

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. **2152**



Introduced by AKBAYAN Representatives Ibarra Gutierrez III and Walden Bello

EXPLANATORY NOTE

Considered the dark years of Philippine human rights, the Martial Law era saw forces of the dictatorship violate civil and political rights with impunity, including the sequestration of media companies, killing of journalists, torture of leaders and members of the Left, and suppression of mass movements.

Against a backdrop of continuing struggle to recover the civil and political rights lost to Martial Law, the Commission on Human Rights was created by the 1987 Philippine Constitution, a creation made effective by the passage of Executive Order No. 163.

Since then, the concept of human rights has gradually entered the consciousness of Filipinos, leading not only to the passage of pieces of local legislation that promote the protection of human rights—like Republic Act No. 9346, which suspended the imposition of the death penalty, Republic Act No. 10022 (Magna Carta of Overseas Migrant Workers), Republic Act No. 9710 (Magna Carta of Women), Republic Act No. 9344 (Juvenile Justice Welfare Act), Republic Act No. 9745 (Anti-Torture Act), Republic Act No. 10368 (Human Rights Victims Recognition and Reparation Act), and Republic Act No. 10353 (Anti-Enforced and Involuntary Disappearance Act)—but also to an increasing call for full State protection of human rights from the citizens.

No less than the Office of the High Commissioner for Human Rights, the principal human rights official of the United Nations, through its Human Rights Council, and in its Conclusions And/Or Recommendations to the 2012 Universal Periodic Report of the Philippines, recommended that the Philippines –

“Further consolidate its national human rights infrastructure,
including support to the Commission on Human Rights;

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; Continue the work to build-up the capacity in the area of human rights protection, including through strengthening the national human rights institution; Intensify the efforts and measures to consolidate the state of law and its national mechanisms on human rights;"

The Philippines needs a Commission on Human Rights that is truly independent by the grant of fiscal autonomy. Today, more than ever, the Philippines needs a more active Commission on Human Rights, one that is not strapped to the task of investigation or that cannot recognize cases of human rights violations other than those involving civil and political rights, a Commission on Human Rights that can meet the challenge of protecting the human rights of the workers, overseas Filipinos, indigenous peoples, urban poor, informal settlers, farmers, fisherfolk, people with disabilities, women, LGBTs, children and youth, senior citizens, and other marginalized sectors of society who need protection the more.

It is time to pass a legislative enactment that would make the Commission on Human Rights an effective institution, building on the experiences for the past twenty-six years.

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

This bill is a revised and updated version of the Fifteenth Congress' House Bill Nos. 0055, 1141 and 2974, filed by then Representatives Lorenzo Tanada III, Karlo Nograles and Salvador Escudero, respectively.



Ibarra Gutierrez III



Walden Bello

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**AN ACT TO STRENGTHEN THE COMMISSION ON HUMAN RIGHTS,
AND FOR OTHER PURPOSES**

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

1 **SECTION 1. *Title*.**—This Act shall be known as the “*Commission on Human Rights Charter*.”

2
3 **SECTION 2. *State Policy*.**—The State values the dignity of every human person and guarantees
4 full respect for human rights. It shall give highest priority to the enactment of measures that protect
5 and enhance the right of all the people to human dignity.
6

7 **SECTION 3. *Definition of Terms*.**—For purposes of this Act, “*human rights*” shall include those
8 found in Article III and Article XIII, Sections 1 to 16 of the 1987 Philippine Constitution and those
9 affirmed and recognized by the State in the International Bill of Rights: the Universal Declaration of
10 Human Rights (1948), the International Covenant on Civil and Political Rights (1976), the
11 International Covenant on Economic, Social and Cultural Rights (1976), and all other international
12 instruments on human rights to which the Philippines is a signatory.
13

14 **TITLE ONE: THE COMMISSION ON HUMAN RIGHTS**
15 **CHAPTER I. NATURE OF THE COMMISSION**
16

17 **SECTION 4. *The Commission as an Independent Office and as the National Human Rights***
18 ***Institution of the Philippines*.**—The Commission on Human Rights, referred to as the
19 “*Commission*” in this Act, is an independent constitutional office. The State shall ensure that the
20 Commission shall operate in accordance with the Principles Relating to the Status of National
21 Institutions (“The Paris Principles”) and other United Nations’ Resolutions and Instruments
22 pertaining to the effective functioning of national human rights institution.

1
2 **SECTION 5. *Fiscal Autonomy.***—The Commission shall enjoy full fiscal autonomy equivalent to
3 that of the Constitutional Commissions under Article IX of the 1987 Philippine Constitution. The
4 annual budget appropriations of the Commission shall not be decreased from the previous years
5 and shall be automatically and regularly released.

