

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session



COMMITTEE REPORT NO. 2001

Submitted by the Committees on Human Rights and Appropriations on 07 MAR 2012

RE: House Bill No. 5990

Recommending its approval in substitution of House Bill Nos. 54, 97, 302, 954 & 1693

Sponsors: Representatives Tañada III, Lagman, Relampagos, Abaya, Bello, Bag-ao, Casiño, Colmenares, Mariano, Ilagan, Tinio, De Jesus, Palatino

Mr. Speaker:

The Committees on Human Rights and Appropriations, to which were referred the following measures, to wit:

House Bill No. 54 introduced by Representatives Lorenzo R. Tañada III, entitled:

"AN ACT PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

House Bill No. 97 introduced by Representative Edcel C. Lagman, entitled:

"AN ACT PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

House Bill No. 302 introduced by Representatives Walden F. Bello and Kaka J. Bag-ao, entitled:

"AN ACT PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

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, entitled:

"AN ACT MANDATING COMPENSATION TO THE 9,539 CLASS SUIT PLAINTIFFS AND THE 24 DIRECT ACTION PLAINTIFFS WHO FILES 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"

House Bill No. 1693 introduced by Representatives Teodoro A. Casiño, Neri Javier Colmenares, Rafael V. Mariano, Luzviminda C. Ilagan, Raymond V. Palatino, Emerenciana A. De Jesus and Antonio L. Tinio, entitled:

"AN ACT MANDATING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS DICTATORSHIP FROM 1972 TO 1986 AND APPROPRIATING FUNDS THEREFOR"

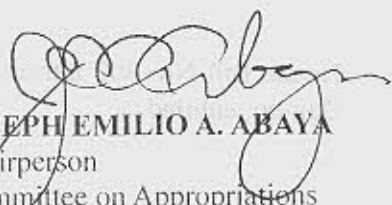
have considered the same and recommend the approval of the attached House Bill No. 5890 entitled:

"AN ACT PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"

in substitution of House Bill Nos. 54, 97, 302, 954 and 1693, with Representatives Tañada III, Lagman, Relampagos, Bello, Bag-ao, Casiño, Colmenares, Mariano, Ilagan, Tinio, De Jesus, Palatino as authors thereof.

Respectfully submitted,


RENE L. RELAMPAGOS
Chairperson
Committee on Human Rights


JOSEPH EMILIO A. ABAYA
Chairperson
Committee on Appropriations

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)

Second Regular Session

HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5990

Introduced by Representatives Lorenzo R. Tañada III, Edcel C. Lagman,
Rene L. Relampagos, Joseph Emilio A. Abaya, Walden F. Bello, Kaka J.
Bag-ao, Teddy A. Casiño, Neri J. Colmenares, Rafael V. Mariano,
Luzviminda C. Ilagan, Antonio L. Tinio, Emerenciana 'Emmi' A. de Jesus,
Raymond V. Palatino

AN ACT
PROVIDING COMPENSATION TO VICTIMS OF HUMAN RIGHTS
VIOLATIONS DURING THE MARCOS REGIME, DOCUMENTATION OF
SAID VIOLATIONS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

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

1 **CHAPTER I**

2 **Preliminary Provisions**

3 **SECTION. 1. Short Title.** This Act shall also be known as the
4 "Compensation Act to Victims of Human Rights Violations."

5 **SEC. 2. Declaration of Policy.** Section 11 of Article II of the 1987
6 Constitution of the Republic of the Philippines declares that the State values
7 the dignity of every human person and guarantees full respect for human
8 rights. Pursuant to this declared policy, Section 12 of Article III of the
9 Constitution prohibits the use of torture, force, violence, threat,
10 intimidation, or any other means which vitiate the free will and mandates
11 the compensation and rehabilitation of victims of torture or similar practices

1 and their families. Likewise, Section 18(6) of Article XIII of the 1987
2 Constitution directs the Commission on Human Rights (CHR) to recommend
3 to Congress effective measures to promote human rights and to provide for
4 compensation to victims of human rights violations, or their families.

