

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

Senate
Office of the Secretary

'16 JAN 18 P4:35

SENATE
S. B. No. 3087

RECEIVED BY: *J.*

Introduced by Senator Aquilino "Koko" Pimentel III

**AN ACT
AMENDING CERTAIN PROVISIONS OF 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"**

EXPLANATORY NOTE

Since the enactment of Republic Act No. 10368 on February 25, 2013, various challenges have emerged in its implementation, owing to developments that were not foreseen at that time. One of them is the big number of claimants that have applied for recognition and reparation with the Human Rights Victims' Claims Board (HRVCB).

The HRVCB, one of the two implementing bodies created by the law and constituted in February 2014, has received 75,730 applications for reparation and/or recognition, as of the deadline of filing applications on May 30, 2015. As of November 30, 2015, the HRVCB has submitted 11,071 claims for deliberation out of 75,730 applications that were received. Crucial in the claims process of the HRVCB is the "evaluation, investigation and adjudication" of the remaining 64,659 pending applications. It must be noted that when the law was crafted, Congress only approximated the number of applications at 20,000, therefore, there is a 378.65% variance between the actual applications received and the Congress' projection. Under the law, the HRVCB's work period ends on May 12, 2016, and with its present complement of personnel and available resources, it is almost impossible for it to finish adjudicating

all the claims on time. Each of the claims needs to be thoroughly deliberated upon in order to judiciously resolve the legitimate claims and to investigate and dispose of the fraudulent ones. Only then will the HRVCB be able to discharge its mandate and give a measure of justice to all deserving claimants.

Keenly aware of the fast approaching expiration of the term of the HRVCB, it is clear that the entire operation and processes will entail more time than originally anticipated.

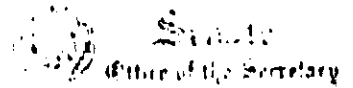
Hence, there is a need to extend the term of the HRVCB for at least two years from May 12, 2016 in order to give the HRVCB sufficient time to complete its work, and to provide it with the wherewithal to do so.

A couple of other provisions also need to be amended for clearer guidance. Also, the institution has to be strengthened by including adequate remuneration for its officers and other personnel.

In view of the foregoing, the immediate enactment of this bill is urgently sought.


AQUILINO "KOKO" PIMENTEL III

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

1 **SECTION 1.** Section 5 of Republic Act No. 10368 is hereby
2 amended to read as follows:

3 **"SEC. 5. *Nonmonetary Reparation.*** — The
4 Department of Health (DOH), the Department of
5 Social Welfare and Development (DSWD), the
6 Department of Education (DepED), the
7 Commission on Higher Education (CHED), the
8 Technical Education and Skills Development
9 Authority (TESDA), and such other government
10 agencies shall render the necessary services as
11 nonmonetary reparation for HRVVs and/or their
12 families, as may be determined by the Board
13 pursuant to the provisions of this Act. The amount
14 necessary for this purpose shall be sourced from
15 the budget of the agency concerned in the annual

1 General Appropriations Act (GAA). THE
2 COMMISSION ON HUMAN RIGHTS (CHR)
3 SHALL MONITOR AND/OR FACILITATE
4 THE IMPLEMENTATION OF THIS
5 SECTION AFTER THE TERM OF THE
6 HRVCB EXPIRES.”