6
7 **CHAPTER II. THE CHAIRPERSON AND MEMBERS**
8

9 **SECTION 6. *The Commission, Composition and Qualifications.***—The Commission is a
10 collegial body and shall be composed of a Chairperson and four (4) Members who shall possess the
11 following qualifications:
12

- 13 (a) Must be a natural-born citizen of the Philippines;
14 (b) Must be at least thirty-five (35) years of age at the time of appointment;
15 (c) Must be with proven probity, integrity and competence;
16 (d) Must have deep and comprehensive understanding and knowledge of, as well as practical
17 experience on, human rights protection, promotion and advocacy;
18 (e) Must not have been candidate, including as party-list nominee, for any elective position in any
19 national or local election immediately preceding appointment;
20 (f) Majority of whom must be members of the Philippine Bar who have been engaged in the
21 practice of law for at least ten (10) years; and
22 (g) Composition must observe equal gender representation.
23

24 **SECTION 7. *Appointment, Assumption and Term of Office.***—The Chairperson and
25 Members of the Commission shall be appointed by the President for a term of seven (7) years
26 without reappointment. Of those first appointed under this Act, the Chairperson shall hold office
27 for seven (7) years, two (2) Members for five (5) years and the other two (2) Members for three (3)
28 years, all without reappointment. In no case shall they be appointed, re-appointed or designated in
29 a temporary or acting capacity.
30

31 Any person appointed as Chairperson or Member of the Commission shall not assume office until
32 all government regulations and requirements on appointment are fully complied with.
33

34 The term of the new Chairperson and Members of the Commission shall start on May 6 following
35 the date of the vacancy regardless of the actual date of appointment: *Provided*, That the salary,
36 retirement, benefits and other privileges mentioned under Section 10 of this Act shall only
37 commence upon actual assumption to office. Appointment to any vacancy occurring during the
38 term shall only be for the remaining portion of said term.
39

1 **SECTION 8. *Prohibition and Disqualification.***—The Chairperson and Members of the
2 Commission shall not, during their tenure, hold any other office or employment. Neither shall they
3 engage in the private practice of any profession or in the active management or control of any
4 business which, in any way, may affect the functions of their office, nor shall they be financially
5 interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by, the
6 Government and its subdivisions, agencies or instrumentalities, including government-owned-or-
7 controlled corporations or their subsidiaries. They shall avoid conflict of interest in the conduct of
8 their functions. They shall not be allowed to appear or practice their profession before the
9 Commission for one (1) year following their cessation from office.

10
11 No spouse, common-law partner or relative by consanguinity or affinity within the fourth civil
12 degree and no law, business or professional partner or associate of the Chairperson or Members of
13 the Commission may appear as counsel or agent on any matter pending before the Commission or
14 transact business, directly or indirectly, therewith. This disqualification shall apply during the tenure
15 of the official concerned and one (1) year thereafter.

16
17 **SECTION 9. *Disclosure of Relationship.***—It shall be the duty of the Chairperson and Members
18 of the Commission to make under oath, to the best of their knowledge and information, a public
19 disclosure of the identities of, and their relationship with, persons referred to in the preceding
20 Section. The disclosure, which shall be in writing, shall be filed with the Office of the Ombudsman
21 before the appointee assumes office and every year thereafter. The disclosure made pursuant to this
22 Section shall form part of public records and shall be made available and accessible to the public.

23
24 **SECTION 10. *Salary, Retirement Benefits, and Other Privileges of the Chairperson and***
25 ***Members.***—The Chairperson and the Members of the Commission shall receive the same salary,
26 privileges and benefits as the Chairperson and Members of the Constitutional Commissions, which
27 shall not be decreased during their term of office. Likewise, they shall receive the same retirement
28 benefits as those of the Constitutional Commissions.

29
30 In case of death of a retired Chairperson or Member of the Commission, the surviving legitimate
31 spouse shall be entitled to receive, on a monthly basis, all the retirement benefits that the said
32 deceased retiree was receiving at the time of demise under the provisions of applicable retirement
33 laws. In case of unmarried retirees, the legal heirs shall be those recognized under Republic Act
34 No. 386 otherwise known as the Civil Code of the Philippines. The said surviving legitimate spouse
35 or legal heir shall continue to receive such retirement benefits until he/she remarries or during
36 his/her lifetime, respectively: *Provided, That if the surviving legitimate spouse or legal heir is*
37 *receiving benefits under existing retirement laws, he/she shall only be entitled to the difference*
38 *between the amount provided for under this Act and the benefits he/she is receiving.*

SECTION 11. *Removal from Office.*—The Chairperson and Members of the Commission may be removed from office on any of the following grounds:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;
- (c) Bribery, graft and corruption, other high crimes, or betrayal of public trust;
- (d) Dishonesty, misconduct in office, gross negligence, or dereliction of duty;
- (e) Commission of any offense involving moral turpitude or an offense punishable by imprisonment of more than six (6) years; and
- (f) Abuse of authority.

The proceedings for removal shall be initiated by filing a verified complaint with the Office of the Ombudsman stating the grounds therefor and alleging the ultimate facts upon which the complaint is based. No such proceedings shall be initiated against the Chairperson or the same Member of the Commission within a period of one (1) year.