5 By virtue of Section 2 of Article II of the Constitution adopting
6 generally accepted principles of international law as part of the law of the
7 land, the Philippines must also adhere to international human rights laws
8 and conventions, including the International Covenant on Civil and Political
9 Rights (ICCPR) and the Convention Against Torture and Other Cruel,
10 Inhuman or Degrading Treatment or Punishment (CAT). In particular, the
11 ICCPR imposes on each State party the obligation to take the necessary
12 steps to adopt such laws or other measures to give effect to the rights
13 recognized therein and to ensure that any person whose rights or freedoms
14 have been violated shall have an effective remedy, notwithstanding that the
15 violation has been committed by persons acting in an official capacity.
16 Moreover, the CAT declares that each State party shall take effective
17 measures to prevent acts of torture or other cruel, inhuman or degrading
18 treatment or punishment in any territory under its jurisdiction, and ensure
19 that the victim of an act of torture obtains redress and has an enforceable
20 right to fair and adequate compensation, including the means for as full
21 rehabilitation as possible.

22 Consistent with the foregoing, it is hereby declared the policy of the
23 State to recognize the heroism and sacrifices of all Filipinos who were
24 victims of summary execution, torture, enforced or involuntary
25 disappearance and other gross human rights violations committed during

1 the regime of former President Ferdinand Marcos covering the period
2 September 21, 1972 to February 25, 1986 and restore the victims' honor
3 and dignity. The State hereby acknowledges its moral and legal obligation to
4 recognize and/or compensate said victims and/or their families for the
5 deaths, injuries, sufferings, deprivations, and damages they suffered under
6 the Marcos regime.

7 **SEC. 3. Definition of Terms.** The following terms as used in this
8 Act shall mean:

9 a. **Compensable Human Rights Violation** refers to any act or
10 omission committed during the period from September 21, 1972 to February
11 25, 1986 by persons acting in an official capacity and/or agents of the State,
12 but shall not be limited to the following:

13 1. Any search, arrest and/or detention without a valid search warrant
14 or warrant of arrest issued by a civilian court of law, including any
15 warrantless arrest or detention carried out pursuant to the
16 declaration of Martial Law by former President Ferdinand Marcos as
17 well as any arrest, detention or deprivation of liberty carried out
18 during the covered period on the basis of an "Arrest, Search and
19 Seizure Order (ASSO)", a "Presidential Commitment Order (PCO)" or a
20 "Preventive Detention Action (PDA)" as defined by decrees of former
21 President Ferdinand Marcos or in any manner that the arrest,
22 detention or deprivation of liberty was effected;

23 2. Any commission by a person acting in an official capacity and/or
24 an agent of the State of physical injury, torture, killing, harassment,
25 deprivation of liberty or other similar acts on any person, including

1 violations against the freedom of speech, assembly or organization;
2 and/or the right to petition the government for redress of grievances
3 even if such exercise was alleged to constitute or form part of
4 rebellion, sedition or subversion as then defined by law; and even if
5 such violation took place during or in the course of what the
6 authorities at the time deemed an illegal assembly or demonstration:
7 *Provided*, That torture in any form or under any circumstances shall
8 be considered a human rights violation;

9 3. Any enforced or involuntary disappearance caused upon a person
10 who was arrested, detained or abducted against one's will or otherwise
11 deprived of one's liberty;

12 4. Any force or intimidation causing the involuntary exile of a person
13 from the Philippines;

14 5. Any act or series of acts causing, committing and/or conducting
15 the following:

16 a) Kidnapping or otherwise exploiting children of persons suspected of
17 committing acts against the Marcos regime;

18 b) Committing sexual offenses against human rights victims who are
19 detained and/or in the course of conducting military and/or police
20 operations;

21 c) Other violations and/or abuses similar or analogous to the above,
22 including those recognized by international law.

