

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

1512
House Bill No. _____

HOUSE OF REPRESENTATIVES

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Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

Explanatory Note

The 1987 Constitution envisaged the Commission on Human Rights (CHR) to exist as an "independent office". This is indeed necessary if the CHR is to ensure that the State performs its duty to respect, protect and uphold the rights of our people.

However, the CHR is usually unable to address the protection of human rights due to its failure to prosecute reported cases of human rights violations. This can be attributed to the fact that it is tied up by existing law which provides the CHR only investigative and advocacy powers.

Recognizing the need for an effective and speedy resolution of all human rights cases filed with the CHR, this bill seeks to strengthen the Commission by providing an effective and expanded structural and functional organization to meet the demands of human rights cases here and abroad. It is hoped that the Commission will be able to efficiently respond to the victims of human rights violations and the general public through providing it with prosecutorial powers over delineated forms of human rights violations.

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


HON. GARY C. ALEJANO

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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 "*Commission on Human*
2 *Rights Charters*".

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

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

1 TITLE ONE: THE COMMISSION ON HUMAN RIGHTS

2 CHAPTER I. NATURE OF THE COMMISSION

3
4 SECTION 4. *The Commission as an Independent Office and as the*
5 *National Human Rights Institution of the Philippines.*—The Commission on
6 Human Rights, referred to as the “*Commission*” in this Act, is an independent
7 constitutional office. The State shall ensure that the Commission shall operate in
8 accordance with the Principles Relating to the Status of National Institutions
9 (“The Paris Principles”) and other United Nations’ Resolutions and Instruments
10 pertaining to the effective functioning of national human rights institution.
11

12 SECTION 5. *Fiscal Autonomy.*—The Commission shall enjoy full fiscal
13 autonomy equivalent to that of the Constitutional Commissions under Article IX
14 of the 1987 Philippine Constitution. The annual budget appropriations of the
15 Commission shall not be decreased from the previous years and shall be
16 automatically and regularly released
17

18 CHAPTER II. THE CHAIRPERSON AND MEMBERS

19
20 SECTION 6. *The Commission, Composition and Qualifications.*—The
21 Commission is a collegial body and shall be composed of a Chairperson and four
22 (4) Members who shall possess the following qualifications:

- 23 a) Must be a natural-born citizen of the Philippines;
24 (b) Must be at least thirty-five (35) years of age at the time to appointment;
25 (c) Must be with proven probity, integrity and competence;
26 d) Must have deep and comprehensive understanding and knowledge of, as
27 well as practical experience on, human rights protection, promotion and
28 advocacy,
29 (e) Must not have been candidate, including as party-list nominee, for any
30 elective position in any national or local election immediately preceding
31 appointment;
32 (f) Majority of whom must be members of the Philippine Bar who have
33 been engaged in the practice of law for at least ten (10) years; and
34 (g) Composition must observe equal gender representation.

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

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

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

17
18 **SECTION 8. *Prohibition and Disqualification.***— The Chairperson and
19 Members of the Commission shall not, during their tenure, hold any other office
20 or employment. Neither shall they engage in the private practice of any profession
21 or in due active management or control of any business which, in any way, may
22 affect the functions of their office, nor shall they be financially interested, directly
23 or indirectly, in any contract with, or in any franchise or privilege granted by, the
24 Government and its subdivisions, agencies or instrumentalities, including
25 government-owned-or- controlled corporations or their subsidiaries. They shall
26 avoid conflict of interest in the conduct of their functions. They shall not be
27 allowed to appear or practice their profession before the Commission for one (1)
28 year following their cessation from office.

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

1 **SECTION 9. *Disclosure of Relationship.***—It shall be the duty- of the
2 Chairperson and Members of the Commission to make under oath, to the best of
3 their knowledge and information, a public disclosure of the identities of, and their
4 relationship with, persons referred to the preceding Section, The disclosure, which
5 shall be in writing, shall be filed with the Office of the Ombudsman before the
6 appointee assumes office and every year thereafter. The disclosure made pursuant
7 to this Section shall form part of public records and shall be made available and
8 accessible to the public.