The Office of the Ombudsman shall act on the complaint and conduct the necessary investigation and hearing. Thereafter, the Office of the Ombudsman shall dismiss the complaint or declare the removal from office of the Chairperson or Member of the Commission within one hundred twenty (120) days from the date of filing of the complaint.

In deciding upon a complaint for removal from office, the Office of the Ombudsman shall not impose any lesser penalty or disciplinary action such as suspension, censure, or reprimand other than removal from office.

CHAPTER III. NOMINATION OF CHAIRPERSON AND MEMBERS

SECTION 12. *Nominations, Appointment and Pluralist Representation.*—The President shall choose and appoint the Chairperson and Members of the Commission from the broadest range of nominees that shall ensure pluralist representation of all those involved in the promotion and protection of human rights. Appointment shall be made not later than thirty (30) days after a vacancy has occurred.

Non-governmental organizations, civil society organizations, people's organizations involved in human rights protection and promotion may submit their nominees to the President.

The nomination, selection and appointment process shall be transparent and shall ensure broad-based consultation with stakeholders.

TITLE TWO: GENERAL POWERS AND FUNCTIONS

SECTION 13. *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 of its lawful orders in accordance with the Rules of Court;
- (c) Provide appropriate legal and preventive measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad;
- (d) Provide legal aid services to the underprivileged whose human rights have been violated or are in need of protection;
- (e) Exercise regular, independent, unhampered, unannounced and unrestricted visitorial powers over jails, prisons, camps, detention facilities, safe houses and similar premises;
- (f) Establish a continuing program of research, education and information to enhance respect for the primacy of human rights;
- (g) Recommend to the Congress of the Philippines effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
- (h) Monitor the 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 to determine the truth in any investigation or prosecution 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) Issue human rights orders, memorandum circulars, and advisories directed to all concerned agencies of government for their implementation and/or appropriate action;
- (l) Establish working relationships with civil society organizations, non-government organizations, and peoples organizations in the promotion and protection of human rights;
- (m) Cooperate with the United Nations, other international and regional organizations, as well as national human rights institutions of other countries for the protection and promotion of human rights;
- (n) Ensure that the status, rights and interests of vulnerable, marginalized, and disadvantaged sectors, such as but not limited to, children, women, elderly, indigenous peoples, internally displaced persons, persons with disabilities, and persons deprived of liberty, are upheld in accordance with the Constitution, laws and international instruments on human rights; and
- (o) Appoint its officers and employees as well as approve the position structure, staffing pattern, and effect changes in its organizational structure, as necessary, in accordance with law.

CHAPTER I. PROTECTION POWERS

A. INVESTIGATION

SECTION 14. *Investigative Powers and Functions.*—The Commission shall exercise primary and original jurisdiction to investigate, on complaint or on its own, cases of human rights violations involving civil, political, economic, social and cultural rights.

In the exercise of its investigative powers, the Commission shall:

- (a) Act promptly on reports or complaints, filed in any form, by any person or organization. Upon finding of human rights violation, the Commission shall recommend appropriate remedies to include referral to proper government agencies for the filing of administrative, criminal or civil actions. The recommendation may also involve proposals for legislative, administrative, and judicial reforms.

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

Orders, decisions or resolutions of the Commission may be appealed to the Court of Appeals on both questions of fact and law, or on *certiorari* to the Supreme Court of questions of law.

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

- (b) In addition to its power to investigate all violations of human rights as defined in Section 3 of this Act, the Commission shall also 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) Custodial Rights of the Accused (Republic Act No. 7438);
- (2) Anti-Child Abuse Law (Republic Act No. 7610);
- (3) Anti-Violence Against Women and Their Children (Republic Act No. 9262);
- (4) Juvenile Justice Law (Republic Act No. 9344);
- (5) Magna Carta of Women (Republic Act No. 9710);
- (6) Anti-Torture Law (Republic Act No. 9745);
- (7) Anti-Child Pornography Law (Republic Act No. 9775);
- (8) Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity (Republic Act No. 9851);

1 (9) Anti-Enforced or Involuntary Disappearance Law (Republic Act No. 10353);

2 (10) Human Rights Violations Victims Reparation and Recognition Act of 2013
3 (Republic Act No. 10368); and

4 (11) Such other related laws as may hereafter be enacted.
5
6

7 (c) Compel the attendance of witnesses and the production of evidence, documents and other
8 data, administer oaths, issue *subpoenas* and take testimony in any investigation or inquiry.
9

10 (d) Issue orders and directives constituting preventive and legal measures, as provided in Section
11 21 of this Act.
12

13 (e) Ensure the protection and full cooperation of witnesses and vital resource persons in the
14 investigation of human rights and international humanitarian law violations being conducted by
15 the Commission.
16

17 (f) Request or require the assistance and cooperation of any department, bureau or office,
18 subdivision, agency or instrumentality of the Government, including government-owned or
19 controlled corporations and local governments.
20

