

1 Consistent with the foregoing, it is hereby declared the policy of the State to recognize
2 the heroism of all Filipinos who were victims of summary execution, torture, involuntary
3 disappearance and other gross human rights violations committed during the dictatorial regime of
4 former President Ferdinand Marcos covering the period from September 21, 1972 to February
5 25, 1986. The state hereby acknowledges its moral and legal obligation to recognize and/or
6 compensate said victims and/or their families for the deaths, injuries, sufferings, deprivations,
7 and damages they suffered under the Marcos regime. In declaring this policy, the State also
8 takes into account the adherence of the Republic of the Philippines to the Universal Declaration
9 of Human Rights and the December 10, 1997 Swiss Federal Supreme Court decision granting
10 anticipatory restitution to the Philippines of certain Swiss bank deposits forming part of the ill-
11 gotten wealth of Ferdinand Marcos, which decision urges that the Philippines take steps to
12 compensate the victims of human rights violations under the Marcos regime.

13 SEC. 3. *Definition of Terms* – In this Act, the following terms shall be understood as
14 follows:

15 a. “Human Rights Violation” – A human rights violation under this Act shall include, but
16 not be limited to, any of the following acts or omissions during the period from September 21,
17 1972 to February 25, 1986 by persons acting in an official capacity and/or agents of the State:

18 1. Any search, arrest and/or detention without a valid search warrant or warrant
19 of arrest issued by a civilian court of law, including any warrant-less arrest or
20 detention carried out pursuant to the declaration of Martial Law by Ferdinand
21 Marcos as well as any arrest or detention or deprivation of liberty carried out
22 on or before February 25, 1986 on the basis of an “Arrest Seize and Seizure
23 Order (ASSO)”, a “Presidential Commitment Order (PCO)” or a “Preventive
24 Detention Action (PDA)” as they were defined by decrees of Ferdinand
25 Marcos or in any matter that the arrest, detention, or deprivation or liberty was
26 effected.

27 2. The infliction by a person acting in an official capacity and/or an agent of the
28 State of serious physical injury upon, or torture or killing of a Filipino citizen
29 peacefully exercising civil or political rights, including the freedom of speech,

1 assembly or organization, even if such exercise was alleged to constitute or
2 form part of rebellion, sedition or “subversion” as then defined by law:
3 *Provided*, That torture in any form or under any circumstance shall be
4 considered a human rights violation;

5 3. Causing, through force or intimidation, the involuntary exile of a person from
6 the Philippines;

7 4. Causing the unjust or illegal takeover of a business, the confiscation of
8 property or the deprivation of livelihood of a person by agents of the State,
9 Including those caused by Ferdinand Marcos, his spouse Imelda Marcos, their
10 immediate relatives by consanguinity or affinity, as well as those persons
11 considered as among their close relatives, associates and subordinates under
12 Executive order No. 1, issued on February 26, 1986 by President Corazon
13 Aquino in the exercise of her legislative powers under the Freedom
14 Constitution;

15 5. Causing, committing and/or conducting any of the following acts or series of
16 acts:

17 a. Involuntary disappearances;

18 b. Saturation drives and/or “zona”s;

19 c. “hamletting” and/or food blockades;

20 d. stealing or otherwise exploiting children or persons they suspected to
21 be engaged in acts against the Marcos regime;

22 e. committing sexual offenses against detainees and/or in the course of
23 conducting military and/or police operations; and

24 f. other violation and/or abuses similar or analogous to the above
25 including those recognized by international law.

26 b. “Human Rights Violation Victim” (HRVV) – For the purpose of this Act, a victim of
27 a human rights violation is one whose human rights were violated by persons acting in an official
28 capacity and/or agents of the State as these terms are defined herein. In order to qualify for
29 compensation under this Act, the human rights violation must have occurred during the period

1 from September 21, 1972 to February 25, 1986: *Provided, however;* That victims of human
2 rights violations that occurred within one month after February 25, 1986 shall be entitled to
3 compensation under this Act if they can establish that:

- 4 I. the violation was committed by agents of the State/persons acting in an official
5 capacity loyal to the Marcos regime; and
- 6 II. the violation was committed for the purpose of preserving, maintaining,
7 supporting or promoting the said regime.

8 c. "Persons Acting in an Official Capacity/Agents of the State" - The following persons
9 shall be deemed persons acting in an official capacity and/or agents of the State under this Act:

- 10 1. Any member of the former Philippine Constabulary (PC), the former
11 Integrated National Police (INP), the Armed Forces of the Philippines (AFP)
12 and Civilian Home Defense Force (CHDF) from September 21, 1972 to
13 February 25, 1986 as well as any civilian agent/s attached thereto; and any
14 member of a paramilitary group even if he is not organically part of the PC,
15 INP, AFP or CHDF so as long as he is under the operational control or
16 supervision of any agent of the State or had received or possessed any money,
17 equipment or other property of or from the State;
- 18 2. Any member of the civil service, including citizens who held elective or
19 appointive public office at anytime from September 21, 1972 to February 25,
20 1986;
- 21 3. Those persons referred to in Executive Order No. 1, including Ferdinand
22 Marcos, his spouse Imelda Marcos, their immediate relatives by consanguinity
23 or affinity, as well as those persons, relatives, associates, and subordinates
24 pursuant to said law, shall be deemed agents of the State under this Act.

