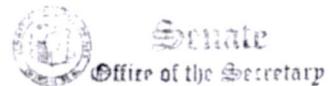


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

19 JUL -2 P1:33

S. No. 183

RECEIVED BY JF

INTRODUCED BY SENATOR LEILA M. DE LIMA

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

EXPLANATORY NOTE

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

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

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

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

Discrimination Against Women (CEDAW). This treaty provides for the application of all human rights equally to women and identifies the measures by which it shall be complied with. The CHR has developed Advisories on various issues and thematic concerns covered by the CEDAW, and these include the passage of then Reproductive Health Bill, including the wearing of *Hijab*¹ which was lauded by both the Philippine Commission on Women² and the Department of Foreign Affairs for addressing deeply entrenched religious prejudices in society.

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

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

In addition to the Constitution and E.O. No. 163, various laws were later enacted granting additional special mandates to the CHR. Currently, there are eight (8) such laws⁴. Foremost of these are R.A. No. 9710 or the *Magna Carta of Women*

¹ See CHR Advisory number 2013-002 issued on August 8, 2013.

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

³ See <http://www.lawphil.net/judjuris/juri2014/feb2014/gr_178497_2014.html>, 17 October 2016.

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

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

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

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

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

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

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

⁶ See CEDAW/C/OP.8/PHL/1, available at <http://www.ohchr.org/Documents/Issues/Women/WRGS/Philippines_inquiry.pdf>, 19 October 2016.

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

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

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

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



LEILA M. DE LIMA

⁷ See CRC/C/PHL/CO3-4 (22 October 2009), available at <http://www.bayefsky.com//pdf/philippines_t4_crc_52.pdf>, 19 October 2016.

⁸ See A/HRC/21/12.

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



**Senate
of the Secretary**

SENATE

*19 JUL -2 P1:33

S. No. 183

RECEIVED BY

Introduced by SENATOR LEILA M. DE LIMA

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

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

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

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

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

TITLE I. NATURE OF THE COMMISSION

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

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

A. CHAIRPERSON AND MEMBERS

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

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

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

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

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

- 11 a. Disloyalty to the Republic of the Philippines;
- 12 b. Culpable violation of the Constitution;
- 13 c. Bribery or graft and corruption, other high crimes, or betrayal of public trust;
- 14 d. Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
- 15 e. Commission of any offense involving moral turpitude or an offense punishable
16 by imprisonment of more than 6 years;
- 17 f. Abuse of governmental authority; and
- 18 g. Acts that constitute gender based discrimination, violence against women,
19 including sexual harassment irrespective of sexual orientation and gender
20 identity of the Commission official or that of his or her victim.

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

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

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

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, nor 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 avoid conflict of interest in the conduct of their office.

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

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

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

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

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

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

TITLE II. POWERS AND FUNCTIONS

A. GENERAL POWERS AND FUNCTIONS

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

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

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

- 3 l. Issue human rights directives, observations, and advisories directed to all
4 concerned agencies of government for their implementation;
5 m. Appoint its officers and employees in accordance with law; and
6 n. Perform such other duties and functions as may be provided by law.