21 (g) Make the results and findings of its investigations available and accessible to the public, subject
22 to the guidelines as may hereafter be provided.
23

24 (h) Cite in contempt any person for violation of the guidelines and procedures of the Commission
25 or for failure to comply with any order issued in the exercise of its investigative function.
26

27 (i) Monitor status of implementation and action taken on recommended remedies for human
28 rights violations as referred and/or filed with appropriate agencies, courts or any other body.
29

30 (j) Perform such other powers as may be necessary or incidental for the effective exercise or
31 conduct of its investigative powers.
32

33 **SECTION 15. *Imprescriptibility of Human Rights Violations.***—The investigation of human
34 rights violations shall not prescribe.
35

36 **SECTION 16. *Preventive Suspension.***—With the exception of Members of Congress, the
37 Judiciary, and impeachable officials, the Commission may preventively suspend, pending an

1 investigation, any officer or employee including, but not limited to, elective or appointive public
2 officers or employees: *Provided*, That the Commission determines that 1) the evidence of guilt is
3 strong, 2) the charges would warrant removal from the service, and 3) the officer or employee's
4 continued stay in office would prejudice the conduct and result of the investigation.

5
6 The preventive suspension shall not be more than ninety (90) days in case of a national officer or
7 employee, and sixty (60) days in case of a local officer or employee.

8 9 **B. WITNESS PROTECTION ASSISTANCE**

10
11 **SECTION 17. *Witness Protection Assistance Program.***—In the conduct of its investigation,
12 the Commission shall implement and manage a human rights based Witness Protection Assistance
13 Program, including the provision of security and shelter to witnesses and their families.

14
15 The Commission may also refer witnesses and their families, in need of protection, to the Witness
16 Protection Program of the Government and sanctuaries provided by other organizations. The
17 funding requirement for this Witness Protection Assistance Program shall be included in the
18 annual General Appropriations Act.

19 20 **C. GENDER OMBUD**

21
22 **SECTION 18. *Gender Ombud.***—As Gender Ombud, the Commission shall exercise quasi-
23 judicial functions to determine violations of the provisions of the Magna Carta of Women, its
24 Implementing Rules and Regulations, and other related laws and regulations, committed by any
25 department, agency or instrumentality of the Government, government-owned and-controlled
26 corporations, and local government units as well as private entities and/or individuals.

27
28 It shall impose appropriate penalties under administrative law, civil service or other appropriate
29 laws.

30 31 **D. GRANT OF IMMUNITY**

32
33 **SECTION 19. *Grant of Immunity.***—The Commission may grant immunity from prosecution to
34 any person whose testimony is indispensable to determine the truth in any hearing, inquiry or
35 proceeding being conducted by the Commission under such terms and conditions as it may
36 determine taking into account the pertinent provisions of the Rules of Court, particularly Rule 199,
37 Sections 17 and 18, and its own rules.

38 39 **E. VISITATION**

1
2 **SECTION 20. *Visitorial Powers.***—The Commission shall exercise visitorial powers over jails,
3 prisons and detention facilities. In the performance of this power, the Commission shall:

- 4
5 (a) Conduct regular, independent, unhampered, unannounced and unrestricted jail visitation to all
6 places of detention or confinement.

7
8 Places of detention or confinement shall refer to any physical space, area or structure, whether
9 moving or stationary, permanent or temporary, where deprivation of liberty is carried out, and
10 which establishment, operation, and maintenance is punishable under Section 14(1) of Republic
11 Act No. 9745 otherwise known as the Anti-Torture Act of 2009.

12
13 These places of detention or confinement may include, but are not limited to, the following:

- 14
15 (1) National penitentiaries and penal farms;
16 (2) Provincial and sub-provincial jails;
17 (3) Municipal, city and district jails;
18 (4) Military detention camps and centers;
19 (5) Lock-up cells;
20 (6) Juvenile or youth centers;
21 (7) Social care institutions such as psychiatric wards; and
22 (8) Detention facilities maintained by the National Bureau of Investigation, Philippine Drug
23 Enforcement Agency, and such other agencies.

- 24
25 (b) Inspect said places of detention or confinement and assess the condition and treatment of
26 persons deprived of liberty using international human rights standards, pertinent laws, rules,
27 regulations and manuals of procedures.

28
29 Require the submission of lists, through the provincial and regional offices of the Commission,
30 of all detention centers and facilities under the jurisdiction of the Philippine National Police,
31 Armed Forces of the Philippines, Bureau of Jail Management and Penology, National Bureau
32 of Investigation, Bureau of Corrections, Philippine Drug Enforcement Agency, and other law
33 enforcement agencies and local chief executives having jurisdiction over provincial, sub-
34 provincial, city, and municipal jails, with the corresponding data as specified in Republic Act
35 No. 9745, or the Anti-Torture Act of 2009, and Republic Act No. 10353, or the Anti-Enforced
36 or of Involuntary Disappearance Act of 2012.

