

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 954

Introduced by Representatives TEODORO A. CASIÑO,
NERI JAVIER COLMENARES, RAFAEL V. MARIANO, LUZVIMINDA C.
ILAGAN, ANTONIO L. TINIO, EMERENCIANA A. DE JESUS
and RAYMOND V. PALATINO

EXPLANATORY NOTE

In 1992, in the *Marcos Human Rights Litigation* (Multi-District Litigation No. 840) before the United States Federal Court System in Honolulu, Hawaii, the court found the Marcos dictatorship guilty of gross and systematic human rights violations consisting of torture, summary execution, and involuntary disappearances.

In its decision, that has long become final and executory, the Hawaii court awarded \$1.2 billion in exemplary damages and \$776 million in compensatory damages to the 9,539 class suit plaintiffs and the 24 direct action plaintiffs whose human rights were grossly violated during the martial law period.

Recognizing the inestimable suffering and loss of the 9,539 class suit plaintiffs and the 24 direct action plaintiffs who filed the human rights case against the Marcos estate in Hawaii, and affirming the moral and legal obligation of the State to grant indemnification to human rights victims, which is one of the universally recognized fundamental principles of law, this bill sets aside Ten Billion Pesos from the ill-gotten Swiss bank assets of Ferdinand Marcos that were initially turned over to the Philippine government through the December 10, 1997 Order of the Swiss Federal Court, and which were held in escrow at the Philippine National Bank, for the immediate compensation of the abovementioned victims.

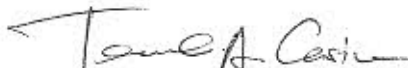
It is important to note that the December 10, 1997 Order of the Swiss Court had required the Philippine Government to indemnify the Hawaii plaintiffs. Indemnification is an imperative step towards the effective enforcement of the administration of justice, the healing process of victims and society as a whole, and in serving as a deterrent to future human rights violations. In this wise, the immediate approval of this bill is earnestly sought.

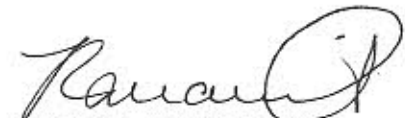
The long overdue compensation for the 9,539 class suit plaintiffs and the 24 direct action plaintiffs in the Hawaii case can no longer be delayed, and the House, on its own, need not wait for executive approval to pass this bill. History must show that we

exerted our utmost in recognizing and compensating our valiant people for the sacrifices they made during martial law.

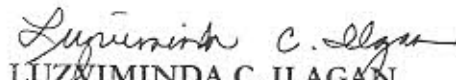
Approved,


NERI JAVIER COLMENARES
Bayan Muna Party-List


TEODORO A. CASIÑO
Bayan Muna Party-List


RAFAEL V. MARIANO
Anakpawis Party-List


ANTONIO L. TINIO
ACT Teachers Party


LUZVIMINDA C. ILAGAN
Gabriela Women's Party


EMERENCIANA A. DE JESUS
Gabriela Women's Party

RAYMOND V. PALATINO
Kabataan Party

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AN ACT
MANDATING COMPENSATION TO THE 9,539 CLASS SUIT PLAINTIFFS
AND THE 24 DIRECT ACTION PLAINTIFFS WHO FILED AND WON THE
LANDMARK HUMAN RIGHTS CASE AGAINST THE ESTATE OF FERDINAND
MARCOS IN THE US FEDERAL COURT SYSTEM IN HONOLULU, HAWAII
AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. *Short Title.* – This Act shall be known as “*Martial Law Victims Compensation Act of 2010*”.

Section 2. *Declaration of Policy.* – Article II, Section 11 of the Constitution of the Republic of the Philippines declares that the State values the dignity of every person and guarantees full respect for human rights. In addition, Article III, Section 12 of the Constitution prohibits the use of torture, force, violence, threat, intimidation, or any other means which vitiate the free will and mandates the compensation and rehabilitation of victims of torture or similar practices and their families. Furthermore, Article III, Section 12 (4) provides that the law shall provide for penal and civil sanctions for the torture and other violation of rights of those arrested “as well as compensation to the rehabilitation of victims of torture or similar practices, and their families.”

Consistent with the foregoing, it is hereby the declared policy of the State to give recognition to the heroism of all Filipinos and their families who were victims of summary execution, torture, involuntary disappearance, and other gross human rights violations in the hands of members of the Armed Forces and other agents of the Marcos government during and after the period of the imposition of martial law in the Philippines from 1972 to 1986.

Likewise, the State respects and supports the rights of the victims of human rights violations during the Marcos regime, taking into consideration the final judgment of the United States Federal Court System in the *Human Rights Litigation against the Estate of Ferdinand E. Marcos* and the Swiss Federal Supreme Court Decision of December 10, 1997. In this wise, the State acknowledges its moral and legal obligation to compensate the 9,539 class suit plaintiffs and

the 24 direct action plaintiffs who were already adjudged as such victims by the US Federal Court System in Honolulu, Hawaii.