9
10 **SECTION 10. *Salary, Retirement Benefits, and Other Privileges of the***
11 ***Chairperson and Members.***—The Chairperson and the Members of the
12 Commission shall receive the same salary, privileges and benefits as the
13 Chairperson and Members of the Constitutional Commissions, which shall not be
14 decreased during their term of office. Likewise, they shall receive the same
15 retirement benefits as those of the Constitutional Commissions.

16 In case of death of a retired Chairperson or Member of the Commission,
17 the surviving legitimate spouse shall be entitled to receive, on a monthly basis, all
18 the retirement benefits that the said deceased retiree was receiving at the time of
19 demise under the provisions of applicable retirement laws. In case of unmarried
20 retirees, the legal heirs shall be those recognized under Republic Act No. 386
21 otherwise known as the (Civil Code of the Philippines. The said surviving
22 legitimate spouse or legal heir shall continue to receive such retirement benefits
23 until he/she remarries or during his/her lifetime, respectively; *Provided,* That if
24 the surviving legitimate spouse or legal heir is receiving benefits under existing
25 retirement laws, he/she shall only be entitled to the difference between the amount
26 provided for under this Act and the benefits he/she is receiving.

27
28 **SECTION 11. *Removal from Office.***—The Chairperson and Members of
29 the Commission may be removed from office on any of the following grounds:

- 30 (a) Disloyalty to the Republic of the Philippines;
31 (b) Culpable violation of the Constitution;
32 (c) Bribery, graft and corruption, other high crimes, or betrayal of public
33 trust;

1 (d) Dishonesty, misconduct in office, gross negligence, or dereliction of
2 duty;

3 (e) Commission of any offense involving moral turpitude or an offense
4 punishable by imprisonment of more than six (6) years; and

5 (f) Abuse of authority-

6
7 The proceedings for removal shall be initiated by filing a verified
8 complaint with the Office of the Ombudsman stating the grounds therefor and
9 alleging the ultimate facts upon which the complaint is based. No such
10 proceedings shall be initiated against the Chairperson or the same Member of the
11 Commission within a period of one (1) year.

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

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

20 21 **CHAPTER III. NOMINATION OF CHAIRPERSON AND MEMBERS**

22 23 **SECTION 12. *Nominations, Appointment and Pluralist Representation,***

24 -The President shall choose and appoint the Chairperson and Members of the
25 Commission from the broadest range of nominees that shall ensure pluralist
26 representation of all those involved in the promotion and protection of human
27 rights. Appointment shall be made not later than thirty (30) days after a vacancy
28 has occurred.

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

32 The nomination, selection and appointment process shall be transparent
33 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;

1 (l) Establish working relationships with civil society organizations, non-
2 government organizations, and people's organizations in the promotion
3 and protection of human rights;

4 (m) Cooperate with the United Nations, other international and regional
5 organizations, as well as national human rights institutions of other
6 countries for the protection and promotion of human rights;

7 (n) Ensure that the status, rights and interests of vulnerable, marginalized,
8 and disadvantaged sectors, such as but not limited to, children, women,
9 elderly, indigenous peoples, internally displaced persons, persons with
10 disabilities, and persons deprived of liberty, are upheld in accordance with
11 the Constitution, laws and international instruments on human rights; and

12 (o) Appoint its officers and employees as well as approve the position
13 structure, staffing pattern, and effect changes in its organizational
14 structure, as necessary, in accordance with law.

15 16 **CHAPTER I. PROTECTION POWERS**

17 **A. INVESTIGATION**

18
19 **SECTION 14. *Investigative Powers and Functions.***—The Commission
20 shall exercise primary and original jurisdiction to investigate, on complaint or on
21 its own, cases of human rights violations involving civil, political, economic,
22 social and cultural rights.

23
24 In the exercise of its investigative powers, the Commission shall:

25
26 (a) Act promptly on reports or complaints, filed in any form, by any person
27 or organization. Upon finding of human rights violation, the Commission shall
28 recommend appropriate remedies to include referral to proper government
29 agencies for the filing of administrative, criminal or civil actions. The
30 recommendation may also involve proposals for legislative, administrative, and
31 judicial reforms.

