

**[ ADMINISTRATIVE ORDER NO. 137, December 27, 2005 ]**

**GRANTING TO THE CHAIRMAN/COMMISSIONERS OR MEMBERS OF THE COMMISSION ON HUMAN RIGHTS (CHR) THE SAME BENEFITS AND PRIVILEGES ENJOYED BY MEMBERS OF THE CONSTITUTIONAL COMMISSIONS AND THE JUDICIARY, IN THE MATTER OF RATIONALIZED RATE OF ALLOWANCES AND LIBERALIZED COMPUTATION OF RETIREMENT BENEFITS AND ACCUMULATED LEAVE CREDITS**

**WHEREAS**, the Commission on Human Rights is one of those Constitutional Offices/Commissions which had been created under Section 17, Article XIII of the 1987 Philippine Constitution;

**WHEREAS**, Administrative Order No. 444, dated 13th December 1979 extends to the Constitutional Commissions the benefits enjoyed by members of the judiciary in the matter of the rationalized rate of allowances and liberalized computation of retirement benefits and the accumulated leave credits;

**WHEREAS**, pursuant to Article XIII of the Constitution, the Commission on Human Rights was created under Executive Order No. 163 dated May 5, 1987;

**WHEREAS**, Section 2 of E.O No. 163, supra, provides that "the Chairman and members of the Commission on Human Rights shall receive the same salary as the Chairman and Members, respectively of the Constitutional Commissions, which may not be decreased during their term of office";

**WHEREAS**, the phrase "the Commission on Human Rights shall receive the same salary x x x" in Section 2 of E.O. No. 163, supra, without mentioning "benefits/privileges", has generated negative interpretations from the Department of Budget and Management (DBM) that CHR is not entitled to the same retirement benefits as the Chairman and members of the Constitutional Commissions;

**WHEREAS**, under Section 69 of Republic Act (RA) No. 9206 (The General Appropriations Act) (GAA), s. of 2003, the Commission on Human Rights as a constitutional body is grouped without distinction, together with the Civil Service Commission, Commission on Audit, Commission on Elections under agencies vested with fiscal autonomy;

**WHEREAS**, it is likewise established by jurisprudence that retirement laws are to be liberally construed in favor of the retiree to achieve the humanitarian purposes of the law in order that efficiency, security and well-being of government employees may be enhanced. (Profeta vs. Drilon, 216 SCRA 777).

**WHEREAS**, to guide future officials in order to avoid conflict and discrimination in