Section 3. *Martial Law Victims Compensation Fund.* There shall be established a fund to be called *Martial Law Victims Compensation Fund* consisting of Ten Billion Pesos (PhP 10,000,000,000.00) from the ill-gotten Swiss bank assets of Ferdinand Marcos and which were initially turned over through the December 10, 1997 Order of the Swiss Federal Court and which were held in escrow through the Philippine National Bank, including interests and accruals. This amount of Ten Billion Pesos (P10,000,000,000.00) shall be set aside for the purpose of compensation that shall be awarded under this Act.

Section 4. *Who are entitled to compensation.* All 9,539 class action plaintiffs and the 24 direct action plaintiffs in the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* in the United States Federal Court System in Hawaii (MDL 840) who have been found entitled to damages for suffering from acts of involuntary disappearance, summary execution, torture, and illegal detention under the Martial Law regime of Ferdinand Marcos shall be immediately and directly compensated from the *Martial Law Victims Compensation Fund*.

For those among the said 9,539 class action plaintiffs and the 24 direct action plaintiffs in MDL 840 who are already deceased, their spouse, children, parents, relative/s within the fourth civil degree or such person named as the executor or administrator of the victim's estate, in that order, shall be entitled to receive such compensation: *Provided*, That any compensation received under this Act shall be without prejudice to the receipt of any other sum by the victim from any person or entity, other than the Republic, in any situation involving any human rights violation under this Act.

Section 5. *Recognition of and Apology to the class suit and direct action plaintiffs in the Human Rights Litigation Against the Estate of Ferdinand E. Marcos.* – The 9,539 class action plaintiffs and the 24 direct action plaintiffs in the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* in the United States Federal Court System in Hawaii (MDL 840) shall be recognized by the State as such human rights victims and shall receive an official apology from the State.

For purposes of historical and official recognition, the State, through the Commission on Human Rights, shall establish a roster of the names of the 9,539 class action plaintiffs and the 24 direct action plaintiffs in the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* and shall also cause the construction of statues, memorials, monuments or museums in memory of the important role and sacrifice made by them in the struggle against martial law. The said Roll shall be filed with the National Library and in such offices or agencies, national and international, which are dedicated to the prevention of human rights abuses.

Section 6. *Implementation.* – The Commission on Human Rights (CHR) is hereinafter tasked with the implementation of this Act. Pursuant thereto, it shall have the following powers and functions:

[1] Receive claims for compensation filed by any of the 9,539 class action plaintiffs and the 24 direct action plaintiffs in the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* in the United States Federal Court System in Hawaii (MDL 840); or for those who are

already deceased, by his/her spouse, children, parents, relative/s within the fourth civil degree or such person named as the executor or administrator of the victim's estate, in that order.

[2] Verify the identities of those who filed claims for compensation under this Act within thirty (30) working days from the filing. In the event that there is dispute concerning the identity of a claimant, said dispute shall be resolved by the CHR within thirty (30) working days, and always in favor of the veracity of the claim for compensation.

[3] Award the whole *Martial Law Victims Compensation Fund* consisting of Ten Billion Pesos (PhP 10,000,000,000.00) to all who filed their claims for compensation under this Act based on the following point system:

- (a) Victims of enforced disappearance and summary killings shall receive 3 points;
- (b) Victims of torture shall receive 2 points; and
- (c) Victims of illegal detention shall receive 1 point.

[4] Issue the recognition and apology provided for in Section 6.

The Commission shall complete the implementation of this Act within a period of one (1) year. For this purpose, an operational budget of Ten Million Pesos (P10,000,000.00) necessary to fund the operations of the Commission in the implementation of this Act shall be sourced from the President's Social Fund.

Section 7. *Implementing Rules* – Within thirty (30) days from the effectivity of this Act, the Commission shall issue the necessary rules and regulations for the proper implementation of the provisions of this Act.

Section 8. *Compensation to other Martial Law victims*—Victims of summary execution, torture, involuntary disappearance, and other gross human rights violations in the hands of members of the Armed Forces of the Philippines and other agents of the Marcos government during the period of the imposition of Martial Law in the Philippines from 1972 to 1986 who are not parties to the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* in the United States Federal Court System (MDL 840) shall receive indemnification from the Philippine government, as may be provided by law.

Section 9. *Repealing Clause*. Section 63 (b) of Republic Act No. 6657 or the Comprehensive Agrarian Reform Law as amended is hereby expressly modified such that Ten Billion Pesos (10,000,000,000.00) from the ill-gotten Swiss bank assets of Ferdinand Marcos shall be devoted exclusively to the *Martial Law Victims Compensation Fund* as provided under Section 3 of this Act. All other laws, decrees, orders, rules and regulations and other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 10. *Effectivity*.— This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation and the Official Gazette.

Approved,