

1 Commission on Human Rights (CHR) to recommend to Congress effective
2 measures to promote human rights and to provide for compensation to victims
3 of human rights violations, or their families.

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

20 Consistent with the foregoing, it is hereby declared the policy of the
21 State to recognize the heroism and sacrifices of all Filipinos who were victims
22 of summary execution, torture, enforced or involuntary disappearance and
23 other gross human rights violations committed during the regime of former
24 President Ferdinand E. Marcos covering the period September 21, 1972 to
25 February 25, 1986 and restore the victims' honor and dignity. The State
26 hereby acknowledges its moral and legal obligation to recognize and/or
27 compensate said victims and/or their families for the deaths, injuries,
28 sufferings, deprivations and damages they suffered under the Marcos regime.

1 SEC. 3. *Definition of Terms.* - The following terms as used in this
2 Act shall mean:

3 (a) *Compensable Human Rights Violation* refers to any act or
4 omission committed during the period from September 21, 1972 to
5 February 25, 1986 by persons acting in an official capacity and/or agents of the
6 State, but shall not be limited to the following:

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

16 (2) Any commission by a person acting in an official capacity and/or
17 an agent of the State of physical injury, torture, killing, harassment, deprivation
18 of liberty or other similar acts on any person, including violations against the
19 freedom of speech, assembly or organization; and/or the right to petition the
20 government for redress of grievances even if such exercise was alleged to
21 constitute or form part of rebellion, sedition or subversion as then defined by
22 law; and even if such violation took place during or in the course of what the
23 authorities at the time deemed an illegal assembly or demonstration:
24 *Provided*, That torture in any form or under any circumstances shall be
25 considered a human rights violation;

26 (3) Any enforced or involuntary disappearance caused upon a person
27 who was arrested, detained or abducted against one's will or otherwise
28 deprived of one's liberty;

1 (4) Any force or intimidation causing the involuntary exile of a person
2 from the Philippines; and

3 (5) Any act or series of acts causing, committing and/or conducting
4 the following:

5 (i) Kidnapping or otherwise exploiting children of persons suspected
6 of committing acts against the Marcos regime;

7 (ii) Committing sexual offenses against human rights victims who are
8 detained and/or in the course of conducting military and/or police operations;
9 and

10 (iii) Other violations and/or abuses similar or analogous to the above,
11 including those recognized by international law.

12 (b) *Human Rights Violation Victim (HRVV)* refers to a person whose
13 human rights were violated by persons acting in an official capacity and/or
14 agents of the State as defined herein. In order to qualify for compensation
15 under this Act, the human rights violation must have been committed
16 during the period from September 21, 1972 to February 25, 1986: *Provided,*
17 *however,* That victims of human rights violations that were committed one (1)
18 month before September 21, 1972 and after February 25, 1986 shall be entitled
19 to compensation under this Act if they can establish that the violation was
20 committed:

21 (1) By agents of the State and/or persons acting in an official capacity
22 loyal to the Marcos regime;

23 (2) For the purpose of preserving, maintaining, supporting or
24 promoting the said regime; or

25 (3) To conceal abuses during the Marcos regime and/or the effects of
26 martial law.

27 (c) *Persons Acting in an Official Capacity and/or Agents of the State*
28 refer to persons acting in an official capacity and/or agents of the State:

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

10 (2) Any member of the civil service, including persons who held
11 elective or appointive public office at any time from September 21, 1972 to
12 February 25, 1986;

13 (3) Persons referred to in Section 2(a) of Executive Order No. 1,
14 creating the Presidential Commission on Good Government (PCGG), issued on
15 February 28, 1986 by then President Corazon C. Aquino in the exercise of her
16 legislative powers under the Freedom Constitution, including former President
17 Ferdinand E. Marcos, spouse Imelda R. Marcos, their immediate relatives by
18 consanguinity or affinity, as well as their close relatives, associates, cronies
19 and subordinates; and

20 (4) Any person or group/s of persons acting with the authorization,
21 support or acquiescence of the State during the Marcos regime.

22 (d) *Monetary Compensation* refers to any financial consideration
23 equivalent to an economically assessable damage under this Act resulting from
24 violation of the victim's human rights.

25 (e) *Nonmonetary Compensation* refers to a non-pecuniary
26 compensation given to a victim of a human rights violation or members of the
27 family to restore the family's honor and dignity and shall include, but not be
28 limited to, psychotherapy, counseling, medical care, social amelioration and
29 honorific recognition.

