

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City  
Twentieth Congress  
First Regular Session



House Bill No. 6677

---

**Introduced by AKBAYAN Representatives Percival V. Cendaña,  
Jose Manuel Tadeo “Chel” I. Diokno, and Dadah Kiram Ismula and  
Dinagat Islands Representative Kaka J. Bag-ao**

---

**AN ACT**  
**PROVIDING FOR THE RECOGNITION AND REPARATION OF**  
**VICTIMS OF EXTRA-JUDICIAL KILLINGS (EJK) FROM THE**  
**ANTI-ILLEGAL DRUGS CAMPAIGN, CREATION OF A TRUTH AND**  
**RECONCILIATION COMMISSION TO DOCUMENT SAID VIOLATIONS,**  
**APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Former President Rodrigo R. Duterte’s “War on Drugs” was supposed to be a three-to-six-month campaign. The promise was to eradicate crime, improve peace and order, and stop the demand and supply of drugs by launching intense police operations in residential areas all over the country.

What was supposedly a short-term campaign ended up becoming a systemic, institutionalized, and well-funded pseudo war which centralized all government powers to one strong man who through effective social control, was able to damage democratic principles such as checks and balances, accountability and transparency, the civilian nature of the police force, the independence of the judiciary, the rule of law, and the respect for human rights.

This democratic reversal did not come without a price.

Almost 30,000 suspected drug offenders were killed— 6,000 during police operations, the rest tagged as homicide cases under investigation. Deaths that should be given their proper term: extrajudicial killings. Deaths that should have been investigated and documented.

The profile of victims of extrajudicial killings reflects the marginalization and helplessness that Duterte’s “war on drugs” exploited and exacerbated. Most of them

are in their 30s, elementary or high school graduates, and pedicab drivers or construction workers. They are breadwinners of their families, living as informal settlers in the slums of Metro Manila. They couldn't afford a college education, much less the services of a doctor or lawyer.

This bill aims to give them an inch of justice.

This proposed legislation aims to create and compose a "Truth and Reconciliation Commission on Extra-Judicial Killings" which will investigate human rights violations committed in relation to the anti-illegal drug campaign or "Oplan Tokhang". It shall provide monetary and non-monetary reparations to EJK victims. Further, it will create an EJK Victims' Memorial Board tasked to memorialize and honor them.

Our very own criminal justice system has failed to recognize that there is a need to remember and document the human rights violations committed during one of the darkest histories of our country. So that these atrocities would not be repeated. So that the victims and their families can heal with truth and justice.

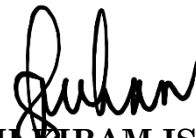
In view of the foregoing, the immediate passage of this bill is earnestly sought.



**PERCIVAL V. CENDAÑA**  
Akayan Representative



**JOSE MANUEL TADEO**  
"CHEL" I. DIOKNO  
Akayan Representative



**DADAH KIRAM ISMULA**  
Akayan Representative



**KAKA J. BAG-AO**  
Dinagat Islands Representative

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City  
Twentieth Congress  
First Regular Session

House Bill No. **6677**

---

**Introduced by AKBAYAN Representatives Percival V. Cendaña,  
Jose Manuel Tadeo “Chel” I. Diokno, and Dadah Kiram Ismula and  
Dinagat Islands Representative Kaka Bag-ao**

---

**AN ACT**  
**PROVIDING FOR THE RECOGNITION AND REPARATION OF**  
**VICTIMS OF EXTRA-JUDICIAL KILLINGS (EJK) FROM THE**  
**ANTI-ILLEGAL DRUGS CAMPAIGN, CREATION OF A TRUTH AND**  
**RECONCILIATION COMMISSION TO DOCUMENT SAID VIOLATIONS,**  
**APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**CHAPTER I**  
**PRELIMINARY PROVISIONS**

**Section 1. *Short Title.*** – This Act shall be known as the “*EJK Victims Recognition and Reparation Act*”

**Section 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) 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. The right to a remedy is itself guaranteed under existing human rights treaties and/or customary international law, being peremptory in character (*jus cogens*) and as such has been recognized as non-derogable.

