



HOUSE OF REPRESENTATIVES

H. No. 6822

BY REPRESENTATIVES TAÑADA, CUA (J.), HONTIVEROS, LAGMAN, SANDOVAL,
ESCUDERO, MANGUDADATU, JOSON, ROMULO, GOLEZ, TUPAS,
DE GUZMAN, RODRIGUEZ, CODILLA, NOGRALES, HATAMAN, BELLO
AND VILLAROSA, PER COMMITTEE REPORT NO. 2387

AN ACT STRENGTHENING 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
2 Human Rights Act of 2009”.

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

7 SEC. 3. *Definition of Terms.* – For purposes of this Act, human rights
8 shall include those found in Article III of the Constitution and those affirmed
9 and recognized by the State in the following international covenants: the
10 Universal Declaration of Human Rights (1948); the International Covenant on
11 Civil and Political Rights (1976); and the International Covenant on Economic,

1 Social and Cultural Rights (1976), and all other international instruments on
2 human rights to which the Philippines is a signatory.

3 CHAPTER I

4 THE COMMISSION ON HUMAN RIGHTS

5 A. The Chairperson and Members

6 SEC. 4. *The Commission; Composition and Qualifications.* – The
7 Commission on Human Rights, also known as the Commission from hereon, is
8 a collegial body and shall be composed of a Chairperson and four (4) Members
9 who shall possess the following qualifications:

10 (a) Must be natural-born citizens of the Philippines;

11 (b) Must be at least thirty-five (35) years of age at the time of their
12 appointment, with proven integrity and competence;

13 (c) Majority of whom, including the Chairperson, must be members of
14 the Philippine Bar who have been engaged in the practice of law for at least
15 five (5) years;

16 (d) Must have an understanding of human rights protection, promotion
17 and advocacy; and

18 (e) Must not have been candidates, including party-list nominees, for
19 any elective position in any national or local elections, excluding barangay
20 elections, immediately preceding their appointment.

21 SEC. 5. *Appointment and Term of Office.* – The Chairperson and
22 Members shall be appointed by the President of the Philippines for a term of
23 seven (7) years without reappointment. Of those first appointed under this Act,
24 the Chairperson shall hold office for seven (7) years, two (2) Members for five
25 (5) years and the other two (2) Members for three (3) years, all without
26 reappointment. In no case shall any member be appointed, reappointed or
27 designated in a temporary or acting capacity.

1 The term of the Chairperson and Members of the Commission shall start
2 on the day immediately after the end of the previous term, regardless of the
3 date of appointment. Appointment to any vacancy occurring during the term
4 shall only be for the remaining portion of the said term.

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

16 No spouse or relative by consanguinity or affinity within the fourth (4th)
17 civil degree and no law, business or professional partner or associate of the
18 Chairperson or Members may appear as counsel or agent, appearing for or on
19 behalf of the Chairperson or Members for pecuniary interest, on any matter
20 pending before the Commission or transact business directly or indirectly
21 therewith.

22 The disqualification shall apply during the tenure of the official
23 concerned and one (1) year thereafter.

24 SEC. 7. *Disclosure of Relationship.* – It shall be the duty of the
25 Chairperson and Members to make under oath to the best of their knowledge a
26 public disclosure of the identities of, and their relationship with the persons
27 referred to in the preceding section. The disclosure, which shall be in writing,
28 shall be filed in the Office of the Ombudsman after the appointee assumes

1 office and every year thereafter. The disclosures made pursuant to this section
2 shall form part of the public records and shall be made available and accessible
3 to the public.

4 **SEC. 8. *Salary, Retirement and Other Privileges of the Chairperson***
5 ***and Members.*** – The Chairperson and Members of the Commission shall
6 receive the same salary and privileges as the Chairperson and Members of the
7 Constitutional Commissions, and which shall not be decreased during their
8 term of office. Likewise, they shall receive the same retirement benefits to
9 those of the Constitutional Commissions as provided by law.

10 B. Nomination of Chairperson and Members

11 **SEC. 9. *Nominations Committee.*** – The President of the Philippines
12 shall choose and appoint the Chairperson and Members of the Commission
13 from a list of three (3) nominees per position selected by a Nominations
14 Committee to be composed of the following members:

15 (a) The Chairperson of the Commission on Human Rights;

16 (b) The Chairperson of the Senate Committee on Justice and Human
17 Rights;

18 (c) The Chairperson of the House of Representatives' Committee on
19 Human Rights; and

20 (d) Three (3) representatives from human rights nongovernment
21 organizations (NGOs) and lawyers' groups, the academe, indigenous peoples
22 and women's groups involved in human rights work and advocacy, duly
23 accredited by the Commission.

24 **SEC. 10. *Selection of Nominees.*** -- The members of Nominations
25 Committee shall have equal voting rights. They shall meet not later than three
26 (3) months before the end of a current term or within a week after the
27 occurrence of a vacancy during a term. They shall submit to the President of
28 the Philippines the list of nominees one (1) month before the end of the said

1 term or a month after the said vacancy. The President of the Philippines shall
2 make the appointment within one (1) month from the submission of the list of
3 nominees by the Nominations Committee. The Nominations Committee shall
4 adopt its own rules of procedure.

