NATIONAL ADMINISTRATIVE REGISTER · NOVEMBER 16, 2005

IMPLEMENTING GUIDELINES ON THE CHR CLEARANCE SYSTEM LEGAL BASES: ARTICLE XIII, SECTION 18(2), 1987 CONSTITUTION EXECUTIVE ORDER NO. 163, S. 1987 COMMISSION EN BANC RESOLUTION CH...

KNKP, November 16, 2005

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I. Objectives

- To safeguard the credibility and maintenance of a CHR clearance system and activity flow by way of sequential, methodical and cohesive processing, verification, and recording of clearance and certifications issued to applicants of the CHR clearance;

- To facilitate a more efficient speedy and timely process in the issuance of the CHR clearance / certification;

- To ensure efficient database of CHR clearance/certification issued, to include effective case data retrieval for purposes of updating clearance records; and

- To avoid and/or eliminate poor practices by identifying the responsible CHR officers/personnel in the processing of CHR clearance/certification.

II. Where to file Application for CHR Clearance/Certification

Application for CHR Clearance regarding no pending complaint / case for human rights violation/s, or Certification to that effect, may be filed with any of the following CHR offices:

(a) CHR Regional Office concerned which has territorial jurisdiction / responsibility over the area of place where the applicant is currently officially stationed or on official assignment; or

(b) General Records and Archives Division, Office of the Commission Secretary, CHR Central Office.

III. Requirements for the Issuance of CHR Clearance/Certification

(a) CHR Application for Clearance/Certification Form. _ The Applicant shall personally accomplish the CHR Application Form and fully answer all data / information asked, and indicating therein, among others, his/her full official name (surname, given/first name, middle name. In the case of female applicant, she shall also indicate her maiden middle name and surname. The applicant shall state his residential and office/business address; and the purpose for securing CHR clearance or certification. If the applicant is from the military sector or police sector, he/she shall also indicate his/her AFP Serial Number or PNP Badge Number, as the case may be; his/her present rank or position and branch of service; current work assignment and station; previous post held and place/s of assignment/s. In case the applicant is a member of other law enforcement agencies, i.e., the Philippine Coast Guard, the National Bureau of Investigation, the Philippine Center for Transnational Crimes, Bureau of Corrections / Correctional Institutes, Bureau of Jail Management and Penology; or is an officer or employee of other government agency, local or national, he/she shall also indicate his/her Office Identification Number and/or Plantilla Position Item Number. If the applicant is a private citizen or professional from the private sector, he / she

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shall, also indicate in the application form his/her social security identification number and/or company identification and/or professional license number. The applicant shall also indicate in his/her application form data on human rights education training courses or seminars completed/attended, whether under the sponsorship of the Commission on Human Rights and/or other institution or non-government organizations, local/international.

(b) Two (2) Passport size I.D. picture _ it shall be the responsibility of the applicant to submit to the Records Officer concerned two (2) passport size pictures taken within six (6) months immediately preceding the filing of his/her application, one to be attached to his/her CHR Clearance record and the other to be attached in the Clearance or Certification to be issued to him/her by the Commission. No computer scanned or xerox copy of applicant's picture shall be accepted.

(c) Signature and Thumb mark of Applicants. _ The Application for CHR Clearance or Certification shall be signed and thumb-marked by the Applicant on the space provided for;

(d) Jurat. _ All Application for CHR Clearance/Certification shall be under oath. The applicant may comply with the jurat before any CHR Officer authorized to administer oath under the law. Applicant who cannot personally come to the Commission to file his/her application may opt to comply with the jurat requirement before any other officer authorized to administer oath or before a Notary Public.

(e) Requirement of Community Tax Certificate. _ Community Tax Certificate (CTC) data shall be indicated if the jurat is done before a Notary Public. The CTC requirement may be dispensed with if the jurat is made before an authorized Administering Officer of the Commission, other than a notary public.