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

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

19 SEC. 5. *Nonmonetary Compensation.* – The Department of Health
20 (DOH), the Department of Social Welfare and Development (DSWD), the
21 Department of Education (DepED), the Commission on Higher Education
22 (CHED), the Technical Education and Skills Development Authority
23 (TESDA), and such other government agencies shall render the necessary
24 services as nonmonetary compensation for HRVVs and/or their families, as
25 may be determined by the Board pursuant to the provisions of this Act. The
26 amount necessary for this purpose shall be sourced from the budget of the
27 agency concerned in the annual General Appropriations Act.

1 Eligible claimants may immediately avail of nonmonetary compensation
2 upon final approval of the Board of their application for claims.

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

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

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

16 CHAPTER II

17 THE HUMAN RIGHTS VICTIMS' COMPENSATION BOARD

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

- 23 (a) Must be of known probity, competence and integrity;
24 (b) Must have deep understanding of the human rights violations
25 committed during the rule of former President Ferdinand E. Marcos;
26 (c) At least one (1) of them must be a member of the Philippine Bar
27 who has been engaged in the practice of law for at least five (5) years; and

1 (d) Must have an understanding of human rights protection, promotion
2 and advocacy.

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

6 The first nominee appointed by the President or the appointee whose
7 name appears first in the list of appointees shall be the Chairperson of the
8 Board.

9 The incumbent Chairperson of the CHR, or any person duly authorized
10 by the CHR *en banc*, shall be the *ex officio* Co-Chairperson of the Board, and
11 shall assume the duties and responsibilities jointly with the other Chairperson
12 appointed by the President.

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

16 SEC. 10. *Nominations Committee.* – A Nominations Committee is
17 hereby created which shall be chaired by the Executive Secretary with
18 members representing the following:

- 19 (a) Commission on Human Rights (CHR);
20 (b) Task Force Detainees of the Philippines (TFDP);
21 (c) Families of Victims of Involuntary Disappearance (FIND); and
22 (d) Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto
23 (SELDA).

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

26 SEC. 11. *Consultative Body.* – There shall also be created a
27 consultative body which shall work in close coordination with the Board and
28 shall perform the primary function of identifying and monitoring the legitimate

1 victims who may be eligible for under this Act, and such other functions as
2 may be defined by the Board.

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

6 (a) Families of Victims of Involuntary Disappearance (FINN);

7 (b) Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto
8 (SELDA);

9 (c) Task Force Detainees of the Philippines (TFDP);

10 (d) Claimants 1081; and

11 (e) KARAPATAN.

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

14 (a) Evaluate and approve with finality all eligible claims under this
15 Act;

16 (b) Conduct independent administrative proceedings and resolve
17 disputes over claims;

18 (c) Deputize appropriate government agencies to assist it in order to
19 effectively perform its functions;

20 (d) Promulgate such rules as may be necessary to carry out the
21 purposes of this Act, including rules of procedure in the conduct of its
22 proceedings, with the Revised Rules of Court of the Philippines having
23 suppletory application;

24 (e) Issue subpoena/s *ad testificandum* and subpoena/s *duces tecum*;

25 (f) Exercise administrative control and supervision over its
26 Secretariat; and

27 (g) Perform such other duties, functions and responsibilities as may be
28 necessary to effectively attain the objectives of this Act.

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

7 SEC. 14. *Resolution of Claims.* – The Board shall be composed of
8 two (2) Divisions which shall function simultaneously and independently of
9 each other in the resolution of conflicting claims for compensation. Each
10 Division shall be composed of one (1) Chairperson and two (2) Members to be
11 appointed by the Chairperson of the Board.

12 SEC. 15. *Emoluments.* – The Chair and Members of the Board shall
13 receive *per diems* for every meeting actually attended at rates to be approved
14 by the Department of Budget and Management (DBM).

15 SEC. 16. *Secretariat of the Board.* – The Board shall be assisted by a
16 Secretariat which shall come from the existing personnel of the CHR. The
17 following shall be the functions of the Secretariat:

- 18 (a) Receive, evaluate, process and investigate applications for claims
19 under this Act;
- 20 (b) Recommend to the Board the approval of applications for claims;
- 21 (c) Assist the Board in technical functions; and
- 22 (d) Perform other duties that may be assigned by the Board.

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

1 failure to reply to the communications issued by the District Court shall benefit
2 from this provision on the condition that the member whose name was deleted
3 shall be identified as a violation by sufficient proof.