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

4
5 Orders, decisions or resolutions of the Commission may be appealed to the
6 Court of Appeals on both questions of fact and law, or on *certiorari* to the
7 Supreme Court of questions of law.

8
9 No restraining order or writ of injunction shall be issued against, the
10 Commission in the performance of its powers and functions, except by the Court
11 of Appeals of the Supreme Court.

12
13 (b) In addition to its power to investigate ail violations of human rights as
14 defined in Section 3 of this Act, the Commission shall also have the power to
15 investigate human rights and international humanitarian law violations, as
16 provided in pertinent, laws, including, but not limited to the provisions of the
17 following:

- 18
19 1) Custodial Rights of the Accused (Republic Act No, 7438);
20 (2) Anti-Child Abuse Law (Republic Act No. 7610);
21 (3) Anti-Violence Against Women and Their Children (Republic Act No.
22 9262);
23 (4) Juvenile justice Law (Republic Act No. 9344);
24 (5) Magna Carla of Women (Republic Act No. 9710);
25 (6) Anti-Torture Law (Republic Act. No. 9745);
26 (7) And-Child Pornography Law (Republic Act No. 9775);
27 (8) Philippine Act on Crimes Against International Humanitarian Law,
28 Genocide and Other Crimes Against Humanity (Republic Act No. 9851);
29 (9) Anti-Enforced or Involuntary Disappearance I-aw (Republic Act No.
30 10353);
31 (10) Human Rights Violations Victims Reparation and Recognition Act of
32 2013 (Republic Act No. 10368); and
33 (11) Such other related laws as may hereafter be enacted.

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

4
5 (d) Issue orders and directives constituting preventive and legal measures,
6 as provided in Section 21 of this Act.

7 (e) Ensure tire protection and full cooperation of witnesses and vital
8 resource persons in the investigation of human rights and international
9 humanitarian law violations being conducted by the Commission.

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

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

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

18 (j) Monitor status of implementation and action taken on recommended
19 remedies for human rights violations as referred and/or filed with appropriate
20 agencies, courts or any other body.

21 k) Perform such other powers as may be necessary or incidental for the
22 effective exercise or conduct of its investigative powers.

23
24 **SECTION 15. *Imprescriptibility of Human Rights Violations.***—The
25 investigation of human rights violations shall not prescribe.

26
27 **SECTION 16. *Preventive Suspension.***—With the exception of Members
28 of Congress, the Judiciary, and impeachable officials, the Commission may
29 preventively suspend, pending an investigation, any officer or employee
30 including, but not limited to, elective to appointive public officers or employees:
31 *Provided*, That at the Commission determines that 1) the evidence of guilt is
32 strong, 2) the charges would warrant removal from the service, and 3) the officer
33 or employee's continued stay in office would prejudice the conduct and result of
34 the investigation.

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

4 5 **B.WITNESS PROTECTION ASSISTANCE**

6
7 **SECTION 17. *Witness Protection Assistance Program.***—In the conduct
8 of its investigation, the Commission shall implement and manage a human rights
9 based Witness Protection Assistance Program, including the provision of security
10 and shelter to witnesses and their families.

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

16 17 **C.GENDER OMBUD**

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

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

28 29 **D.GRANT OF IMMUNITY**

30
31 **SECTION 19. *Grant of Immunity.***—The Commission may grant
32 immunity from prosecution to any person whose testimony is indispensable to
33 determine the truth in any hearing, inquiry or proceeding being conducted by the
34 Commission under such terms and conditions as it may determine taking into

1 account the pertinent provisions of the Rules of Court, particularly Rule 199,
2 Sections 17 and 18, and its own rules.

4 E.VISITATION

6 SECTION 20, *Visitorial Powers*.—The Commission shall exercise
7 visitorial powers over jails, prisons and detention facilities. In the performance of
8 this power, the Commission shall;

9 (a) Conduct regular, independent, unhampered, unannounced and
10 unrestricted jail visitation to all places of detention or confinement

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

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

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

30 (b) Inspect said places of detention or confinement and assess the
31 condition and treatment of persons deprived of liberty using international human
32 rights standards, pertinent laws, rules, regulations and manuals of procedures.

