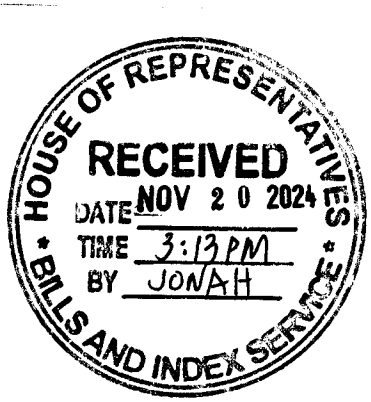


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11124

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

The purpose of this proposed law is to fully implement and enforce the provisions of the Constitution on the duties and accountabilities of the government on the matter of human rights based firstly on two of the five principles in Article II of the 1987 Constitution: *"Section 4. "The prime duty of Government is to serve and protect the people...;"* and *"Section 5. "The maintenance of peace and order, the protection of life, liberty and property and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."*

Secondly, the "heart" of the Constitution according to the President of the 1986 Constitutional Commission, former Associate Justice of the Supreme Court Cecilia Munoz-Palma are its provisions on social justice and human rights as provided, among other provisions, in Article II, Section 11: *"The State values the dignity of every human person and guarantees respect for human rights."* and in Section 12, par. (4) of the Bill of Rights which, in addition to penal and civil sanctions, provides for *"compensation tor rehabilitation of victims of torture or similar practices...."*

Thus, in Article XIII, among the functions of the Commission on Human Rights is Sec.18, par. (6): *"To recommend to Congress effective measures to promote human rights and.to provide compensation to victims of violations of human rights and their families."*

Despite these constitutional guarantees, numerous cases of gross human rights violations including torture, extrajudicial killings, enforced disappearances, and arbitrary detentions, continue to persist, leaving countless victims without adequate reparation. Acknowledging the suffering and losses endured by human rights violations victims (HRVVs) and their families is not merely an act of charity but a recognition of the government's commitment to promoting justice, ensuring accountability by state actors, and protecting every Filipino's human rights.

For many victims and their families, the impact of human rights violations extends far beyond physical harm—it encompasses loss of livelihood, psychological trauma, and long-term emotional distress. The effects are often felt for generations, perpetuating cycles of poverty and marginalization.

While the Commission on Human Rights has a program of assistance to victims of human rights violations, the amounts and the coverage of the assistance and compensation provided by these programs are limited and inadequate. There is no enabling law to comprehensively provide for the accountabilities of government in this regard and to the

provide the Commission on Human Rights the resources and organizational capability to deliver them to the victims and their families. Existing programs under the Commission on Human Rights (CHR) and Republic Act (RA) No. 7309 or the *"Board of Claims for Victims of Unjust Imprisonment or Detention"* provide limited coverage and are insufficient to address the widespread and complex needs of HRVVs.

The enactment of this law will be a testament to the government's recognition and unwavering commitment to carry out all its responsibilities to victims of violations of human rights. It is also hoped to have a deterrent effect on agents of the state from engaging in such violations in their operations.

In view of all the foregoing, the early passage of this bill is earnestly sought.

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

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HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

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Introduced by **Representative Jaime R. Fresnedi**

AN ACT
PROVIDING COMPENSATION FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS AND APPROPRIATING FUNDS THEREFOR AND OTHER PURPOSES

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

CHAPTER I
PRELIMINARY PROVISIONS

Section 1. *Title.* – This Act shall be known as the *"Human Rights Violations Victims Compensation Act".*

SEC. 2. *Declaration of Policy.* – Section 11 of Article II of the 1987 Constitution of the Republic of the Philippines declares that the State values the dignity of every human person and guarantees full respect for human rights. Pursuant to this declared policy, Section 12 of Article III 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.

By virtue of Section 2 of Article II of the Constitution adopting generally accepted principles of international law as part of the law of the land, the Philippines adheres to international human rights laws and conventions, the Universal Declaration of Human Rights, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment which imposes on each State party the obligation to enact domestic legislation to give effect to the rights recognized therein and to ensure that any person whose rights or freedoms have been violated shall have an effective remedy, even if the violation is committed by persons acting in an official capacity. In fact, the right to remedy and reparation, which includes the right to compensation are, in itself guaranteed under existing human rights treaties and/or customary international law including the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, being peremptory in character *(jus cogens)* and as such has been recognized as non-derogable.