The extrajudicial killings that happened in our country under the guise of a campaign against illegal drugs were not ordinary murders. They were crimes against humanity. They are considered as one of the most serious crimes. Crimes that concern the international community as a whole.

It is the obligation of the State to acknowledge the sufferings and repair the damages inflicted upon all victims of human rights violations.

**Section 3. *Definition of Terms.*** – As used in this Act:

- A. *Detention* refers to the act of taking a person into custody against his will by persons acting in an official capacity and/or agents of the State.
- B. *Extra Judicial Killings (EJK) or Executions* happen when someone in an official position deliberately kills a person without any legal process. Such arbitrary deprivations of life, which can also be carried out by militias, death squads or other non-State actors, often target political opponents, activists, or marginalized groups.
- C. *Human rights violation* refers to any act or omission committed by persons acting in an official capacity and/or agents of the State, but shall not be limited to the following:
  - (1) Any 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 under the campaign against illegal drugs;
  - (2) The infliction by a person acting in an official capacity and/or an agent of the State of physical injury, torture, killing, or violation of other human rights, of any person exercising civil or political rights, including but not limited to the freedom of speech, assembly or organization; and/or the right to petition the government for redress of grievances, even if such violation took place during or in the course of what the

authorities at the time deemed an illegal assembly or demonstration: *Provided*, That torture in any form or under any circumstance shall be considered a human rights violation;

- (3) Any enforced or involuntary disappearance caused upon a person who was arrested, detained or abducted against one's will or otherwise deprived of one's liberty, as defined in Republic Act No. 10350<sup>1</sup>, otherwise known as the "Anti-Enforced or Involuntary Disappearance Act of 2012";
- (4) Any force or intimidation causing the involuntary exile of a person from the Philippines;
- (5) Any act of force, intimidation or deceit causing unjust or illegal takeover of a business, confiscation of property, detention of owner/s and or their families, deprivation of livelihood of a person by agents of the State;
- (6) Any act or series of acts causing, committing and/or conducting the following:
  - (i) Kidnapping or otherwise exploiting children of persons suspected of committing said acts;
  - (ii) Committing sexual offenses against human rights victims who are detained and/or in the course of conducting military and/or police operations; and
  - (iii) Other violations and/or abuses similar or analogous to the above, including those recognized by international law.

D. *Human Rights Violations Victim (HRVV)* refers to a person whose human rights were violated by persons acting in an official capacity and/or agents of the State as defined herein.

E. *Oplan Tokhang* refers to Operational Plan "Tuktok Hangyo" (to knock and plead) issued by the Philippine National Police. It is an operation involving police personnel where house-to-house visits were conducted to persuade suspected drug offenders to surrender to authorities.

F. *Torture* refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on any person under the custody of persons acting in an official capacity and/or agents of the State, as defined

by law, jurisprudence, international conventions and Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009".

**Section 4. Scope of Investigations.** – This Act shall investigate human rights violations particularly related to the anti-illegal drug campaign or “Oplan Tokhang”.

**Section 5. Entitlement to Monetary Reparation.** — Any EJK victim qualified under this Act shall receive reparation from the State, free of tax, as herein prescribed: Provided, that for a deceased or involuntary disappeared EJK victim, the legal heirs 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 EJK victim’s estate in that order, shall be entitled to receive such reparation: Provided, further, that no special power of attorney shall be recognized in the actual disbursement of the award, and only the victim or the aforesaid successor(s)-in-interest shall be entitled to personally receive said reparation from the Commission, unless the victim involved is shown to be incapacitated to the satisfaction of the Commission: Provided, furthermore, that the reparation received under this Act shall be without prejudice to the receipt of any other sum by the EJK victim from any other person or entity in any case involving violations of human rights as defined in this Act.