33 Require the submission of lists, through tire provincial and regional offices
34 of the Commission, of all detention centers and facilities under the jurisdiction of

1 the Philippine National Police, Armed Forces of the Philippines, Bureau of Jail
2 Management and Penology, National Bureau of Investigation, Bureau of
3 Corrections, Philippine Drug Enforcement Agency, and other law enforcement
4 agencies and local chief executives having jurisdiction over provincial, sub-
5 provincial, city, and municipal jails, with the corresponding data as specified in
6 Republic Act No. 9745, or the Anti-Torture Act of 2009, and Republic Act No.
7 10353, or the Anti-Enforced or of Involuntary Disappearance Act of 2012.

8 The Commission shall make the same available to the public, subject to
9 the guidelines as may hereafter be provided.

10
11 (c) Upon being informed of the detention or arrest of a child in armed
12 conflict situations by agents of the Government, the Department of Social Welfare
13 and Development or the regional office of the Commission shall immediately visit
14 the child to ensure the protection of the child's human rights.

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

18 19 **F. LEGAL AND PREVENTIVE MEASURES**

20
21 **SECTION 21. *Legal and Preventive Measures***—In all cases under
22 investigation, the Commission may issue legal and preventive measures as well as
23 provisional remedies. These measures or remedies shall include, but are not
24 limited to, general writs of injunction, restraining orders, *status quo ante* orders,
25 cease and desist orders, protection orders or such other orders to protect the life
26 and security of persons, preserve evidence, protect properties and other
27 considerations to ensure the efficient investigation of the alleged human rights
28 violation.

29 30 **G. LEGAL ASSISTANCE AND OTHER SERVICES**

31
32 **SECTION 22. *Legal Assistance***—The Commission shall implement a
33 legal assistance program consisting of the following:

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

9
10 In the exercise of this function, the Commission may coordinate with
11 human rights organizations and lawyers' groups, the Integrated Bar of the
12 Philippines and Philippine law- schools with legal aid programs.

13
14 (b) Assist in the filing of requests or petitions for issuance of protection
15 orders both in the barangay and court levels.

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

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

24
25 (e) The Commission may, in accordance with Republic Act No. 7610 or
26 the Special Protection of Children Against Abuse, Exploitation and
27 Discrimination Act, receive a child, in situations of armed conflict, who is
28 released on recognizance after the filing of a criminal complaint or information in
29 court against said child. In the absence of counsel, the Commission may also
30 request the release of said child in situations of armed conflict.

31
32 **SECTION 23. *Financial Assistance.***—The Commission shall strengthen
33 its Financial Assistance Program to victims of human rights violations and their

1 families. The funding requirement for this Program shall be included in the annual
2 General Appropriations Act.

3 4 **H. FORENSIC SERVICES**

5
6 **SECTION 24. *Forensic Services.***— The Commission, in relation to the
7 conduct of any investigation of human rights violations, shall provide independent
8 forensic services which shall include:

9 10 (a) Medico-Legal Services

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

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

17
18 (b) Laboratory Services, which shall cover documentation, examination
19 and analysis of the evidence/samples collected. These include, but shall not be
20 limited to, the following areas:

21 (1) Forensic pathology

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

26 (3) Fingerprint recovery, identification and matching;

27 (4) Firearms and ballistics identification and comparison;

28 (5) Impression identification and analysis-tool marks, footwear and
29 tires;

30 (6) DNA recovery and analysis;

31 (7) Trace and microscopic evidence analysis;

32 (8) Questioned document analysis; and

33 (9) Computer and electronic forensics.

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

3
4 **I. OTHER POWERS IN RELATION TO PROTECTION**

5
6 **SECTION 25, *Applicability of Refoulment.***—Pursuant to the provisions
7 of Republic Act No. 9745, or the Anti-Torture Act of 2009, and Republic Act No.
8 10353, or the Anti-Enforced or of Involuntary Disappearance Act of 2012, the
9 Chairperson of the Commission shall, in coordination with the Secretaries of
10 Justice and Foreign Affairs, determine the existence of grounds for the non-
11 expulsion, return or extradition to another state of a person, in cases where there
12 are substantial grounds to believe that such person shall be in danger of being
13 subjected to torture and/or enforced disappearance. It shall take into account all
14 relevant considerations, including but not limited to, the existence in the
15 requesting state of a consistent pattern of gross, flagrant or mass violations of
16 human rights.

