

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



HOUSE OF REPRESENTATIVES

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*Introduced by Representative Rufus B. Rodriguez and  
Representative Maximo B. Rodriguez, Jr.*

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House Bill No. **1798**

**EXPLANATORY NOTE**

This bill was approved by the House of Representatives during the 19<sup>th</sup> Congress.

The Commission on Human Rights (CHR) is an independent office created under the 1987 Constitution and constituted on May 5, 1987 via Executive Order No. 163, s. 1987, for the protection and promotion of the human rights of all persons within the Philippines, as well as Filipinos residing abroad.

Regarded under international human rights law as the country's National Human Rights Institution (NHRI), the CHR plays a vital role in the protection and promotion of civil, political, economic, social, and cultural rights,<sup>1</sup> and in addressing discrimination in all its forms and to bridge the gap between the rights of an individual and the obligations and responsibilities of the State<sup>2</sup> to respect, protect, and fulfill the same as enshrined in international human rights instruments.

In its thirty-six years of existence, the CHR has experienced various triumphs and challenges through several legislations and series of judicial interpretations of its Constitutional mandate. As the human rights situation of the Philippines is always in question, the CHR is limited from exercising its full potential in becoming fully compliant to the requirements of the Paris Principles or the "Principles Relating to the Status of National Human Rights Institutions."

These limitations, however, do not preclude Congress from granting the CHR "such other powers and functions"<sup>3</sup> to investigate other cases of violations of human rights that should fall within the authority of the Commission.

The CHR may have been described as a "toothless tiger,"<sup>4</sup> it can always roar. But to make a resounding roar, the CHR's mandates, powers, and functions must be further strengthened and its cardinal role in building a human rights culture in the country must be fully understood and appreciated. Hence, this legislative proposal.

This bill seeks to strengthen the CHR by providing an effective and expanded structural, operational and functional independence, in order to meet the minimum requirement under the Principles Relating to the Status of National Human Rights Institutions or the (Paris Principles). It also guarantees the CHR's full fiscal autonomy to ensure prompt, immediate, and unrestricted discharge of its functions. It defines the general powers and functions of the Commission, with full authority to act on a complaint or *motu proprio*, in all cases of human

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<sup>1</sup> Global Alliance for National Human Rights Institutions, Roles and Types of NHRIs, *available at* <https://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx> (last accessed July 04, 2019)

<sup>2</sup> *Id.*

<sup>3</sup> Art XIII Section 18 (11), Section 19 of the 1987 Constitution

<sup>4</sup> Hon, Isidro Cariño & Erlinda Lolarga v. The Commission on Human Rights, et al., 96681, The Lawphil Project, (1991).

rights violations. In addition, it vests the CHR with the power to issue injunctive reliefs and legal measures.

The country needs a CHR that is truly independent and with full fiscal autonomy. Today, more than ever, we need a more active CHR, one that is not strapped to the task of investigation or that cannot recognize cases of human rights violations other than those involving civil and political rights. We need a CHR that can address the challenge of protecting and promoting the human rights of all, especially the vulnerable, the disadvantaged, and the marginalized sectors of society.

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

  
**RUFUS B. RODRIGUEZ**

  
**MAXIMO B. RODRIGUEZ, JR.**

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House Bill No. 1798

AN ACT

**STRENGTHENING THE COMMISSION ON HUMAN RIGHTS AS A NATIONAL HUMAN RIGHTS INSTITUTION**

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

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

SEC. 2. *State Policy on Human Rights.* — The State values the dignity of every human person and guarantees full respect for human rights. It shall give highest priority to the enactment of measures that respect, protect and fulfill the right of all people to human dignity at all stages of human life.

SEC. 3. *Definition of Human Rights.* — Human rights are the supreme, universal, inherent, and inalienable rights to life, dignity, and self-development of every person regardless of race, sex and gender, nationality, ethnicity, language, religion, or any other status. These rights include those guaranteed by the Philippine Constitution, domestic laws, and international human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, International Humanitarian Law and all human rights instruments to which the Philippines is a State Party.

SEC. 4. *The Commission on Human Rights as an Independent Office.* — The Commission on Human Rights created under the 1987 Constitution, hereinafter referred to as the Commission, shall maintain its independence. Except in cases provided in the Constitution with regard to the appointment of its Chairperson and Commissioners, legislation affecting the exercise of its powers and functions, and judicial review of the legality of its acts, orders, resolutions and decisions, the independence of the Commission shall always be respected and upheld.