5 The Commission shall provide secretariat support to the Nominations
6 Committee. It shall make all proceedings of the Nominations Committee open
7 and accessible to the public. Vacancies as well as the list of nominees shall be
8 published in a newspaper of general circulation.

9 SEC. 11. *Pluralist Representation.* – In the selection of nominees for
10 Chairperson and Members of the Commission, the Nominations Committee
11 shall take into consideration pluralist representation of civil society involved in
12 the promotion and protection of human rights.

13 SEC. 12. *Nongovernment and Peoples' Organizations.* – The
14 accredited human rights nongovernment and peoples' organizations shall
15 choose their three (3) representatives to the Nominations Committee from
16 among themselves in a meeting attended by a representative of the
17 Commission. In the absence of a selection procedure agreed upon by said
18 organizations, the Commission shall promulgate rules of procedure on the
19 selection of the three (3) representatives by the accredited organizations:
20 *Provided,* That selection rules agreed upon by the organizations among
21 themselves shall supersede any rule promulgated by the Commission.

22 Accreditation by the Commission shall be based on guidelines to be
23 prescribed in its implementing rules and regulations.

24 C. Nature of the Commission

25 SEC. 13. *The Commission as an Independent Office.* – The
26 Commission is an independent constitutional office. It shall not be subject to
27 instructions or orders from the President of the Philippines, Congress or the
28 Judiciary, except in cases provided in the Constitution with regard to the

1 appointment of its Chairperson and Members, legislation affecting the exercise
2 of its powers and functions, and judicial review of the legality of its acts,
3 orders, resolutions or decisions.

4 SEC. 14. *The Commission as the National Human Rights Institution of*
5 *the Philippines.* – The Commission is the national human rights institution of
6 the Philippines in accordance with the Principles Relating to the Status of
7 National Institutions (“The Paris Principles”) and other United Nations’
8 Resolutions pertaining to the effective functioning of national human rights
9 institutions.

10 SEC. 15. *Fiscal Autonomy.* – The Commission shall enjoy full fiscal
11 autonomy. The approved annual appropriations of the Commission shall be
12 automatically and regularly released.

13 CHAPTER II

14 POWERS AND FUNCTIONS

15 A. General Powers and Functions

16 SEC. 16. *General Powers and Functions of the Commission.* – The
17 Commission shall have the following general powers and functions:

18 (a) Investigate, on its own or on complaint by any party, all forms of
19 human rights violations;

20 (b) Adopt its operational guidelines and rules of procedure and cite
21 for direct and indirect contempt those in violation thereof or of its lawful
22 orders in accordance with the Rules of Court;

23 (c) Provide appropriate legal and preventive measures for the
24 protection of human rights of all persons within the Philippines, as well as
25 Filipinos residing abroad;

26 (d) Provide legal aid services to the underprivileged whose human
27 rights have been violated or need protection;

1 (e) Exercise unhampered and unrestrained visitorial powers over jails,
2 prisons or detention facilities;

3 (f) Establish a continuing program of research, education and
4 information to enhance respect for the primacy of human rights;

5 (g) Recommend to Congress effective measures to promote human
6 rights and to provide for compensation to victims of violations of human rights
7 or their families;

8 (h) Monitor the Philippine government's compliance with
9 international treaty obligations on human rights;

10 (i) Grant immunity from prosecution to any person whose testimony
11 or possession of documents or other evidence is necessary or convenient to
12 determine the truth in any investigation conducted by it or under its authority;

13 (j) Request the assistance of any department, bureau, office or agency
14 in the performance of its functions;

15 (k) Deputize government prosecutors or private lawyers, who shall be
16 under the direct control and supervision of the Commission, for the
17 prosecution of human rights cases under Section 26 hereof;

18 (l) Accredit national nongovernment and peoples' organizations
19 involved in human rights promotion, protection and advocacy, including for
20 purposes of visiting persons arrested, detained or under custodial investigation;

21 (m) Ensure that the status, rights and interests of children are upheld in
22 accordance with the Constitution, laws and international instruments on human
23 rights;

24 (n) Appoint its officers and employees in accordance with law; and

25 (o) Perform such other duties and functions as may be provided by
26 law.

B. Investigation

1
2 SEC. 17. *Investigative Powers and Functions.* – The Commission shall
3 exercise primary and original jurisdiction to investigate, on complaint or *motu*
4 *proprio*, cases of human rights violations to include civil, political, economic,
5 social and cultural rights. In the exercise of its investigative function, the
6 Commission shall have the following powers:

7 (a) Act promptly on complaints filed in any form or manner by any
8 person, whether directly affected or not, and on a finding of human rights
9 violation, recommend the filing of appropriate administrative, civil and/or
10 criminal action. Any investigation being conducted by any other body shall
11 not be a bar to the investigation of the Commission;

12 (b) Compel the attendance of witnesses and the production of evidence,
13 to place the witnesses under oath or affirmation, issue *subpoenas* and take
14 testimony in any investigation or inquiry;

15 (c) Issue orders and directives constituting preventive and legal
16 measures as provided for under Sections 19 and 20, respectively;