17
18 **SECTION 26. *Protection of Filipinos Abroad.***—The Commission shall
19 undertake measures for the protection and promotion of human rights of Filipinos
20 living abroad. For the purpose of monitoring the status of human rights of Filipinos
21 living abroad, the Commission shall coordinate with Philippine Embassy or
22 Consulate officers as well as private individuals of known probity and active
23 involvement in human rights work, or foreign-based human rights and migrant
24 workers' non-government organizations in countries where the incidence of
25 human rights violations of Filipinos is widespread and commonplace, including
26 traditional host countries of Overseas Filipino Workers, establishing networks
27 among Filipinos to promote protection of human rights, reporting cases of
28 violations thereof, facilitating the remedial measures of victims and coordinating
29 with respective agencies to provide counseling and financial aid.

30
31 Whenever necessary, the Commission shall also engage with existing
32 national human rights institutions in the country where Filipinos may be found as
33 well as with regional and international human rights networks.

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

6 The human rights clearance shall be one of the requirements for the
7 confirmation of appointment before the Commission on Appointments.
8

9 **SECTION 28. *Issuance of Other Human Rights Certification.***—The
10 Commission, after due evaluation, shall issue clearances or certifications of
11 compliance with international human rights standards such as certifications on
12 human rights impact assessments conducted by industries with high risk human
13 rights impact.
14

15 **CHAPTER II. MONITORING POWERS** 16

17 **SECTION 29. *Monitoring Powers and Functions.***—In the exercise of its
18 mandate to monitor Government's compliance with its international human rights
19 obligations, the Commission shall:
20

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

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

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

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

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

33 **SECTION 30. *Monitoring for Legislative and Policy Reforms.***—The
34 Commission shall recommend to Congress of the Philippines effective measures

1 to promote human rights. It shall make the appropriate recommendations to the
2 concerned executive, legislative and judiciary agencies to ensure the
3 harmonization of national legislation, policy issuances, local ordinances with
4 international human rights instruments to which the Philippines is a signatory.

5
6 **SECTION 31. *Compliance Reports to UN Treaty Monitoring Bodies and***
7 ***Special Procedures.*—**

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

12
13 (b) The Commission shall contribute, where necessary, to the reports
14 which states are required to submit to United Nations bodies and committees, and
15 to regional institutions, pursuant to treaty obligations.

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

21
22 (d) The Commission shall also monitor and follow-up compliance of the
23 recommendations made by the United Nations' treaty monitoring bodies and other
24 special procedures mechanisms.

25
26 (e) Tire Commission shall make the appropriate recommendations to the
27 concerned executive agency with regard to requests for official visits of United
28 Nations Special Rapporteurs and other treaty and charter based mechanisms.

29
30 **SECTION 32. *Cooperation with the United Nations and other Human***
31 ***Rights Systems.*—**

32 (a) The Commission shall cooperate with the United Nations and any other
33 organization in the United Nations system including special procedures and

1 charter based mechanisms on matters pertaining to monitoring compliance of
2 international treaties on human rights.

3
4 (b) Undertake collaborative efforts with international and regional human
5 rights networks and national human rights institutions of other countries in
6 relation to promotion and protection of human rights.

