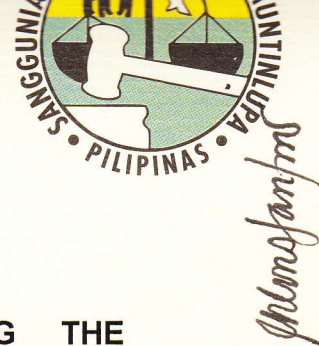




PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Sangguniang Panglungsod

ORDINANCE NO. 14-048

AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE CITY OF MUNTINLUPA, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER (BHRAO) AND PROVIDING FUNDS FOR THE PURPOSE.

Authored by: Hon. Atty. Raul R. Corro

Co-Sponsored: Hon. Coun. Atty. Patricio L. Boncayao, Jr.

Hon. Coun. Bal Niefes

Hon. Coun. Stephanie G. Teves

Hon. Coun. Louisito A. Arciaga

Hon. Coun. Ringo A. Teves

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Hon. Coun. Alexander B. Diaz

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Hon. Coun. Elmer S. Espeleta

Hon. Coun. Rafael T. Sevilla

Hon. Coun. Vergel C. Ulanday

Hon. Coun. Robert A. Abas

Hon. Coun. Robert P. Baes

Hon. Coun. Celso C. Dioko

WHEREAS, Article II, Section II, of the 1989 Philippine Constitution declares that, ***"the State values the dignity of every human person and guarantees full respect for human rights"***;

WHEREAS, Article XIII, Section I, of the Charter ***mandates Congress to give highest priority to the enactment of measures to protect and enhance the rights of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good;***

WHEREAS, Sections 17 and 18, Article XIII, of the fundamental law ***created an independent office called the Commission on Human Rights with the power, among others: 1) to investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights; 2) Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the under-privileged whose human rights have been violated or need protection; and 3) establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;***



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WHEREAS, the **Commission on Human Rights (CHR for brevity)** pursuant to its constitutional mandate of enhancing respect for human rights, has conceptualized a program empowering the people in the grassroots level in promoting and protecting human rights, and bringing its services closer to the people;

WHEREAS, the **Barangay Human Rights Action Center (BHRAC) Program** was institutionalized through the issuance of CHR Memorandum Circular No. 94-194, dated October 27, 1994, enjoining all government units throughout the country to pass and adopt a resolution establishing the BHRAC; Support was also solicited from various leagues of the Local Government Units (LGU) through a Memorandum of Agreement (MOA) in December 1996; Consequently, a series of MOAs followed, and the last of which was that agreed between and among the CHR and the various leagues last December 10, 2001;

WHEREAS, The CHR, THE DILG, the League of Provinces, the League of Cities, the League of Municipalities and the Liga ng mga Barangay have entered into a Memorandum of Agreement for the establishment and operationalization of the Barangay Human Rights Action Center as functional mechanism to safeguard and deter violation of human rights;

WHEREAS, **Memorandum Circular No. 2006-45** dated **May 11, 2006** of the **Department of Local Government (DILG)** enjoined all Provincial Governors, City/Municipal Mayors, Punong Barangays to help in the revitalization and strengthening of the BHRAC Program, and anent thereto, assumed the following responsibilities:

1. *Issuance of circular/directive enjoining the barangay to implement the creation the BHRAC and selecting the Barangay Human Rights Action Officer (BHRAO) in accordance with the duly adopted set of standard provided in the BHRAC Handbook;*
2. *Give priority to BHRAC Program, and review human rights plan of action of respective LGU unit/level for inclusion in the annual budget appropriation;*
3. *Appropriate funds for the BHRAC operationalization and BHRAOs support mechanism and incentive;*
4. *Sponsor the BHRAC human rights activities and reproduce information and education materials;*
5. *Document human rights situation/condition in each respective LGU levels;*



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6. *Maintain a directory of services and programs for each LGU level;*
7. *Assist the CHR in monitoring and consolidating reports submitted by the BHRAOs;*
8. *Participate in all BHRAC programs and maintain regular coordination with CHR and DILG;*
9. *Adopt measures for the promotion and protection of human rights at all levels;*

WHEREAS, human rights violations, especially violence against women and children which continue to be committed with impunity, must be given highest priority in the protection and promotion of human rights in the City of Muntinlupa;

WHEREAS, the City of Muntinlupa should lead the way and serve as a model in the promotion and protection of the dignity of human person and the full respect for human rights;

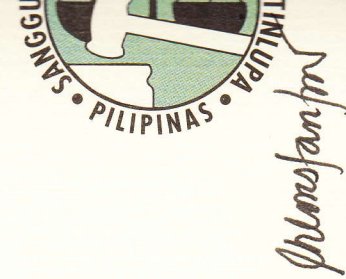
NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED, by the 7th Sangguniang Panglungsod in session assembled that:

SECTION 1. Title – this ordinance shall be known as the “**Barangay Human Rights Action Center Ordinance of 2014**”.

