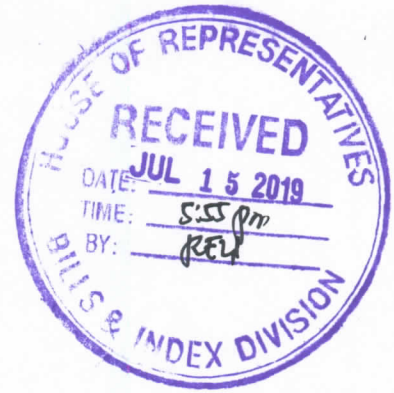


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2144



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
1st District of Agusan del Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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House Bill No. **2144**

Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

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 2019”.

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

222 **Section 18. Imprescribibility of Human Rights Violations.** - The investigation of
223 human rights violations shall not be subject to any statute of limitations of prescriptive
224 period.
225

226 **Section 19. Scope of Preventive Measures.** – The preventive measures under
227 Article XIII, Section 18 (3) of the Constitution that may be issued by the Commission in
228 the investigation of cases involving all forms of human rights violations shall include the
229 following:
230

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

251
252 **Section 20. Scope of Legal Measures.** The measures under Article XIII, Section
253 18 (3) of the Constitution that may be provided by the Commission shall include the
254 following:

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

262
263 **Section 21. Grant of Immunity.** – The Commission may grant immunity for
264 prosecution to any person whose possession and production of documents or other
265 evidence as may be necessary to determine the truth in any hearing, inquiry or proceeding
266 under such terms and conditions as it may determine taking into account the pertinent
267 provisions of the rules of court and its own rules. The immunity granted shall be
268 recovered on account of evidence presented to be true but which is, in fact, false and
269 spurious, and without which the Commission would not have granted immunity.
270

271 **Section 22. Preventive Suspension.** – With the exception of Members of
272 Congress, those of the judiciary, and impeachable officials, the Commission may
273 preventively suspend any officer or employee, after summary hearing/s, pending an
274 investigation, if in its judgment (a) the evidence of guilt is strong; (b) the charges would
275 warrant removal from the services, and (c) the respondent’s continued stay in office may
276 prejudice the case filed against him/her.
277

278 In the case of suspended elective official/s, upon expiration of his preventive
279 suspension, he shall be deemed reinstated in the office without prejudice to the
280 continuation of the proceedings against him which shall be terminated within one
281 hundred twenty (120) days from the time he formally notified of the case against him.
282

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

289
290 Any abuse of the exercise of the power of preventive suspension shall be
291 penalized as abuse of authority.

292
293 The respondent official preventively suspended from office shall receive no salary
294 or compensation during such suspension but upon subsequent exoneration and
295 reinstatement, the employee shall be paid full salary or compensation including such
296 emoluments accruing during such suspension.

297
298 The respondent shall be accorded full opportunity to appear and defend
299 himself/herself in person or by counsel, to confront and cross-examine the witnesses
300 against him/her, and to require the attendance of witnesses and the production of the
301 document evidence in his/her favor through the compulsory process of subpoena or
302 subpoena *duces tecum*.

303
304 **Section 23. Referral to Disciplining Authority.** – The Commission may direct
305 disciplining authority to take appropriate action against a public officer or employee
306 found guilty of committing violations of human rights and recommend his/her removal,
307 suspension, demotion, censure, imposition of fine, or prosecution and to ensure
308 compliance by requiring the officer concerned to report on his action within thirty (30)
309 days from receipt of the recommendation of the Commission. Failure to act or comply
310 with said recommendation shall be actionable by mandamus.

311
312 For this purpose, every case on which the Commission has rendered a resolution
313 or recommendation adverse to a public official shall be transmitted to the head of the
314 department, agency or instrumentality, or of the province, city or municipality concerned
315 for immediate action, as may be necessary.

316
317 **Section 24. Motu Proprio Dismissal.** - The Commission may dismiss, *motu*
318 *proprio*, a complaint for the investigation of human rights violations on any of the
319 following grounds:

- 320
321 a. The complaint pertains to a matter outside the jurisdiction of the commission.
322 b. The complaint is trivial, frivolous, vexatious or made in bad faith; or
323 c. Other valid grounds as may be provided by the Commission.

324
325 **Section 25. Investigation by Regional Offices.** - The regional office shall
326 investigate complaint falling within its territorial jurisdiction unless the Commission *en*
327 *banc*, in its discretion, take direct cognizance of the same. Upon recommendation of the
328 regional office in investigations pending before it, the Commission *en banc* may issue
329 legal and preventive measures and preventive suspension orders which are immediately
330 executor. Within ten (10) days after concluding the investigation the regional office shall
331 render the appropriate order, directive or resolution subject to appeal to the Commission
332 *en banc* pursuant to its rules.

333 334 C. Prosecution

335
336 **Section 26. Concurrent Prosecutorial Powers and Functions.** - The
337 Commission all exercise concurrent prosecutorial powers and functions as herein
338 provided.

339 In the event of the failure of the prosecution agency to file the information within
340 thirty (30) calendar days upon receipt of the resolution of the Commission finding
341 probable cause, the latter shall exercise concurrent prosecutorial powers by filing the
342 information in court on its own and prosecuting the case. For this purpose, the

Commission shall have the power to deputize government prosecutors or private lawyers who shall be under its direct control and supervision.

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

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

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

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

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

- a. Involuntary, servitude constituting Crimes Against Personal Liberty and Security;
- b. Crimes penalized under Republic Act No. 7610 or the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”.
- c. Crimes penalized under Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004”; and
- d. Crimes penalized under Republic Act No. 8371 or the “Indigenous People’s Rights Act of 1997”.

