

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

SEVENTH LEGISLATIVE ASSEMBLY
First Regular Session

[MUSLIM MINDANAO AUTONOMY ACT NO. 288]

Begun and held in Cotabato City, on Monday, the fourteenth day of May 2012.

**AN ACT OPERATIONALIZING SECTION SIXTEEN ARTICLE THREE
OF REPUBLIC ACT 9054, ESTABLISHING A CHARTER FOR
THE HUMAN RIGHTS COMMISSION IN THE AUTONOMOUS
REGION IN MUSLIM MINDANAO, PROVIDING GUIDELINES
FOR ITS OPERATIONS, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES.**

Be it enacted by the Regional Assembly in session assembled:

Section 1. Title. - This Act shall be known as the "ARMM Human Rights Commission Charter of 2012."

Sec. 2. State and ARMM Regional Government Policy and Principles on Human Rights.
- It is the declared policy of the State and the Autonomous Region in Muslim Mindanao to value the dignity of every human person and guarantee full respect for human rights. The State and the ARMM shall give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity.

For purposes of this Act, the following international and national human rights instruments affirmed and recognized by the State shall serve as directional indicators in the interpretation and implementation of this Act:

1. Article III of the Constitution;
2. Republic Act. No. 9054, otherwise known as "An Act Providing for the Autonomous Region in Muslim Mindanao";
3. Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009";
4. Republic Act No. 9851, also known as the "Philippine Act On Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity";
5. Universal Declaration of Human Rights (1948);

6. International Covenant on Civil and Political Rights (1976);
7. International Covenant on Economic, Social and Cultural Rights (1976);
8. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
9. Convention on the Elimination of Discrimination Against Women (1979);
10. Convention on the Rights of the Child (1989); and
11. All other international instruments on human rights to which the Philippines is a signatory.

I. THE REGIONAL HUMAN RIGHTS COMMISSION

A. Nature of the Regional Commission

Sec. 3. The Regional Commission as an Independent Office. – The Regional Human Rights Commission is an independent regional office within the Autonomous Region that shall have the same powers and mandates as the national Commission on Human Rights (CHR). It shall not be subject to instructions or orders from the President, Congress, Judiciary, ARMM Regional Governor or Regional Legislative Assembly, except in cases provided in the Constitution and RA 9054 with regard to the appointment of its Chairperson and Members, national and autonomous region legislation affecting the exercise of its powers and functions, and judicial review of the legality of its acts, orders, resolutions or decisions.

Sec. 4. The Regional Commission as the Regional Human Rights Institution within the ARMM. – The Regional Commission, duly created by RA 9054, is the regional human rights institution within the Autonomous Region in Muslim Mindanao in accordance with the Principles Relating to the Status of National Institutions (“The Paris Principles”) and other United Nations’ Resolutions pertaining to the effective functioning of national human rights institutions.

The Regional Commission shall have a mutual, coordinative, and complementary relationship with the national CHR in the performance of its mandates and obligations. It shall coordinate its programs and policies with the national CHR and the Office of the Regional Governor of the Autonomous Region.

Sec. 5. Automatic release of funds. – The Regional Commission shall enjoy full fiscal autonomy within the ARMM. The approved annual appropriations of the Regional Commission within the General Appropriations Act of the ARMM shall be automatically and regularly released.

B. The Chairperson and Members

Sec. 6. The Regional Human Rights Commission Composition and Qualifications. - The Regional Human Rights Commission, also known as the Regional Commission from hereon, is a collegial body and shall be composed of a Chairperson and two (2) Members who shall possess the following qualifications:

1. Must be natural-born citizens of the Philippines;
2. Must be residents of the Autonomous Region and must belong to any of the thirteen (13) ethno-linguistic tribes of the Bangsamoro;
3. Must be at least thirty five (35) years of age at the time of their appointment;
4. Must be with proven integrity, professional competence, probity and independence of mind;
5. The Chairperson shall be a member of the Philippine Bar in good standing who has been engaged in the practice of law for at least five (5) years. The two (2) commissioners shall preferably be lawyers with at least five (5) years of experience as practicing lawyers, or at least, holders of bachelor degrees from colleges or universities recognized by the Department of Education of the central or national government with at least five (5) years of experience in human rights promotion, protection and/or advocacy.
6. Must have an understanding of human rights protection, promotion and advocacy;
7. Must not have been candidates, including party-list nominees, for any elective position in any national or local elections, excluding barangay elections, immediately preceding their appointment.