23 **b. Human Rights Violation Victim (HRVV)** refers to a person whose
24 human rights were violated by persons acting in an official capacity and/or
25 agents of the State as defined herein. In order to qualify for compensation

1 under this Act, the human rights violation must have been committed
2 during the period from September 21, 1972 to February 25, 1986: *Provided*
3 *however*, That victims of human rights violations that were committed one
4 month before September 21, 1972 and after February 25, 1986 shall be
5 entitled to compensation under this Act if they can establish that the
6 violation was committed:

- 7 1. by agents of the State and/or persons acting in an official capacity
8 loyal to the Marcos regime;
- 9 2. for the purpose of preserving, maintaining, supporting or promoting
10 the said regime; or
- 11 3. to conceal abuses during the Marcos regime and/or the effects of
12 martial law.

13 c. **Persons Acting in an Official Capacity/Agents of the State** refer
14 to persons acting in an official capacity and/or agents of the State:

- 15 1. Any member of the former Philippine Constabulary (PC), the former
16 Integrated National Police (INP), the Armed Forces of the Philippines
17 (AFP) and the Civilian Home Defense Force (CHDF) from September
18 21, 1972 to February 25, 1986 as well as any civilian agent attached
19 thereto; and any member of a paramilitary group even if one is not
20 organically part of the PC, INP, AFP or CHDF so long as it is shown
21 that the group was organized, funded, supplied with equipment,
22 facilities and/or resources, and/or indoctrinated, controlled and/or
23 supervised by any person acting in an official capacity/agent of the
24 State as herein defined;

1 2. Any member of the civil service, including persons who held elective
2 or appointive public office at any time from September 21, 1972 to
3 February 25, 1986;

4 3. Persons referred to in Section 2(a) of Executive Order No. 1,
5 creating the Presidential Commission on Good Government (PCGG),
6 issued on February 28, 1986 by then President Corazon Aquino in the
7 exercise of her legislative powers under the Freedom Constitution,
8 including former President Ferdinand Marcos, spouse Imelda Marcos,
9 their immediate relatives by consanguinity or affinity, as well as their
10 close relatives, associates, cronies and subordinates; and

11 4. Any person or group/s of persons acting with the authorization,
12 support or acquiescence of the State during the Marcos regime.

13 d. **Monetary Compensation** refers to any financial consideration
14 equivalent to an economically assessable damage under this Act resulting
15 from violation of the victim's human rights.

16 e. **Non-Monetary Compensation** refers to a non-pecuniary
17 compensation given to a victim of a human rights violation or members of
18 the family to restore the family's honor and dignity and shall include, but
19 not be limited to psychotherapy, counseling, medical care, social
20 amelioration and honorific recognition.

21 f. **Torture** refers to any act by which severe pain or suffering, whether
22 physical or mental, is intentionally inflicted on any person under the
23 custody of persons acting in an official capacity and/or agents of the State,
24 as defined by law, jurisprudence and international conventions.

1 **SEC. 4. Entitlement to Monetary Compensation.** Any HRVV
2 qualified under this Act shall receive compensation from the State, free of
3 tax, as herein prescribed: *Provided*, That for a deceased HRVV, the legal
4 heirs as provided for in the Civil Code of the Philippines, or such other
5 person named by the executor or administrator of the deceased HRVV's
6 estate in that order, shall be entitled to receive such compensation:
7 *Provided further*, That no special power of attorney shall be recognized in the
8 actual disbursement of the award, and only the victim or the aforesated
9 successor(s)-in-interest shall be entitled to personally receive said
10 compensation from the Board, unless the victim involved is shown to be
11 incapacitated to the satisfaction of the Board: *Provided furthermore*, That
12 the compensation received under this Act shall be without prejudice to the
13 receipt of any other sum by the HRVV from any other person or entity in any
14 case involving violations of human rights as defined in this Act.

15 **SEC. 5. Non-Monetary Compensation.** The Department of Health
16 (DOH), Department of Social Welfare and Development (DSWD), Department
17 of Education (DepEd), the Commission on Higher Education (CHED),
18 Technical Education and Skills Development Authority (TESDA), and such
19 other government agencies shall render the necessary services as non-
20 monetary compensation for HRVVs and/or their families, as may be
21 determined by the Board pursuant to the provisions of this Act. The amount
22 necessary for this purpose shall be sourced from the budget of the agency
23 concerned in the annual General Appropriations Act.