**Section 6. Nonmonetary Reparation.** — The Department of Health (DOH), the Department of Social Welfare and Development (DSWD), the Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), Department of Human Settlements and Urban Development (DHSUD), the Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and such other government agencies shall render the necessary services as nonmonetary reparation for EJK victims and/or their families, as may be determined by the Board pursuant to the provisions of this Act. The amount necessary for this purpose shall be sourced from the budget of the agency concerned in the annual General Appropriations Act (GAA).

**Section 7. Amount of Reparation.** — The amount of reparation under this Act shall be in proportion to the gravity of the human rights violation committed on the EJK victim and in accordance with the number of points assigned to the individual under Section 17 hereof.

CHAPTER II  
**THE TRUTH AND RECONCILIATION COMMISSION  
ON EXTRA-JUDICIAL KILLINGS**

**Section 8. Creation and Composition of the Truth and Reconciliation Commission on Extra-Judicial Killings** — There is hereby created an independent and quasi-judicial body to be known as the Truth and Reconciliation Commission on Extra-Judicial Killings, hereinafter referred to as the “Commission.” It shall be composed of seven (7) members, who shall possess the following qualifications:

- (a) Must be of known probity, competence and integrity;
- (b) Must have a deep and thorough understanding and knowledge of human rights and involvement in efforts against human rights violations committed related to anti-illegal drugs campaign;
- (c) At least three (3) of the members must be members of the Philippine Bar who have been engaged in the practice of law for at least ten (10) years; and
- (d) Must have a clear and adequate understanding and commitment to human rights protection, promotion and advocacy.

The Truth and Reconciliation Commission on Extra-Judicial Killings shall be attached to but shall not be under the Commission on Human Rights (CHR).

The Commission shall organize itself within thirty (30) days from the completion of appointment of all members and shall thereafter organize its Secretariat.

**Section 9. Appointment to the Commission.** — The President shall appoint the Chairperson and the other six (6) members of the Commission: Provided, that human rights organizations such as, but not limited to, the Free Legal Assistance Group (FLAG) and other organizations which documented EJK cases, may submit nominations to the President.

**Section 10. Powers and Functions of the Commission.** — The Commission shall have the following powers and functions:

- (a) Receive, evaluate, process and investigate applications for claims under this Act;

- (b) Issue *subpoena/s ad testificandum* and *subpoena/s duces tecum*;
- (c) Conduct independent administrative proceedings and resolve disputes over claims;
- (d) Approve with finality all eligible claims under this Act;
- (e) Deputize appropriate government agencies to assist in order to effectively perform its functions;
- (f) Promulgate such rules as may be necessary to carry out the purposes of this Act, including rules of procedure in the conduct of its proceedings, with the Revised Rules of Court of the Philippines having supplementary application;
- (g) Exercise administrative control and supervision over its Secretariat;
- (h) The Commission, at its discretion, may consult the human rights organizations mentioned in Section 9 herein; and
- (i) Perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of this Act.

**Section 11. Resolution of Claims.** — The Commission shall be composed of two (2) divisions which shall function simultaneously and independently of each other in the resolution of claims for reparation. Each division shall be composed of one (1) Chairperson, who shall be a member of the Philippine Bar and at least two (2) members to be appointed by the Board *en banc*.

**Section 12. Emoluments.** — The Chairperson and members of the Board shall have the rank salary, emoluments and allowances equivalent to a Presiding Justice and Associate Justice of the Court of Appeals, respectively.

**Section 13. Secretariat of the Commission.** — The Board shall be assisted by a Secretariat which may come from the existing personnel of the CHR, without prejudice to the hiring of additional personnel as determined by the Board to accommodate the volume of required work. The following shall be the functions of the Secretariat:

- (a) Receive, evaluate, process and investigate applications for claims under this Act;

- (b) Recommend to the Board the approval of applications for claims;
- (c) Assist the Board in technical functions; and
- (d) Perform other duties that may be assigned by the Board.