Sec. 7. Appointment and Term of Office. - The Chairperson and Members of the Regional Commission shall be appointed by the President upon recommendation of the Regional Governor. Of those first appointed under this Act, the Chairperson shall hold office for seven (7) years, one (1) Member for five (5) years and one (1) Member for three (3) years, all without reappointment. In no case shall any member be appointed, re-appointed or designated in a temporary or acting capacity.

The term of the Chairperson and Members of the Regional Commission shall start on the day immediately after the end of the previous term, regardless of the date of appointment. Appointment to any vacancy occurring during the term shall be only for the remaining portion of said term. The successor for the unexpired term shall, likewise, be ineligible for reappointment.

Sec. 8. Prohibition and Disqualification. - The Chairperson and Members of the Regional 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 directly avoid conflict of interest in the conduct of their office. They shall not be allowed to appear or practice before the Regional Commission for one (1) year following their cessation from office.

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

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

Sec. 9. Disclosure of Relationship. – It shall be the duty of the Chairperson and Members to make under oath to the best of their knowledge a public disclosure of the identities of, and their 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 public records and shall be made available and accessible to the public.

Sec. 10. Salary and Other Privileges of the Chairperson and Members. - Pursuant to R.A. No. 9054 and in accordance with the existing salary standardization scheme for government officers and employees, the Chairperson and Members of the Regional Commission shall receive the same salary, perquisites, retirement benefits and privileges at a level not lower than those fixed for the Chair and members of the National Labor Commission, and which shall not be decreased during their term of office.

Subject to the availability of funds, the Regional Assembly may, by law, raise the salaries and privileges of the Chairperson and Members of the Regional Commission, provided, that the incumbent Chairperson and Members at the time of the effectivity of such increase shall not benefit therefrom. Such salaries are subject to across-the-board increase and adjustments as may be provided by law or rules and regulations.

II. POWERS AND FUNCTIONS

A. General Powers and Functions

Sec. 11. General Powers and Functions of the Regional Commission. - The Regional Human Rights Commission shall have the following general powers and functions:

1. Investigate, on its own or on complaint by any party, all forms of human rights violations committed within the Autonomous Region;
2. 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;
3. Provide appropriate legal and preventive measures for the protection of human rights of all persons within the Autonomous Region, as well as Autonomous Region constituents residing abroad;
4. Provide legal aid services to the underprivileged residents of the Autonomous Region whose human rights have been violated or need protection;
5. Exercise unhampered and unrestrained visitorial powers at any time over jails, prisons, detention facilities, located within the Autonomous Region, and it shall have unrestricted access to any detention facility inside military camps, police lock-up cells, jails, prisons, youth homes, and any detention, rehabilitation, confinement and other similar facilities pursuant to R.A. No. 9745, otherwise known as the "Anti-Torture Act of 2009";
6. Establish a continuing program of research, education and information to enhance respect for the primacy of human rights;
7. Recommend to the Regional Assembly and to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
8. Monitor the Philippine and ARMM Regional Governments' compliance with international treaty obligations on human rights;
9. 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;
10. Request the assistance of any department, bureau, office or agency within the Autonomous Region in the performance of its functions;
11. Deputize government prosecutors or private lawyers within the Autonomous Region, who shall be under the direct control and supervision of the Regional Commission, for the prosecution of human rights cases, including cases of torture and other cruel, inhuman and degrading treatment or punishment under R.A. 9745;

12. Accredite national non-government and peoples' organizations involved in human rights promotion, protection and advocacy, including for purposes of visiting persons arrested, detained or under custodial investigation;
13. Ensure that the status, rights and interests of women and children are upheld in accordance with the Constitution, laws and international instruments on human rights;
14. Create, establish, organize, restructure, compress and otherwise manage, such offices and centers the Regional Commission deems necessary, fit and appropriate for the effective fulfillment of its mandate, including a sub-regional office, provincial offices and centers for specific thematic matters;
15. Empowered to file Writ of Amparo and Mandamus;
16. Appoint its officers and employees in accordance with law; and
17. Perform such other powers, duties and functions as may be provided by law.