25 SEC. 4. *Prima Facie Finding that One is a Human Rights Victim Under This Act* -
26 Notwithstanding any other provision of this Act, the nine thousand and five hundred thirty-nine
27 (9,539) persons named as class suit plaintiffs in the Human Rights Litigation Against the Estate
28 of Ferdinand E. Marcos and in whose favor a final and executory judgment has been rendered by
29 the United States District Court in the State of Hawaii shall be entitled to the disputable

1 presumption that they are human rights violation victims (HRVV) as defined in this Act. This
2 disputable presumption may be contradicted or rebutted by competent evidence.

3 SEC. 5. *Conclusive finding that one is a Human Rights Victim* - Any person/s who have
4 secured or can secure in their favor a judgment or award of damages from any court of the
5 Philippines arising from a human rights violation as defined in section 3 of this Act, even if the
6 said judgment has not yet become final and executory, shall be considered conclusively as a
7 human rights victim without need of further proof.

8 SEC. 6. *Non-waiver* - The receipt of compensation under this Act by any of said persons
9 shall not constitute a waiver by said person of any claim as against the Republic of the
10 Philippines with respect to any fund or property *prima facie* considered or already recovered by
11 the Republic as ill-gotten wealth under Executive Order No. 1, whether such fund or property
12 has been transferred to the Philippines, is held in escrow, is subject of a "freeze order" by a
13 competent foreign government authority or is in *custodia legis*.

14 SEC. 7. *Compensation* - Any HRVV qualified under this Act shall receive compensation
15 from the State as hereinafter prescribed: *Provided*, That for HRVVs who are deceased, the
16 HRVV's spouse, children, parents, nearest relative within the fourth civil degree of
17 consanguinity and/or affinity, or such other person named by the executor or administrator or the
18 deceased HRVV's estate in the order, shall be entitled to receive such compensation: *Provided*,
19 *further*; That any compensation received under this Act shall be without prejudice to the receipt
20 of any other sum by the HRVV from any person other than the Republic in any case involving
21 any human rights violation as defined by this Act.

22 SEC. 8. *Amount of Compensation* - The amount of compensation under this Act shall be
23 in proportion to the gravity of the human rights violation on the HRVV.

24 SEC. 9. *Source of Compensation* - The funds transferred through the December 10,
25 1977 Order of the Swiss Federal Supreme Court and presently held in escrow in the Philippines
26 in connection with Civil Case No. 141 where the Sandiganbayan rendered judgment in favor of
27 the Republic of the Philippines and which the Supreme Court has affirmed shall become the
28 principal source of funds for the implementation of this Act. The said judgment has become
29 final and executory and is now disposable.

1 SEC. 10. *Transfer of Funds.* - From the aforesaid judgment described in the preceding
2 paragraph amounting to US \$682,000,000.00, the amount of \$200,000,000.00 is hereby set aside
3 and appropriated to fund the purpose of this Act.

4 SEC. 11. *Documentation of Human Rights Violations by the Marcos Regime.* – As part of
5 the implementation of this Act and without prejudice to any other compensation, any HRVV
6 seeking compensation under this Act shall execute a detailed sworn statement, accompanied by
7 photographs, letters, death certificates, pleadings and other judicial or quasi-judicial documents,
8 newspaper or videotaped accounts, or materials including corroborative statements of witnesses,
9 narrating the circumstances of the human rights violation committed against him. Such materials
10 along with any other relevant documents shall be compiled by the agencies mandated to
11 implement this Act, with the assistance of the National Historical Institute (NHI), the University
12 of the Philippines (UP) and such other non-governmental organizations (NGO) they may engage.
13 Their report shall be submitted to the President, the Congress and the Supreme Court within one
14 year from the affectivity of the Act.

15 SEC. 12. *Human Rights Claims Board; Creation; Composition; Secretariat.* - (a) There
16 is hereby created a Human Rights Claims Board to be composed of one (1) Chairperson and four
17 (4) members of known probity and with deep understanding of the human rights violations
18 during the autocratic rule of President Marcos to be appointed by the President, as follows:

19 a. Two (2) representatives from the public sector to be appointed by the President, one
20 of whom shall be chosen by the vote of 2/3 of all the members as the Chairperson.