17 (d) Provide protection and financial assistance to witnesses to ensure
18 their attendance in investigations and production of evidence;

19 (e) Delegate to its deputies, investigators or representatives such
20 authority or duty as shall ensure the effective exercise or performance of its
21 investigative function;

22 (f) Require the assistance of any officer or employee of any
23 department, bureau or office, subdivision, agency or instrumentality of the
24 government, including government-owned or -controlled corporations and
25 local governments;

26 (g) Deputize lawyers or legal aid groups, medical organizations, as well
27 as government agencies and offices, to provide assistance in the exercise of its
28 investigative functions;

1 (h) Make the results and findings of its investigations available and
2 accessible to the public; and

3 (i) Cite and punish for direct or indirect contempt any person for
4 violations of the Commission's lawful orders. The Rules of Court shall apply
5 suppletorily to the Rules of the Commission.

6 SEC. 18. *Imprescriptibility of Human Rights Violations.* – The
7 investigation of human rights violations shall not be subject to any statute of
8 limitations or prescriptive period.

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

13 (a) Injunction orders directing any member of the government's
14 military or police forces, as well as public officials or employees, or any
15 person acting under their control and supervision, to desist from hiding,
16 transferring or torturing a detainee and to allow access to said detainee by the
17 Commission, his/her counsel, physician and relatives;

18 (b) Orders directing the government official or employee, or any
19 person in control of the premises of any government agency or office,
20 specifically police and military detention facilities, secret detention places,
21 stations, installations, camps, bases and training schools, as well as private land
22 and property, to permit the inspection of said premises;

23 (c) Orders to transfer persons deprived of their liberty and in danger of
24 reprisal due to the filing of a complaint in connection with his/her detention, in
25 order to secure safety of his/her person;

26 (d) Restraining orders restricting respondent, his/her unit or command
27 from entering the immediate vicinity of the affected area or residence and from
28 searching the victim or his/her belongings; and

1 (e) General writs of injunction ordering the respondent to refrain from
2 committing any and all acts that would tend to cause irreparable harm and have
3 the immediate effect of rendering the investigation of the Commission moot
4 and academic.

5 SEC. 20. *Scope of Legal Measures.* – The legal measures under Article
6 XIII, Section 18(3) of the Constitution that may be provided by the
7 Commission shall include the following:

8 (a) Mandatory protection orders directing government security forces,
9 other appropriate government agencies or private institutions to provide
10 specific protection to victims of human rights violations;

11 (b) Orders to deputize government offices and private institutions for
12 the purpose of providing protection; and

13 (c) Orders to deputize government and private lawyers as counsels *de*
14 *officio* to ensure that the human rights of the victim are not further violated.

15 SEC. 21. *Grant of Immunity.* – The Commission may grant immunity
16 from prosecution to any person whose possession and production of documents
17 or other evidence may be necessary to determine the truth in any hearing,
18 inquiry or proceeding under such terms and conditions as it may determine,
19 taking into account pertinent provisions of the Rules of Court and its own
20 rules. The immunity granted shall be revoked on account of evidence presented
21 to be true but which is, in fact, false and spurious, and without which the
22 Commission would not have granted immunity.

23 SEC. 22. *Preventive Suspension.* – With the exception of Members of
24 Congress, those of the Judiciary and impeachable officials, the Commission
25 may preventively suspend any officer or employee, after summary hearing/s,
26 pending an investigation, if in its judgment: (a) the evidence of guilt is strong;
27 (b) the charges would warrant removal from the service; and (c) the

1 respondent's continued stay in office may prejudice the case filed against
2 him/her.

3 In the case of suspended elective official/s, upon expiration of his/her
4 preventive suspension, he/she shall be deemed reinstated in office without
5 prejudice to the continuation of the proceedings against him/her which shall be
6 terminated within one hundred twenty (120) days from the time he/she was
7 formally notified of the case against him/her.

8 The preventive suspension shall be immediately executory, unless
9 restrained by the Court of Appeals or the Supreme Court, and shall continue
10 until the case is terminated by the Commission: *Provided*, That said suspension
11 shall not be more than three (3) months without pay, except when the delay in
12 the disposition of the case by the Commission is due to the fault, negligence or
13 petition of the respondent, in which case the period of such delay shall not be
14 counted in computing the period of suspension herein provided.

15 Any abuse of the exercise of the power of preventive suspension shall
16 be penalized as abuse of authority.

17 The respondent official preventively suspended from office shall receive
18 no salary or compensation during such suspension; but upon subsequent
19 exoneration and reinstatement, he/she shall be paid full salary or compensation
20 including such emoluments accruing during such suspension.

21 The respondent shall be accorded full opportunity to appear and defend
22 himself/herself in person or by counsel, to confront and cross-examine the
23 witnesses against him/her, and to require the attendance of witnesses and the
24 production of documentary evidence in his/her favor through the compulsory
25 process of subpoena or subpoena *duces tecum*.

