



HIS EXECELLENCY BENIGNO S. AQUINO, III
President
Republic of the Philippines
Malacanang, Manila

September 17, 2013

Your Excellency,

In behalf of the Philippine Alliance of Human Rights Advocates (PAHRA), warm greetings of peace.

In a little more than just two years, the Commissioners (the Chairperson and four other members) of the present Commission on Human Rights of the Philippines (CHRP) will have ended simultaneously their term. Consequently, a new set of Commissioners have to be chosen again.

The criteria for and process of selection of the members of the next CHRP must adhere to the international standards of the Paris Principles and have to meet the expectations of the Filipino people to ensure the said institution's mandate, among others, to monitor with extraordinary due diligence the State's implementation of its obligations to respect, protect, fulfill without discrimination all the human rights of its constituency.

Your Excellency, the National Executive Committee (NEC) of PAHRA would like to bring before you this fast approaching task of yours because we are appalled at the verified stories of recent human rights violations committed by two Commissioners against their staff. These violations are not to be rooted mainly, much less solely, in personality shortcomings and management attitudes and values. No, these actions of ill-treatment and public use of violent means that dominate personal and work relationship issues must have no place in an institution wherein human rights are essential, preferred and practiced values.

Furthermore, we are aware that these violations are added on to past incidents of uncorrected and continuing acts of unprofessionalism, below-par performance and favouritism that eroded the integrity and credibility of some Commissioners as well as the institution of the CHRP itself. Non-performing Commissioners are millstones in the fight against impunity and a waste of people's and donors' money. Sadly, these accumulated acts, abetted by most, frustratingly become a standard normal mindset and behaviour within the Institution delivering a sub-standard way of service. In such



an environment, tolerated corruption cannot be far from thriving shielded as it is from public knowledge and scrutiny. Eventually, among the staff who know and/or experience abuses or human rights violations, dignity and professionalism are compromised out of fear for economic survival.

Violations by commission and omission –among others, office drivers made to become family drivers, unreported or tolerated minimal presence of employees – may be ‘micro’ compared to extrajudicial killing, enforced disappearance and torture cases but unchecked and unaccountable violations nonetheless, thus falling within the ambit of impunity. Among the Commissioners, a culture of ‘micro’ impunity has established itself. Collecting underserved salaries may not be of self-enrichment of Napoles-ian scale but is definitely an act of corruption and concomitantly, corruptive of the institution which is supposed to be a guide in embodying a human rights culture .

The present situation is unacceptable and must not be tolerated any further.

The absence of a mechanism in CHRP’s Manual of Procedures to exact accountability from Commissioners and officials may have presupposed a mature disposition and moral strength to decisively deal with isolated shortcomings among themselves as presumed regularity. The recent events, which are the latest in a series of inexcusable conduct among the officials of the Commission, have highlighted and made it imperative that there is a necessity to formulate such procedures and embed them in the new Charter of the CHRP.

The half-hearted response to the said events, compounded by a divided leadership and a below-par performance of the Commission, the CHRP has, unwittingly, lent itself as an accessory to impunity.

The above situation places us in a dilemma whether to demand the resignation of most, if not all, of the Commissioners; that it would be a far better and bearable move for the sake of the Institution than suffer and bear the shame in the last two years of the present Commission. Save for many dedicated directors and staff who diligently perform their duties despite a deeply divided and dysfunctional leadership, the Institution is bereft on any moral high-ground and leadership to promote and protect our human rights against violations perpetrated by the State, its security forces or any of the government’s bodies or its members. How could the Commission do so, when the collective leadership of our present National Human Rights Institution (NHRI)

itself lacks sensitivity, probity, discernment and courage to monitor, rectify and halt violations among its own members.



The new set of Commission members must have already embodied the above-mentioned virtues and values upon assumption into office.

As claimholders, we are disappointed with the lack of due diligence of the rest of the Commission and related officers to the manipulation of legal technicalities to gloss over and/or cover up the abuses committed by Commissioners Norberto de la Cruz and Maria Cecilia Rachel Quisumbing against their staff that had forced the latter to resign from their jobs. *“Hindi na namin masikmura ang pagyurak sa aming dignidad at pagkatao.”* [We can no longer stomach the trampling done against our dignity and person.] Another expressed one’s frustration: *“Makakatanggap pa sila ng retirement pension mula sa gobyerno sa kabila ng kanilang paglabag sa karapatang pantao!”* [And they will still receive a retirement pension from the government despite committing human rights violations!] And yet the affected staff knew that by their principled resignations, their families would suffer from a diminution of income. An added burden is a negative stigma when applying for new employment because of being unjustly fired instead of accepting the resignation.

Because of the situation above, we chose to stand with the victims among the CHRP personnel in their fight to regain their dignity, to obtain justice for each other and to assist in building the integrity and credibility of CHRP as an institution.

We have kept our promise to the Commissioners that we will momentarily be discreet for fifteen (15) days so as to give them time to act progressively towards resolving said matters. The period given is over. Nothing substantial has come out of our joint efforts with the affected staff within the said period. In fact, the situation is turning for the worst. Commissioner de la Cruz has filed a trumped-up charge based on a reversed account of violence inflicted on a staff.

Thus, Mr. President, we request Your good person, as Chief Executive and appointing authority, and Your office to intervene, while respecting CHRP’s independence, in this sad and painful situation with the end of strengthening the integrity and credibility of our National Human Rights Institution (NHRI) as well as ensuring the irreversible shift towards the new paradigm of Your administration based on human rights:

- by designating an independent committee of inquiry regarding these incidents, as well as their causes, and to recommend to Your Excellency measures and actions that would strengthen the CHRP;
- by taking persuasive action on the two Commissioners so that they would take a leave of absence so as to obtain an environment of openness free of possible harassment and intimidation during the needed time for inquiry;



- by certifying as urgent the passage of the new Charter of the Commission on Human Rights of the Philippines (CHRP) with the added provisions on the selection process of the Commissioners and the Mechanism for Transparency and Accountability of the Commissioners and Directors;
- by creating a committee that would recommend to Your Excellency, absent this needed mechanism in the proposed bill on the Charter of the CHRP, a process of selection for the next new members of the CHRP similar to the selection of the Chief Justice of the Supreme Court.

Thank you very much for the kind consideration of our note. If there be anything PAHRA could be assistance to and / or of which Your Excellency or your office may want to be further clarified regarding these matters, please call the contact the numbers in this stationery. You

may also directly call Ms. Rose Trajano, PAHRA's Secretary General through her personal cellphone no. 09065531792. I can also be reached through my mobile phone no. 09209080480.

Justice and dignity for us all,

In behalf of the National Executive Committee

m.m. de mesa

Max M. de Mesa
Chairperson

CC: *Hon. Franklin Drilon, President, Senate of the Philippines*
Hon. Feliciano Belmonte, Jr., Speaker, House of Representatives
Hon. Aquilino "Koko" Pimentel, III, Chairperson
Committee of Human Rights, Senate of the Philippines
Hon. Guillermo Romarate, Jr., Chairperson
Committee of Human Rights, House of Representatives