SEC. 5. *Fiscal Autonomy.* - The Commission shall enjoy full fiscal autonomy. Appropriations for the Commission shall not be reduced and shall be automatically and regularly released.

SEC. 6. *The Commission as a National Human Rights Institution.* — The Commission is the National Human Rights Institution (NHRI) of the Philippines in accordance with the Principles Relating to the Status of National Institutions, hereinafter referred to as the Paris Principles, and other United Nations' (UN) Resolutions and Instruments pertaining to the effective functioning of NHRIs. As such, the State and all its agents shall ensure and respect the compliance of the Commission with the Paris Principles.

SEC. 7. *The Commission En Banc as a Collegial Body.* — The Commission *en banc*, as a collegial body, is responsible for the promulgation of policies, decisions, orders, and resolutions necessary for the efficient administration of the Commission and for proper

execution of its constitutional mandate. Every policy, decision, order, or resolution of the Commission must bear the concurrence and signature of a majority of the Members.

In the exercise of its powers and functions, the Commission shall sit and render its decision *en banc*, unless otherwise provided in an internal resolution, adopted by the Commission *en banc*. The Commission *en banc* shall meet regularly. A majority of the Members shall constitute a quorum.

SEC. 8. *Composition and Qualifications of the Members of the Commission.* — The Commission shall be composed of a Chairperson and four (4) Members who shall possess the following qualifications:

- a) Natural-born citizens of the Philippines;
- b) At least thirty-five years of age at the time of appointment, with proven probity, integrity, and competence;
- c) Must have an understanding of human rights protection, promotion and advocacy;
- d) Must not have been convicted by final judgment of any crime involving moral turpitude; and
- e) Must not have been candidates for any elective position in any national or local elections, whether as regular candidates or as party-list nominees, immediately preceding their appointment.

A majority thereof shall be members of the Philippine Bar, who have been engaged in the practice of law for at least five (5) years. The composition must observe gender-balanced and pluralist representation, which shall be in accordance with the Paris Principles.

In furtherance of the role of the Commission as the country's Ombudsman for Children, at least one (1) Member, who has expertise or has extensive competency and experience on child rights protection and promotion, must be appointed.

SEC. 9. *Appointment and Term of Office.*- The Chairperson and Members of the Commission shall be appointed by the President of the Philippines for a term of seven (7) years without reappointment.

Of those first appointed under the enactment of this Charter, the Chairperson shall hold office for seven (7) years, two Members for six (6) years and the other two Members for five (5) years. The term of the Chairperson and Members shall start on the day immediately after the end of the previous one, regardless of the date of appointment. In no case shall any Chairperson or Member be appointed, reappointed, or designated in a temporary, part-time, or acting capacity. Appointment to any vacancy occurring during the term shall be only for the unexpired portion of the term of the predecessor.

Any vacancy in the offices of the Chairperson and of the Members of the Commission shall be filled within ninety (90) days from its occurrence. However, the incumbent Chairperson or Member shall hold the position until such time the appointment was made by the President for the same position.

SEC. 10. *Selection Process for the Chairperson and Members of the Commission.* — The incumbent Chairperson and the Members of the Commission shall act as the Selection Committee for the appointment of the new Chairperson and four (4) Members of the Commission.

The Selection Committee shall convene immediately, as soon as vacancy exists, or when the term of office of the current Members ends within six (6) months, or when an

impending vacancy occurs. The Committee shall develop and promulgate its own rules of procedure for the selection of nominees for the position of Chairperson and Members, in accordance with requirements of an open, transparent and merit-based selection process, as mandated by the Paris Principles. The conduct of consultations with human rights organizations and other relevant stakeholders for the selection of the new members of the Commission *en banc* shall form part of the rules of procedure.

SEC. 11. *Prohibitions and Disqualifications.* — The Chairperson and Members of the Commission shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in the active management or control of any business, which in any way may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the Government and its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

They shall avoid conflict of interest in the conduct of their office. They shall not be allowed to appear or practice before the Commission within one (1) year following the completion of their term of office, resignation, or any other manner of separation from office.

No spouse, common-law partner, or relative by consanguinity or affinity within the fourth civil degree, or business or professional partner of the Chairperson or Members, may transact business directly or indirectly with the Chairperson or its Members, or appear as counsel or agent of a party in any matter pending before the Commission.