1 The Commission shall make the same available to the public, subject to the guidelines as may
2 hereafter be provided.
3

(c) Upon being informed of the detention or arrest of a child in armed conflict situations by agents of the Government, the Department of Social Welfare and Development or the regional office of the Commission shall immediately visit the child to ensure the protection of the child's human rights.

(d) Prepare periodic reports containing details of the visitation, treatment and physical condition of persons deprived of liberty, assessment of the facilities, analysis, and recommendations to concerned agencies for appropriate action.

F. LEGAL AND PREVENTIVE MEASURES

SECTION 21. *Legal and Preventive Measures.*—In all cases under investigation, the Commission may issue legal and preventive measures as well as provisional remedies. These measures or remedies shall include, but are not limited to, general writs of injunction, restraining orders, *status quo ante* orders, cease and desist orders, protection orders or such other orders to protect the life and security of persons, preserve evidence, protect properties and other considerations to ensure the efficient investigation of the alleged human rights violation.

G. LEGAL ASSISTANCE AND OTHER SERVICES

SECTION 22. *Legal Assistance.*—The Commission shall implement a legal assistance program consisting of the following:

(a) Assistance in the filing of complaints against individuals, agencies, institutions, or establishments that violate the provisions of the Custodial Rights of the Accused, Magna Carta of Women, Anti-Torture Act, Anti-Enforced and Involuntary Disappearance Act, Anti-Child Abuse Law, Anti-Child Pornography Law, Juvenile Justice Welfare Act, Anti-Violence Against Women and Their Children Act, Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, and such other cases involving human rights violations.

In the exercise of this function, the Commission may coordinate with human rights organizations and lawyers' groups, the Integrated Bar of the Philippines and Philippine law schools with legal aid programs.

(b) Assist in the filing of requests or petitions for issuance of protection orders both in the barangay and court levels.

(c) Free legal aid and counseling services to victims of human rights violations especially those in the marginalized, disadvantaged and vulnerable sectors of society.

(d) Forward reports of specific incidents of violations of human rights of children in situations of armed conflict filed with the Department of Social Welfare and Development or non-governmental organizations to the general headquarters of the Government forces or may file the same directly with the office of the provincial or city prosecutor for appropriate action.

(e) The Commission may, in accordance with Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, receive a child, in situations of armed conflict, who is released on recognizance after the filing of a criminal complaint or information in court against said child. In the absence of counsel, the Commission may also request the release of said child in situations of armed conflict.

SECTION 23. *Financial Assistance.*—The Commission shall strengthen its Financial Assistance Program to victims of human rights violations and their families. The funding requirement for this Program shall be included in the annual General Appropriations Act.

H. FORENSIC SERVICES

SECTION 24. *Forensic Services.*—The Commission, in relation to the conduct of any investigation of human rights violations, shall provide independent forensic services which shall include:

(a) Medico-Legal Services

(1) Physical examinations on individuals identified to be victims of physical abuse or torture, and document any injuries found on the individual, and

(2) Exhumation and/or autopsy of the remains of alleged victims of human rights abuses, in order to determine the person's identity and the cause of death.

(b) Laboratory Services, which shall cover documentation, examination and analysis of the evidence/samples collected. These include, but shall not be limited to, the following areas:

(1) Forensic pathology

(2) Forensic chemistry, toxicology, serology, including, but not limited to, blood-alcohol determination, blood chemistry, unidentified substance analysis, gunshot residue collection and analysis;

(3) Fingerprint recovery, identification and matching;

- (4) Firearms and ballistics identification and comparison;
- (5) Impression identification and analysis-tool marks, footwear and tires;
- (6) DNA recovery and analysis;
- (7) Trace and microscopic evidence analysis;
- (8) Questioned document analysis; and
- (9) Computer and electronic forensics.

The funding requirement for forensic services shall be included in the annual General Appropriations Act.

I. OTHER POWERS IN RELATION TO PROTECTION

SECTION 25. *Applicability of Refoulment.*—Pursuant to the provisions of Republic Act No. 9745, or the Anti-Torture Act of 2009, and Republic Act No. 10353, or the Anti-Enforced or of Involuntary Disappearance Act of 2012, the Chairperson of the Commission shall, in coordination with the Secretaries of Justice and Foreign Affairs, determine the existence of grounds for the non-expulsion, return or extradition to another state of a person, in cases where there are substantial grounds to believe that such person shall be in danger of being subjected to torture and/or enforced disappearance. It shall take into account all relevant considerations, including but not limited to, the existence in the requesting state of a consistent pattern of gross, flagrant or mass violations of human rights.

SECTION 26. *Protection of Filipinos Abroad.*—The Commission shall undertake measures for the protection and promotion of human rights of Filipinos living abroad. For the purpose of monitoring the status of human rights of Filipinos living abroad, the Commission shall coordinate with Philippine Embassy or Consulate officers as well as 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, establishing networks among Filipinos to promote protection of human rights, reporting cases of violations thereof, facilitating the remedial measures of victims and coordinating with respective agencies to provide counseling and financial aid.

