

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. 4502



Introduced by Representative H. Harry L. Roque Jr.

**AN ACT DECLARING NOVEMBER TWENTY-THREE AS "A NATIONAL DAY OF
COMMEMORATION FOR ALL VICTIMS OF EXTRALEGAL KILLINGS "**

EXPLANATORY NOTE

Exactly seven years ago today, an entourage of 58 persons aboard a convoy of cars and vans were stopped by armed men at a police checkpoint in Karuan, Ampatuan, Maguindanao. They were then herded to a remote hill in Sitio Masalay a few kilometers away.

When they reached the forlorn hill, the 58 captives met a gruesome death in the hands of a blood-thirsty band led by then Datu Unsay town mayor Andal Ampatuan Jr., scion and namesake of the state-backed local despot, Andal Ampatuan Sr., who, in his time, ruled Maguindanao with an iron fist.

Of the 58 victims, 32 were journalists and media workers; the journalists and media workers joined the convoy to cover an entourage of women relatives of then Buluan town vice Mayor Esmael Mangudadatu and led by his wife Genalyn.

They were on their way to the Commission on Election's office in Shariff Aguak to file the vice mayor's certificate of candidacy for provincial governor.

It was a grisly end for the group. Most of the victims were thrown into nearby pits earlier dug ostensibly for the purpose by a backhoe owned by the provincial government of Maguindanao. When police investigators finally reached the scene many hours later, they also found buried with some the victims in one of the pits a couple of cars from the ill-fated convoy.

The killing of the 32 journalists and media workers was the worst single attack on press freedom in recorded history. It was also the worst spate of election-related violence in the Philippines since the Martial Law era.

The Maguindanao massacre, as an egregious incident of extralegal killings, highlights state responsibility over human rights violations committed by its agents. It is a class of gross human rights violations for which the State must answer, on top of the individual criminal liability of the perpetrators themselves. Under international law, the Republic of the Philippines has a duty to provide compensation and satisfaction to the victims and their families.

According to current international law, satisfaction covers public acknowledgement of the State's wrongdoing, along with concrete steps to repair the relationship between the victim and the State and the civil society as a whole. Thus satisfaction includes commemorations, as memorials that signify the state's resolve not to allow such a carnage to happen again.

Hence, there is a need for the State, through Congress, to pass a law setting aside a day to commemorate victims of extralegal killings, including the victims of the Ampatuan Massacre, to stress its resolve to fight impunity and to honor the memory of those who perished by rejecting impunity as a state policy.



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1 AN ACT DECLARING NOVEMBER TWENTY-THREE EVERY YEAR AS "A
2 NATIONAL DAY OF COMMEMORATION FOR ALL VICTIMS OF EXTRALEGAL
3 KILLINGS "
4

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

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6 SECTION 1. In recognition of the need to establish a comprehensive and
7 structured campaign against impunity, November 23 of every year is hereby declared
8 as the "A National Day of Commemoration for All Victims of ExtraLegal Killings".
9

10 SECTION 2. To ensure meaningful observance of the special working holiday as
11 herein declared, all head of government agencies and instrumentalities, including
12 government-owned and controlled corporations as well as local government units, and
13 employers in the private sector shall encourage and afford sufficient time and
14 opportunities for their employees to engage and participate in any activity conducted
15 within the premises of their respective offices or establishments to create such a
16 National Day of Commemoration.
17

1 **SECTION 3.** The Department of Education (DepEd) and the Commission on
2 Higher Education (CHED), in coordination with the Presidential Communication
3 Operations Office, other government media organizations, private media organizations,
4 shall lead public and private school communities at all levels in organizing
5 consciousness-raising activities on the importance of the press, their rights, and the
6 elimination of all forms of violence or impunity, including that directed at press
7 freedom. DepEd and CHED, in coordination with the Commission on Human Rights
8 (CHR) and the Office of the Ombudsman, shall take the lead in creating a teaching
9 module on state responsibility for human rights violations and humanitarian law to be
10 taught or discussed during the commemoration.

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12 **SECTION 4.** If, for any reason, any section or provision of this Act is held to be
13 unconstitutional or invalid, the validity of other sections herein shall not be affected
14 thereby.

15
16 **SECTION 5.** This Act shall take effect fifteen (15) days in following its
17 publication in two national newspapers of general circulation.

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19 Approved,

7/1/2011