

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17TH) CONGRESS
First Regular Session

HOUSE BILL NO. **4574**



Introduced by REP. JOSE CHRISTOPHER "KIT"Y. BELMONTE

EXPLANATORY NOTE

R.A. No. 10368, otherwise known as the "Human Rights Victims Reparation and Recognition Act of 2013," was signed into law on 25 February 2013. By virtue thereof, the State acknowledged its obligation to recognize the heroism and sacrifices, and restore the honour and dignity, of victims of gross human rights violations committed by agents of the State and/or persons acting in official capacity during the regime of former President Ferdinand E. Marcos; and/or provide reparation to these victims or their families for the deprivations and damages they suffered.

The Human Rights Victims' Claims Board (HRVCB) was created as an independent quasi-judicial body attached to the Commission on Human Rights (CHR). It commenced its operations and conducted the initial acceptance of applications from 12 May 2014 to 10 November 2014. Moreover, by virtue of Congressional Joint Resolution No. 03, the intake period was extended from 8 April 2015 to 30 May 2015. At the end of said period, the HRVCB received a total of 75,730 applications.

Several challenges emerged in the implementation of R.A. No. 10368, owing to the unforeseen developments at the time of its enactment. For instance, the HRVCB was initially given only until 12 May 2016 to complete its task. This was addressed with the enactment of R.A. No. 10766 which extended the HRVCB's life up to 12 May 2018.

However, there are other matters that remain urgent and critical to the effective functioning of the HRVCB. Under Section 14 of R.A. No. 10368, as amended, the

HRVCB has a yearly appropriation of not exceeding **fifty million pesos (P50,000,000)**. The over two (2) years operations of the HRVCB has evinced that said apportionment exposes the HRVCB to the risk of deficit spending in the future. This is especially true because Executive Order No. 201, s. 2016, modified and increased the basic salaries of government officers and employees, which caused a manifold increase in the Personnel Salaries requirement of the HRVCB.

Also, Section 13, paragraph 3, of R.A. No. 10368, provides a **fifteen percentage (15%)** ceiling in contracting additional contractual employees of the HRVCB. Coupled with the limited personnel complement provided in the same section, this limits the capacity of the HRVCB to adjudicate all the applications and to perform its other necessary administrative and operational functions.

Lastly, Section 23, paragraph 2 of R.A. No. 10368, provides for the frequency of the publication of the official list of eligible claimants which is once a week for three consecutive weeks. The period of publication provided by the same law if reduced to just one time publication would give the Board additional period to proceed with its other processes. On the part of the eligible claimants, the letter will be able to receive the monetary reparation at an earlier time. In this connection, Section 19 (d) of the same law must also be amended to reflect the reduced frequency of publication. Ultimately, the reduction of the frequency of publication will hasten the HRVCB processes that will result to earlier reparation distribution.

There is, thus, an immediate need to address the budgetary constraint, as well as the hiring ceiling, and to reduce the frequency of publication imposed by law in order to provide the HRVCB the wherewithal to effectively and promptly complete its task.

In view of the foregoing, the passage of this Bill is urgently sought.

A handwritten signature in dark ink, appearing to read "J. Belmonte", with a long, sweeping vertical line extending downwards from the end of the signature.



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Introduced by REP. JOSE CHRISTOPHER "KIT"Y. BELMONTE

AN ACT AMENDING REPUBLIC ACT NO. 10368, ENTITLED
"AN ACT PROVIDING FOR REPARATION AND
RECOGNITION OF 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:

SEC 1. Section 13, paragraph 3 of Republic Act No. 10368 is hereby amended to read as follows:

"SEC 13. x x x x

When necessary, the Board may hire additional contractual employees or contract a service provider to provide services of counselors, psychologists, social workers and public education specialists, among others, to augment the services of the Secretariat."

SEC 2. Section 14 of the same law is likewise amended to read as follows:

"SEC 14. *Operating Budget of the Board.*— The operating budget of the Board shall be funded from the interest of the Ten billion peso (P10,000,000,000.00) fund, with Ten million pesos (P10,000,000.00) as its initial operating budget: *Provided*, That it shall not exceed one hundred million pesos (P100,000,000.00) per calendar year."

SEC 3. Section 19 (d) of the same law is likewise amended to read as follows:

"SEC 19. x x x x

(d) Within thirty (30) days after the Board has approved with finality all eligible claims pending before it and after the publication of the official list eligible claimants in two (2) newspapers of general circulation, the award of monetary compensation shall take effect: *Provided*, that any pending appeal filed by an aggrieved claimant or oppositor before the Board *en banc* must be resolved by it sixty (60) days before the Board becomes *functus officio*."

SEC 4. Section 23, paragraph 2 of the same law is likewise amended to read as follows:

"SEC 23. x x x x

Any opposition to the new application/s pursuant to Section 16 hereof shall only be entertained if such is filed within fifteen (15) days from the date of the publication of the official list of eligible claimants as may be determined by the Board. The Board shall cause the publication of the official list of eligible claimants only once in at least two (2) national newspapers of general circulation."

SEC 5. *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.

SEC 6. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations, or any part thereof, which are inconsistent with any of the provisions of this Act, are hereby repealed or modified accordingly.

SEC 7. *Effectivity.* This Act shall take effect upon its complete publication in a newspaper of general publication.

Approved,