26 SEC. 23. *Referral to Disciplining Authority*. – The Commission may
27 direct the disciplining authority to take appropriate action against a public
28 officer or employee found guilty of committing violations of human rights and

1 recommend his/her removal, suspension, demotion, censure, imposition of fine
2 or prosecution and to ensure compliance by requiring the officer concerned to
3 report on his/her action within thirty (30) days from receipt of the
4 recommendation of the Commission. Failure to act or comply with said
5 recommendation shall be actionable by *mandamus*.

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

10 SEC. 24. *Motu Proprio Dismissal*. – The Commission may dismiss,
11 *motu proprio*, a complaint for the investigation of human rights violations on
12 any of the following grounds:

13 (a) The complaint pertains to a matter outside the jurisdiction of the
14 Commission;

15 (b) The complaint is trivial, frivolous, vexatious or made in bad faith;
16 or

17 (c) Other valid grounds as may be provided by the Commission.

18 SEC. 25. *Investigation by Regional Offices*. – The regional office shall
19 investigate complaints falling within its territorial jurisdiction unless the
20 Commission *en banc*, in its discretion, takes direct cognizance of the same.
21 Upon recommendation of the regional office in investigations pending before
22 it, the Commission *en banc* may issue legal and preventive measures and
23 preventive suspension orders which are immediately executory. Within ten
24 (10) days after concluding the investigation, the regional office shall render the
25 appropriate order, directive or resolution subject to appeal to the Commission
26 *en banc* pursuant to its rules.

C. Prosecution

1
2 SEC. 26. *Concurrent Prosecutorial Powers and Functions.* – The
3 Commission shall exercise concurrent prosecutorial powers and, functions as
4 herein provided.

5 In the event of the failure of the prosecution agency of the government
6 to initiate a preliminary investigation within ninety (90) working days from its
7 receipt of the case recommended for prosecution by the Commission, the latter
8 shall conduct the preliminary investigation and, upon a finding of probable
9 cause, refer the same to the appropriate prosecution agency for the filing of the
10 information and prosecution of the case.

11 In case of failure of the prosecution agency to file the information within
12 thirty (30) calendar days upon receipt of the resolution of the Commission
13 finding probable cause, the latter shall exercise concurrent prosecutorial
14 powers by filing the information in court on its own and prosecuting the case.
15 For this purpose, the Commission shall have the power to deputize government
16 prosecutors or private lawyers who shall be under its direct control and
17 supervision.

18 This section shall apply in cases where the offender is a public officer as
19 defined under Article 203 of Republic Act No. 3815, otherwise known as the
20 Revised Penal Code, as amended, and acting in his/her capacity as such, or any
21 person acting on behalf or under the immediate control of the State and its
22 agents, and where the human rights violation constitutes a criminal offense
23 under the Revised Penal Code, as amended, and special laws, as follows:

24 (a) Use of physical, psychological and degrading punishment, torture,
25 force, violence, threats and intimidation;

26 (b) Extrajudicial killings, summary executions and “massacres” or mass
27 killings;

1 (c) Violations of right to be secure from unreasonable searches and
2 seizures, including involuntary or enforced disappearances;

3 (d) Violations of the rights of persons arrested, detained or under
4 custodial investigation, including deprivation of the rights of political
5 detainees;

6 (e) Violations of the right to a speedy, impartial and public trial or
7 disposition of cases;

8 (f) Hamletting, forced evacuation or eviction, illegal demolition,
9 development aggression and other violations of the right to travel and to freely
10 choose one's abode and change the same;

11 (g) Violations of the right to peaceably assemble, free association and
12 to petition the government for redress of grievances;

13 (h) Violations of the right to worship and the free exercise of a religion;

14 (i) Violations of the right to privacy;

15 (j) Violations of civil and political rights of persons suspected of,
16 accused of, or detained for the crime of terrorism or conspiracy to commit
17 terrorism;

18 (k) Political, religious, racial, ethnic, social or sexual persecution,
19 oppression or harassment committed with acts constituting offenses punished
20 under the Revised Penal Code, as amended, and special laws; and

21 (l) In general, any crime penalized under the Revised Penal Code, as
22 amended, or special laws when committed within the context of or resulting to
23 human rights violations.

24 SEC. 27. *When Committed by Non-State Actors.* – The preceding
25 section shall also apply when the violation is committed by non-state actors.
26 Non-state actors are persons, other than public officers, belonging to and
27 acting on behalf or under the immediate control of a juridical or non-juridical

1 person, whether legitimate or illegitimate including, but not limited to, the
2 following:

3 (a) Armed groups, warlords and private armies;

4 (b) Criminal organizations and groups; and

5 (c) Multinational, foreign and domestic corporations, and other
6 business entities.

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

12 (a) Involuntary servitude constituting Crimes Against Personal Liberty
13 and Security;

14 (b) Crimes penalized under Republic Act No. 7610, or the “Special
15 Protection of Children Against Abuse, Exploitation and Discrimination Act”;

16 (c) Crimes penalized under Republic Act No. 9262, or the
17 “Anti-Violence Against Women and Their Children Act of 2004”; and

18 (d) Crimes penalized under Republic Act No. 8371, or “The
19 Indigenous Peoples Rights Act of 1997”.

20 Vulnerable persons shall include those identified as such in international
21 human rights treaties, specifically children, women, elderly, persons with
22 disabilities, migrant workers, indigenous peoples and ethnic and religious
23 minorities.