7
8 **SECTION 33. *Inter-agency Monitoring of Human Rights.***—The
9 Commission shall engage with other government agencies, through inter-agency
10 committees and/or councils, to monitor compliance of human rights obligations as
11 provided for under Section 3 of this Act and as laid down in pertinent laws,
12 including, but not limited to:

- 13
14 (a) Custodial Rights of the A tie used (Republic Act No. 7438);
15 (b) Anti-Child Abuse Law (Republic Act No. 7610);
16 (c) Anti-Violence Against Women and Their Children (Republic Act No.
17 9262);
18 (d) juvenile. Justice Law (Republic Act No. 9344);
19 (e) Magna Carta of Women (Republic Act No. 9710);
20 (f) Anti-Torture Law (Republic Act No. 9745);
21 (g) Anti-Child Pornography Law (Republic Act No. 9775);
22 (h) Philippine Act on Crimes Against International Humanitarian Law,
23 Genocide and Other Crimes Against Humanity (Republic Act No. 9851);
24 (i) Anti-Enforced or Involuntary Disappearance Law (Republic Act No.
25 10353); Human Rights Violations Victims Reparation and Recognition
26 Act of 2013 (Republic Act No. 10368); and
27 (k) Such other related laws as may hereafter be enacted.

28
29 **CHAPTER III. PROMOTION POWERS**

30
31 **SECTION 34. *Human Rights Education.***—The Commission shall
32 undertake a program of human rights promotion and advocacy through education
33 and training to enhance respect for the primary of human rights in coordination
34 with different agencies of government. It shall likewise administer a Mandatory

1 and Continuing Human Rights Education Program for the military, police and
2 other law enforcement agencies, as well as public school teachers, and shall, for
3 tins purpose, draw up the components of the Program, accredit course and training
4 providers, and issue certificates of completion to those who have successfully
5 completed the Program.

6
7 The Commission shall also undertake a Human Rights Education,
8 Advocacy, and Information Campaign Programs among sectors of civil society,
9 particularly the vulnerable, marginalized and underprivileged groups. In
10 conducting this Program, the Commission shall actively cooperate and coordinate
11 with human rights non-government organizations, lawyers' groups, the academe
12 and people's organizations of the concerned sectors of civil society.

13
14 The Commission shall establish a Human Rights Institute as its research
15 and training arm for human rights education.

16
17 **SECTION 35. *Research.***—The Commission shall undertake a continuing
18 research and study on select human rights issues for purposes of recommending
19 policy reforms, as well as program and legislative measures.

20
21 **SECTION 36. *Human Rights Information and Communication.***—The
22 Commission shall develop its information and communication program for the
23 effective dissemination and advocacy of human rights and international
24 humanitarian law, as well as other related national human rights laws.

25 26 **TITLE THREE: ORGANIZATIONAL STRUCTURE**

27
28 **SECTION 37. *Commission as a Collegial Body.***—The Commission
29 composed of the Chairperson and four (4) Members as a collegial body, is
30 responsible for the promulgation of policies, decisions, orders and resolutions
31 necessary for the efficient administration and for proper execution of its
32 Constitutional mandates.

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

5
6 **SECTION 38. *The Chairperson as Head of the Commission and Chief***
7 ***Executive Officer; Powers and Duties.***—The Chairperson, as head of the
8 Commission and Chief Executive Officer shall:

- 9
10 (a) Execute and carry out the necessary policies, decisions, orders and
11 resolutions approved by the Commission;
12 (b) Direct and supervise the operations and internal administration of the
13 Commission;
14 (c) Sign appointments of subordinate officials and employees made by the
15 Commission and enforce decisions on administrative discipline involving
16 them;
17 (d) Issue temporary assignments, rotate and transfer personnel, as
18 approved by the Commission and in accordance with the provisions of the
19 Civil Service Law;
20 (e) Submit an annual budget to the Commission for its approval and
21 submission to the Department of Budget and Management and to the
22 Congress of the Philippines;
23 (f) Delegate his/her authority, in whole or in part, to other officials of the
24 Commission, in accordance with Executive Order No. 292, otherwise
25 known as the Administrative Code of 1987, and rules and regulations of
26 the Commission; and
27 (g) Perform such other functions as may be authorized by the Commission.

28
29 **SECTION 39. *Structural Organization.***—The Commission shall have the
30 following offices and operating units:

- 31
32 (a) National Offices
33 (1) Office of the Chairperson,
34 (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.