These prohibitions and disqualifications shall apply during the tenure of the official concerned and one (1) year thereafter.

SEC. 12. *Disclosure of Relationship.* — It shall be the duty of the Chairperson and Members of the Commission to disclose under oath to the best of their knowledge the identities of, and relationship with the persons referred to in the preceding section. The disclosure, which shall be in writing, shall be filed in the Office of the Ombudsman after the appointee assumes office and every year thereafter. The disclosures made pursuant to this Section shall form part of the records and shall be made available and accessible to the public.

SEC. 13. *Salary, Retirement, and Other Privileges of the Chairperson and Members of the Commission* .- The Chairperson and Members of the Commission shall receive the same salary, retirement, privileges, and benefits as those received by the Chairperson and Commissioners of the Constitutional Commissions, and their salaries shall not be decreased during their terms of office.

Upon the death of a retired Chairperson or Member, the surviving legitimate spouse and dependent children shall be entitled to receive on a monthly basis, all the retirement benefits being received by the deceased Chairperson or Member from the time of death, under the provisions of applicable retirement laws. "Dependent children," as used in this section, refers to a legitimate, illegitimate or legally adopted child who is chiefly dependent on the said deceased Chairperson or Member of the Commission, if such dependent child is not more than twenty-one (21) years of age, unmarried and not gainfully employed, or if such dependent child, regardless of age, is incapable of self-support because of any mental or physical defect or condition. The surviving legitimate spouse shall continue to receive such retirement benefits until the spouse remarries.

SEC. 14. *Structural Organization.* — The Commission shall prepare and formulate the organizational structure and staffing pattern, for submission to the Department of Budget and Management for its review and evaluation, in accordance with the civil service laws, rules and regulations and other pertinent laws.

SEC. 15. *Privileges and Emoluments of the Members of the Commission En Banc.* - All members of the Commission *en banc* shall receive the same emoluments and privileges of those given to their counterparts in Constitutional Commissions.

SEC. 16. *Powers and Functions of the Commission.* - The Commission shall promote and protect all human rights, including civil, political, economic, social, and cultural rights, and shall have the following general powers and functions:

- a) Investigate, on its own or on complaint by any party, all forms of violations of human rights, whether committed by State or non-state actors;
- b) Adopt its operational guidelines and rules of procedure and cite for contempt any person for violations thereof or its lawful orders, and for this purpose, the Rules of Court shall have suppletory application;
- c) Provide appropriate legal and preventive measures to victims of human rights violations, which may include, among others:
  - 1) Legal assistance and counseling to victims;
  - 2) Directives to concerned government agencies to give appropriate protection to victims;
  - 3) Cease and desist orders;
  - 4) Petition for writ of habeas corpus, writ of amparo, writ of habeas data, writ of kalikasan, and any other protective writs; and
  - 5) Continuing mandamus for the protection of human rights of all persons within the Philippines.
- d) Provide legal aid services to the underprivileged whose human rights have been violated or need protection. Clients who need legal assistance and representation may also be referred to the Public Attorney's Office or Legal Aid Offices, as may be necessary and appropriate;
- e) Exercise unannounced, unhampered, unrestricted visits over jails, prisons, camps, custodial or detention facilities, places of confinement, safe houses, and similar places of deprivation of liberty;
- f) Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights. The Commission shall coordinate with the Department of Education (DepEd), Commission on Higher Education (CHED), Philippine Judicial Academy, Legal Education Board, and other state universities and colleges to ensure these objectives;
- g) Recommend to Congress effective measures to promote and protect human rights;
- h) Recommend effective measures to provide for compensation to victims of violations of human rights, or their families;
- i) Monitor Philippine government compliance with international treaty obligations on human rights;
- j) Report to international human rights mechanisms on all aspects relating to government's compliance to its treaty obligations;
- k) Grant immunity from prosecution to any person whose testimony or possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;

- l) Request the assistance of any government department, bureau, office, or agency in the performance of its functions;
- m) Call on government departments, bureaus, offices or agencies to comply with their obligations under the international human rights obligations;
- n) Perform its Gender and Child Ombud roles, and ensure that the status, rights, and interests of the marginalized and vulnerable sectors, are upheld in accordance with the Constitution, laws, and international instruments on human rights;
- o) Issue human rights advisories, positions papers and legal opinion on all matters affecting the human rights of all persons, directed to concerned agencies of government for their consideration and implementation;
- p) Issue human rights clearances and certificates of no pending human rights case;
- q) Appoint its officers and employees in accordance with law; and
- r) Perform such other duties and functions as may be provided by law.