(f) Additional Requirements. _ (1) Personal Data Sheet, per latest prescribed official form, in case applicant is a member of the Philippine National Police;

> (2) Summary of Information (SOI), in case applicant is a member of the Armed Forces of the Philippines; (3) Service Records, for both members of the PNP and AFP. (4) Service Records, for other officers/employees from other agencies of the government; (5) Copy of Certificates of Completion/Participation/Attendance regarding Training/Seminar/Orientation/Forum on Human Rights and Humanitarian Law;

(g) Clearance Fee. _ There shall be collected from the Applicant for CHR Clearance or Certification a fee in the amount of One hundred (P100.00) pesos.

Payment of the Clearance/Certification fee shall be made with the Office of the Cashier in the Central Office and/or the Cashier of the Regional Office concerned. In the absence of the Cashier, payment may be made with any duly authorized CHR officer. The corresponding CHR official receipt shall be issued therefor.

The Official Receipt Number, Amount of Clearance Fee, and date when the fee was paid shall be reflected in the approved Clearance or Certification.

If the clearance fee is paid at the Regional Office, it shall be incumbent upon the Records Officer of said office to indicate the CHR Official Receipt Number, amount of fee, and date of payment in the Certification issued by the Regional Office concerned and/or attach a xerox copy of the Official Receipt to the application which shall be officially transmitted, together with other documentary requirements, to the Legal and Investigation Office, CHR Central Office.

> (g.1.) Report and remittance of clearance fee collected. _ All sums of money collected and received by the regional office by way of clearance fee during the month shall be reported and remitted to the Chief Cashier,

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Budget and Cash Administration Division, Financial Management Office, within the first ten (10) working days of the following month, in accordance with government accounting rules and regulations. This shall be the primary responsibility of the Regional Office Cashier, subject to the supervision of the Regional Director. However, it shall be the responsibility of the Chief Cashier, Central Office to prepare and submit to the Commission a consolidated Report of Collection on a monthly basis.

(g.2.) Purpose of Clearance fee. _ The funds generated from the collection of clearance fee shall be used and applied for the cost of supplies, i.e., special paper to be used for the clearance or certification to be issued by the Commission.

(h.) Documentary Stamp. _ Documentary stamp in the amount of Fifteen Pesos (P15.00) shall be affixed in all CHR Clearance or Certification to be issued by the Commission. It is the responsibility of the applicant to submit to the Records Officer concerned the required documentary stamp for the purpose.

IV. Requirements before Releasing Approved CHR Clearance/Certification

The Chief or designated officer of the General Records and Archives Division, Office of the Commission Secretary, shall see to it that:

(a) Clearance/Certification shall have a control number. _ All CHR Clearance and Certification issued by the Commission shall have a control number. The numbering shall be done chronologically.

(b) CHR Official Dry Seal. _ All duly approved CHR Clearance or Certification shall be embossed with the Official Dry Seal of the Commission;

(c) Entry in the Clearance Docket. _ All approved CHR Clearance and Certification issued by the Commission shall be entered/recorded in the General Clearance Docket Book under the custody of the General Records and Archives Division. There shall be a separate docket book for approved CHR clearance, and another for certifications issued.

(d) Approved CHR Clearance or Certification issued by the Commission shall be released directly to the applicant-client concerned.

In case Applicant cannot personally claim and receive his/her Clearance or Certification issued to him/her by the Commission, he/she may authorize any person to receive the same in his/her behalf. Provided, however, that said representative has the necessary written authorization of the Applicant.

V. Responsible Offices/Officers in the Processing of CHR Clearance and/or Certification

A. Regional Office

Upon filing of the application for clearance or certification with the Regional Office concerned, the Records Officer, Records Section, shall be responsible in the processing thereof at the regional level, particularly to:

(a) Verify the completeness of the requirements attached to the Application, to include documentary stamp, and compliance with the jurat.

(b) Verify from the Case Records Docket and Case Databank of the Regional Office whether or not the applicant has pending human rights violation case/s with said office; and/or records indorsing/recommending to agencies concerned the administrative investigation and/or criminal prosecution of applicant in relation to the CHR

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findings of human rights violations against said applicant.