24 D. Monitoring

25 *SEC. 29. Monitoring Powers and Functions.* – In the exercise of its
26 mandate to monitor the government’s compliance with its international human
27 rights treaty obligations, the Commission shall have the following powers and
28 functions:

1 (a) Request any department, bureau or office, subdivision, agency or
2 instrumentality of the government to submit timely international human rights
3 treaty compliance reports and to furnish the Commission copies thereof within
4 thirty (30) days from submission to the United Nations and other international
5 bodies;

6 (b) Conduct inquiries on the manner of implementation by the
7 Philippine government of specific human rights treaty obligations;

8 (c) Summon any public official to explain on the measures undertaken
9 by his/her agency in order to comply with the State's international treaty
10 obligations on human rights;

11 (d) Enter and inspect the premises of any government agency or office,
12 specifically police and military stations, installations, camps, bases and training
13 schools without need of prior permission;

14 (e) Access any book, record, file, document or paper located in the
15 abovementioned offices and facilities;

16 (f) *Study and recommend to the government international human rights*
17 *treaties or instruments for its signature, ratification or accession;*

18 (g) Make timely and regular submission of independent reports to
19 international human rights treaty bodies and other international human rights
20 mechanisms;

21 (h) Advise and assist the government on clearly-identified gaps in
22 human rights treaty compliance;

23 (i) Capacitate stakeholders to enable participation in monitoring
24 human rights treaty compliance by the government;

25 (j) Delegate to its deputies, investigators or representatives, such
26 authority or duty which shall ensure the effective exercise or performance of its
27 monitoring functions; and

1 (k) Recommend and institutionalize best practices and incentives for
2 human rights advocates and institutions.

3 SEC. 30. *Other Monitoring Functions.* – The Commission shall
4 likewise monitor observance by non-state actors of human rights obligations
5 arising from agreements entered into with the government, as well as unilateral
6 declarations and similar undertakings.

7 SEC. 31. *Annual Report.* – The Commission shall prepare and make
8 public an annual report on the findings of its monitoring activities with regard
9 to the state of the government’s compliance with its international human rights
10 treaty obligations. The report shall include, but not be limited to, the following:

11 (a) Identification of systematic patterns of human rights violations
12 using documented cases;

13 (b) Analysis of the factors which contribute to the commission of
14 human rights violations;

15 (c) Assessment of the legal mechanisms of existing institutions in
16 providing adequate human rights protection;

17 (d) Recommendations for legal, legislative and institutional reforms for
18 the greater promotion and protection of human rights; and

19 (e) Statistics and data indicating the nature of complaints received, the
20 investigations conducted and findings made, and the actions taken by the
21 government agencies concerned on the Commission’s recommendations.

22 E. Education and Advocacy

23 SEC. 32. *Education and Advocacy in Government.* – The Commission
24 shall undertake a program of human rights promotion and advocacy through
25 education and training to enhance respect for the primacy of human rights in
26 coordination with the different agencies of the government. It shall likewise
27 administer a mandatory and continuing human rights education program for the
28 military, police and other law enforcement agencies, as well as public school

1 teachers, and shall, for this purpose, draw up the components of the program,
2 accredit course and training providers, and issue certificates of completion to
3 those who have successfully completed the program.

4 SEC. 33. *Education and Advocacy in Civil Society.* – The Commission
5 shall also undertake human rights education, advocacy and information
6 campaign programs among sectors of civil society, particularly, the vulnerable,
7 marginalized and underprivileged groups. In conducting this program, the
8 Commission shall actively cooperate and coordinate with human rights
9 nongovernment organizations, lawyers’ groups, the academe and peoples’
10 organizations of the concerned sectors of civil society.

11 SEC. 34. *Research.* – The Commission shall undertake a continuing
12 research and study on select human rights issues for purposes of
13 recommending policy reforms, as well as administrative and legislative
14 measures that will also address economic, social and cultural rights.

15 SEC. 35. *Coverage of Programs.* – The Commission shall prescribe the
16 scope and coverage of education, advocacy, information and training programs
17 on human rights, and which will be provided for in the implementing rules and
18 regulations of this Act.

19 F. Other Powers and Functions

20 SEC. 36. *Witness Protection Program.* – In the conduct of its
21 investigations, the Commission shall implement and manage a witness
22 protection program, including the provision of security, shelter, relocation and
23 livelihood assistance to witnesses and their families.

24 SEC. 37. *Financial Assistance Program.* – The Commission shall
25 strengthen its financial assistance program to victims of human rights
26 violations and their families.

27 The funds necessary for the initial implementation of the Witness
28 Protection and Financial Assistance Program shall be taken from the current

1 year's appropriation of the Commission. Thereafter, the funding requirement
2 shall be included in the annual General Appropriations Act.

3 The Commission shall adopt operational guidelines on the
4 implementation and management of these programs which shall be included in
5 its implementing rules and regulations.

6 SEC. 38. *Legal Assistance Program.* – The Commission shall
7 implement a legal assistance program to benefit victims of human rights
8 violations consisting of the provision of legal services in coordination with
9 human rights organizations and lawyers' groups, the Integrated Bar of the
10 Philippines and Philippine law schools with legal aid programs.

