

Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session

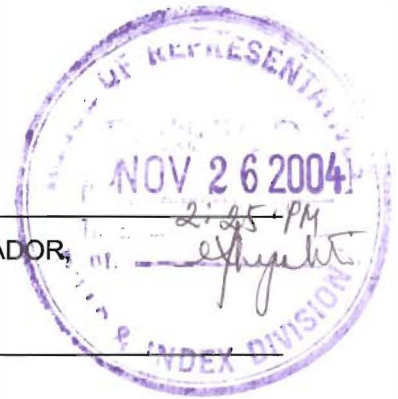
HOUSE BILL No. 3363

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR,
LIZA L. MAZA, RODANTE D. MARCOLETA, BENASING O. MACARAMBON JR.,
LORENZO R. TAÑADA III, ROSELLER L. BARINAGA, DEL R. DE GUZMAN,
CRISPIN B. BELTRAN, RAFAEL V. MARIANO

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Explanatory Note

The principles and values of human rights that are enshrined in the Philippine Constitution would be hollow and meaningless if officers of the law are appointed or promoted while facing charges of human rights violations. At present, while an original appointment, transfer, reemployment and promotion in the civilian bureaucracy require a clearance from financial obligations, property accountability and pending or decided criminal complaints, there is no mandatory requirement for a human rights clearance for officers of the law.

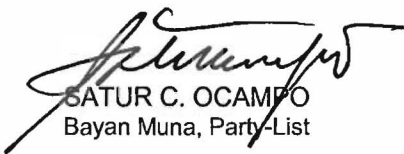
This bill imposes a legal impediment to the appointment and promotion of military, police and other law enforcers as well as public officers in the civilian bureaucracy who face charges of human rights violations. Its objective is to enforce the basic guarantees protecting human rights and check the unrelenting trend of human rights violations among those who are tasked with the fair enforcement and faithful execution of the laws yet are the first to violate it.

This bill requires the issuance of a human rights clearance for the validity and effectivity of every appointment or promotion of all public officers of whatever rank and employment status, whether elective or appointive, in all government agencies including government-owned or controlled corporations and the military establishment

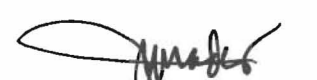
To oversee its implementation, the Commission on Human Rights shall issue human rights clearances for purposes of appointment or promotion of all public officers.

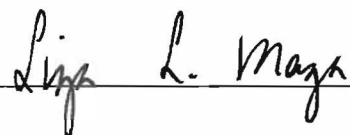
It is hoped that the creation of this mechanism will help build accountability and the abiding recognition and respect for human rights in the ranks of the State's law enforcers and all government agencies.

Immediate approval of this measure is thus earnestly sought.

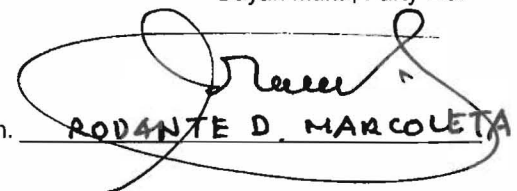

SATUR C. OCAMPO
Bayan Muna, Party-List


TEODORO A. CASIÑO
Bayan Muna, Party-List


JOEL G. VIRADOR
Bayan Muna, Party-List

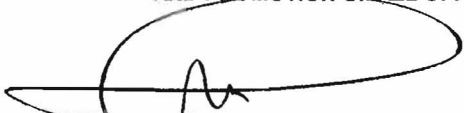
Hon. 

District Gabriela Women's Party

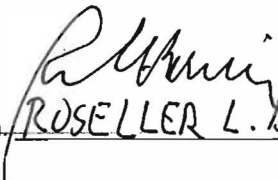
Hon. 
RODANTE D. MARCOLETA

District ALAGAD PARTY LIST

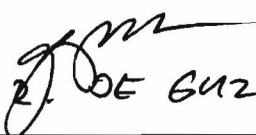
AN ACT REQUIRING AS CONDITION PRECEDENT A HUMAN RIGHTS CLEARANCE IN EVERY APPOINTMENT
AND PROMOTION OF ALL OFFICERS AND EMPLOYEES IN THE GOVERNMENT

Hon.  DENALDO MACARAMBON, JR.