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

When necessary, the Commission 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.

**Section 14. Proper Disposition of Funds.** — The Commission shall ensure that funds appropriated or those which may become available as reparation for EJK victims are properly disbursed in accordance with the policies stated by Congress and relevant government rules, regulations, and accounting procedures.

### CHAPTER III CLAIMANTS, REPARATION, AND RECOGNITION

**Section 15. Claimants.** — Any person who is an EJK Victim or heir or successors-in-interests thereof, may file a claim with the Commission for reparation and/or recognition in accordance with the provisions of this Act.

**Section 16. *Motu Proprio* Recognition.** — The Commission may take judicial notice *motu proprio* of individual persons who suffered human rights violations as defined herein and grant such persons recognition as EJK Victims and included in the Roll of Victims as provided for in Section 23 hereof.

**Section 17. Determination of Award.** —

- (a) The Commission 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 or sexually abused shall be given six (6) to nine (9) points:
- (3) Victims who were detained shall be given three (3) to five (5) points; and
- (4) Victims whose rights were violated constituting other human rights violations shall be given one (1) to two (2) points.

The Commission shall exercise its powers with due discretion in the determination of points for each victim, which shall be based on the type of violation committed against the EJK Victim, frequency and duration of the violation. In each category, EJK Victims who had suffered more would receive more points. In instances where a victim is classified in more than one category, one shall be awarded the points in the higher category: Provided, that in cases where there are several eligible claims filed for reparation by or on behalf of a particular EJK Victim, the Board shall award only one (1) valid claim which corresponds to the category obtaining the highest number of points for each eligible claimant.

- (b) The Commission shall proceed to determine the award for each claimant classified under Sections 15, 16 and 17 of this Act.
- (c) The Commission shall then compute the final monetary value of one's award that is equivalent to the numerical value of one point multiplied by the number of points that a claimant is entitled to, as previously determined by the Board.
- (d) Within thirty (30) days after the Commission has approved with finality each eligible claim pending before it and after due publication of such legitimate claim, the award of monetary compensation shall take effect: Provided, that any pending appeal filed by an aggrieved claimant or opposite before the Commission *en banc* must be resolved by it sixty (60) days before the Board becomes *functus officio*.

#### CHAPTER IV GENERAL PROVISIONS

**Section 18. Documentation of Human Rights Violations Committed Under the Anti-Illegal Drugs Campaign.** — In the implementation of this Act and without prejudice to any other documentary or other evidence that may be required for the award of any reparation, any EJK Victim seeking reparation shall execute a detailed sworn statement narrating the circumstances of the pertinent human rights violation/s committed.

**Section 19. Publication.** — The Board, after having been duly convened, shall set the period for the commencement and termination of applications by EJK Victims and cause the publication of the same: Provided, that such period shall only become operative fifteen (15) days after its last publication, which shall be once a week for three (3) consecutive weeks in at least two (2) national newspapers of general circulation and official government online platforms.

**Section 20. Period for Filing of Claims; Waiver.** — An EJK Victim shall file an application for reparation with the Board within twelve (12) months from the effectivity of the implementing rules and regulations (IRR) of this Act: Provided, that failure to file an application within said period is deemed a waiver of the right to file the same: Provided, further, that for EJK Victims who are deceased, incapacitated, or missing due to enforced disappearance, their legal heir/s or representatives, shall be entitled to file an application for reparation on their behalf.

Any opposition to the new application/s shall only be entertained if such is filed within fifteen (15) days from the date of the last 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 once a week for three (3) consecutive weeks in at least two (2) national newspapers of general circulation and official government online platforms.

**Section 21. Appeal.** — Any aggrieved claimant or oppositor may file an appeal within ten (10) calendar days from the receipt of the Resolution of the Division, to the Board *en banc*, whose decision shall then become final and executory.