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

16 SEC. 39. *Protection of Filipinos Abroad.* – The Commission shall
17 undertake measures for the protection and promotion of human rights of
18 Filipinos living abroad. It may assign organic personnel to act as Human
19 Rights *Attachés* in Philippine embassies or consulates or deputize Philippine
20 Embassy or Consulate officers, resident private individuals of known probity
21 and active involvement in human rights work, or foreign-based human rights
22 and migrant workers' nongovernment organizations in countries where the
23 incidence of human rights violations of Filipinos is widespread and
24 commonplace, including traditional host countries of overseas Filipino
25 workers.

26 The assigned personnel acting as Human Rights *Attachés* or deputized
27 individuals of the Commission shall monitor the status of human rights of
28 Filipinos living abroad and establish networks among Filipinos for purposes of

1 monitoring and reporting cases of human rights violations, as well as for
2 providing counseling and financial assistance to victims. They shall
3 immediately notify the concerned Embassy officials of incidents of human
4 right violations of Filipinos and provide immediate assistance to victims.

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

12 SEC. 41. *Issuance of Certifications.* – The Commission shall issue
13 certifications to members of the military, police and other law enforcement
14 agencies prior to their promotion or assumption to office. The Commission
15 shall clearly indicate in its certification if the applicant has a pending case with
16 them and shall state the nature and status of the case/s filed.

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

21 This provision shall also apply to other government officers with Salary
22 Grade Twenty-seven (27) or its equivalent and higher.

23 It may also issue certifications for purposes of trainings, local or foreign
24 study grants and education purposes, upon proper request made by the
25 applicant.

26 SEC. 42. *Appeals; Prohibition Against Injunction.* – Orders, decisions
27 or findings of the Commission, including determination of probable cause,
28 shall be appealed to the Court of Appeals on both questions of fact and law, or

1 on *certiorari* to the Supreme Court on pure questions of law. No writ of
2 injunction against the Commission in the performance of its functions shall be
3 issued other than those emanating from the Court of Appeals or the Supreme
4 Court.

5 SEC. 43. *Protection from Harassment Suits; Dismissal.* – The
6 Chairperson, Members, officers and employees of the Commission shall be
7 free from any administrative, civil or criminal liability in the regular
8 performance of their functions. Personal legal actions brought against them
9 shall be dismissed where it appears that the same was filed for acts committed
10 in the regular performance of said functions.

11 CHAPTER III

12 ORGANIZATION AND STRUCTURE

13 SEC. 44. *Commission as a Collegial Body.* – The Commission
14 composed of the Chairperson and four (4) Members, as a collegial body, is
15 responsible for the promulgation of policies, decisions, orders and resolutions
16 necessary for the efficient administration of the Commission and for proper
17 execution of its constitutional mandate.

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

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

26 SEC. 45. *The Chairperson as Executive Officer; Powers and Duties.* –
27 The Chairperson shall be the Chief Executive Officer of the Commission, and
28 shall:

1 (a) Execute and carry out the policies, decisions, orders and resolutions
2 approved by the Commission;

3 (b) Direct and supervise the operations and internal administration of
4 the Commission;

5 (c) Sign appointments of subordinate officials and employees made by
6 the Commission and enforce decisions on administrative discipline involving
7 them;

8 (d) Make temporary assignments, rotate and transfer personnel in
9 accordance with the provisions of the Civil Service Law and the policies
10 involving them;

11 (e) Submit an annual budget to the Commission for its approval and
12 submission to the Department of Budget and Management (DBM) and to the
13 Congress of the Philippines;

14 (f) Delegate his/her authority, in whole or in part, to other officials of
15 the Commission in accordance with Executive Order No. 292, otherwise
16 known as the Administrative Code of 1987, and rules and regulations of the
17 Commission; and

18 (g) Perform such other functions as may be authorized by the
19 Commission.

20 SEC. 46. *Structural Organization.* – The Commission shall have the
21 following line offices and operating units:

22 (a) Office of the Chairperson;

23 (b) Office of the Commissioners;

24 (c) Office of the Assistant Commissioner for Internal Administration;

25 (d) Office of the Assistant Commissioner for Human Rights Protection;

26 (e) Office of the Assistant Commissioner for Human Rights Promotion
27 and Advocacy;

28 (f) Office of the Assistant Commissioner for Regional Operations;

- 1 (g) Office of the Executive Director;
- 2 (h) Office of the Commission Secretary;
- 3 (i) Information System Management Office;
- 4 (j) Planning and Management Office;
- 5 (k) Financial Management Office;
- 6 (l) General Administration Office;
- 7 (m) Legal Office;
- 8 (n) Investigation Office;
- 9 (o) Assistance and Visitorial Office;
- 10 (p) Forensic Office;
- 11 (q) Security and Protection Office;
- 12 (r) Human Rights Instruments Compliance and Monitoring Office;
- 13 (s) Education, Advocacy and Research Office;
- 14 (t) Public Information Office;
- 15 (u) Sectoral Rights Offices; and
- 16 (v) Regional Offices.