B. Investigation

Sec. 12. Investigative Powers and Functions. – The Regional Commission shall exercise primary and original jurisdiction to investigate, on complaint or motu proprio, cases of human rights violations within the Autonomous Region to include civil, political, economic, social and cultural rights. In the exercise of its investigative function, the Commission shall have the following powers:

1. Act promptly on complaints filed in any form or manner by any person, whether directly affected or not, and on a finding of human rights violation, recommend the filing of appropriate administrative, civil and/or criminal action. Any investigation being conducted by any other body shall not be a bar to the investigation of the Commission;
2. Compel the attendance of witnesses and the production of evidence, to place the witnesses under oath or affirmation, issue subpoenas and take testimony in any investigation or inquiry;
3. Issue orders and directives constituting preventive and legal measures, provided for under sections 14 and 15 respectively;
4. Provide protection and financial assistance to witnesses to ensure their attendance in investigations and production of evidence;

5. Delegate to its deputies, investigators or representatives, such authority or duty and shall ensure the effective exercise or performance of its investigative function;
6. Require the assistance of any officer or employee of any department, bureau or office, subdivision, agency or instrumentality of the Government, including government-owned or controlled corporations and local governments;
7. Deputize lawyers or legal aid groups, medical organizations, as well as government agencies and offices, to provide assistance in the exercise of its investigative functions;
8. Make the results and findings of its investigations available and accessible to the public; and
9. Cite and punish for direct or indirect contempt any person for violations of the Regional Commission's lawful orders. The Rules of Court shall apply suppletorily to the Rules of the Regional Commission.
10. Such other acts as may be deemed necessary by the Regional Commission in the course of the investigation.

Sec. 13. Imprescriptibility of Human Rights Violations. - The investigation of human rights violations shall not be subject to any statute of limitations or prescriptive period.

Sec. 14. Scope of Preventive Measures. – The preventive measures outlined under Article XIII, Sec. 18 (3) of the Constitution that may be issued by the CHR and the Regional Commission in the investigation of cases involving all forms of human rights violations shall include the following:

- a) Injunction orders directing any member of the government's military or police forces within the Autonomous Region, as well as public officials or employees, or any person acting under their control and supervision, to desist from hiding, transferring or torturing a detainee and to allow access to said detainee by the Regional Commission, his/her counsel, physician, and relatives;
- b) Orders directing the government official or employee, or any person in control of the premises of any government agency or office within the Autonomous Region, specifically police and military detention facilities, secret detention places, stations, installations, camps, bases, and training schools, as well as private land and property, to permit the inspection of said premises pursuant to the powers of the CHR under RA 9745;

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

d) Restraining orders restricting respondent and any unit/s or personnel under his/her supervision from entering the immediate vicinity of the affected area or residence and from searching the victim, his/her belongings, or his/her vehicle;

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

Sec. 15. Scope of Legal Measures. – The legal measures under Article XIII, Sec. 18 (3) of the Constitution that may be provided by the Regional Commission shall include the following:

1. Mandatory protection orders directing government security forces, other appropriate government agencies or private institutions within the Autonomous Region to provide specific protection to victims of human rights violations;
2. Orders to deputize government offices and private institutions within the Autonomous Region for the purpose of providing protection; and
3. Orders to deputize government and private lawyers as counsels de officio to ensure that the human rights of the victim are not further violated.

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

Sec. 17. Preventive Suspension. – With the exception of Members of Congress, those of the Judiciary, and impeachable officials, the Regional Commission may preventively suspend any officer or employee, after summary hearing/s, pending an investigation, if in its judgment: (a) the evidence of guilt is strong; (b) the charges would warrant removal from the service; and (c) the respondent's continued stay in office may prejudice the case filed against him/her.