21 b. Three (3) representatives of the following non-governmental organizations (NGOs)
22 who were active in attending the needs of human rights victims during the period
23 covered, to be nominated collectively by said NGOs and appointed by the President,
24 as members: *Provided*, that each of the NGOs mentioned below may not have more
25 than one representative on the Board at any given time:

- 26 1. Task Force Detainees of the Philippines (TFDF);
- 27 2. Association of Major Religious Superiors (AMRSP);
- 28 3. National Secretariat for Social Action (NASSA);
- 29 4. Medical Action Group (MAG);

1 5. Free Legal Assistance Group (FLAG);

2 6. Movement of Attorneys for Brotherhood and Integrity (MABIND); and

3 7. Protestant Lawyers League of the Philippines (PLLP)

4 (b) The Human Rights Board shall be attached but shall not be under the Commission on
5 Human Rights.

6 (c) The Board shall organize itself within 30 days from completion of the appointment of
7 at least five members of the Board.

8 SEC. 13. *Proper Disposition of funds.* - The Board shall ensure that the funds
9 appropriated or which may become available as compensation for human rights victims are
10 properly disbursed in accordance with the policy stated by Congress. The Board shall likewise
11 ensure that the human rights violations committed by the Marcos regime are thoroughly
12 documented. Accordingly, the Board shall promulgate the rules, guidelines, procedure and
13 criteria necessary to implement this Act within thirty (30) days from date of its organization,
14 which shall be submitted for approval to the Congressional Oversight Committee composed of
15 three (3) senators and three (3) congressmen. Upon approval of the Implementing Rules and
16 Regulations by the Congressional Oversight Committee, the Committee shall be *functus officio*
17 and shall be disbanded.

18 SEC. 14. *Guidelines for the Implementing Rules* - In implementing this Act and in
19 formulating the corresponding rules and regulations, and to ensure that all applications are
20 properly screened for fraudulent claims, the rules must provide for:

21 a. Transparency in the processing of the claims;

22 b. A procedure that allows any concerned party to oppose an application or claim on the
23 ground that it is fraudulent, fictitious, fake or spurious, and gives that party the
24 opportunity to question the same and to present evidence in support thereof; and

25 c. A procedure that is speedy and expeditious without sacrificing any of the parties'
26 fundamental rights.

27 SEC. 15. *Powers and Functions of the Board* - The Board shall have quasi-judicial
28 powers and functions, as follows:

29 a. To receive, evaluate, process and investigate applications for claims under this Act;

- 1 b. To conduct independent administrative hearings and resolve applications for claims,
2 grant or deny the same;
- 3 c. To deputize appropriate government agencies in order to effectively implement its
4 functions;
- 5 d. To promulgate rules and regulations in order to carry out the objectives of this Act;
6 and
- 7 e. To issue, serve and enforce subpoenas *ad testificandum* and subpoenas *duces tecum*.

8 SEC. 16. *Determination of Award* - The Board shall follow the point system in the
9 determination of the award. The range shall be 1 to 10 points, as follows:

- 10 a. Victims who died shall be given 9 to 10 points
- 11 b. Victims who were tortured shall be given 4 to 9 points
- 12 c. Victims who were detained shall be given 2 to 4 points
- 13 d. Victims who were harassed and economically disadvantaged shall be given 1 to 2
14 points.

15 In each category, victims who had suffered more would receive more points. In instances
16 were a victim had suffered in more than one category, the victims shall be awarded only the
17 points in the higher category.

18 The Board shall collate and add-up all the points awarded to all the claimants and divide
19 the total amount to be awarded under this Act with the total number of points collated to
20 determine how much each point would be entitled.

21 Each claimant would then be awarded with the number of points he was awarded
22 multiplied by the value of one point.

23 SEC. 17. *Penalties* - Any claimant who is found by the Board, after due hearing, to have
24 filed a false claim shall be referred to the appropriate office for prosecution. If convicted, he
25 shall suffer imprisonment of eight to ten years and shall be deprived of the right to vote in any
26 election for any popular elective office or to be elected to such office; he shall also be deprived
27 of the public offices and employments which he may have held; and shall be disqualified for any
28 public office or employment.

1 SEC. 18. *Roll of Victims* - Persons who are found to be human rights victims but who
2 opt not to collect compensation shall be given recognition by enshrining their names in a Roll of
3 Human Rights Victims to be prepared by the Board. The Roll shall be filed with the National
4 Library and in such offices or agencies, national and international, which are dedicated to the
5 prevention of human rights abuses.

6 SEC. 19. *Period* - The Board shall complete their work within one year from the
7 approval of the Implementing Rules and Regulations unless the same is extended by an Act of
8 Congress.

9 SEC. 20. *Repealing Clause* - All laws, decrees, executive orders, rules and regulations,
10 or parts thereof inconsistent with any of the provisions of this Act, including Section 63(b) of
11 Republic Act No. 6657, as amended, otherwise known as the Comprehensive Agrarian Reform
12 Law of 1998, are hereby repealed or modified accordingly.

13 SEC. 21. *Separability Clause* - If, for any reason, any section or provision of this Act is
14 declared unconstitutional or invalid, such other sections or provisions not affected thereby shall
15 remain in full force and effect.

16 SEC. 22. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its
17 complete publication in at least two (2) national newspapers of general circulation.

18 Approved,