17 With the exceptions of the Chairperson, Commissioners, Assistant
18 Commissioners and Executive Directors, all the abovementioned offices shall
19 be headed by an official with a rank, salary and privileges equivalent to a
20 Director IV. The Sectoral Rights Offices shall be headed by officials with the
21 rank of Director III.

22 As an independent constitutional office, the Commission may effect
23 changes in the organization as the need arises: *Provided*, That said
24 reorganization shall be funded within the personal services appropriation of the
25 Commission.

26 The Public Information Office, which will be under the direct
27 supervision of the Chairperson of the Commission, shall assume the role of a
28 media relations unit that will disseminate all information to the general public

1 including the issuances of the Commission, enable public access to general
2 information pertaining to the Commission, and encourage active participation
3 of all forms of media, for the promotion of human rights.

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

7 SEC. 47. *Assistant Commissioners.* – There shall be four (4) Assistant
8 Commissioners as head of the different clusters: (a) Assistant Commissioner
9 for Internal Administration, which shall be comprised of the Planning and
10 Management Office, the Financial Management Office, the General
11 Administration Office and the Information System Management Office;
12 (b) Assistant Commissioner for Human Rights Protection, which shall be
13 composed of the Legal Office, the Investigation Office, the Forensic Office,
14 the Assistance and Visitorial Office and the Security and Protection Office;
15 (c) Assistant Commissioner for Human Rights Promotion and Advocacy,
16 which shall be comprised of the Human Rights Instruments Compliance and
17 Monitoring Office and the Education, Advocacy and Research Office; and
18 (d) Assistant Commissioner for Regional Operations, which shall be comprised
19 of the Regional Offices.

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

25 The Assistant Commissioners shall identify, analyze and evaluate
26 approaches, strengths and weaknesses of programs' reports and performance
27 evaluations and, in the case of regional operations, the implementation and
28 pursuit of mandates nationwide.

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

5 The Assistant Commissioners must be of proven integrity and
6 competence and must have been involved in human rights promotion and
7 protection activities for at least seven (7) years. In addition, the Assistant
8 Commissioner for Human Rights Protection must also be a member of the
9 Philippine Bar, and the Assistant Commissioner for Internal Administration
10 must be a certified public accountant. All of the Assistant Commissioners shall
11 have the rank, emoluments and benefits of an Assistant Secretary.

12 SEC. 48. *The Executive Director.* – The Executive Director shall be
13 responsible for managing the day-to-day affairs, activities and operations of the
14 Commission in accordance with the policies, standards, rules and regulations
15 adopted and promulgated by the Commission. In particular, the Executive
16 Director shall:

17 (a) Provide direct supervision, control, coordination and monitoring of
18 all activities, functions and operations of the national and regional units of the
19 Commission;

20 (b) Upon consultation with the Assistant Commissioner/s concerned,
21 recommend and/or implement administrative and management policies, rules
22 and standard operating procedures to be established by the Commission;

23 (c) Recommend and initiate programs, projects and policies which
24 promote productivity, efficiency and effectiveness in the Commission, with
25 prior consultation with the Commission and Assistant Commissioner/s
26 concerned;

1 (d) Coordinate with the Assistant Commissioner/s concerned as well as
2 the Commission's different organizational units in the information and
3 reporting requirement of the Commission;

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

6 (f) Undertake appraisal on issues/problems and policy
7 recommendations requiring decision/action by the Commission;

8 (g) Conduct necessary representation with different branches and
9 agencies of the government on vital issues/concerns involving the organization,
10 operations and programs of the Commission; and

11 (h) Perform such other functions as may be assigned by the
12 Commission *En Banc*.

13 The Executive Director shall be appointed by the Commission and shall
14 be a member of the Philippine Bar with proven integrity and competence, and
15 must have been involved in human rights promotion and protection activities
16 for seven (7) years. He/She shall have the rank, salary and privileges of an
17 Assistant Secretary.

18 SEC. 49. *The Commission Secretary.* – The Commission Secretary,
19 who shall head the Commission Secretariat, shall provide executive services to
20 the Commission on its regular, special and executive meetings; assistance on
21 policy review and coordination; review and appraisal of the programs and
22 other project undertakings of the Commission, including technical support on
23 the formulation of guidelines, directives, mandates and executive summaries
24 and reports. In addition, the Committee Secretary shall:

25 (a) Prepare the agenda of meetings of the Commission *En Banc* and
26 ensure complete recording of proceedings;

27 (b) Develop, recommend to the Commission *En Banc*, and implement
28 an approved disclosure policy for the Commission;

1 (c) Formulate, propose and implement a central records management
2 system for the Commission *En Banc*, and act as the custodian of all records on
3 human rights cases filed with the Commission, including records on
4 resolutions, rules, policies, regulations and other decisions, proceedings of its
5 meetings and other pertinent records;

6 (d) Design, propose and implement a central records management
7 system and provide records management orientation and assistance to the
8 various offices of the Commission;

9 (e) Prepare and issue, directives to concerned offices, by authority of
10 the Commission *En Banc*;

11 (f) Represent the Commission *En Banc* in different technical working
12 committees of the Commission, as may be directed by it;

13 (g) Respond to queries from the different central and regional offices
14 on matters pertaining to policies, rules and decisions, as authorized by the
15 Commission *En Banc*; and

16 (h) Perform such other related functions as may be assigned by the
17 Commission *En Banc*.