Consistent with the foregoing, the State hereby acknowledges its moral and legal obligation to recognize and provide reparation through compensation of victims and/or their families for the deaths, injuries, sufferings, deprivations and damages. It is hereby declared the policy of the State to recognize the wrong done and alleviate the pain and suffering caused by violations of human rights, restore the wholeness of the victim and victim's family to the fullest extent possible prior to the violation, remedy the effects of the human rights violation and ensure the victims and victims' families the right to appropriate compensation.

SEC. 3. *Definition of Terms.* – For the purposes of this Act, the following shall mean:

a. *Compensation* refers to a quantifiable monetary award for any damage suffered, as appropriate and proportional to the gravity, scope and scale of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of humanitarian law, such as, but not limited to:

i. Physical or mental harm;

ii. Lost opportunities, including employment, education and social benefits;

iii. Material damages and loss of earnings, including loss of earning potential;

iv. Moral damage; and

v. Costs required for legal or expert assistance, medicine and medical services, and psychological and social services[1]

b. *Human Rights Violations* occur when actions by state (or non-state) actors abuse, ignore, or deny basic human rights (including civil, political, cultural, social, and economic rights in line with human rights and humanitarian law). Violations can either be direct (intentionally performed) or indirect or when the State failed to protect victims from violations of human rights or is complicit in the commission of human rights violations.

c. *Human Rights Violations Victims (HRVV)* refer to persons whose human rights were violated by persons acting in an official capacity and/or agents of the State and can file a claim for compensation under this Act.

CHAPTER II
COMPENSATION BOARD

SEC. 4. *Creation of a Compensation Board under the Commission on Human Rights.* – The Commission on Human Rights (CHR) shall have the power to provide compensation to victims of violations of human rights, or their families. Pursuant, thereto, the latter shall establish a human rights violations Compensation Board which shall adopt an expeditious and inexpensive procedure for the claimants to follow in order to secure their claims under this Act.

SEC. 5. *Powers and Functions of the Compensation Board.* – The Compensation Board shall have the following powers and functions:

[1] UN Principles on Remedy and Reparation, Principle 20

a. Receive all claims under this Act together with pertinent document to such claims;

b. Investigate, process, and determine the validity of all claims filed within thirty (30) days after submission thereof;

c. Conduct an independent administrative hearing, if necessary and resolve application for compensation or deny the same;

d. Disburse all compensation to qualified claimants at the earliest possible time;

e. Promulgate rules and regulations in order to carry out the objectives of this Act, subject to the approval of the Commission En Banc of the Commission on Human Rights; and

f. Perform such other functions as will be necessary for the implementation of this Act

SEC. 6. *Determination of Monetary Compensation.* – The determination of compensation for claims before the Compensation Board under the Commission on Human Rights shall be patterned after Republic Act No. 10368, the "*Human Rights Victims Reparation and Recognition Act of 2013.*"

The Commission on Human Rights *en banc* shall be authorized to determine the point allocation to victims whose gravity, scope, and scale of human rights violations vary depending on existing and verifiable circumstances. *Provided,* That the monetary amount shall not exceed those that civil courts would have granted as damages.

SEC. 7. *Consolidation of Claims.* – After all claims and appeals thereof have been resolved, the Compensation Board shall compute the final budgetary requirement to award all claims granted. It will be submitted for appropriation should the initial funds allocated for this Act is deemed insufficient.

SEC. 8. *Awarding of Monetary Compensation.* – Upon reflection in the General Appropriations Act, the award of monetary compensation shall take effect. The Commission on Human Rights shall develop a mechanism for the awarding of legitimate claims, subject to auditing rules and regulations.

SEC. 9. *Source of Compensation.* – The amount of One Hundred Million Pesos (P100,000,000.00) shall be appropriated to the Commission on Human Rights for the creation of the Compensation Board, its operationalization and as an initial source of compensation of victims of human rights violations. The Commission shall thereafter submit budgetary request, after consolidating all legitimate claims for compensation.