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

6
7 Each Regional Human Rights Office shall be headed by a Regional
8 Human Rights Director IV, assisted by an Assistant Regional Human
9 Rights Director. Such other subordinate officers or employees may be
10 appointed by the Commission. The officers and employees shall be
11 persons having general understanding of the human rights situation over
12 the locality and are of known probity and independence,

13
14 © Provincial Offices

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

20
21 The Provincial and District Human Rights Offices shall provide
22 identified services for the protection and promotion of human rights within
23 their specific areas of jurisdiction, and shall be under the direct supervision
24 of the Regional Human Rights Offices having jurisdiction over them.

25
26 Each Provincial and District Human Rights Office shall be headed
27 by a Provincial and District Human Rights Officer, respectively, and shall
28 have such other subordinate officers or employees as the Commission may
29 appoint. The Provincial and District Human Rights Officer shall carry the
30 rank and receive salaries or benefits equivalent to Director III, and should
31 have general understanding of the human rights situation over the locality
32 and are of known probity and independence.

1 **SECTION 40. *The Executive Director.***—The Executive Director shall be
2 responsible for managing the day-to-day affairs, activities and operations of the
3 Commission, in accordance with the policies standards, rules and regulations
4 adopted and promulgated by the Commission. The Executive Director as Chief
5 Operations Officer of the Commission shall:

6
7 (a) Recommend and/or implement administrative and management
8 policies, rules and standard operating procedures to be established by the
9 Commission;

10 (b) Recommend and initiate programs, projects and policies which
11 promote productivity, efficiency and effectiveness in the Commission;

12 (c) Coordinate with different organizational units in the information and
13 reporting requirement of the Commission;

14 (d) Coordinate programs of due Offices of due Commission and render
15 periodic reports on their operations;

16 (e) Resolve operational issues in accordance with the levels of authority
17 prescribed by the Commission;

18 (f) Undertake appraisal of issues and problems and policy
19 recommendations requiring decision and action by the Commission;

20 (g) Conduct necessary representation with different branches and agencies
21 of government on vital issues and concerns involving the organization,
22 operations and programs of the Commission; and

23 (h) Perform such other functions as may be assigned by the Commission.
24
25

26 **SECTION 41. *Duties and Functions of the Offices of the***
27 ***Commission.***—The different Offices of the Commission as provided in Section 39
28 of this Act shall operate in accordance with their respective duties and functions
29 subject to the requirements of efficiency, economy and effectiveness, and
30 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.

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

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

1
2 **SECTION 47. *Transitory Provisions.***—Nothing in this shall prejudice the
3 positions, emoluments, security of tenure, qualifications, privileges and benefits of
4 the incumbent Chairperson, Members of the Commission, officers and employees
5 of the Commission upon its effectivity. However, officials and employees of the
6 Commission, in aid of its reorganization upon the effectivity of tins Act, may avail
7 of a separation benefits package as may be provided for.

8
9 **SECTION 48. *Appropriations.*** -In addition to the regular
10 appropriations of the Commission, the sum of three hundred million Philippine
11 pesos (Php300,000,000.00) for the initial implementation of tins Act shall be
12 included in the annual General Appropriations Act in the year following its
13 enactment into law.

14
15 Thereafter, such sums as may be necessary for the full implementation of
16 this Act shall be included in the annual General Appropriations Act,

17
18 **SECTION 49. *Separability Clause.***—If any provision of (his Act shall be
19 held unconstitutional, other provisions not affected thereby shall remain valid and
20 binding.

21
22 **SECTION 50. *Repealing Clause.***—This law shall repeal Executive Order
23 No. 163 (Declaring the Effectivity of the Creation of the Commission on Human
24 Rights as Provided in the 1987 Constitution, Providing Guidelines For the
25 Operation Thereof, and For Other Purposes), Republic Act No. 6770 or the
26 Ombudsman Act of 1989, and Republic Act No, 9710 or the Magna Carta of
27 Women, All laws, republic acts, presidential decrees, letters of instructions,
28 executive orders, rules and regulations insofar as they are inconsistent with this
29 Act are hereby repealed or amended, as the case may be.

30
31 **SECTION 51. *Effectivity Clause.***—This Ac: shall take effect fifteen (15)
32 days upon its publication in at least two (2) newspapers of general circulation.

Approved,