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

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

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

The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documentary evidence in his favour through the compulsory process of subpoena or subpoena ducestecum.

Sec. 18. Ensuring Availability of Respondents. – No respondent shall be transferred or re-assigned to any other office during the pendency of the case against him/her before the Regional Commission. His/her superior shall be administratively charged for failure to comply and may be cited for direct contempt by the Commission.

However, he/she may be transferred or re-assigned for compelling reasons: Provided, That his/her immediate superior shall notify the Regional Commission of the order to transfer or re-assign, within twenty-four (24) hours from its approval; Provided, further, That his/her immediate superior shall be administratively charged and cited for contempt, should he/she fail to notify the Regional Commission of such order to transfer or re-assign.

Sec. 19. Referral to Disciplining Authority. – The Regional Commission may direct the disciplining authority to take appropriate action against a public officer or employee found guilty of committing violations of human rights and recommend his removal, suspension, demotion, censure, imposition of fine, or prosecution and to ensure compliance by requiring the officer concerned to report on his action within thirty (30) days from receipt of the recommendation of the Regional Commission. Failure to act or comply with said recommendation shall be actionable by mandamus.

For this purpose, every case on which the Regional 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. 20. Motu Proprio Dismissal. – The Regional Commission may dismiss, motu proprio, a complaint for the investigation of human rights violations on any of the following grounds:

1. The complaint pertains to a matter outside the jurisdiction of the Regional Commission;
2. The complaint is trivial, frivolous, vexatious or made in bad faith; or
3. Other valid grounds as may be provided by the Regional Commission.

C. Monitoring

Sec. 21. Monitoring Powers and Functions. - In the exercise of its mandate to monitor the Government's compliance with its international human rights treaty obligations, the Regional Commission shall have the following powers and functions:

1. Request any department, bureau or office, subdivision, agency or instrumentality of the Regional Government to submit timely international human rights treaty compliance reports and to furnish the Regional Commission copies thereof within thirty (30) days from submission to the United Nations and other international bodies;
2. Conduct inquiries on the manner of implementation by the Philippine Government and the Regional Government of specific human rights treaty obligations;
3. Summon any public official within the Autonomous Region to explain on the measures undertaken by his or her agency in order to comply with the State's International Treaty obligations on human rights;
4. Enter and inspect the premises of any government agency or office, specifically police and military stations, installations, camps, bases, and training schools within the Autonomous Region without need of prior permission;
5. Access any book, record, file, document or paper located in the above-mentioned offices and facilities;

6. Study and recommend to the national government international human rights treaties or instruments for its signature, ratification or accession;
7. Make timely and regular submission of independent reports to international human rights treaty bodies and other international human rights mechanisms in coordination with the National Commission on Human Rights;
8. Advise and assist the government on clearly-identified gaps in human rights treaty compliance;
9. Capacitate stakeholders within the Autonomous Region to enable participation in monitoring human rights treaty compliance by the government;
10. Delegate to its deputies, investigators or representatives, such authority or duty which shall ensure the effective exercise or performance of its monitoring functions;
11. Recommend and institutionalize best practices and incentives for human rights advocates and institutions; and
12. Such other acts as may be deemed necessary by the Regional Commission in the course of its monitoring.

Sec. 22. Other Monitoring Functions. – The Commission shall likewise monitor observance by non-state actors within the Autonomous Region of human rights obligations arising from agreements entered into with the government, as well as unilateral declarations and similar undertakings.

Sec. 23. Annual Report. - The Commission shall prepare and make public an annual report on the findings of its monitoring activities with regard to the state of the Regional Governments' compliance with the State's international human rights treaty obligations within the Autonomous Region. The report shall include, but not be limited, to the following:

1. Identification of systematic patterns of human rights violations using documented cases;
2. Analysis of the factors which contribute to the commission of human rights violations;
3. Assessment of the legal mechanisms of existing institutions in providing adequate human rights protection;

4. Recommendations for legal, legislative, and institutional reforms for the greater promotion and protection of human rights; and
5. Statistics and data indicating the nature of complaints received, the investigations conducted and findings made, and the actions taken by the government agencies concerned on the Regional Commission's recommendations.