SEC. 17. *Investigative Powers and Functions.* — The Commission shall investigate, on complaint or on its own, cases of human rights violations. In the exercise of its investigative function, the Commission shall:

- a) Act promptly on reports or complaints, filed in any form, by any individual or organization. Findings of human rights violations shall include recommendations for appropriate remedies, and referral to proper government agencies for the filing of administrative, criminal, or civil actions. The recommendations may include proposals for legislative, administrative, or judicial reforms. The investigation and other proceedings conducted by any administrative, judicial, or quasi-judicial bodies shall not bar the investigation of the Commission on allegations of human rights violations, and findings by the Commission must be given weight;
- b) Investigate alleged violations of human rights, international humanitarian law, and anti-terrorism law, as provided in pertinent laws;
- c) Compel the attendance of witnesses and the production of evidence, to place the witness under oath or affirmation, issue *subpoenas*, take testimony in any investigation or inquiry conducted by the Commission or any of its offices, and cite for contempt any person who violates the Commission's Rules of Procedure and lawful orders. In matters concerning contempt, the Rules of Court shall apply suppletory to the Rules of Procedure of the Commission;
- d) Conduct forensic and medical sciences in making findings of human rights violations, such as collection of physical evidence from locations relevant to its investigation, assessment of victims who are survivors of human rights violations to determine their physical and mental well-being, among others; conducting an independent examination of the remains of alleged victims to document any injury, and to determine cause and manner of death. Pursuant thereto, the Commission shall have the authority to exhume and conduct autopsy on the human remains, subject to the consent of the family of the deceased, if applicable;
- e) Provide psychosocial support to victims of human rights violations as well as human

rights defenders under threat, such as referral to primary health care centers with existing mental health programs;

f) Ensure compensation for victims of human rights violations or their families, which are appropriate and proportional to the gravity of the violation and circumstances of each case, that may result from gross violations of international human rights law, and serious violations of international humanitarian law;

g) Provide safety to witnesses, as well as human rights defenders under threat. For this purpose, the Commission shall implement and manage a Witness Protection Service, which will provide security, shelter, relocation, and livelihood assistance to witnesses and their families, until such time the threat ceases, or when the case can be endorsed to the Department of Justice and the witness, or person under threat, qualifies for protection service, under Republic Act No. 6981, otherwise known as the "Witness Protection, Security and Benefit Act";

h) Grant immunity from prosecution to any person whose testimony, possession of documents, or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority; and

i) Perform such other powers and functions as may be necessary or incidental for the effective exercise or conduct of its investigative powers.

**SEC. 18. *Visitorial Powers.*** — The Commission, or its duly authorized representatives, are hereby mandated and authorized to conduct regular, independent, unannounced, unhampered, and unrestricted visits to or inspection of all places of detention and confinement.

*Places of deprivation of liberty* refer to any place of detention, imprisonment, confinement, or the placement of a person in a public or private custodial or rehabilitative setting under the jurisdiction and control of the Philippines, where persons are or may be deprived of their liberty by virtue of an order given by a public authority, at one's instigation, or with one's consent or acquiescence.

**SEC. 19. *Quasi-judicial Powers.*** – Pursuant to Art. XIII, Sec. 18 (11) and Sec. 19 of the Constitution, and in addition to its investigatory powers and functions, the Commission is hereby vested with the powers to decide the existence of violation of civil, political, economic, social and cultural rights, determine and award monetary compensation to victims of said violations.

For this purpose, the Commission shall identify and define each human rights violation and recommend appropriate charges against the perpetrators. The Commission shall also determine the amount of monetary compensation to be awarded to the victim, or in case of death, to the spouse, or children, or next of kin, in that order.