18 The Commission Secretary, who must be at least a degree holder of
19 Bachelor of Laws (LL.B.) or Juris Doctor (JD), shall have the rank, salary and
20 privileges of a Director IV.

21 SEC. 50. *Duties and Functions of the Offices of the Commission.* – The
22 different offices of the Commission provided in Section 46 of this Act shall
23 operate in accordance with their respective duties and functions assigned to
24 them by the Commission, subject to requirements of efficiency, economy and
25 effectiveness, and pertinent budget and civil service laws, rules and
26 regulations.

27 SEC. 51. *Officers of the Commission.* – All officers appointed by the
28 Commission who possess the rank or position that is above Division Chief

1 level and officially performs managerial and executive functions must be
2 Career Executive Service (CES) eligible under the Career Executive Service
3 Board or has equivalent eligibility as the Commission may establish.

4 The Commission may propose additional qualification standards to be
5 submitted for approval to the DBM and for information of the Civil Service
6 Commission.

7 SEC. 52. *Regional Offices.* – The Commission shall have seventeen
8 (17) regional offices and as may be further established by law, with two (2)
9 regional offices for Region IV, including the National Capital Region (NCR),
10 the Caraga Administrative Region (CARAGA), the Cordillera Administrative
11 Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM).

12 Each Regional Office shall be headed by a Regional Human Rights
13 Director with a rank and salary of Director IV, who must be a member of the
14 Philippine Bar, assisted by an Assistant Regional Human Rights Director, and
15 such other subordinate officers or employees as the Commission may appoint.
16 The Assistant Regional Human Rights Director shall carry the rank and receive
17 the same salary and privileges of a Director III.

18 The Commission may delegate its powers and functions or order the
19 implementation or enforcement of its orders, rulings or decisions through the
20 heads of its regional offices in accordance with its rules and regulations to be
21 promulgated by the Commission.

22 SEC. 53. *Sectoral Rights Offices.* – The Commission shall establish
23 offices and centers to undertake promotion and protection of the rights of
24 vulnerable sectors to include, but not be limited to, women and children, as the
25 Commission may deem appropriate.

26 SEC. 54. *Operational Guidelines.* – The Commission shall formulate
27 its operational guidelines which shall include, but not be limited to, the
28 functions and duties of the Assistant Commissioners, the Executive Director,

1 the Commission Secretary and the heads of the line offices, the implementation
2 and management of its Witness Protection, Financial Assistance and Legal Aid
3 Programs, and such other matters as may be necessary for the implementation
4 of this Act.

5 SEC. 55. *Franking Privilege.* – All official mail matters and telegrams
6 of the Commission addressed for delivery within the Philippines shall be
7 received, transmitted and delivered free of charge; *Provided,* That such mail
8 matters when addressed to private persons or nongovernment offices shall not
9 exceed one hundred twenty (120) grams. All mail matters and telegrams sent
10 through government telegraph facilities containing complaints to the
11 Commission shall be transmitted free of charge; *Provided,* That the telegram
12 shall contain not more than one hundred fifty (150) words.

13 SEC. 56. *Financial Report.* – The Commission shall make available to
14 the public its annual financial statements including, but not limited to,
15 expenditures and sources of funds.

16 SEC. 57. *Appropriations.* – In addition to the regular appropriations of
17 the Commission, the sum of Three hundred million pesos (P300,000,000.00)
18 for the initial implementation of this Act shall be included in the annual
19 General Appropriations Act (GAA) in the year following its enactment into
20 law. Thereafter, such sums as may be necessary for the full implementation of
21 this Act shall be included in the annual GAA.

22 SEC. 58. *Transitory Provision.* – Nothing in this Act shall prejudice the
23 positions, emoluments, security of tenure and privileges of the incumbent
24 Chairperson and Commissioners, officers and employees of the Commission
25 upon its effectivity. However, officials and employees of the Commission may
26 avail of an early retirement program as may be provided for by the
27 Commission upon the effectivity of this Act.

1 SEC. 59. *Implementing Rules and Regulations.* – The Commission
2 shall, within sixty (60) days from the approval of this Act, formulate the
3 implementing rules and regulations in the exercise of its general, investigative,
4 prosecutorial, monitoring, education and advocacy powers and functions in
5 consultation with other concerned agencies of the government.

6 SEC. 60. *Separability Clause.* – If any provision of this Act shall be
7 held unconstitutional, the other provisions not affected thereby shall remain
8 valid and binding.

9 SEC. 61. *Repealing Clause.* – All laws, republic acts, presidential
10 decrees, letters of instruction, executive orders, rules and regulations insofar as
11 these are inconsistent with this Act are hereby repealed or amended, as the case
12 may be.

13 SEC. 62. *Effectivity Clause.* – This Act shall take effect fifteen (15)
14 days upon its publication in at least two (2) newspapers of general circulation.

Approved,

○