(c) Prepare the corresponding certification on case data verification at the regional level, and affix his/her signature on the verification portion thereof and, thereafter, transmit the same, together with the application and required documents, for signature of and indorsement by the Regional Director to the LIO, CHR Central Office;

(d) Officially transmit the Application for Clearance/Certification, together with the documentary requirements, including the required documentary stamps, to the Office of the Director, Legal and Investigation Office, CHR Central Office;

(e) Cause the release of approved CHR Clearance or Certification directly to the client concerned or to his/her duly authorized representative.

(f) Maintain a methodical CHR Clearance filing system at the Regional level, to include Clearance Records Docket / Log Book wherein all applications and other attendant official acts are recorded / annotated.

B. Central Office

1. General Records and Archives Division

Office of the Commission Secretary

In case the application is filed directly with the CHR central office, it shall be the responsibility of the Chief or, in his/her absence, the duly designated officer, of the General Records and Archives Division, Office of the Commission Secretary, to:

(a) Receive / accept Applications for CHR Clearance/Certification;

(b) Check/verify as to the completeness of the requirements attached to the Application, to include compliance with the jurat;

(c) Transmit the Application for Clearance/Certification and all other documentary requirements to the Office of the Director, Legal and Investigation Office, for final processing thereof by the Legal Division;

(d) Make a final counter-check and verify to the effect that the data indicated in the Clearance or Certification are correct and regular, by affixing her initial in the CHR Clearance or Certification right below the name of the Director of the Legal and Investigation Office, before the latter signs the same.

(e) Transmit the Clearance Certification to the Director, Legal and Investigation Office, for his signature/corresponding recommendation.

(f) Transmit the Clearance/Certification to the Office of the CHR authority concerned for his/her final approval thereof.

(g) Cause the numbering of, and write/indicate the corresponding control number in the approved CHR Clearance or Certification issued by the Commission.

(h) Affix the required documentary stamp and official dry seal of the Commission on Human Rights in the Clearance or Certification after the same has been finally approved by the CHR Chairperson or by the concerned Commissioner-in-Charge who has supervision over the particular area where the applicant has his/her current official work assignment or station and/or place of business and/or residence.

(i) Cause the official release of CHR Clearance or Certification directly to the client concerned or to his/her duly authorized representative. In cases where the application emanated from or was coursed through the Regional

Office, to cause the official transmittal of all approved CHR Clearance or Certification to the Regional Office concerned. At the regional level, it shall, in turn, be the responsibility of the Records Officer of the CHR Regional Office concerned to cause the release of the clearance or certification issued by the Commission to the client concerned or to his/her duly authorized representative.

(j) Keep and maintain a methodical filing system of all Clearance/Certifications issued to CHR clients, to include a CHR Clearance Docket Book and Certification Docket Book.

2. Records Section, Legal Division

Legal and Investigation Office

It shall be the responsibility of the Records Officer of the Records Section, Legal Division, Legal and Investigation Office to:

(a) Verify/countercheck that the CHR Application for Clearance Form was accomplished/filled up completely by the applicant, and that all requirements have been complied by said applicant.

(b) Verify from the Central Case Records Docket at the Legal Division, Legal and Investigation Office, whether Applicant has pending case for human rights violations and/or records indorsing/recommending to agencies concerned the administrative investigation and/or criminal prosecution of applicant in relation to the CHR findings of human rights violations against said applicant;

(c) Coordinate with the Regional Offices regarding human rights case records at the regional level pertaining to the applicant;

(d) Make official request to the Information Systems Management Office for verification and data retrieval from the CHR Central Databank whether there is any data on human rights violation pertaining to the Applicant;

(e) Verify from the Roster of Participants of Human Rights and/or International Humanitarian Law Seminars/Trainings/Orientations/Fora, copy of which to be maintained at and made available to the Legal and Investigation Office (LIO) by the Education and Research Office (ERO), as to veracity of the data given by the Applicant regarding human rights and/or international humanitarian law education and training.

(f) Process the application and prepare the corresponding CHR Clearance/Certification to be issued;

(g) Affix his/her initial on the check / verification portion of the Clearance or Certification before transmitting the same to the Chief of the Legal Division, Legal and Investigation Office, for the latter's signature.

