

**[ KNKP RESOLUTION CHR (III) NO. A2005-153, November 16, 2005 ]**

**ADOPTING THE CHR CLEARANCE SYSTEM**

WHEREAS, pursuant to Article XIII, Sec. 18(2) of the 1987 Constitution of the Philippines, the Commission on Human Rights (CHR) has the power to "Adopt its operational guidelines and rules of procedure xxx";

WHEREAS, there is an arrangement between the CHR and the Armed Forces of the Philippines (AFP) requiring the officers and personnel in uniform to submit themselves to the clearing process for no pending case of human rights violations before the Commission on Human Rights;

WHEREAS, further to the aforesaid arrangement, the April 4, 1991 Memorandum to the Chief of Staff, issued by the Office of the President thru then Presidential Assistant for Military Affairs Carlito Cunanan (Rear Admiral, AFP ret.) requires that for purposes of promotion of AFP officers, the recommendees should have no pending case/s for human rights violations with the CHR;

WHEREAS, Section 2 of Presidential Memorandum Order No. 259, dated 7 February 1995, mandates that *"Successful completion of the appropriate human rights education and training courses shall be required for recruitment, promotion and transfer/reassignment of personnel in these departments, with priority given to personnel directly involved in arresting, investigating and detaining functions."*

WHEREAS, it has been observed that officers/employees of other government agencies, who, for purposes of transfer of employment, promotion or confirmation of appointment, or in line with their official functions, are to attend conferences or undergo training, schooling or scholarship, local or abroad, are also required by their respective agency or by the Commission on Appointment, or by the local or foreign institution where they intend to undergo training or further education, or by the Embassy of the country to where they are travelling, to secure CHR clearance or certification of no pending case / complaint for human rights violations before the Commission on Human Rights.

WHEREAS, it has also been observed that private persons and other professionals from the private sector who are applying for employment or who are to undergo training or further studies, local or abroad, are likewise required to secure CHR Clearance or Certification by the prospective employer or by the training or educational institution, or by the Embassy of the country where they intend to travel;

WHEREAS, the processing of CHR clearance entails expenses on the part of the Commission in terms of supplies and communication;

WHEREAS, further review of the current procedures and practices in the processing and issuance of CHR clearance or certification show the need to adopt a CHR Clearance System to primarily install a sequentially methodical and cohesive system in expediting CHR clearance and certification to members of the Armed Forces of the Philippines, the Philippine National Police, and other uniformed men and women involved in law enforcement to include those from the National Bureau of Investigation, Philippine Center for Transnational Crimes, Bureau of Corrections/Correctional Institutes, Bureau of Jail Management and Penology, the Philippine Coast Guards; and officers and employees of other government agencies, local or national, as well as to private persons and other professionals from the private sector;

WHEREAS, integral to the reform agenda being adopted by the Third Commission is that its clearance system and the implementation of the above-cited arrangement with the AFP, the April 4, 1991 Memorandum of the then Presidential Assistant for Military Affairs, Office of the President, and the provision of Memorandum Order No. 259 must find justification in evolving standards and essential safeguards to ensure implementation of a thorough and reliable procedures;

WHEREAS, the safeguards and procedures should be in keeping with the integrity of the Commission clearance or certification to be issued and to ensure ample protection to the applicant therefor;

NOW, THEREFORE, the Commission on Human Rights sitting En Banc, in the exercise of its authority embodied in Sec. 18 (2), Article XIII of the Constitution to adopt its operational guidelines and rules of procedures resolved, as it hereby resolves, to adopt the foregoing CHR Clearance System:

1. The Commission shall issue the required CHR Clearance or Certification to applicants from the military sector, police sector, the Philippine Coast Guard, and other law enforcement officers and personnel, to include those from the National Bureau of Investigation, the Philippine Center for Transnational Crimes, the Bureau of Corrections, the Bureau of Jail Management and Penology, the Bureau of Fire Protection; as well as to applicants from other government agencies, local or national. The Commission shall also issue CHR Clearance or Certification to applicants from the private sector or to other professionals from the private sector for purposes of local or foreign employment, scholarship, training/schooling.

2. Applicants for CHR clearance or certification shall fully accomplish, under oath, the official application form for CHR clearance/certification; and shall attached thereto the required records of employment service in the government.

In particular, the applicant shall indicate his/her full name (surname, given/first name, middle name). For married female applicant, she shall also indicate her maiden middle name and surname. The applicant shall also indicate his/her residential address as well as office or business address.

In case the applicant is from the military sector, he/she shall likewise state his/her serial number; current rank and official station or place of assignment; previous posts held and place of assignments; and records of appropriate human rights training or seminar completed. Except for the AFP serial number, the same requirements apply to applicants from the police sector and other law enforcement agencies, including those from the National Bureau of Investigation, the Bureau of Corrections, and the Bureau of Jail Management and Penology, the Bureau of Fire Protection, and the Philippine Coast Guard, who are likewise required to indicate in their Application for CHR Clearance their badge number or office identification number.