District 2nd dist. LARAO del sur

Hon.  ROSELLER L. BARINAGA

District 2ND DIST., ZAMBOANGA DEL NORTE

Hon.  DEL R. DE GUZMAN

District MARIKINA CITY

Hon. _____

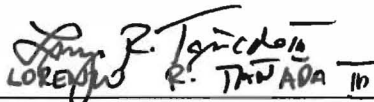
District _____

Hon. _____

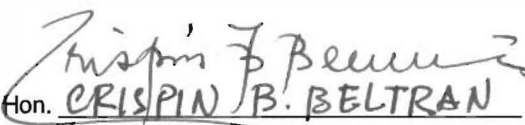
District _____

Hon. _____

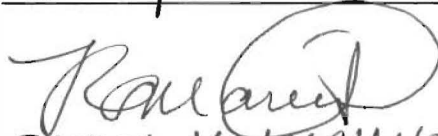
District _____

Hon.  LORENZO R. TAWADA

District 4th DISTRICT QUEZON PROV.

Hon.  CRISPIN B. BELTRAN

District Anakpawis P.L.

Hon.  RAFAEL V. MARIANO

District ANAKPAWLIS Party List

Hon. _____

District _____

Hon. _____

District _____

Hon. _____

District _____

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Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, LIZA L. MAZA,
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**AN ACT
REQUIRING AS CONDITION PRECEDENT A HUMAN RIGHTS CLEARANCE IN EVERY APPOINTMENT
AND PROMOTION OF ALL OFFICERS AND EMPLOYEES IN THE GOVERNMENT**

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

SECTION 1. Title. – This Act shall be known as the “Human Rights Clearance Act of 2004.”

SECTION 2. Declaration of Policy. – Article II, Section 11 of the Constitution of the Republic of the Philippines declares that the State values the dignity of every person and guarantees full respect for human rights. Pursuant to this declared policy, Article XVI, Section 5 (2) expressly mandates that military forces must have respect for people’s rights in the performance of their duty. Consistent with the foregoing, it is hereby the declared policy of the State to require the issuance of a human rights clearance for the validity and effectivity of every appointment or promotion of all public officers of whatever rank and employment status, whether elective or appointive, in all government agencies including government-owned or controlled corporations and the military establishment.

SECTION 3. Requirement of a Human Rights Clearance. – No appointment or promotion of all public officers of whatever rank and employment status, whether elective or appointive, in all government agencies including government-owned or controlled corporations and the military shall be valid and effective without a human rights clearance issued by the Commission on Human Rights.

SECTION 4. Additional Function and Authority. – The Commission on Human Rights shall exercise the following functions in addition to the other functions and authority exercised by the Commission on Human Rights –

1. To assess and monitor the Philippine human rights situation and advise the President so that proper measures can forthwith be taken effectively.
2. To collate all information concerning complaints of human rights violations from all agencies of national and local governments and compile a database to be used in determining whether human rights clearances may be issued.
3. To give out human rights clearances in accordance with the objectives of this Act depending on the existence or absence of complaints for human rights violations against the applicant. The mere existence of such complaint if unresolved or pending shall bar the issuance of the human rights clearance.
4. To perform such other functions and duties as may be necessary to meet the objectives of this Act.

Pursuant to its functions, the Commission on Human Rights shall be authorized to:

- 1 1. Call on any Government office, body, agency, instrumentality, council and commission to render
2 assistance in the efficient and effective implementation of its functions.
3
- 4 2. Administer oath, summon witnesses and require the production of documents by subpoena *duces*
5 *tecum*.
6
- 7 3. Promulgate rules and regulations for the efficient and effective performance of its mandate under
8 this Act.
9

10 **SECTION 5. Cooperation of Government Agencies.** – All concerned government agencies are enjoined
11 to extend full support and cooperation and to make available such materials, data and other resources as
12 may be necessary to ensure the successful implementation of this Act.
13

14 **SECTION 6. Repeal or Amendment.** – All laws, presidential decrees, executive orders, rules and
15 regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
16 amended or modified accordingly.
17

18 **SECTION 7. Separability Clause.** — If any part or provision of this Act shall be held unconstitutional or
19 invalid, other provisions, which are not affected thereby, shall continue to be in full force and effect.
20

21 **SECTION 8. Appropriations.** – The Chairperson or any responsible officers of the Commission on Human
22 Rights shall immediately include in the Commission's program the implementation of this Act, the funding of
23 which shall be included in the annual General Appropriations Act.
24

25 **SECTION 9. Effectivity.** – This Act shall take effect twenty (20) days from its publication in a newspaper of
26 general circulation.
27

28 Approved,