**Section 22. 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 appropriate office for prosecution. If convicted, he shall suffer the imprisonment of eight (8) to ten (10) years, shall be disqualified from public office and employment, and shall be deprived of the right to vote and be voted for in any national or local election, even after the service of sentence unless granted absolute pardon.

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

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who may have been found guilty of committing any or all of the prohibited acts stated in the preceding paragraph, or those acts punishable under the Revised Penal Code, shall be penalized under the pertinent provisions in the Code and relevant special penal laws.

**Section 23. Roll of Victims.** — Persons who are EJK Victims, regardless of whether they or their family opt to seek reparation or not, shall be given recognition by enshrining their names in a Roll of Human Rights Victims to be prepared by the Board.

#### CHAPTER IV EJK VICTIMS MEMORIAL BOARD

**Section 24. Extra Judicial Killing Victims' Memorial Board.** — There is hereby created a Board to be known as the Extra Judicial Killing Victims' Memorial Board, hereinafter referred to as the "Board," primarily for the establishment, restoration, preservation and conservation of the Memorial/Museum/Library/Compendium in honor of the EJK Victims.

The powers and functions of the Commission shall be assumed by the Board of Trustees which shall be composed of the following; Chairperson of the CHR as Chairperson; Chairperson of the National Historical Commission as Co-Chairperson; and Chairpersons of the CHED, the National Commission on Culture and the Arts (NCCA), the Secretary of the DepEd and the Head of the University of the Philippines Diliman Main Library, and a representative from civil society organization as members.

The Board of Trustees shall have the authority to hire and appoint its officials and employees, receive donations and grants for and on its behalf, and generate revenues for the benefit of the Commission.

The Board shall be attached to the CHR solely for budgetary and administrative purposes. The operating budget of the Commission shall be appropriated from the General Appropriations Act.

The Board shall also coordinate and collaborate with the DepEd and the CHED to ensure that the teaching of human rights is included in the basic, secondary and tertiary education curricula.

A Memorial/Museum/Library/Compendium shall be established in honor and in memory of the victims of human rights violations whose names shall be inscribed in the Roll, which shall be readily viewed and accessed in the internet.

The Roll may also be displayed in government agencies as designated by the Board.

#### CHAPTER IV APPROPRIATIONS

**Section 25. Appropriations** — Funds necessary for the recognition and reparation of EJK Victims as well as the operating budget of the Commission and the Board shall be sourced from the General Appropriations Act as determined by the Commission and in accordance with this Act.

#### CHAPTER V FINAL PROVISIONS

**Section 26. Guidelines for the Implementing Rules and Regulations (IRR).** — In implementing this Act and in formulating the corresponding rules and regulations, and to ensure that all applications are properly screened for fraudulent claims, the Commission must provide for:

- (a) Transparency in the processing of the claims;
- (b) A procedure that allows any concerned party to oppose an application or claim on the ground that it is fraudulent, fictitious or spurious and gives that party the opportunity to question the same and to present evidence in support thereof; and
- (c) A procedure that is speedy and expeditious without sacrificing any of the parties' fundamental rights.

Within ninety (90) days from the date of its organization, the Board shall promulgate the necessary IRR and procedures for the effective implementation of this Act. The IRR shall be effective fifteen (15) days after its publication in two (2) national newspapers of general circulation.

**Section 27. Work Period; Sunset Clause.** — The Commission shall complete its work within three (3) years from the effectivity of the IRR promulgated by it, unless extended by law. After such period, it shall become *functus officio*.

**Section 28. Separability Clause.** – If any provision or part of this Act is declared unconstitutional or invalid, the remaining provisions not affected shall continue to be in full force and effect.

**Section 29. Repealing Clause.** – All laws, decrees, executive orders, or regulations inconsistent with this Act are hereby repealed or modified accordingly.

**Section 30. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,