D. Education and Advocacy

Sec. 24. Education and Advocacy in Government. – The Regional Commission shall undertake a program of human rights promotion and advocacy through education and training to enhance respect for the primacy of human rights in coordination with the different agencies of the government. It shall likewise administer a mandatory and continuing human rights education program for the military, police and other law enforcement agencies, as well as public school teachers, within the Autonomous Region, and shall, for this purpose, draw up the components of the program, accredit course and training providers, and issue certificates of completion to those who have successfully completed the program.

Sec. 25. Education and Advocacy in Civil Society in the Autonomous Region. – The Regional Commission shall also undertake a human rights education, advocacy, and information campaign programs among sectors of civil society within the Autonomous Region, particularly the vulnerable, marginalized and underprivileged groups. In conducting this program, the Commission shall actively cooperate and coordinate with human rights non-government organizations, lawyers' groups, the academe and people's organizations of the concerned sectors of civil society within the Autonomous Region.

Sec. 26. Research. – The Regional Commission shall undertake a continuing research and study on select human rights issues within the Autonomous Region for purposes of recommending policy reforms, as well as administrative and legislative measures that will also address economic, social and cultural rights.

Sec. 27. Coverage of Programs. – The Regional Commission shall prescribe the scope and coverage of education, advocacy, information and training programs on human rights, and which will be provided for in the implementing rules and regulations of this Act.

E. Other Powers and Functions

Sec. 28. Witness Protection Program. – In the conduct of its investigations, the Regional Commission shall coordinate with the Department of Justice and national CHR in the provision of witness protection program to victims of human rights violations and their witnesses,

including the provision of security, shelter, relocation and livelihood assistance to witnesses and their families.

Sec. 29. Financial Assistance Program. – The Regional Commission shall enhance its financial assistance program to victims of human rights violations and their families.

The additional funding for the Financial Assistance Programs shall be allocated for such purposes and shall be included thereafter in the annual regular appropriations for the Regional Commission and the ARMM Regional Government, and the same shall be automatically and regularly released.

Sec. 30. Legal Assistance Program. – The Regional Commission shall implement a legal assistance program to benefit victims of human rights violations consisting of the provision of legal services in coordination with human rights organizations and lawyers' groups, the Integrated Bar of the Philippines and Philippine law schools with legal aid programs, within the Autonomous Region.

Upon its discretion, the Regional Commission may also provide allowances and incentives to private lawyers or lawyers' groups who would render their professional services on behalf of the Regional Commission in any court proceeding involving the litigation of human rights cases.

Sec. 31. Protection of ARMM OFWs and Migrants. – The Regional Commission shall undertake measures for the protection and promotion of human rights of ARMM Overseas Filipino Workers and migrants. It may assign organic personnel to act as Human Rights Attaches in Philippine Embassies or consulates or deputize Philippine Embassy or Consulate officers, resident private individuals of known probity and active involvement in human rights work, or foreign-based human rights and migrant workers' non-government organizations in countries where the incidence of human rights violations of ARMM OFWs and migrants is widespread and commonplace, including traditional host countries of OFWs.

The assigned personnel acting as Human Rights Attache or deputized individuals of the Regional Commission shall monitor the status of human rights of ARMM OFWs and migrants living abroad and establish networks among Filipinos for purposes of monitoring and reporting cases of human rights violations, as well as for providing counseling and financial assistance to victims. They shall immediately notify the concerned Embassy officials of incidents of human right violations of ARMM OFWs and migrants and provide immediate assistance to victims.

Sec. 32. Creation of Ad Hoc Truth Commissions. - The Regional Commission may recommend to the Regional Governor the creation of Ad Hoc Truth Commissions on matters of transcendental importance, such as widespread and systematic human rights violations occurring over prolonged periods of time, or under extraordinarily-repressive conditions, or attended by a

culture of impunity that is instigated, inspired or orchestrated by public officials, in conspiracy with government security forces or State-sponsored armed groups within the Autonomous Region.