(h) Transmit the Clearance / Certification to the Chief of the General Records and Archives Division-COMSEC for the latter to make a final counter-check and verify data indicated in the Clearance or Certification.

(i) Maintain a methodical filing system of all clearance / certification issued by the Commission, to include a Record / Logbook and indexing of all Application for CHR Clearance and Certification received and processed by the Division, and other attendant documents;

(j) Closely coordinate with the Chief Records Officer, General Records and Archives Division, COMSEC, on matters pertaining CHR Clearance and Certification

3. The Information Systems Management Office

The Computer Programmer / Encoder concerned, Information Systems Management Office (ISMO), shall immediately act on the request of the Records Section, Legal Division, LIO, for information/data retrieval within four (4) hours from receipt of such request. He/she shall affix his/her signature on the verification data sheet

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issued/printed by ISMO before transmitting the same to the Records Section, Legal Division, LIO. All case information / data retrieval by the Computer Programmer / Encoder shall be under the direct supervision of the Chief of ISMO or, in the latter's absence, the Senior Computer Programmer. In case, however, ISMO have updated databank on human rights case records and have provided Local Area Network (LAN) or on-line service to the Legal Division, LIO, the databank verification may be done by the Records Officer of the Legal

Division, and, in her absence or in the exigency of the service, by the duly designated personnel of said Division.

4. The Education and Research Office

In line with human rights education and training requirement, the Education and Research Office (ERO) shall regularly provide the Legal and Investigation Office with updated roster of participants to human rights education and humanitarian law training-seminar sponsored/conducted by the Commission on Human Rights and/or jointly sponsored/conducted with other agencies concerned. This will aid the Records Officer of the Legal Division, LIO, to check or validate the information given by the applicant in his/her Application for CHR Clearance/Certification insofar as human rights-humanitarian law education and training courses/training are concerned. This will be the primary responsibility of the Director, ERO, who will ensure that a Training Specialist or Information Officer will be designated as the point person, and another ERO officer as alternate point person.

The ERO thru its point person or alternate will coordinate with the Regional Offices for the regular regional update on the roster of participants in human rights _ international humanitarian law education and training courses conducted by the CHR at the regional level.

5. The Chief, Legal Division, Legal and Investigation Office

The Chief of the Legal Division or, in his/her absence, the next in rank Attorney of the Division shall sign on the check/verification portion of the Clearance or Certification to be issued. He/she shall exercise direct/immediate supervision in the final processing of CHR Clearance/Certification by the Legal Division.

6. The Director, Legal and Investigation Office

The Director of the Legal and Investigation Office or, in his absence, the designated Officer, shall, on the basis of data check/verification as certified to by the Chief of the Legal Division, recommend to the Chairperson or Commissioner-In-Charge concerned, as the case may be, to approve and issue the corresponding CHR Clearance or Certification.

7. Final Signatory of CHR Clearance and/or Certification

All CHR Clearance and/or Certification shall be signed and approved by the following officials, thus:

> (A) The Chairperson or Officer-in-Charge of the Commission. (A.1.) Officers and personnel of the Armed Forces of the Philippines (AFP) who are based or assigned at the General Headquarters of the AFP, Camp Aguinaldo, Quezon City; or at the General Headquarters of the Philippine Army (PA), Fort Bonifacio; or at the General Headquarters of the Philippine Navy (PN), Roxas Boulevard, Manila; or at the General Headquarters of the Philippine Marines, Fort Bonifacio; or at the General Headquarters of the Philippine Air Force (PAF), Villamor Airbase; and
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> (A.2) Officers and personnel of the Philippine National Police (PNP) based or assigned at the Philippine National Police Headquarters, Camp Crame, Quezon City.