SECTION 2. Coverage – This ordinance shall cover all Barangays in the City of Muntinlupa.

SECTION 3. Definition of important Terms and Phrases – Whenever used in this Ordinance, the following terms shall mean:

- a) **BHRAC** – stands for Barangay Human Rights Action Center and refers to the program of the Commission on Human Rights (CHR) for the nationwide mobilization for human rights protection and advocacy at the barangay level.
- b) **BHRAO** – stands for Barangay Human Rights Action officer and refers to the person selected and trained to provide and implement the BHRAC programs.
- c) **Commission on Human Rights** – the independent body created by the 1987 Constitution whose principal mandate is to investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights.



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- d) **Complaints Referral** – refers to the primary task of the BHRAO to receive and monitor complaints of alleged human rights violations and their referral to the nearest CHR regional or sub-office for investigation.
- e) **Human Rights Violations** - refers to all forms of violations involving civil and political rights.
- f) **Civil Society** – the aggregate of the non-governmental organizations and institutions that manifest the interests of citizens or individuals and organizations in a society which are independent of the government.
- g) **Human Rights Education Center** – refers to the Commission on Human Rights Education Center that conducts seminars, trainings, symposia and similar activities for all sectors and disseminates information/ materials which reach out to the grassroots level, Likewise, it conducts continuing research activities for the promotion and enhancement of human rights in the country.

SECTION 4. The Barangay Human Rights Action Center –

Immediately upon the effectivity of this Ordinance, there shall be created in each baarangay in the City of Muntinlupa the Barangay Human Rights Action Center (BHRAC).

SECTION 5. Appointment and Qualifications of BHRAO – the BHRAC

shall be headed by the Barangay Secretary who, in addition to his/her duties and responsibilities, shall act as Barangay Human Rights Action Officer (BHRAO) and who shall be appointed by the Barangay Chairman upon prior concurrence by the majority of the members of the Sangguniang Barangay in a resolution passed for the purpose, unless the Barangay Chairman with the concurrence of the Sangguniang Barangay shall appoint a full-time **BHRAO**.

A. No person may be appointed as BHRAO unless he/she is a resident of the Barangay for at least five (5) years, not less than twenty one (21) years old, at least a high school graduate and must be a person of probity and integrity and once appointed must not engage in partisan political activity and committed to the cause of human rights and willing to undergo BHRAO training. The annual salary or allowance of the BHRAO and his/her staff shall be determined by the Sangguniang Barangay in an ordinance enacted for the purpose.

B. The BHRAO herein appointed and trained shall receive proper deputation certificate and identification card from the Commission on Human Rights (CHR).



C. The BHRAO may be removed from office upon a written complaint, for cause and upon due process, on the grounds of commission of violation of human rights, loss of confidence, and for non-performance of his/her duties and responsibilities, by the Barangay Chairman, upon the approval of the majority of the members of the Sangguniang Barangay present in a session duly called for the purpose.

D. In case of temporary vacancy, the Barangay Chairman shall assign any qualified Barangay Official or employee who shall assume the role of BHRAO. In case of permanent vacancy due to refusal to assume office, failure to qualify, death, removal from office, voluntary resignation or permanent incapacity to discharge the functions of office, the successor shall be chosen in accordance with the regular procedures on hiring.

E. The BHRAO shall hold office in the Barangay Hall.

F. The BHRAO or the Barangay Secretary or anyone assigned by the Barangay Chairman shall undergo specialized training on human rights and the operation of BHRAC.

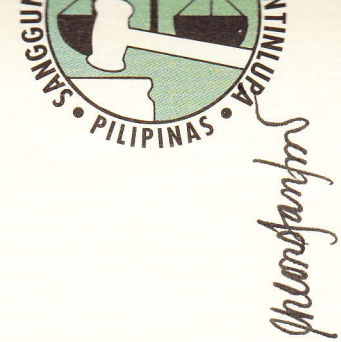
SECTION 6. Duties and Responsibilities of Barangay Human Rights Action Officer (BHRAO).

A. As training and information officer:

1. Installing and maintaining Barangay bulletins and other information and updates on human rights matters.
2. Distribution of training and information materials and information releases.
3. Education of communities thru seminars on human rights to make them human rights advocates and defenders;

B. As coordination and referral officer:

- 1) Maintaining barangay directories of services/programs.
- 2) Receiving giving feedbacks on referral actions;
- 3) Implementation/coordination of services at barangay level.



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C. As Human Rights Complaints Officer:

- 1) *Receiving and monitoring of complaints of human rights violations.*
- 2) *Assisting complainants in securing legal services and financial assistance from the CHR.*

The **BHRAC** through the **BHRAO** shall also organize and mobilize an advisory group within the barangay composed of representatives from the church, school, barangay – based sectoral organizations, barangay based Private Organizations and Non-Government Organizations, and local media.