**SEC. 20. *Scope of Legal Measures.*** — In order to strengthen the exercise of its investigatory power, the Commission, including its regional and provincial offices, may issue the following legal measures and provisional remedies:

a) Mandatory Protection Orders which direct government security forces, other government agencies, and private institutions to provide specific protection to victims and witnesses to human rights violations;

b) Petitions for the protection of the rights of persons, such as:

1. Temporary liberty for medical examination, particularly for sick or pregnant persons deprived of liberty; and

2. Petitions for certiorari, mandamus, or declaratory relief, and such other legal remedies to correct any government actions that encroach or threaten to violate human rights;

- c) Other remedies for the protection of the rights of children:
  - 1. Actions for protective custody of victims who are minors;
  - 2. Petitions for involuntary commitment, in coordination with the concerned social work and development office; and
  - 3. Petitions, motions, or pleadings to correct an error in the commitment, detention taking of custody of children in conflict with the law;
- d) Mediation between parties on issues that are and can be subject of settlement.

SEC. 21. Referral to Disciplining Authority. – The Commission may direct the disciplining authority to take appropriate action against a public officer or employee found guilty of committing violations of human rights, recommend to the disciplining authority the removal, suspension, demotion, censure, imposition of fine, or prosecution and ~~and~~ compliance of its recommendation by requiring the disciplining authority concerned to report on the action taken thereon within thirty (30) days from receipt of such recommendation. The failure of the appropriate authority to act or comply with said recommendation shall constitute ground for application of the issuance of a writ of mandamus by the Commission.

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

SEC. 22. *Monitoring Functions.* — In the exercise of its mandate to monitor the Government's compliance with its international human rights obligations, the Commission shall:

- a) Monitor and advise government on its responsibilities and obligations under international human rights treaties to which the Philippines is a signatory;
- b) Prepare its own independent reports to the UN, human rights treaty bodies, and other international human rights mechanisms, including the Universal Periodic Review and special procedure mechanisms;
- c) Make the appropriate recommendations to the concerned government agencies with regard to requests for official visits of Special Procedures' mandate-holders and other treaty and charter-based mechanisms;
- d) Recommend ratification of, or accession to international human rights instruments, and ensure their implementation;
- e) Conduct inquiries on the Government's manner of implementation of specific human rights obligations;
- f) Request the cooperation of any public official on the measures undertaken by one's agency to comply with the State's international human rights obligations;
- g) Coordinate with relevant government agencies in terms of its compliance with international human rights obligations; and
- h) Undertake other activities as may be necessary in the conduct of its monitoring and reporting functions.

SEC. 23. *Other Monitoring Functions.* — The Commission shall also monitor observance by non-state actors of human rights obligations, arising from international and domestic laws, or agreements entered into with the government, as well as unilateral declarations and similar undertakings.

Violations of human rights committed by non-state actors that may be the subject of the Commission's monitoring functions shall include, among others:

- a) Those committed by rebel groups in relation to international humanitarian law;
- b) Those committed by persons, both natural and juridical, in relation to economic, social, and cultural rights, such as labor, environment, and demolition of houses; and
- c) Those committed by individuals in relation to violations of rights and protection of marginalized, disadvantaged and vulnerable sectors.

SEC. 24. *Human Rights Education, Information and Advocacy.* — The Commission shall establish a continuing program of education and information to enhance respect for the primacy of human rights through its education and promotion office, consistent with the Constitution, domestic laws, applicable treaty obligations, and the UN Declaration on Human Rights Education and Training.

The Commission shall develop and implement a Human Rights Education and Training Program for law enforcement officers, education and training institutions, and other government agencies in coordination with the Department of the Interior and Local Government, Department of Justice, Department of National Defense, DepEd, CHED, Legal Education Board, Philippine Judicial Academy, Professional Regulation Commission, and all other concerned agencies.

Likewise, the Commission shall develop and implement a Human Rights Information Campaigns' Program for civil society and the general public.

SEC. 25. *Establishment of Human Rights Institute.* - The Commission shall establish a Human Rights Institute (HRI). It is an educational and training institute responsible for the promotion, and teaching of human rights education and related fields, with in-house competencies in these areas of specialization. The HRI shall focus on formal education programs and shall offer certificate courses on human rights and related fields.

SEC. 26. *Functions of the Human Rights Institute.* - The HRI shall have the following functions:

- a) Serve as a training institute for investigators, prosecutors, justices, judges, lawyers, and other human rights workers in government and civil society human rights organizations on human rights and related issues. For this purpose, it shall provide and implement curricula on human rights and shall conduct seminars, workshops, and other training programs designed to develop human rights knowledge, capacities, skills, and attitudes;
- b) Receive income, legacies and donations for the benefit of the HRI or for its support or maintenance, which shall be exempt from the payment of taxes and other fees and charges of the government, its branches and subdivisions, and which shall constitute a special fund to be administered and disbursed solely for the HRI;
- c) Enter into consortium agreements with other educational and training institutes for the development and implementation of its programs on human rights education; and

d) Advise basic and higher education institutions and regulatory agencies on the teaching of human rights and related issues, including recommending effective measures to promote human rights.