Sec. 33. Issuance of Certifications. – In addition to the usual requirements for promotion or appointment of the members of the military, police and other law enforcement agencies, no promotion shall be considered and approved by any appointing authority within the Autonomous Region or the Commission on Appointments if there is no certification from the Regional Commission that the applicant has no pending case before it. However, if the applicant has a pending case, the Regional Commission shall clearly indicate in its certification the nature and status of the case/s filed and make the appropriate recommendations to the appointing authority within the Autonomous Region, which the latter should seriously consider before making any promotion or appointment.

The Regional Commission shall also make its own recommendations to the Commission on Appointments or any appointing authority within the Autonomous Region prior to the confirmation of other officials other than those mentioned in the preceding paragraph, who are being considered for promotion or appointment.

This provision shall also apply to other government officers within the Autonomous Region with salary grade (27) or its equivalent and higher.

It may also issue certifications for purposes of trainings, local or foreign study grants and education purposes, upon proper request made by the applicant. In the same manner, no trainings, local or foreign study grants shall be awarded to an applicant if there is no certification from the Regional Commission that he/she has no pending case before it.

Sec. 34. Appeals; Prohibition against Injunction. - Orders, decisions or findings of the Regional Commission, including determination of probable cause, shall be appealed to the Court of Appeals on both questions of fact and law, or on certiorari to the Supreme Court on pure questions of law. No writ of injunction against the Regional Commission in the performance of its functions shall be issued other than those emanating from the Court of Appeals or the Supreme Court.

Sec. 35. Immunity from Harassment Suits; Dismissal.– The Chairperson, Members, officers and employees of the Regional Commission shall enjoy immunity from suit, whether administrative, civil or criminal liability, in the regular performance of their functions. Personal legal actions brought against them shall be dismissed where it appears that the same was filed for acts committed in the regular performance of their assigned functions.

TITLE III. ORGANIZATION AND STRUCTURE

Sec. 36. Regional Commission as a Collegial Body – The Regional Commission composed of the Chairperson and two (2) Members, as a collegial body, is responsible for the promulgation of policies, decisions, orders and resolutions necessary for the efficient administration of the Regional Commission and for proper execution of its constitutional mandate.

In the exercise of its powers and functions, the Regional Commission shall sit and render its decision en banc. Every such decision, order or resolution of the Regional Commission must bear the concurrence and signature of at least two (2) Members thereof.

The Commission shall meet regularly. A majority of the Members, at least two (2) Members, constitutes a quorum needed in any en banc meeting of the Commission.

Sec. 37. Structural Organization. - The Regional Commission shall have the following line offices and operating units:

1. Office of the Chairperson;
2. Offices of the Commissioners;
3. Office of the Executive Director;
4. Office of the Commission Secretary;
5. Planning and Management Office;
6. Financial Management and General Administrative Office;
7. Legal Office;
8. Investigation Office;
9. Assistance and Visitorial Office;
10. Linkages and Instruments Monitoring Office;
11. Education, Advocacy, Communications and Research Office;

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

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

Sec. 38. Structural Organization. – The authority and responsibility for the exercise of the mandate of the Regional Human Rights Commission and for the discharge of its powers and functions shall be vested in the Regional Commission en banc which shall have supervision and control of the said institution.

1. The Regional Commission en banc may organize such directorates and offices for administration and allied services as may be necessary for the effective discharge of its functions and fulfillment of its mandate.
2. The Commission en banc may organize such offices and centers as may be necessary for the necessary discharge of its functions and fulfillment of its mandate, including provincial field offices and centers for specific thematic matters.
3. The position structure and staffing pattern of the Regional Commission on Human Rights shall be approved and prescribed by the members of the Regional Commission as a body. The Chairperson shall appoint the staff and employees of the Regional Commission, and its field offices as the needs of the service may require, subject to the Civil Service Law, rules and regulations, and upgrade their current salaries, benefits and other emoluments in accordance with law.
4. The different offices of the Regional Commission shall operate in accordance with their respective duties and functions assigned them by the Regional Commission subject to requirements of efficiency, economy and effectiveness, and pertinent budget and civil service laws, rules and regulations.