CHAPTER III
CLAIMANTS, COMPENSATION, AND RECOGNITION

SEC. 10. *Compensation Entitlement.* – Victims of human rights violations shall receive monetary compensation from the State, free of tax. *Provided,* That for a deceased or involuntary disappeared HRVV, the family members up to the 4th degree of affinity or consanguinity as provided for in the Civil Code of the Philippines, or such other person named by the executor or administrator of the deceased or involuntary disappeared HRVV's estate in

that order, shall be entitled to receive such compensation. *Provided further*, That the compensation received under this Act shall be without prejudice to the receipt of any other sum as compensation or other entitlements under the law or other damages or whatever nature and kind by reason of the same human rights violations, from any other person or entity, courts, or tribunals.

SEC. 11. *Claimants, Period for filing claims.* – The victims and/or their families, upon finding by Commission on Human Rights, through its Central and Regional Offices of the existence of human rights violations, shall be eligible to file claims before the Compensation Board, within fifteen (15) days from receipt of Resolution.

Provided, That for the deceased victims, the family members up to the fourth civil degree of consanguinity or affinity as provided for in the Civil Code of the Philippines, or Code of Muslim Personal Laws of the Philippines, whichever is applicable, or such other person named by the executor or administrator of the deceased victims' estate, in that order, shall be entitled to receive such compensation.

SEC. 12. *Amount of Compensation.* – The amount of reparation under this Act shall be in proportion to the gravity, scope and scale of the human rights violation committed against the victim and in accordance with the number of points assigned to the individual case or incident of human rights violation as determined by the Claims Board in accordance with Section 6 hereof.

SEC. 13. *Opposition, Grounds.* – Any person may oppose a claim for compensation, if he or she believes that the claimants are not entitled under the law.

SEC. 14. *Motu Proprio Recognition.* – The Commission *en banc* may take judicial notice, *motu proprio* of individual persons who suffered human rights violations as defined herein and grant such persons compensation pursuant to the rules in determining the monetary compensation.

SEC. 15. *Personal Receipt of Compensation.* – No special power of attorney shall be recognized in the actual disbursement of the award, and only the victim or the aforestated successor(s)-in-interest shall be entitled to personally receive said compensation, unless the victim involved is shown to be incapacitated.

SEC. 16. *Prospective Application, Exceptions.* – This law shall be applied prospectively, except for continuing offenses such as enforced disappearances. The families of victims whose whereabouts are still unknown, may file a claim for compensation.

SEC. 17. *Appeals.* – Any aggrieved claimant or oppositor may appeal within ten (10) days from notice of decision granting or denying the claim. The Commission En Banc of the Commission on Human Rights shall decide such appeals and its decision is considered final. Any pending appeal filed by an aggrieved claimant must be resolved within sixty (60) days after its filing.

CHAPTER IV
PENALTIES

SEC. 18. *Penalties; Applicability of the Revised Penal Code.* – Any claimant who is found by the Board, after due hearing, to have filed a fraudulent claim, shall be referred to the Department of Justice for prosecution. If convicted, he shall:

a. suffer imprisonment of eight (8) to ten (10) years;

b. be disqualified from holding any public office and employment, and

c. not be eligible to vote and be voted upon in any national or local election, even after the service of sentence unless granted absolute pardon.

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

Any member of the Compensation Board, public officer, employee of an agency or any private individual mandated to implement this Act who may be found guilty of committing any or all of the prohibited acts stated in the preceding paragraph, or those acts punishable in the Code and relevant special penal laws.

CHAPTER V
FINAL PROVISIONS

SEC. 19. *Separability Clause.* – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 20. *Suppletory Application of Laws.* – The provisions of Republic Act No. 9745 or the *"Anti-Torture Act of 2009"* and Republic Act No. 7309 or the *"Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes"* in so far as they are consistent with the provisions of this Act, shall be applied suppletorily.

SEC. 21. *Repealing Clause.* – All other laws, decrees, orders, issuances, rules and regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers in general circulation.

Approved,