SECTION 7. Guidelines and Procedures - The following guidelines and procedures shall be observed in the filing of a human rights complaint with the BHRAO:

- A. *Any person can go to the BHRAO to file the complaint.*
- B. *The BHRAO interviews the complainant to determine whether the subject of the complaint is a human rights violation or a common crime.*
- C. *If the complaint is not a human rights violation, hence, does not fall under CHR's jurisdiction, the BHRAO forwards it to Lupon ng Tagapamayapa or the Police, as the case may be; if it does, BHRAO shall assist the complainant to accomplish the prescribed forms and shall request him/her to submit evidence/supporting documents.*
- D. *The BHRAO accompanies the victim to the City Attorney or City Legal Officer or Public Attorney's Office for preparation and execution of affidavit.*
- E. *The BHRAO shall, transmit the complaint together with other document(s) to the CHR Regional Field Office or sub office whichever is nearer.*

SECTION 8. Barangay Human Rights Action Committee – A committee is hereby created to be known as Barangay Human Rights Action Committee to be headed by the Barangay Chairman as Committee Chairman; the Barangay Kagawad who is the Chairman of the Committee on Peace and Order or Committee on Justice and Human Rights and one representative each from the Church, Education and People's Organization as members. The Committee has the **power to review** the **recommendation** of the Barangay Human Rights Action Officer (BHRAO) in the filing of the complaint for human rights violation before the Commission on Human Rights.

SECTION 9. Stakeholders and the Oversight Committee – The BHRACs shall have the following stakeholders and partners:

- a) *The Commission on Human Rights (CHR),*
- b) *The Department of Interior and Local Government (DILG),*
- c) *The Office of the Mayor,*
- d) *The Chairman of the Committee on Justice and Human Rights of the City Council;*
- e) *The Liga ng mga Barangay (LIGA);*
- f) *Representatives from the Police and People's Organizations (Pos) and Non-Government Organizations (NGOs) operating in the City and they shall compose the Oversight Committee of the BHRACs.*
- g) *The Oversight Committee shall be chaired by the Office of City Mayor.*

The Oversight Committee shall ensure consistency in the work to be performed by the BHRACs and the BHRAOs, with the Commission on Human Rights (CHR) providing the Secretariat and the technical Support. The Oversight Committee shall among others formulate and draft the Barangay Human Rights Action Plan and Barangay Human Rights Education Program with the end in view of mainstreaming human rights in the works of the barangay.

In particular, the CHR shall extend technical assistance and assists the BHRACs in the conduct of orientation, seminar and capacity building programs, and provide a prototype human rights education materials for the purpose. It shall also cause and facilitate the investigation of all human rights violations referred to it by the BHRACs. It shall assist in the monitoring BHRAC program and recommend policies to the Oversight Committee for the furtherance of the institutionalization of the BHRACs and the BHRAOs.

The DILG of the City shall assist the CHR in giving the technical assistance to BHRACs and BHRAOs in mobilizing BHRAC activities.

SECTION 10. Barangay Allocation - All Sangguniang Barangays in the City of Muntinlupa shall give priority to the creation and operationalization of the BHRACs as herein contemplated. For this purpose, they shall conduct regular review of their human rights plan of action for inclusion in the annual budget appropriation of each barangay.



All Barangays in the City shall allocate from their annual barangay budget a sufficient amount to be determined by the Barangay Chairman and by the Sangguniang Barangay for the exclusive use and operation of the BHRACs, including reasonable salaries or allowances for the Barangay Human Rights Action Officers (BHRAOs), subject to the required accounting and auditing procedures.

SECTION 11. Separability Clause – If for any reason or reasons any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 12. Effectivity Clause – This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation or its posting in conspicuous places in both the city halls and barangay halls in all barangays of the city.

ENACTED, by the 7th **Sangguniang Panglungsod of Muntinlupa** this 24th day of **March, 2014** on its 32nd **Regular Session**.

CONCURRED:

DISTRICT I:

COUN. ATTY. RAUL R. CORRO

Member

COUN. ATTY. PATRICIO L. BONCAYAO, JR.

Member

COUN. BAL NIEFES

Member

COUN. STEPHANIE G. TEVES

Member

COUN. LOUISITO A. ARCIAGA

Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD

Member

YAN ANG TAMA YAN ANG MUNTINLUPA!



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COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Member

DISTRICT II:

COUN. MA. DHESIREE G. AREVALO
Member

COUN. LUVI P. CONSTANTINO
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

COUN. ELMER S. ESPELETA
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VERGEL C. ULANDAY
Member

COUN. ROBERT A. ABAS
Member

COUN. ROBERT P. BAES
Member

COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing **ORDINANCE**.

LEONORA M. MARCELO
Local Legislative Officer IV

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: APR 24 2014

Norie/7th SP