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(B) The Commissioner-in-Charge (CIC) or Assisting Commissioner for the particular region or area. _ (B.1) Officers/Members and civilian personnel of the Armed Forces of the Philippines; and officers/members and personnel of the Philippine National Police whose work station or place of assignment, other than that mentioned in item numbers 7.a.1 and 7.a.2 above, is located within the area or region over which the Commissioner-in-Charge or Assisting Commissioner has supervision;

(B.2) Officers/Members and personnel of other law enforcement agencies, to include the National Bureau of Investigation, the Philippine Center for Transnational Crimes; officers and personnel of the Bureau of Corrections/Correctional Institutes, the Bureau of Jail Management and Penology; the Bureau of Fire Protection; and the Philippine Coast Guard, whose place of assignment or work station is located within the area or region over which the Commissioner-in-Charge concerned or Assisting Commissioner has supervision;

(B.3) Officers and personnel of other government agencies/offices, local or national, whose work assignment or station is located within the area or region over which the Commissioner-in-Charge concerned or Assisting Commissioner has supervision; and

(B.4) Professionals from the private sector, as well as private citizens whose business address or work station and/or residential address is located within place or region over which the Commissioner-in-Charge concerned or assisting commissioner has supervision.

VI. Period for Processing of Clearance

The Records Officer, Regional Office, shall facilitate processing of the application at the regional level, to include verification from the Regional Case Records Docket, within one (1) working day from the date/time of filing of the Application for CHR Clearance. He/she shall transmit the application and all attendant documents thereto to the CHR Central Office (Legal and Investigation Office) within one (1) working day from the signing/issuance of the corresponding certification by the Regional Director.

The Records Officer, Legal Division, Legal and Investigation Office, CHR Central Office, shall expedite the data verification from the Case Records Docket, Records Section, Legal Division, LIO, within the day the Division received the Application, with complete requirements; and at the same time request for data retrieval / verification from the CHR Databank, Information Systems Management Office (ISMO) which is tasked to provide the requested data within four (4) working hours from receipt of such request. Should there be a need for clarification or updated data from the Regional Offices, the request should be done and faxed to the Regional Office concerned as soon as possible. The Regional Office concerned thru the Records Officer shall act immediately on such request.

All applications for CHR Clearance/Certification shall be expedited within five (5) working days from date of filing, provided, however, that the Applicant has complied with all the requirements as of the time of filing of his/her application. In case the application is filed thru the Regional Office, the same shall be expedited within seven (7) days from receipt thereof.

VII. Validity of CHR Clearance

CHR Clearance or Certification in relation to human rights case records shall be valid for six (6) months from date of issue, unless the military/police/government officer/personnel concerned is required to secure a new clearance by authorities concerned even within the 6-month period of his/her previous CHR Clearance, i.e. for purposes of confirmation of his/her appointment.

VIII. Prohibitions

(a) Personal follow-ups / lobby by CHR officials/employees. _ No CHR official/employee shall make personal follow-ups and/or lobby for the issuance of CHR Clearance/Certification to applicants;

(b). Acceptance of token. _ No CHR officer/personnel shall ask/request/demand and/or receive any token of any kind from the applicant, in connection with the latter's application for clearance/certification.

(c) Administration of Oath. _ No CHR Officer authorized to administer oath shall affix his/her signature in the Application for CHR Clearance/Certification without the applicant having appeared before him/her for the purpose. Neither shall he/she collect any amount of fee in connection with the administration of oath to the applicant.

(d) Delegation of functions of Records Officer. _ The processing of CHR Clearance/Certification is the primary function of the Records Officers concerned. Thus, such responsibility cannot be delegated to other CHR officer/personnel, except in the exigency of the service and/or when the Records Officer concerned is on leave or on official business outside his/her workstation.

IX. Publication and Official Release

The Commission Secretary shall cause the official release of the foregoing implementing guidelines to all CHR Regional Offices and government agencies, and to furnish the University of the Philippine Law Center three (3) certified copies thereof, together with the corresponding CHR Resolution, for publication and recording.

X. Date of Effectivity

The foregoing Implementing Guidelines on the CHR Clearance System shall take effect after fifteen (15) days from date of its official publication and recording by the University of the Philippines Law Center.

Adopted: 16 Nov. 2005

BY AUTHORITY OF THE COMMISSION:

(SGD.) PURIFICACION C. VALERA QUISUMBING
Chairperson

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