1 Eligible claimants may immediately avail of non-monetary
2 compensation upon final approval of the Board of their application for
3 claims.

4 The Commission on Human Rights (CHR) shall monitor and facilitate
5 the proper implementation of this provision beyond the completion of the
6 work of the Board as prescribed in Section 31 herein.

7 **SEC. 6. Amount of Compensation.** The amount of compensation
8 under this Act shall be in accordance with the number of points assigned to
9 the individual under Sections 20 and 22 herein.

10 **SEC. 7. Source of Compensation.** The funds transferred to the
11 Government of the Republic of the Philippines by virtue of the December 10,
12 1997 Order of the Swiss Federal Supreme Court, adjudged by the Supreme
13 Court of the Philippines as final and executory in Republic vs.
14 Sandiganbayan on July 15, 2003 (G.R. No. 152154) as ill-gotten Marcos
15 wealth and forfeited in favor of the Republic of the Philippines, shall be the
16 principal source of funds for the implementation of this Act.

17 18 **CHAPTER II**

19 **THE HUMAN RIGHTS VICTIMS' COMPENSATION BOARD**

20 **SEC. 8. Creation and Composition of Human Rights Victims**
21 **Compensation Board.** An independent Human Rights Victims'
22 Compensation Board, hereinafter referred to as the Board, is hereby created.
23 It shall be composed of seven (7) members, who shall possess the following
24 qualifications:

- 25 a. must be of known probity, competence and integrity;

- 1 b. must have deep understanding of the human rights violations
2 committed during the rule of former President Ferdinand Marcos;
3 c. at least one (1) of them must be a member of the Philippine Bar
4 who has been engaged in the practice of law for at least five (5)
5 years; and
6 d. must have an understanding of human rights protection,
7 promotion and advocacy.

8 **SEC. 9. Appointment to the Board.** The President of the Philippines
9 shall appoint the members of the Board from among a list of fifteen (15)
10 nominees to be submitted by a Nominations Committee.

11 The first nominee appointed by the President or the appointee whose
12 name appears first in the list of appointees shall be the Chairperson of the
13 Board.

14 The incumbent Chairperson of the Commission on Human Rights, or
15 any person duly authorized by the CHR *en banc*, shall be the *ex-officio* Co-
16 Chairperson of the Board, and shall assume the duties and responsibilities
17 jointly with the other Chairperson appointed by the President.

18 The Board shall organize itself within thirty (30) days from the
19 appointment of all seven (7) members and shall thereafter organize its
20 Secretariat.

21 **SEC. 10. Nominations Committee.** A Nominations Committee is
22 hereby created which shall be chaired by the Executive Secretary with
23 members representing the following:

- 24 1. Commission on Human Rights (CHR);
25 2. Task Force Detainees of the Philippines (TFDP);

1 3. Families of Victims of Involuntary Disappearance (FIND); and

2 4. Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto
3 (SELDA).

4 No human rights violation victim who is entitled to compensation as
5 defined under this Act shall be nominated to become a member of the
6 Board.

7 **SEC. 11. Consultative Body.** There shall also be created a
8 consultative body which shall work in close coordination with the
9 Compensation Board and shall perform the primary function of identifying
10 and monitoring the legitimate victims who may be eligible for compensation
11 under this Act, and such other functions as may be defined by the Board.

12 The consultative body shall be composed of five (5) members, one (1)
13 representative of whom will come from each of the following human rights
14 organizations:

15 1. Families of Victims of Involuntary Disappearances (FIND);

16 2. Samahan ng mga Ex-detainees Laban sa Detensyon at Aresto
17 (SELDA);

18 3. Task Force Detainees of the Philippines (TFDP);

19 4. Claimants 1081; and

20 5. KARAPATAN.

