit that will  
652 disseminate all information to the general public including the issuances of the  
653 commission, enable public access to general information pertaining to the Commission  
654 and encourage active participation of all forms of media, for the promotion of human  
655 rights.  
656

657 All officers and employees of the Commission, unless otherwise provided herein,  
658 shall receive emoluments and privileges that shall not be less than those given to  
659 comparable positions in any office in the government.  
660

661 **Section 47. Assistant Commissioners.** - There shall be four (4) Assistant  
662 Commissioners as Head of the different clusters: (1) Assistant Commissioner for Internal  
663 Administration, which shall be comprised of Planning and Management Office, Financial  
664 Management Office, General Administration Office, and Information System  
665 Management Office, (2) Assistant Commissioner for Human Rights Protection, which  
666 shall be comprised of the Legal Office, Investigation Office, Forensic Office, Assistance  
667 and Visitorial Office and Security and Protection Office, (3) Assistant Commissioner for  
668 Human Rights Promotion and Advocacy, which shall be comprised of Human Rights  
669 Instruments Compliance and Monitoring Office, and (4) Assistant Commissioner for  
670 Regional Offices.  
671

672 The Assistant Commissioners shall act as facilitators in conveying the directive  
673 and policies of the commission to their respective cluster offices, as monitors of their  
674 respective cluster office's actions as well as their implementation and as an advocates for  
675 their cluster officers who will identify, raise and settle issues or concerns which require  
676 appropriate action.  
677

678 The Assistant Commissioners shall act as facilitators in conveying the directive  
679 and policies of the Commission to their respective cluster offices, as monitors of their  
680 respective cluster offices' actions as well as their implementation and as advocates for  
681 their cluster offices who will identify, raise and settle issues or concerns which require  
682 appropriate action.  
683

684 The Assistant Commissioners shall be appointed to the Commission, with  
685 preferential status given to the officers and employees within the Commission who have  
686 been working therein for at least seven (7) years prior to the time of their appointment.  
687

688 The Assistant Commissioners must be proven integrity and competence and must  
689 have been involved in human rights promotion and protection activities for at least seven  
690 (7) years. In addition, the Assistant Commissioner for Human Rights Protection must be  
691 a member of the Philippine Bar and the Assistant Commissioner for Internal  
692 Administration must be a Certified Public Accountant. All of the Assistant  
693 Commissioners shall have the rank, emoluments and benefits of an Assistant Secretary.  
694

695 **Section 48. The Executive Director.** - The Executive Director shall be  
696 responsible for managing the day-to-day affairs, activities and operations of the  
697 Commission in accordance with the policies, standards, rules and regulations adopted and  
698 promulgated by the Commission. In particular, the Executive Director shall:

- 699 a. Provide direct supervision, control, coordination and monitoring of all  
700 activities, functions and operations of the national and regional units  
701 of the Commission.
- 702 b. Upon consultation with the Assistant Commissioner/s concerned,  
703 recommend and or implement administrative and management  
704 policies, rules and standard operating procedures to be established by  
705 the Commission;

- c. Recommend and initiate programs, projects and policies which promote productivity, efficiency and effectiveness in the Commission, with prior consultation with the Commission and Assistant Commissioner/s concerned;
- d. Coordinate with the Assistant Commissioner/s concerned as well as the different CHR organization units in the information and reporting requirements of the Commission;
- e. Resolve operational issues in accordance with the levels of authority prescribed by the Commission;
- f. Undertake appraisal on issues/problems and policy recommendations requiring decisions/action by the Commission;
- g. Conduct necessary representation with different branches and agencies of the government on vital issues/concerns involving the organization, operations and programs of the Commission; and
- h. Perform such other functions as may be assigned by the Commission *En Banc*.

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

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

- a. Prepare the agenda of meetings of the Commission *En Banc* and ensure complete recordings of proceedings;
- b. Develop, recommend to the Commission *En Banc*, and implement an approved disclosure policy for the Commission on Human Rights of the Philippines;
- c. Formulate, propose and implement a central records management system for the Commission *En Banc* and act as the custodian of all records on human rights cases filed with the Commission, including records on resolutions, rules, policies, regulations and other decisions, proceedings to the various offices of the Commission *En Banc*;
- d. Represent the Commission *En Banc* in different technical working committees of the Commission, as may be directed by it;
- e. Respond to queries from the different central and regional offices on matters pertaining to policies, rules and decisions as authorized by the Commission *En Banc*; and
- f. Perform such other related functions as may be assigned by the Commission *En Banc*.