SEC. 27. *Annual Report.* - The Commission shall prepare and make public an annual report on the findings of its monitoring activities with regard to the status of the government's compliance with its international human rights treaty obligations. The report shall include:

(a) Recommendations for legal, legislative, and institutional reforms for the promotion and protection of human rights; and

(b) Adoption and implementation by concerned government agencies of the recommendations on the protection and promotion of human rights contained in the Commission's policy issuances and resolutions.

The Commission shall directly submit its annual report to the Office of the President, the Senate and the House of Representatives, for the consideration of the recommendations stated in the annual report.

SEC. 28. *Financial Assistance Program.* — The Commission may provide financial assistance to victims of human rights violations and their families through a Financial Assistance Program.

SEC. 29. *Legal Assistance Program.* — The Commission shall maintain a Legal Assistance Program to benefit underprivileged victims of human rights violations, which may be in coordination with human rights organizations, lawyers' groups, Integrated Bar of the Philippines, the Public Attorney's Office, and Philippine law schools.

SEC. 30. *Protection of Filipinos Abroad.* — The Commission shall undertake measures for the protection and promotion of human rights of Filipinos living abroad in coordination and cooperation with the Department of Migrant Workers, Department of Foreign Affairs, Philippine Embassy or Consulate officers, resident private individuals of known probity and active involvement in human rights, or foreign-based human rights and migrant workers' non-government organizations in countries where the incidence of human rights violations against Filipinos is widespread and commonplace, including traditional host countries of overseas Filipino workers.

The Commission may establish bilateral or multilateral relationships with other national human rights institutions for the protection of human rights of Filipinos abroad.

SEC. 31. *Security of Data.* — All documentation and information collected by the Commission shall be kept strictly confidential, unless the Commission decides otherwise in relation to a particular document: *Provided*, That no sensitive information, whether personal or otherwise, shall be published without the express consent of the individual or authority concerned: *Provided further*, That this provision shall be in accordance with all applicable laws, such as Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

SEC. 32. *Protection from Criminal and Administrative Liability.* — Any act made pursuant to the functions and powers conferred upon the Commission under this Act and other applicable laws, or in respect of any publication by, or under the authority of the Commission, of any report, proceeding, or any other matter under this Act, shall not be a ground for action, suit or other legal proceeding against any member or staff of the Commission.

Any legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any member, or staff of the Commission has taken, or may take, in the performance of their functions, under this Act and other applicable laws, if proven in court to have been filed

for any of the aforementioned purposes, be immediately dismissed with prejudice and the court may award damages, attorney's fees, and costs of suit under a counterclaim if such has been filed.

SEC. 33. *Franking Privilege.* — The Commission may transmit through ordinary mail or registered mail with return card, free of charge, all official communications and papers directly connected with the conduct of its duties, functions, or the exercise of administrative supervision over its personnel.

SEC. 34. *Financial Report.* — The Commission shall make available to the public its annual financial statements and related financial reports as required by governing oversight agencies.

SEC. 35. *Appropriations.* — The amount necessary for the initial implementation of this act shall be charged against the current year's appropriations of the Commission. Thereafter, such amount shall be included in the annual General Appropriations Act.

The approved annual appropriations of the Commission shall be automatically and regularly released.

SEC. 36. *Transitory Provisions.* — Nothing in this Act shall prejudice the positions, emoluments, security of tenure, qualifications, privileges, and benefits of the incumbent Chairperson and Members of the Commission, and the officers and employees of the Commission upon its effectivity. However, officials and employees of the Commission, in aid of its reorganization upon the effectivity of this Act, may avail of an early retirement program as may be provided for by the Commission.

SEC. 37. *Implementing Rules and Regulations.* — Within sixty (60) days after the approval of this Act, the Commission shall, formulate the rules and regulations in the exercise of its powers and functions, in consultation with other concerned government agencies and stakeholders.

SEC. 38. *Separability Clause.* — Should any provision of this Act or part hereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 39. *Repealing Clause.* — All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 40. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,