21 **SEC. 12. Powers and Functions of the Board.** The Board shall
22 have the following powers and functions:

23 a. Evaluate and approve with finality all eligible claims under this Act;

24 b. Conduct independent administrative proceedings and resolve
25 disputes over claims;

1 c. Deputize appropriate government agencies to assist it in order to
2 effectively perform its functions;

3 d. Promulgate such rules as maybe necessary to carry out the
4 purposes of this Act, including rules of procedure in the conduct of its
5 proceedings, with the Revised Rules of Court of the Philippines having
6 suppletory application;

7 e. Issue subpoena/s *ad testificandum* and subpoena/s *duces tecum*;

8 f. Exercise administrative control and supervision over its Secretariat;
9 and

10 g. Perform such other duties, functions and responsibilities as may be
11 necessary to effectively attain the objectives of this Act.

12 **SEC. 13. Meetings of the Board.** The Board shall meet once a week
13 but not to exceed eight (8) times in a month. The actual attendance of four
14 (4) Members shall constitute a quorum for purposes of convening the Board:
15 *Provided*, That a majority of votes from all the Members of the Board shall be
16 required for the final approval of applications for claims and all other
17 resolutions which need the approval of the Board *en banc*.

18 **SEC. 14. Resolution of Claims.** The Board shall be composed of two
19 (2) Divisions, which shall function simultaneously and independently of
20 each other in the resolution of conflicting claims for compensation. Each
21 Division shall be composed of one (1) Chairman and two (2) Members to be
22 appointed by the Chairperson of the Compensation Board.

23

1 **SEC. 15. Emoluments.** The Chair and Members of the Board shall
2 receive per diems for every meeting actually attended at rates to be approved
3 by the Department of Budget and Management.

4 **SEC. 16. Secretariat of the Board.** The Board shall be assisted by a
5 Secretariat which shall come from the existing personnel of the Commission
6 on Human Rights. The following shall be the functions of the Secretariat:

- 7 a. Receive, evaluate, process and investigate applications for claims
8 under this Act;
- 9 b. Recommend to the Board the approval of applications for claims;
- 10 c. Assist the Board in technical functions; and
- 11 d. Perform other duties that may be assigned by the Board.

12 The Chairperson of the Board shall appoint a Board Secretary who
13 shall head the Secretariat for the duration of the existence of the
14 Compensation Board. There shall be a Technical Staff Head assisted by five
15 (5) Legal Officers and three (3) Paralegal Officers; and an Administrative
16 Staff head assisted by three (3) Administrative Support Staff.

17 When necessary, the Board may hire additional contractual employees
18 or contract a service provider to provide services of counselors,
19 psychologists, social workers and public education specialists, among
20 others, to augment the services of the Secretariat: *Provided*, That the
21 maximum contract amount per year shall not exceed more than fifteen
22 percent (15%) of the total annual operating budget of the Board.

23 **SEC. 17. Operating Budget of the Board.** The amount of not more than
24 Fifty Million Pesos(Php50,000,000.00) per year necessary for the operating
25 expenses of the Board shall be sourced from the funds transferred to the

1 Government of the Republic of the Philippines by virtue of the December 10,
2 1997 Order of the Swiss Federal Supreme Court and referred to in Section 7
3 hereof.

4 **SEC. 18. *Proper Disposition of Funds.*** The Board shall ensure that
5 funds appropriated or those which may become available as compensation
6 for HRVVs are properly disbursed in accordance with the policies stated by
7 Congress and relevant government accounting procedures.

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CHAPTER III

10

CLASS SUIT AND DIRECT ACTION PLAINTIFFS

11

IN MDL NO. 840, CA NO. 86- 0390

12

13 **SEC. 19. *Conclusive Presumption that a Person is a Human***
14 ***Rights Violation Victim.*** The claimants in the class suit and the direct
15 action plaintiffs in the Marcos human rights litigation (MDL no. 840, CA no.
16 86-0390) in the US Federal District Court of Honolulu in Hawaii, whereby a
17 favorable judgment has been rendered, are hereby declared human rights
18 violation victims as defined in this Act.

18

19 Pursuant to the foregoing, the CHR shall secure the list of the victims
20 from the aforesaid Court within sixty (60) days from the effectivity of this
21 Act: *Provided*, That any member of the list who was deleted therein for
22 failure to reply to the communications issued by the District Court shall
23 benefit from this provision on the condition that the member whose name
24 was deleted shall prove that the victim is the person who was deleted therein
by submitting proof of identity.