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

**Section 50. Duties and Functions of the Office of the Commission.** – The different offices of the Commission provided in Section 46 of this Act shall operate in accordance with their respective duties and functions assigned them by the Commission subject to requirements of efficiency, economy and effectiveness and pertinent budgeted and civil service laws, rules and regulations.

**Section 51. Officers of the Commission.** - All officers appointed by the Commission who possess the rank or position that is above Division Chief level and officially performs managerial and executive functions, must be Career Executive



Service (CES) eligible under the Career Executive Service Board or has equivalent eligibility as the Commission may establish.

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

**Section 52. Regional Offices.** - The Commission shall have seventeen (17) regional offices, and as may be further established by law, with two (2) regional offices for Region IV, including the National Capital Region (NCR), the Caraga Administrative Region (CARAGA), Cordillera Administrative Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM).

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

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

**Section 53. Sectoral Rights Offices.** - The Commission shall establish Offices and Centers to undertake promotion and protection of the rights of vulnerable sectors, to include but not limited to women and children, as the Commission may deem appropriate.

With the exception of the Barangay Human Rights Action Center and the Human Rights Resources Centers, the Child Rights Center, Women's Human Rights Center, and other sectoral rights offices shall be under the direct supervision and control of the Commission *en banc*.

**Section 54. Operational Guidelines.** - The Commission shall formulate its operational guidelines which include, but not limited to, the functions and duties of the Assistant Commissioners, the Executive Director, the Commission Secretary and the heads of the line offices, the implementation and management of its Witness Protection, Financial assistance and Legal Aid Programs, and such other matters as may be necessary for the implementation of this Act.

**Section 55. Franking Privilege.** - All official mail matters and telegrams of the Commission addressed for delivery within the Philippines shall be received, transmitted and delivered free of charge. *Provided*, That such mail matters when addressed to private person of non-government offices shall not exceed One Hundred and Twenty (120) grams. All mail matters and telegrams sent through government telegraph facilities containing complaints to the Commission on Human Rights shall be transmitted free of charge. *Provided*, That the telegram shall not contain more than One Hundred and Fifty (150) WORDS.

**Section 56. Financial Report.** - The Commission shall make available to the public its annual financial statements, including but not limited, expenditures and source of funds.

**Section 57. Appropriations.** - In addition to the regular appropriations of the Commission, the sum of Three Hundred Million Pesos (P300,000,000.00) for the initial implementation of this Act shall be included in the annual General Appropriations Act in the year following its enactment into law.

Thereafter, such sums as may be necessary for the full implementation of this Act shall be included in the annual General Appropriations Act.

827  
828       **Section 58. Transitory Provision.** - Nothing in this Act shall prejudice the  
829 positions, emoluments, security of tenure and privileges of the incumbent Chairperson  
830 and Commissioners, officers and employees of the Commission upon its effectivity.  
831 However, officials and employees of the Commission may avail of an early retirement  
832 program as may be provided for by the Commission upon the effectivity of this Act.  
833

834       **Section 59. Implementing Rules and Regulations.** - The Commission shall,  
835 within sixty (60) days from approval of this Act, formulate the implementing rules and  
836 regulations in the exercise of its general, investigative, prosecutorial, monitoring,  
837 education and advocacy powers and functions in consultation with the other concerned  
838 agencies of the Government.  
839

840       **Section 60. Separability Clause** - If any provision of this Act shall be held  
841 unconstitutional other provisions not affected thereby shall remain valid and binding.  
842

843       **Section 61. Repealing Clause.** - All laws, republic acts, presidential decrees,  
844 letters of instructions, executive orders, rules and regulations insofar as they are  
845 inconsistent with this Act are hereby repealed or amended, as the case may be.  
846

847       **Section 62. Effectivity Clause.** - This Act shall take effect fifteen (15) days upon  
848 its publication in at least two (2) newspapers of general circulation.  
849

850       Approved,