7 **B. CHR PROTECTION FUNCTIONS**

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

- 10 a. Investigation of Human Rights Violations;
11 b. Legal and Preventive Measures;
12 c. Visitation Function;
13 d. National Preventive Mechanism; and
14 e. Witness Protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 is punishable under *Section 14(i) of Republic Act No.9745 (Anti Torture Act of*
2 *2009)*;
- 3 c. Orders directing the government official or employee, or any person in control
4 of any places of detention or confinement to permit the inspection of said
5 premises;
- 6 d. Order the custodian of persons deprived of their liberty to be transferred and
7 in danger of reprisal or retaliation of the latter's transfer due to the filing of a
8 complaint in connection with his/her detention of the alleged victim and to
9 take immediate measures to secure the safety of said person;
- 10 e. Orders restraining/prohibiting the respondent, his unit or command from
11 entering the immediate vicinity of the affected area or residence and from
12 searching the victim or his belongings unless in the exercise of a valid search;
13 and
- 14 f. General writs of injunction ordering respondent to refrain from committing
15 any and all acts that would tend to cause irreparable harm or have the
16 immediate effect of rendering the investigation of the Commission moot and
17 academic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 a. No criminal, disciplinary, or administrative sanction shall be taken against
11 any person for having communicated, in good faith, any information to the
12 NPM or the Subcommittee.
- 13 b. Anything done, or purported to be done, in good faith, and in pursuance of
14 the functions and powers conferred under this Act or in respect of any
15 publication by or under the authority of the Board of any report,
16 proceedings or any other matter under this Act shall not be a ground for
17 action, suit or other legal proceedings against the Board or a member or
18 officer of the Board
- 19 c. Private Legal Assistance. – The Board Members, Officers and Staff of the
20 NPM are hereby authorized to engage the services of private lawyers or
21 extend counsel immediately upon receipt of court notice that a civil or
22 criminal action, suit or proceeding is filed against them. The lawyer's fee
23 shall be part of the indemnification package for the NPM Board Members,
24 Officers and Staff, subject to the provisions of Section 24 hereof.

25 Sec. 24. *Indemnification of NPM Board Members, Officers, and Staff*. –

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

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

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

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

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

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

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

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

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

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

C. PROMOTION AND ADVOCACY

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

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

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

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

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

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

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

5 **D. MONITORING AND POLICY DEVELOPMENT**

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

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

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

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

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

- 1 furnish the Commission copies thereof upon submission to the United
2 Nations and other international bodies;
- 3 b. Provide, where necessary, the reports which States are required to submit to
4 United Nations bodies and committees, and to regional institutions, pursuant
5 to treaty obligations;
- 6 c. As a national human rights institution, the Commission shall have the power
7 to prepare its own independent reports to the United Nations, or other treaty
8 bodies and special procedures mechanisms in relation to its monitoring of
9 government's compliance with its international human rights obligations;
- 10 d. Monitor and follow-up compliance of the recommendations made by the
11 United Nations' treaty monitoring bodies and other special procedures
12 mechanisms;
- 13 e. Make the appropriate recommendations to the concerned executive agency
14 with regard to requests for official visits of United Nations Special
15 Rapporteurs and other treaty and charter-based mechanisms; and
- 16 f. Such other activities as may be necessary in the conduct of its monitoring and
17 reporting functions as a National Human Rights Institution.

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

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

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

1 Sec. 38. *Annual Report.* – The Commission shall prepare and make public an
2 annual report on the findings of its monitoring activities with regard to the state of
3 the Government's compliance with its international human rights treaty obligations.
4 The report shall include, but not limited, to the following:
5 a. Identification of systematic patterns of human rights violations using
6 documented cases, statistics and data indicating the nature of complaints
7 received, investigations conducted, and findings made;
8 b. Analysis of the factors which contribute to the commission of human rights
9 violations;
10 c. Assessment of the legal mechanisms of existing institutions in providing
11 adequate human rights protection;
12 d. Recommendations for legal, legislative, and institutional reforms for the
13 greater promotion and protection of human rights; and
14 e. Adoption and implementation by the concerned government agency of the
15 recommendations on the protection and promotion of human rights contained
16 in the Commission's policy issuances.

17 **E. OTHER POWERS AND FUNCTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **TITLE III. ORGANIZATIONAL STRUCTURE**

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

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

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

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

- 26 a. Execute and carry out the policies, decisions, orders, and resolutions
27 approved by the Commission;
- 28 b. Direct and supervise the operations and internal administration of the
29 Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

17 The Commission shall have the following field offices:

18 (a) Regional Offices:

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

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

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

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

5 (b) Provincial Offices:

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

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

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

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

24 Sec. 54. *Human Rights Education, Research, Training and Promotion Office*.

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

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

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

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

19 Sec. 58. *Appropriations.* – In addition to the regular appropriations of the
20 Commission, the sum of Three Hundred Million Pesos (₱300,000,000) for the
21 initial implementation of this Act shall be included in the Annual General
22 Appropriations Act, in the year following its enactment into law. Thereafter, such
23 sums, as maybe necessary for the full implementation of this Act, shall be included
24 in the annual General Appropriations Act.

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

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

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

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

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

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

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

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

Approved,