Any person who has secured or can secure in one's favor a judgment or award of damages from any court of the Philippines arising from a human rights violation as defined in Section 3 of this Act, even if the said judgment has not yet become final and executory, shall be considered conclusively as a human rights victim without need of further proof.

SEC. 20. Determination of Award. a. The Board shall follow the point system in the determination of the award. The range shall be one (1) to ten (10) points, as follows:

1) Victims who died or who disappeared and are still missing shall be given ten (10) points;

2) Victims who were tortured and/or raped shall be given four (4) to nine (9) points;

3) Victims who were detained shall be given two (2) to four (4) points.

4) Victims who were forcibly exiled from the Philippines, kidnapped or otherwise exploited, sexually offended but not raped in the course of the conduct of military and/or police operations, or those whose rights were violated under Section 3, par. a, no. 5, sub-paragraph (c) of this Act shall be given one (1) to four (4) points.

The Board shall exercise its powers with due discretion, the determination of points for each victim, which shall be based on the type of violation committed against the HRVV, frequency and duration of the violation. In instances where a victim is classified in more than one category, one shall be awarded the points in the higher category.

b. The Board shall set aside eighty percent (80%) of the total compensation fund appropriated under this Act and utilize such amount for

1 the compensation of eligible human rights violation victims in the class suit,
2 including the direct action plaintiffs in the Marcos human rights litigation
3 (MDL no. 840, CA no. 86-0390) in the US Federal District Court of
4 Honolulu, Hawaii.

5 c. The Board shall proceed to determine the award for each claimant
6 classified as Hawaii plaintiffs, under paragraph b of this section.

7 d. The Board shall then compute the numerical value of one point by
8 adding the total number of points assigned to all the claimants classified
9 under the category set forth under paragraph (a) of this section, divided by
10 the sum of money corresponding to eighty percent (80%) of the total
11 compensation fund.

12 e. Within fifteen (15) days after the lapse of the period of six (6)
13 months for the filing of applications under this Act, each qualified claimant
14 shall then receive from the Board the final monetary value of one's award
15 that is equivalent to the numerical value of one point multiplied by the
16 number of points one is entitled to, as previously determined by the Board.

17 18 CHAPTER IV

19 OTHER CLAIMANTS

20 **SEC. 21. *Other Claimants.*** Any person who does not fall under
21 the preceding Section 20 but was an HRVV can file a claim with the Human
22 Rights Victims Compensation Board for compensation and/or recognition.

23 **SEC. 22. *Determination of Award for Other Claimants.*** a. The
24 Board shall apply the point system as applied to Hawaii plaintiffs under Sec.
25 20 of this Act.

1 b. The Board shall utilize twenty percent (20%) of the total
2 compensation fund appropriated under this Act to compensate the other
3 claimants who were not direct and class suit plaintiffs in the Marcos human
4 rights litigation (MDL no. 840, CA no. 86-0390) in the US Federal District
5 Court of Honolulu, Hawaii.

6 c. The Board shall then determine the total number of points
7 identified for all the eligible claimants. It shall likewise determine the
8 numerical value of one point by adding the total number of points assigned
9 to all the claimants classified under this category divided by the sum of
10 money corresponding to twenty percent (20%) of the total compensation
11 fund.

12 d. Within fifteen (15) days after the lapse of the period of six (6)
13 months for the filing of applications under this Act, each qualified claimant
14 shall receive from the Board the final monetary value of the award that is
15 equivalent to the numerical value of one point multiplied by the number of
16 points each claimant is entitled to, as determined by the Board.

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CHAPTER V

19

General Provisions

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SEC. 23. *Transfer of Funds.* Pursuant to the judgment mentioned
in Section 7 hereof, the amount of Ten Billion Five Hundred Million Pesos
(Php10,500,000,000.00) is hereby set aside and appropriated to fund the
purposes of this Act: *Provided*, That the said amount shall be deposited as a
special account in the General Fund in trust for the HRVVs which shall be
disbursed or withdrawn subject to the approval of the Human Rights

1 Victims Compensation Board created herein, in accordance with existing
2 accounting and auditing rules and regulations: *Provided further*, That the
3 fund shall not be withdrawn or disbursed by the National Government for
4 any other purpose: *Provided furthermore*, That all interest earned shall
5 accrue to the General Fund: *Provided finally*, That after the completion of
6 the mandate under this Act, any balance of the special account for the
7 compensation of human rights victims shall revert to the General Fund.