Sec. 39. Operational Guidelines. - The Regional Commission shall formulate its operational guidelines which shall include, but not be limited to, the Executive Director, the Commission Secretary and the heads of the line offices, the implementation and management of its Witness Protection, Financial Assistance and Legal Aid Programs, and such other matters as may be necessary for the implementation of this Act.

Sec. 40. Relationship with the National Commission on Human Rights - The Regional Commission shall enter into an agreement with the National Commission on Human Rights for the purpose of establishing an associative relationship. Pursuant to this relationship:

- a. The Regional Commission shall act as the primary and preeminent source of information and advice for the National Commission on the situation of human rights in the Autonomous Region thereby enabling the National Commission to take this more fully into account when preparing and executing its policies, programs, services and activities in the Autonomous Region.
- b. The Regional Commission shall contribute effectively to the implementation of the National Commission's policies, programs, services and activities in the Autonomous Region.

- c. The National Commission shall accord the Regional Commission an integral role in the formulation, implementation and evaluation of the National Commission's policies, programs, services and activities, and shall create an appropriate structure in order to ensure close liaison and joint implementation of activities between its various offices and the Regional Commission and its offices.
- d. The National Commission shall foster the development of Regional Commission by providing it, to the utmost of its ability, with the facilities needed for the discharge of their functions, such as but not limited to:
 - i. Advice and the services of consultants or members of its staff;
 - ii. Capacity-building of the officials and staff of the Regional Commission;
 - iii. Information concerning all missions of visiting National Commission officials, staff and consultants and of any other National Commission activity planned in the Autonomous Region; and
 - iv. Technical and other forms of support towards the translation, adaptation and dissemination of all information, education and communication materials of the National Commission.
- e. The National Commission shall facilitate the effective participation, contribution and representation of the Regional Commission in the work of the International Coordinating Committee of National Human Rights Institutions, otherwise known as the ICC, the Office of the United Nations High Commissioner for Human Rights and other UN organs, bodies and agencies, with respect to matters concerning the Autonomous Region, by extending to the Regional Commission all the rights, privileges, duties and responsibilities of a National Human Rights Institution under the Paris Principles and the ICC Statutes, within the framework of the associative relationship agreement authorized by this Act.
- f. The Regional Commission may further develop its associative relationship with the National Commission by entering into agreements with it, wherever necessary, for the execution of mutually beneficial initiatives.
- g. In the exercise of its powers, functions and duties, the Regional Commission shall act independently from the National Commission, except in respect of areas covered by the associative relationship agreement.

Sec. 41. Financial Report. – The Regional Commission shall make available to the public its annual financial statements, including but not limited to, expenditures and sources of funds.

Sec. 42. Appropriations. - Such sums as may be necessary for the full operationalization of this Act shall be included in the annual General Appropriations Act sourced out from the National Government.

Sec. 43. Transitory Provision. - Nothing in this Act shall prejudice the positions, emoluments, security of tenure, and privileges of the incumbent officers and employees of the Commission on Human Rights ARMM Regional Office upon its effectivity.

Sec. 44. Implementing Rules and Regulations. – The Commission shall, within sixty (60) days from the approval of this Act, formulate the implementing rules and regulations in the exercise of its general, investigative, prosecutorial, monitoring, education and advocacy powers and functions in consultation with other concerned agencies of the Government.

Sec. 45. Separability Clause. - If any provision of this Act shall be held unconstitutional, other provisions not affected thereby shall remain valid and binding.

Sec. 46. Repealing Clause. - All laws, republic acts, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act are hereby repealed or amended, as the case may be.

Sec. 47. Effectivity Clause. - This Act shall take effect fifteen (15) days upon its publication in a newspaper of general circulation within the Autonomous Region.

Approved, June 26, 2012.

(SGD) RASOL Y. MITMUG, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on June 26, 2012.

(SGD) DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

(SGD) MUJIV S. HATAMAN
Regional Governor
Date: _____