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

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

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

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

16 (3) Victims who were detained shall be given two (2) to four (4)
17 points; and

18 (4) Victims who were forcibly exiled from the Philippines, kidnapped
19 or otherwise exploited, sexually offended but not raped in the course of the
20 conduct of military and/or police operations, or those whose rights were
21 violated under Section 3, paragraph (a)(5)(iii) of this Act shall be given one (1)
22 to four (4) points.

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

1 (b) The Board shall set aside eighty percent (80%) of the total
2 compensation fund appropriated under this Act and utilize such amount
3 for the compensation of *eligible HRVVs in the class suit*, including
4 the *direct action plaintiffs in the Marcos human rights litigation*
5 (MDL No. 840, CA No. 86-0390) in the US Federal District Court of
6 Honolulu, Hawaii.

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

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

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

18 CHAPTER IV

19 OTHER CLAIMANTS

20 SEC. 21. *Other Claimants.* – Any person who does not fall under the
21 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
25 Section 20 of this Act.

26 (b) The Board shall utilize twenty percent (20%) of the total
27 compensation fund appropriated under this Act to compensate the other
28 claimants who were not direct and class suit plaintiffs in the Marcos human

1 rights litigation (MDL No. 840, CA No. 86-0390) in the US Federal District
2 Court of Honolulu, Hawaii.

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

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

13 CHAPTER V

14 GENERAL PROVISIONS

15 SEC. 23. *Transfer of Funds.* -- Pursuant to the judgment mentioned in
16 Section 7 hereof, the amount of Ten billion five hundred million pesos
17 (Php10,500,000,000.00) is hereby set aside and appropriated to fund the
18 purposes of this Act: *Provided*, That the said amount shall be deposited as a
19 special account in the General Fund in trust for the HRVVs which shall be
20 disbursed or withdrawn subject to the approval of the Human Rights Victims'
21 Compensation Board created herein, in accordance with existing accounting
22 and auditing rules and regulations: *Provided, further*, That the fund shall not
23 be withdrawn or disbursed by the National Government for any other purpose:
24 *Provided, furthermore*, That all interest earned shall accrue to the General
25 Fund: *Provided, finally*, That after the completion of the mandate under this
26 Act, any balance of the special account for the compensation of HRVVs shall
27 revert to the General Fund.

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

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

23 SEC. 26. *Period for Filing of Claims; Waiver.* – An HRVV shall file
24 an application for compensation with the Board within six (6) months from the
25 effectivity of the implementing rules and regulations (IRR) of this Act:
26 *Provided,* That failure to file an application within said period is deemed a
27 waiver of the right to file the same: *Provided, further,* That for HRVVs who
28 are deceased or incapacitated, their legal heir/s or representatives, shall be
29 entitled to file an application for compensation on their behalf.

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

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

10 SEC. 28. *Penalties, Applicability of the Revised Penal Code.* – Any
11 claimant who is found by the Board, after due hearing, to have falsified one's
12 application for compensation or have filed a fraudulent claim, shall be referred
13 to the appropriate office for prosecution.

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

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

24 SEC. 29. *Roll of Victims.* – Persons who are established to be
25 HRVVs shall be given recognition by the enshrinement of their names in a Roll
26 of Victims of Human Rights Violations to be prepared by the Board. The Roll
27 shall be filed with the National Library and in such offices or agencies, both

1 national and international, which are dedicated to the prevention of human
2 rights abuses. The NHCP shall erect in a conspicuous location in the National
3 Capital Region an appropriate memorial, shrine or monument honoring these
4 HRVVs.

5 CHAPTER VI

6 FINAL PROVISIONS

7 SEC. 30. *Implementing Rules and Regulations.* – Within thirty (30)
8 days from the date of its organization, the Board shall promulgate the
9 necessary IRR and procedures for the effective implementation of this Act.
10 The IRR shall be effective fifteen (15) days after its publication in two (2)
11 national newspapers of general circulation.

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

17 SEC. 32. *Separability Clause.* – If any section or provision of this
18 Act is declared unconstitutional or invalid, such other sections or provisions
19 not affected thereby shall remain in full force and effect.

20 SEC. 33. *Repealing Clause.* – All laws, decrees, executive orders,
21 rules and regulations or parts thereof inconsistent with any of the provisions of
22 this Act are hereby repealed, amended or modified accordingly.

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

Approved,