8 **SEC. 24. Documentation of Human Rights Violations during the**
9 ***Marcos Regime.*** Without prejudice to other submissions which may be
10 required by the Board in the implementation of this Act, any HRVV or the
11 legal heir/s or representative thereof seeking compensation shall execute a
12 detailed sworn statement, accompanied by photographs, letters, death
13 certificate, pleadings and other judicial or quasi-judicial documents,
14 newspaper or videotaped accounts, and/or materials or testimonials of
15 witnesses corroborating and narrating the circumstances of the human right
16 violation committed against the said HRVV. Such evidentiary proofs shall be
17 compiled by the Compensation Board and the CHR, with the assistance of
18 the National Historical Commission of the Philippines (NHCP), the University
19 of the Philippines (UP) and non-governmental organizations (NGOs) whose
20 assistance may be engaged, for the purposes of documenting and
21 establishing an archive of human rights violations during the Marcos
22 regime. The compilation shall be submitted to the President, the Congress
23 of the Philippines and the Supreme Court within two (2) years from the
24 effectivity of this Act.

1 **SEC. 25. Publication.** The Board, after having been duly convened,
2 shall set the period for the commencement and termination of applications
3 by HRVVs and cause the publication of the same; *Provided*, That such
4 period shall only become operative fifteen (15) days after its last publication,
5 which shall be once a week for three (3) consecutive weeks in at least two (2)
6 national newspapers of general circulation.

7 **SEC. 26. Period for Filing of Claims; Waiver.** An HRVV shall file
8 an application for compensation with the Board, within six (6) months from
9 the effectivity of the IRR of this Act: *Provided*, That failure to file an
10 application within said period is deemed a waiver of the right to file the
11 same: *Provided further*, That for HRVVs who are deceased or incapacitated,
12 their legal heirs or representatives, shall be entitled to file an application for
13 compensation on their behalf.

14 Any opposition to the new application/s pursuant to Section 21 hereof
15 shall only be entertained if such is filed within fifteen (15) days from the
16 date of the last publication of the official list of eligible claimants as may be
17 determined by the Board. The Board shall cause the publication of the
18 official list of eligible claimants once a week for three (3) consecutive weeks
19 in at least two (2) newspapers of general circulation.

20 **SEC. 27. Appeal.** Any aggrieved claimant may file an appeal within
21 fifteen (15) days from the receipt of the Resolution of the Division, to the
22 Board *en banc*, whose decision shall then become final and executory.

23 **SEC. 28. Penalties; Applicability of the Revised Penal Code.** Any
24 claimant who is found by the Board, after due hearing, to have falsified

1 one's application for compensation or have filed a fraudulent claim, shall be
2 referred to the appropriate office for prosecution.

3 Any member of the Board and its Secretariat, public officer,
4 employee of an agency mandated to implement this Act, or any private
5 individual who shall misuse, embezzle or misappropriate the funds for the
6 compensation of HRVVs or who shall commit fraud in the processing of
7 documents and claims of HRVVs, or shall conspire with any individual to
8 commit the same, shall also be prosecuted.

9 Any person, who may have been found guilty of committing any or all
10 of the prohibited acts herein, or committing any offense punishable under
11 the Revised Penal Code, shall be penalized under the pertinent provisions in
12 the Code and relevant special penal laws.

13 **SEC. 29. *Roll of Victims.*** Persons who are established to be HRVVs
14 shall be given recognition by the enshrinement of their names in a Roll of
15 Victims of Human Rights Violations to be prepared by the Board. The Roll
16 shall be filed with the National Library and in such offices or agencies, both
17 national and international, which are dedicated to the prevention of human
18 rights abuses. The NHCP shall erect in a conspicuous location in the
19 National Capital Region an appropriate memorial, shrine or monument
20 honoring these HRVVs.

