

[ **KNKP RESOLUTION CHR (III) NO. A2005-131, September 20, 2005** ]

**ADOPTING THE CHR RULES OF PROCEDURES ON THE CONTEMPT POWER OF THE COMMISSION ON HUMAN RIGHTS**

WHEREAS, pursuant to Section 18 (1), Article XIII of the 1987 Constitution of the Philippines, the Commission on Human Rights (CHR) has the powers and functions to, among others, "(1) *Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights,*" (2) *Adopt its operational guidelines and rules of procedure, and cite for contempt for violation thereof in accordance with the Rules of Court;* xxx (4) Exercise visitatorial powers over jails, prisons, or detention facilities; xxx (7) Monitor the Philippine Government's compliance with international treaty obligations on human rights;"

WHEREAS, the implementing laws of the above cited-constitutional provisions are Executive Order 163, s. 1987, wherein Section 3 (2) thereof provides that the Commission has the authority to "*Adopt its operational guidelines and rules of procedures, and cite for contempt for violations thereof in accordance with the Rules of Court;* and Executive Order No. 292, otherwise known as the Administrative Code of 1987, wherein Section 2(2), Title II, Subtitle A of Book V likewise specifically provides that the Commission has the power "*to adopt its operational guidelines and rules of procedures, and cite for contempt violations thereof in accordance with the Rules of Court*";

WHEREAS, pursuant to the above constitutional provision, the Commission adopted Resolution No. A-89-109A dated 19 July 1989, promulgating its Revised Rules in the Conduct of Investigation/Hearing of Complaints for Violation of Human Rights;

WHEREAS, to strengthen the foregoing revised rules, the Commission issued Resolution No. A93-047 dated 11 August 1993, providing guidelines in pursuing complaints for human rights violations;

WHEREAS, to give teeth to its human rights investigation, visitatorial and monitoring powers, there is need to promulgate the corresponding rules of procedures relative to the enforcement of the contempt power of the Commission against anyone who commits contumacious acts as defined in the herein rules on contempt of the Commission.

WHEREFORE, the Commission resolved, as it hereby resolves, to adopt and promulgate the following rules of procedures governing its contempt power, to wit:

**RULES ON CONTEMPT**

**A. DIRECT CONTEMPT**

*SECTION 1. Acts Punished As Direct Contempt* - Any person who misbehaves in the presence of or so near the Commission or any of its members, as to obstruct, interrupt, frustrate or impede the proceedings before the same, including disrespect thereof or resort to the use of insulting language or derogatory remarks in the pleadings, memoranda and/or position papers, offensive personalities towards others, or refusal to be sworn or to answer as a witness, or to subscribe and affirm under oath an affidavit or deposition when lawfully required to do so, may be summarily adjudged in direct contempt of the Commission.

*SECTION 2. Penalty* - A person adjudged in direct contempt of the Commission may be publicly reprimanded or censured and/or punished by a fine not exceeding Five Thousand Pesos (P5,000.00).

*SECTION 3. Remedy of Person Adjudged in Direct Contempt* - A person adjudged in direct contempt of the Commission may not appeal said judgment or order, but may avail himself/herself of the remedies of certiorari or prohibition pursuant to Section 2 of Rule 71 of the Rules of Court.

**B. INDIRECT CONTEMPT**

*SECTION 4. Acts Punished as Indirect Contempt* - Any person who commits any of the following acts may be cited for indirect contempt:

- a. Disobedience or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena or command of the Commission;
- b. Any abuse of or any unlawful interference with the processes or proceedings of the Commission not constituting direct contempt as previously described in these Rules;
- c. Any improper conduct tending, directly or indirectly, to impede, obstruct, delay, hamper or degrade the implementation of any lawful writ, process, order, decision, resolution, ruling or command of the Commission not constituting direct contempt as set forth in this Rules;
- d. Deliberate failure to obey a subpoena or subpoena duces tecum or subpoena duces tecum ad testificandum duly served without valid justification therefore.

*SECTION 5. Complaint* - No person shall be cited for indirect contempt without a formal complaint filed by an aggrieved party or by the Commission motu proprio by issuing an order or any other formal charge requiring the respondent to answer within ten (10) days from receipt of such order or summons and to show cause why he/she should not be punished for contempt. The Commission en banc shall calendar for hearing the contempt proceedings within fifteen (15) days from the expiration of the ten (10) days show cause period given to respondent.

*SECTION 6. Authority of the Commission to Investigate and Monitor Human Rights Incidents and Situations* - CHR Special Investigator/s or special fact-finding or investigative monitoring team on mission to conduct investigation or fact-finding of human rights violations/incidents, or to pursue investigative monitoring of economic, social and cultural rights situations shall bring with him/her/them an official document addressed to the concerned party clearly showing the Commission's authority to investigate