Whenever necessary, the Commission shall also engage with existing national human rights institutions in the country where Filipinos may be found as well as with regional and international human rights networks.

1 **SECTION 27. *Issuance of Human Rights Clearance.***—The Commission shall issue human
2 rights clearance to any member of the security and law enforcement sector, government official
3 and employee, or any private person, for purposes of employment, promotion or confirmation of
4 appointment, study abroad, or for any other legal purposes it may deem necessary.

5
6 The human rights clearance shall be one of the requirements for the confirmation of appointment
7 before the Commission on Appointments.

8
9 **SECTION 28. *Issuance of Other Human Rights Certification.***—The Commission, after due
10 evaluation, shall issue clearances or certifications of compliance with international human rights
11 standards such as certifications on human rights impact assessments conducted by industries with
12 high risk human rights impact.

13 14 **CHAPTER II. MONITORING POWERS**

15
16 **SECTION 29. *Monitoring Powers and Functions.***—In the exercise of its mandate to monitor
17 Government's compliance with its international human rights obligations, the Commission shall:

18
19 (a) Monitor and advise government on its responsibilities and obligations under international
20 human rights treaties to which the Philippines is a signatory.

21
22 (b) Encourage signature, ratification of, or accession to, international human rights instruments,
23 and to ensure their implementation.

24
25 (c) Conduct inquiries on the manner of implementation by the Government of specific human
26 rights obligations.

27
28 (d) Request the full cooperation of any public official on the measure undertaken by his or her
29 agency to comply with the State's international human rights obligations.

30
31 (e) Capacitate stakeholders to enable participation in monitoring human rights treaty compliance
32 by the Government.

33
34 **SECTION 30. *Monitoring for Legislative and Policy Reforms.***—The Commission shall
35 recommend to Congress of the Philippines effective measures to promote human rights. It shall
36 make the appropriate recommendations to the concerned executive, legislative and judiciary
37 agencies to ensure the harmonization of national legislation, policy issuances, local ordinances with
38 international human rights instruments to which the Philippines is a signatory.

1 **SECTION 31. *Compliance Reports to UN Treaty Monitoring Bodies and Special***
2 ***Procedures.—***

3
4 (a) The Commission shall advise Government to submit State Reports in compliance with the
5 reportorial obligations under international human rights treaties and to furnish the Commission
6 copies thereof within thirty (30) days from submission to the United Nations and other
7 international bodies.

8
9 (b) The Commission shall contribute, where necessary, to the reports which states are required to
10 submit to United Nations bodies and committees, and to regional institutions, pursuant to
11 treaty obligations.

12
13 (c) With due respect for independence, the Commission shall prepare its own parallel reports to
14 the United Nations, other international organizations, and special procedures mechanisms in
15 relation to its monitoring of government's compliance with its international human rights
16 obligations.

17
18 (d) The Commission shall also monitor and follow-up compliance of the recommendations made
19 by the United Nations' treaty monitoring bodies and other special procedures mechanisms.

20
21 (e) The Commission shall make the appropriate recommendations to the concerned executive
22 agency with regard to requests for official visits of United Nations Special Rapporteurs and
23 other treaty and charter based mechanisms.

24
25 **SECTION 32. *Cooperation with the United Nations and other Human Rights Systems.—***

26
27 (a) The Commission shall cooperate with the United Nations and any other organization in the
28 United Nations system including special procedures and charter based mechanisms on matters
29 pertaining to monitoring compliance of international treaties on human rights.

30
31 (b) Undertake collaborative efforts with international and regional human rights networks and
32 national human rights institutions of other countries in relation to promotion and protection of
33 human rights.

34
35 **SECTION 33. *Inter-agency Monitoring of Human Rights.—***The Commission shall engage
36 with other government agencies, through inter-agency committees and/or councils, to monitor
37 compliance of human rights obligations as provided for under Section 3 of this Act and as laid
38 down in pertinent laws, including, but not limited to:

- (a) Custodial Rights of the Accused (Republic Act No. 7438);
(b) Anti-Child Abuse Law (Republic Act No. 7610);
(c) Anti-Violence Against Women and Their Children (Republic Act No. 9262);
(d) Juvenile Justice Law (Republic Act No. 9344);
(e) Magna Carta of Women (Republic Act No. 9710);
(f) Anti-Torture Law (Republic Act No. 9745);
(g) Anti-Child Pornography Law (Republic Act No. 9775);
(h) Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity (Republic Act No. 9851);
(i) Anti-Enforced or Involuntary Disappearance Law (Republic Act No. 10353);
(j) Human Rights Violations Victims Reparation and Recognition Act of 2013 (Republic Act No. 10368); and
(k) Such other related laws as may hereafter be enacted.

CHAPTER III. PROMOTION POWERS

SECTION 34. *Human Rights Education.*—The Commission shall undertake a program of human rights promotion and advocacy through education and training to enhance respect for the primacy of human rights in coordination with different agencies of government. It shall likewise administer a Mandatory and Continuing Human Rights Education Program for the military, police and other law enforcement agencies, as well as public school teachers, and shall, for this purpose, draw up the components of the Program, accredit course and training providers, and issue certificates of completion to those who have successfully completed the Program.

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

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

SECTION 35. *Research.*—The Commission shall undertake a continuing research and study on select human rights issues for purposes of recommending policy reforms, as well as program and legislative measures.

1 **SECTION 36. *Human Rights Information and Communication.***—The Commission shall
2 develop its information and communication program for the effective dissemination and advocacy
3 of human rights and international humanitarian law, as well as other related national human rights
4 laws.

5
6 **TITLE THREE: ORGANIZATIONAL STRUCTURE**
7

8 **SECTION 37. *Commission as a Collegial Body.***—The Commission composed of the
9 Chairperson and four (4) Members as a collegial body, is responsible for the promulgation of
10 policies, decisions, orders and resolutions necessary for the efficient administration and for proper
11 execution of its Constitutional mandates.

12
13 In the exercise of its powers and functions, the Commission shall sit and render its decision *en banc*.
14 Every such decision, order or resolution of the Commission must bear the concurrence and
15 signature of at least three (3) Members thereof.

16
17 **SECTION 38. *The Chairperson as Head of the Commission and Chief Executive Officer;***
18 ***Powers and Duties.***—The Chairperson, as head of the Commission and Chief Executive Officer
19 shall:

- 20
21 (a) Execute and carry out the necessary policies, decisions, orders and resolutions approved by the
22 Commission;
23 (b) Direct and supervise the operations and internal administration of the Commission;
24 (c) Sign appointments of subordinate officials and employees made by the Commission and
25 enforce decisions on administrative discipline involving them;
26 (d) Issue temporary assignments, rotate and transfer personnel, as approved by the Commission
27 and in accordance with the provisions of the Civil Service Law;
28 (e) Submit an annual budget to the Commission for its approval and submission to the
29 Department of Budget and Management and to the Congress of the Philippines;
30 (f) Delegate his/her authority, in whole or in part, to other officials of the Commission, in
31 accordance with Executive Order No. 292, otherwise known as the Administrative Code of
32 1987, and rules and regulations of the Commission; and
33 (g) Perform such other functions as may be authorized by the Commission.

34
35 **SECTION 39. *Structural Organization.***—The Commission shall have the following offices and
36 operating units:

- 37
38 (a) National Offices
39

- (1) Office of the Chairperson,
- (2) Office of the Commissioners,
- (3) Office of the Executive Director,
- (4) Office of the Commission Secretary,
- (5) General Administration Office,
- (6) Financial Management Office,
- (7) Internal Operations Office,
- (8) Sector Management Office,
- (9) Strategic Planning Office,
- (10) Information Technology and Management System Office,
- (11) Human Rights Protection Office,
- (12) Human Rights Promotion Office,
- (13) Human Rights Policy Reforms and Development Office;
- (14) Human Rights Institute, and
- (15) Adjudication Office.

Each of the Offices enumerated above may have such divisions as are necessary to carry out the respective functions of the Office.

The head of the Offices in subsection (a) numbers (4) to (15) shall have the rank, salary and privileges equivalent to Director IV. The Executive Director shall have the rank, salary and privileges of an Assistant Secretary.

As an independent Constitutional office, the Commission may effect organization changes in its structural organization as the need arises.

(b) Regional Offices

The Commission shall have seventeen (17) Regional Human Rights Offices. The Regional Offices will include twelve (12) geographically grouped regional offices, four (4) special administrative regional offices, in the administrative regions created by law, namely, the National Capital Region, the Cordillera Administrative Region, the CARAGA Administrative Region, and Autonomous Region for Muslim Mindanao.

For purposes of an efficient and effective administration and operation, Region VI shall be divided into Region IV-A and Region IV-B. Region IV-A shall cover the provinces of Cavite, Laguna, Batangas, Rizal and Quezon; while Region IV-B shall cover the provinces of Oriental Mindoro, Occidental Mindoro, Marinduque, Romblon and Palawan.

Each Regional Human Rights Office shall be headed by a Regional Human Rights Director IV, assisted by an Assistant Regional Human Rights Director. Such other subordinate officers or employees may be appointed by the Commission. The officers and employees shall be persons having general understanding of the human rights situation over the locality and are of known probity and independence.

(c) Provincial Offices

The Commission shall have an Office in every province corresponding to each Regional Office, except to the National Capital Region. The latter shall instead be subdivided into four (4) separate District Human Rights Offices of Northern District, Eastern District, Western District and Southern District.

The Provincial and District Human Rights Offices shall provide identified services for the protection and promotion of human rights within their specific areas of jurisdiction, and shall be under the direct supervision of the Regional Human Rights Offices having jurisdiction over them.

Each Provincial and District Human Rights Office shall be headed by a Provincial and District Human Rights Officer, respectively, and shall have such other subordinate officers or employees as the Commission may appoint. The Provincial and District Human Rights Officer shall carry the rank and receive salaries or benefits equivalent to Director III, and should have general understanding of the human rights situation over the locality and are of known probity and independence.

SECTION 40. *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. The Executive Director as Chief Operations Officer of the Commission shall:

- (a) Recommend and/or implement administrative and management policies, rules and standard operating procedures to be established by the Commission;
- (b) Recommend and initiate programs, projects and policies which promote productivity, efficiency and effectiveness in the Commission;
- (c) Coordinate with different organizational units in the information and reporting requirement of the Commission;

- (d) Coordinate programs of the Offices of the Commission and render periodic reports on their operations;
- (e) Resolve operational issues in accordance with the levels of authority prescribed by the Commission;
- (f) Undertake appraisal of issues and problems and policy recommendations requiring decision and action by the Commission;
- (g) Conduct necessary representation with different branches and agencies of government on vital issues and concerns involving the organization, operations and programs of the Commission; and
- (h) Perform such other functions as may be assigned by the Commission.

SECTION 41. *Duties and Functions of the Offices of the Commission.*—The different Offices of the Commission as provided in Section 39 of this Act shall operate in accordance with their respective duties and functions subject to the requirements of efficiency, economy and effectiveness, and pertinent budget and civil service laws, rules and regulations.

TITLE FOUR: MISCELLANEOUS PROVISIONS

SECTION 42. *Immunity from Suit.*—The officers and employees of the Commission shall be immune from legal actions arising from the performance of duties: *Provided*, That this immunity shall not cover acts done in abuse of official authority and acts done in bad faith.

SECTION 43. *Use of Income.*—All fees and collected and/or received by the Commission in the conduct of human rights trainings and seminars, issuance of clearance, collection of fines and penalties, shall be deposited in an authorized depository bank and shall be available for any function, project or activity of the Commission. Disbursement therefrom shall be made in accordance with accounting and auditing rules and regulations.

SECTION 44. *Implementing Rules and Regulations.*—The Commission shall, within ninety (90) days from the approval of this Act, formulate implementing rules and regulations in consultation with the Department of Justice, Department of National Defense, Department of the Interior and Local Government, and other government agencies and human rights organizations.

1 **SECTION 45. *Operational Guidelines.***—The Commission shall also formulate its operational
2 guidelines which shall include, but will not be limited to guidelines and procedures, functions and
3 duties of each office, the implementation and management of its programs and services and such
4 other matters as may be necessary for the implementation of this Act.

6 **SECTION 46. *Franking Privilege.***—All official mail matters and telegrams of the Commission
7 addressed for delivery within the Philippines shall be received, transmitted and delivered free of
8 charge: *Provided*, That such mail matters when addressed to private persons or non-government
9 offices shall not exceed one thousand twenty (1,020) grams. All mail matters and telegrams sent
10 through Government telegraph facilities containing complaints to the Commission on Human
11 Rights shall be transmitted free of charge: *Provided further*, That the telegram shall contain not more
12 than one hundred fifty (150) words.

14 **SECTION 47. *Transitory Provisions.***—Nothing in this shall prejudice the positions,
15 emoluments, security of tenure, qualifications, privileges and benefits of the incumbent
16 Chairperson, Members of the Commission, officers and employees of the Commission upon its
17 effectivity. However, officials and employees of the Commission, in aid of its reorganization upon
18 the effectivity of this Act, may avail of a separation benefits package as may be provided for.

20 **SECTION 48. *Appropriations.***—In addition to the regular appropriations of the Commission,
21 the sum of three hundred million Philippine pesos (Php300,000,000.00) for the initial
22 implementation of this Act shall be included in the annual General Appropriations Act in the year
23 following its enactment into law.

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

28 **SECTION 49. *Separability Clause.***—If any provision of this Act shall be held unconstitutional,
29 other provisions not affected thereby shall remain valid and binding.

31 **SECTION 50. *Repealing Clause.***—This law shall repeal Executive Order No. 163 (Declaring
32 the Effectivity of the Creation of the Commission on Human Rights as Provided in the 1987
33 Constitution, Providing Guidelines For the Operation Thereof, and For Other Purposes), Republic
34 Act No. 6770 or the Ombudsman Act of 1989, and Republic Act No. 9710 or the Magna Carta of
35 Women. All laws, republic acts, presidential decrees, letters of instructions, executive orders, rules
36 and regulations insofar as they are inconsistent with this Act are hereby repealed or amended, as
37 the case may be.

1 **SECTION 51. *Effectivity Clause.***—This Act shall take effect fifteen (15) days upon its
2 publication in at least two (2) newspapers of general circulation.

3

4 Approved,