21 22 **CHAPTER VI**

23 **Final Provisions**

24 **SEC. 30. *Implementing Rules and Regulations.*** Within thirty (30)
25 days from the date of its organization, the Board shall promulgate the

1 necessary Implementing Rules and Regulations (IRR) and procedures for the
2 effective implementation of this Act. The IRR shall be effective fifteen (15)
3 days after its publication in two (2) national newspapers of general
4 circulation.

5 **SEC. 31. Work Period; Sunset Clause.** The Board shall complete
6 its work within two (2) years from the effectivity of the IRR promulgated by it
7 and may only be extended for a period not to exceed one (1) year by virtue of
8 an executive order to be issued by the President. After such period, it shall
9 cease *functus officio*.

10 **SEC. 32. Repealing Clause.** All laws, decrees, executive orders,
11 rules and regulations or parts thereof inconsistent with any of the provisions
12 of this Act are hereby repealed, amended or modified accordingly.

13 **SEC. 33. Separability Clause.** If any section or provision of this Act
14 is declared unconstitutional or invalid, such other sections or provisions not
15 affected thereby shall remain in full force and effect.

16 **SEC. 34. Effectivity Clause.** This Act shall take effect fifteen (15)
17 days after its publication in at least two (2) national newspapers of general
18 circulation.

19

20 Approved,

FACT SHEET

House Bill Nos. 54, 97, 302, 954, 1693

(Approved by the Committee on Human Rights on 7 March 2011; approved by the Committee on Appropriations on 8 February 2012)

COMPENSATION ACT TO VICTIMS OF HUMAN RIGHTS VIOLATIONS

Introduced by **REPS. TAÑADA III, LAGMAN, BELLO, BAG-AO, CASIÑO, COLMENARES, TINIO, MARIANO, ILAGAN, DE JESUS, PALATINO, JAVIER,**

Committee Referral: **COMMITTEE ON HUMAN RIGHTS (Primary)**

Committee Chairperson: **REP. RENE L. RELAMPAGOS**

Committee Referral: **COMMITTEE ON APPROPRIATIONS (Secondary)**

Committee Chairperson: **HON. JOSEPH EMILIO A. ABAYA**

Objectives:

- To recognize the heroism and sacrifices of all Filipinos who were victims of summary execution, torture, involuntary disappearance and other gross human rights violations committed during the Marcos regime.
- To acknowledge the State's moral and legal obligation to recognize and 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
- To provide compensation to human rights violations separate and distinct 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

Key Provisions:

- Confines the human rights violations compensable under this bill to enumerated acts or omissions occurring during the period from September 21, 1972 to February 25, 1986 committed by persons acting in an official capacity and/or agents of the State.
- Mandates that qualified human rights violations victims shall receive monetary compensation from the State to be sourced from the funds transferred to the Government of the Republic of the Philippines by virtue of the December 10, 1997 Order of the Swiss Federal Supreme Court,

adjudged by the Supreme Court of the Philippines as ill-gotten Marcos wealth and forfeited in favor of the State. From this amount is formed the human rights compensation fund.

- Provides for the creation of a Human Rights Victims Compensation Board which will be tasked to evaluate and approve with finality all the claims under the proposed measure. The Board shall receive, evaluate, process and investigate claims. They shall also apportion points to the violations and compute the compensation accordingly.
- Provides that the amount of compensation to be received shall be in accordance with a point system devised in the bill, ranging from one to ten, depending on the gravity of the human rights violation, and as determined by the Board.
- Mandates that those in the list of in the list of class suit and direct action plaintiffs in the Marcos Human Rights Litigation (hereinafter referred to as MDL 840) are given the conclusive presumption that they are human rights violation victims. The bills provide that (eighty percent) 80% of the total compensation fund shall be allotted for them.
- Provides that those who are not included in the aforementioned list, but are later determined to be human rights violations victims can also file a claim with the Human Rights Victims Compensation Board. Twenty percent (20%) of the total compensation fund is allotted for them.

Related Laws:

- 1987 Philippine Constitution
- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights