

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1693

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

EXPLANATORY NOTE

Twenty-three years after the ouster of the late dictator Ferdinand Marcos through a popular uprising in 1986, justice still eludes the martyrs and victims of his ruthless dictatorship; many of them are impoverished and already dying.

In recognition of their inestimable suffering and loss due to worst forms of human rights atrocities that they experienced and endured during the Marcos dictatorship – involuntary disappearance, summary execution, torture, political imprisonment – this bill seeks to provide compensation to the human rights victims of the Marcos dictatorship, as it affirms the moral and legal obligation of the State to grant them indemnification, which is a universally recognized fundamental principle of law and is a crucial element to the fundamental human right to obtain redress for violations of substantive human rights and norms.

A careful distinction, however, is made between the responsibility of the State to recognize human rights violations from that of the liability of the Marcos heirs. No amount of compensation coming from public coffers can be considered as satisfying Marcos' personal debt to the victims or giving effect to any settlement.

Today, in most countries that underwent authoritarian rule, there has been a growing demonstrable commitment to redress past wrongs by instituting remedies for victims of human rights abuses: The Philippines can do no less. 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.

Immediate approval of this bill is hence earnestly sought.

Approved,



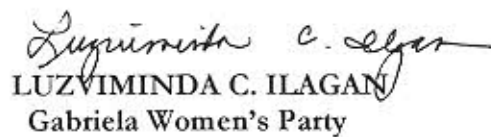
NERI JAVIER COLMENARES
Bayan Muna Party-List



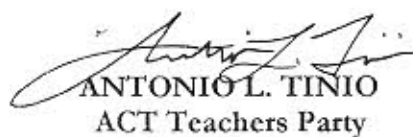
TEODORO A. CASIO
Bayan Muna Party-List



RAFAEL V. MARIANO
Anakpawis Party-List



LUZVIMINDA C. ILAGAN
Gabriela Women's Party



ANTONIO L. TINIO
ACT Teachers Party



EMERENCIANA A. DE JESUS
Gabriela Women's Party

RAYMOND V. PALATINO
Kabataan Party

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AN ACT
MANDATING COMPENSATION TO VICTIMS OF HUMAN RIGHTS
VIOLATIONS DURING THE MARCOS DICTATORSHIP FROM 1972 TO 1986
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 “*Marcos Human Rights Victims Compensation Act of 2010*”.

Section 2. *Declaration of Policy.* – Pursuant to Article II, Section 11 and Article III, Section 12 and Section 12 (4) of the Constitution, it is hereby the declared policy of the State to recognize the heroism of all the victims of summary execution, torture, involuntary disappearance, and other gross human rights violations during the dark years of the Marcos dictatorship.

The State acknowledges its moral and legal obligation to compensate all the human rights victims of the Marcos dictatorship for their inestimable suffering and loss. However, compensation to victims of human rights violations under this Act shall be separate and distinct from indemnification arising from any court award or settlement agreement which such persons may be entitled to receive from the Estate of Ferdinand E. Marcos and other non-government sources.

Section 3. *Marcos Human Rights Victims Compensation Fund.* – The amount of Ten Billion Pesos (P 10,000,000,000.00) necessary to carry out the provisions of this Act shall be included in the General Appropriations Act and shall be known as the “*Marcos Human Rights Victims Compensation Fund*.”

Section 4. *Who are entitled to compensation.* Any individual who is hereafter determined as a victim of the following human rights violations during the Marcos dictatorship from September 21, 1972 to February 25, 1986, but who was not a party to the *Human Rights Litigation Against the Estate of Ferdinand E. Marcos* (MDL 840) in the United States Federal Court System in Hawaii, shall be compensated for damages for their state-sponsored loss and suffering from the Ten Billion Pesos (P10,000,000,000.00) appropriated under this Act for the "*Marcos Human Rights Victims Compensation Fund*":

- (a) Search, arrest and/or detention without a valid search warrant or warrant of arrest issued by a civilian court of law, including any warrantless arrest or detention carried out pursuant to the declaration of martial law by President Ferdinand Marcos as well as any arrest or detention carried out on the basis of an "*Arrest, Seize and Seizure Order*" (ASSO), a "*Presidential Commitment Order*" (PCO) or a "*Preventive Detention Action*" (PDA) which are, under this Act, deemed illegally issued by President Marcos;
- (b) Involuntary disappearance, killing, torture, or infliction of physical injuries by any of the following agents of the Marcos dictatorship:
 - [1] Any member of the former Philippine Constabulary (PC), the former Integrated National Police (INP), the Armed Forces of the Philippines (AFP) and the Civilian Home Defense Force (CHDF) from September 21, 1972 to February 25, 1986, as well as any member of a paramilitary group not organically part of the PC, INP, AFP or CHDF but under the operational control or supervision of any other agent of the State or had received or possessed any money, equipment or other property of or from the State;
 - [2] Any member of the civil service, including citizens who held elective or appointive public office at any time from September 21, 1972 to February 25, 1986;
 - [3] Those persons referred to in Executive Order Nos. 1, 2 and 14 s, 1986, including Ferdinand Marcos, his spouse Imelda Marcos, as well as those persons, relatives, associates and subordinates referred to in said laws.

For the victims who are already deceased, their spouse, children, parents, relative/s within the fourth civil degree or such other person named by 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. *Amount of Compensation.* – The amount of compensation to be awarded to a human rights victim during Martial Law shall be based on the following factors:

- (a) Victims of involuntary or enforced disappearance shall receive the highest amount of compensation, which shall be fixed and uniform among all qualified claimants;

- (b) Victims of summary execution shall receive the next highest amount of compensation, which shall be fixed and uniform among all the same claimants;
- (c) Victims of torture and illegal detention shall receive the basic amount of compensation, which shall be fixed and uniform among all the same claimants regardless of the length of detention, physical and psychological injury suffered, or method of torture used upon the victim;

Section 6. Recognition of and Apology to Human Rights Victims of the Marcos Dictatorship. – All human rights victims during martial law, independently of any award of compensation and including those who choose not to receive compensation, shall be recognized by the State as such human rights victims and shall receive an official apology from the State, through the *Commission for the Compensation and Recognition of Human Rights Victims of Martial Law*, which nature and functions are defined in the immediately succeeding section.

Furthermore, for purposes of historical and official recognition, the State shall establish a roster of the names of the human rights violation victims of this era and shall also cause the construction of statues, memorials, monuments or museums in memory of the important role and sacrifice made by the martyrs and heroes of the martial law era. 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 7. The Commission for the Compensation and Recognition of Human Rights Victims of Martial Law. – There shall be created an independent *Commission for the Compensation and Recognition of Human Rights Victims of Martial Law* which hereinafter shall be tasked with the implementation of this Act.

(a) **Composition.** – The seven-member Commission shall be composed of a Chairperson, a Vice-Chairperson and five (5) members of known probity, integrity and human rights advocacy:

[1] The Chairperson of the Commission on Human Rights (CHR) who shall hold, *ex-officio*, the position of Commission Chairperson;

[2] A retired justice of the Supreme Court who shall hold the position of Commission Vice-Chairperson;

[3] One (1) representative each from the following three (3) non-government human rights organizations extant during martial law and which are still actively involved in advocating for the rights of human rights victims, namely the *Samahang mga Ex-Detainees Laban sa Dejenyon at para sa Amnestsya* (SELDA), *Friends and Families of Victims of Disappearances* (FIND) and the *Task Force Detainees of the Philippines* (TFD), as members of the Commission;

[4] The Chief Librarian of the University of the Philippines Main Library, which is the current repository by various human rights organizations of important documents and records of the Marcos dictatorship period; and

[5] One (1) known human rights advocate from the legal profession.