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

D. Monitoring

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

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

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

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

- a. Identification of systematic patterns of human rights violations using documented cases;
- b. Analysis of the factors which contribute to the commission of human rights violations;
- c. Assessment of the legal mechanisms of existing institutions in providing adequate human rights protection;
- d. Recommendations for legal, legislative, and institutional reforms for greater 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 behalf of the Commission in any court proceedings involving the litigation of human rights cases, subject to auditing rules and regulations.

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

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

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

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

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

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

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

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

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

TITLE III. ORGANIZATION AND STRUCTURE

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

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

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

Section 45. The Chairperson as Executive Officer. Power and Duties. - The Chairperson shall be the Chief Executive Officer of the Commission, and shall:

- 587
588 a. Execute and carry out the policies, decisions, orders and resolutions approved
589 by the Commission;
590 b. Direct and supervise the operations and internal administration of the
591 Commission;
592 c. Sign appointment of subordinate officials and employees made by the
593 Commission and enforce decisions on administrative discipline involving
594 them;
595 d. Make temporary assignments, rotate and transfer personnel in accordance with
596 the provisions of the Civil Service Law and the policies involving them;
597 e. Submit and annual budget to the Commission for its approval and submission
598 to the department of Budget and Management and to the Congress of the
599 Philippines;
600 f. Delegate his/her authority in whole or in part, to other officials of the
601 Commission, in accordance with Executive Order No. 292, otherwise known
602 as the Administrative Code of 1987, and rules and regulations of the
603 Commission; and
604 g. Perform such other functions as may be authorized by the Commission.
605

606 **Section 46. Structural Organization.** - the commission shall have the following
607 line offices and operating units:
608

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

632 With the exception of the Chairperson, Commissioners, Assistant Commissioners
633 and Executive Directors, all the above-mentioned offices shall be headed by an official
634 with a rank, salary and privileges equivalent to a Director IV. The Sectoral Rights
635 Offices shall be headed by officials with the rank of Director III.
636

637 As an independent constitutional office, the Commission may effect changes in
638 the organization as the need arises. *Provided*, That said reorganization shall be funded
639 within the personal services appropriation of the Commission.
640

641 The Public Information Office which will be under the direct supervision of the
642 Chairperson of the Commission, shall assume the role of a media relations unit that will
643 disseminate all information to the general public including the issuances of the
644 commission, enable public access to general information pertaining to the Commission
645 and encourage active participation of all forms of media, for the promotion of human
646 rights.
647

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

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

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

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

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

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

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

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

- 709 h. Perform such other functions as may be assigned by the Commission *En*
710 *Banc*.
711

712 The Executive Director shall be appointed by the Commission and shall be a
713 member of the Philippine Bar with proven integrity and competence, and must have been
714 involved in human rights promotion and protection activities for seven (7) years. He/she
715 shall have rank, salary and privileges of an Assistant Secretary.
716

717 **Section 49. The Commission Secretary** – The Commission Secretary, who shall
718 head the Commission Secretariat, shall provide executive services to the Commission on
719 its regular, special meetings, assistance on policy review and coordination, review and
720 appraisal of the programs and other project undertakings of the Commission including
721 technical support on the formulation of guidelines, directives mandates and executive
722 summaries and reports. In addition, the Commission Secretary shall:
723

- 724 a. Prepare the agenda of meetings of the Commission *En Banc* and ensure
725 complete recordings of proceedings;
726 b. Develop, recommend to the Commission *En Banc*, and implement an
727 approved disclosure policy for the Commission on Human Rights of the
728 Philippines;
729 c. Formulate, propose and implement a central records management system for
730 the Commission *En Banc* and act as the custodian of all records on human
731 rights cases filed with the Commission, including records on resolutions,
732 rules, policies, regulations and other decisions, proceedings to the various
733 offices of the Commission *En Banc*;
734 d. Represent the Commission *En Banc* in different technical working committees
735 of the Commission, as may be directed by it;
736 e. Respond to queries from the different central and regional offices on matters
737 pertaining to policies, rules and decisions as authorized by the Commission *En*
738 *Banc*; and
739 f. Perform such other related functions as may be assigned by the Commission
740 *En Banc*.
741

742 The Commission Secretary, who must be at least a degree holder of Bachelor of
743 Laws (LLB) or Juris Doctor (JD), shall have the rank, salary and privileges of a Director
744 IV.
745

746 **Section 50. Duties and Functions of the Office of the Commission.** – The
747 different offices of the Commission provided in Section 46 of this Act shall operate in
748 accordance with their respective duties and functions assigned them by the Commission
749 subject to requirements of efficiency, economy and effectiveness and pertinent budgeted
750 and civil service laws, rules and regulations.
751

752 **Section 51. Officers of the Commission.** - All officers appointed by the
753 Commission who possess the rank or position that is above Division Chief level and
754 officially performs managerial and executive functions, must be Career Executive
755 Service (CES) eligible under the Career Executive Service Board or has equivalent
756 eligibility as the Commission may establish.
757

758 The Commission may propose additional qualification standards to be submitted
759 for approval to the Department of Budget and Management and for information of the
760 Civil Service Commission.
761

762 **Section 52. Regional Offices.** - The Commission shall have seventeen (17)
763 regional offices, and as may be further established by law, with two (2) regional offices
764 for Region IV, including the National Capital Region (NCR), the Caraga Administrative
765 Region (CARAGA), Cordillera Administrative Region (CAR) and the Autonomous
766 Region of Muslim Mindanao (ARMM).
767

768 Each Regional Office shall be headed by a Regional Human Rights Director with
769 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.

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

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

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

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

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

Approved,