(b) **Appointment.** – The President shall appoint the members of the Commission, except the position of Chairperson which shall be assumed by the Chairperson of the Commission on Human Rights in an *ex-officio* capacity, from a list of nominees submitted by the CHR and the three (3) human rights organizations referred to in Section 7 (a) [3]: *Provided*, That any member of the Commission who is an applicant under this Act shall inhibit himself/herself with respect to his/her application.

(c) **Powers and Functions.** – The Commission shall have the following powers and functions:

- [1] Receive all claims and supporting documents filed pursuant to Section 8 of this Act;
- [2] Verify all claims under this Act within sixty (60) working days from the submission of the documents;
- [3] Administer oath, issue *subpoena duces tecum* and *ad testificandum*, receive testimony and conduct hearings, as may be necessary, to verify or evaluate applications filed;
- [4] Approve or deny a claim within thirty (30) working days after the completion of the investigation earlier specified;
- [5] Deputize such appropriate government agencies and/or government officers and personnel as well as non-government human rights organizations to perform functions or tasks as may be necessary for the effective discharge of their functions and responsibilities;
- [6] Fix the amount of compensation to be awarded to the human rights victims who filed their claims under Section 8 hereof in accordance with Sections 5;
- [7] Resolve any motion for reconsideration on a denial of an application or on the amount of compensation awarded within seven (7) working days from the date such motion is filed with the Commission. All decisions of the Commission shall be final and executory; and
- [8] Issue the recognition and apology provided for in Section 6.

(d) **Operational Budget.** – The operational budget of Ten Million Pesos (P10,000,000.00) necessary to fund the initial operations of the Commission created under this Act shall be sourced from the President's Social Fund. This budget shall be entirely separate and distinct from the fund established for the purpose of providing compensation to the victims under this Act. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included as a separate item under the annual General Appropriations Act.

Section 8. Period for Filing of Claims. – Any human rights victim during the Marcos dictatorship defined under Section 4 of this Act shall file an application for compensation and/or recognition within one (1) year from the date of publication of the implementing rules and regulations of this Act.

All applicants under this Act shall execute a detailed sworn statement, narrating the circumstances of the human rights violation committed against him/her, accompanied by

any of the following: relevant photographs, letters, birth, medical and/or death certificates, pleadings and other judicial or quasi-judicial documents, documentation from local and international human rights organizations, newspaper or videotaped accounts, or materials including corroborative statements or testimonies of witnesses, or any other supporting documents or evidence that may be required for verification and award of any compensation.

Section 9. *Documentation of Claims.* – All documents and other relevant materials shall be compiled by the Commission, with the assistance of the University of the Philippines Main Library, the National Library, the National Historical Institute (NHI), the Commission on Human Rights (CHR), and such other government and non-government organizations that the Commission may engage for purposes of documenting and establishing an archive of human rights violations during martial law.

Section 10. *Implementation.* – The Commission is hereby mandated to implement this Act. They shall ensure that the funds appropriated are properly disbursed in accordance with the policy stated by Congress.

The Chairperson of the CHR within fifteen (15) days from the effectivity of this Act shall, upon consultation with human rights organizations and together with the three (3) human rights organizations referred to in Section 7 (a)(3), submit to the President the list of nominees for members of the Commission. The President shall appoint the members of the Commission within fifteen (15) days from the said submission.

The Commission shall promulgate and publish the rules and regulations necessary for the effective implementation of this Act within sixty days (60) days from their organization. In coordination with the Philippine Information Agency (PIA) and the Department of Interior and Local Government (DILG), it shall ensure that information about the possibility of obtaining compensation under this Act shall be given the widest dissemination nationwide through all the tri-media and official bulletins in all barangays.

Section 12. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with any of the provisions of this Act, including Section 63 (b) of Republic Act No. 6657, as amended, otherwise known as the Comprehensive Agrarian Reform Law of 1988, are hereby repealed or amended accordingly.

Section 13. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

Section 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in two (2) national newspapers of general circulation.

Approved,