7 SECTION 2. Section 12 of Republic Act No. 10368 is hereby
8 amended to read as follows:

9 “SEC. 12. *RANKS, SALARY, Emoluments, AND*
10 *ALLOWANCES OF THE CHAIRMAN,*
11 *MEMBERS OF THE BOARD, AND OTHER*
12 *OFFICERS AND PERSONNEL OF THE*
13 *BOARD.* — The Chairperson and members of the
14 Board shall have the SAME rank, RECEIVE
15 THE SAME salary, emoluments, INCLUDING
16 RETIREMENT BENEFITS, PENSIONS AND
17 OTHER GRATUITY, and allowances AS
18 THOSE OF [equivalent to] a Presiding Justice
19 and Associate Justice of the Court of Appeals,
20 respectively, WHICH SHALL NOT BE
21 DECREASED DURING THEIR TERM OF
22 OFFICE. UPON RETIREMENT, THE
23 CHAIRPERSON AND BOARD MEMBERS
24 SHALL BE AUTOMATICALLY ENTITLED
25 TO A LUMP SUM GRATUITY
26 EQUIVALENT TO THE NUMBER OF
27 MONTHS ACTUALLY SERVED
28 COMPUTED ON THE BASIS OF THE
29 MONTHLY SALARY AND OTHER
30 ALLOWANCES SAID BOARD MEMBER
31 WAS RECEIVING AT THE TIME OF HIS
32 OR HER RETIREMENT; AND
33 THEREAFTER, UPON SURVIVAL AFTER
34 THE EXPIRATION OF FOUR (4) YEARS,
35 TO A FURTHER ANNUITY PAYABLE
36 MONTHLY DURING THE REST OF HIS OR
37 HER NATURAL LIFE EQUIVALENT TO

1 THE AMOUNT OF THE MONTHLY
2 SALARY AND OTHER ALLOWANCES HE
3 WAS RECEIVING ON THE DATE OF HIS
4 OR HER RETIREMENT: THE LUMP SUM
5 RETIREMENT SHALL BE TAKEN FROM
6 THE OPERATING BUDGET PROVIDED
7 UNDER SECTION 14 HEREOF. THE
8 MONTHLY PENSIONS, HOWEVER,
9 SHALL BE INCLUDED AS A SPECIFIC
10 ITEM IN THE ANNUAL BUDGET OF THE
11 COMMISSION ON HUMAN RIGHTS FROM
12 THE GENERAL APPROPRIATIONS ACT.

13 WHEN A MEMBER OF THE BOARD HAS
14 RETIRED AT THE TIME OF DEATH, THE
15 SURVIVING LEGITIMATE SPOUSE
16 SHALL BE ENTITLED TO RECEIVE ALL
17 THE RETIREMENT BENEFITS THAT THE
18 DECEASED MEMBER OF THE BOARD
19 WOULD HAVE RECEIVED. THE
20 SURVIVING SPOUSE SHALL CONTINUE
21 TO RECEIVE SUCH RETIREMENT
22 BENEFITS UNTIL THE SURVIVING
23 SPOUSE'S DEATH OR REMARRIAGE.

24 ALL PENSIONS BENEFITS OF RETIRED
25 MEMBERS OF THE BOARD SHALL BE
26 AUTOMATICALLY INCREASED
27 WHENEVER THERE IS AN INCREASE IN
28 THE SALARY OF THE SAME POSITION
29 FROM WHICH HE/SHE RETIRED.

30 AFTER THE BOARD BECOMES *FUNCTUS*
31 *OFFICIO*, ALL OTHER OFFICERS AND
32 PERSONNEL OF THE BOARD SHALL BE
33 ENTITLED TO RETIREMENT BENEFITS
34 AND/OR SEPARATION PAY IN
35 ACCORDANCE WITH EXISTING
36 APPLICABLE LAWS.

1 **SECTION 3.** Section 13 of Republic Act No. 10368 is hereby
2 amended to read as follows:

3 “SEC. 13. *Secretariat of the Board.* — The Board
4 shall be assisted by a Secretariat which may come
5 from the existing personnel of the CHR, without
6 prejudice to the hiring of additional personnel as
7 determined by the Board to accommodate the
8 volume of required work. The following shall be
9 the functions of the Secretariat:

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

12 (b) Recommend to the Board the approval of
13 applications for claims;

14 (c) Assist the Board in technical functions;
15 and

16 (d) Perform other duties that may be
17 assigned by the Board.

18 The Chairperson of the Board shall appoint a
19 Board Secretary who shall head the Secretariat for
20 the duration of the existence of the Board. There
21 shall be a Technical Staff Head **WITH A RANK**
22 **OF A DIVISION CHIEF** assisted by **AT**
23 **LEAST** [five (5)] **NINE (9)** Legal Officers and
24 [three (3)] **FORTY-FIVE (45)** Paralegal Officers;
25 and an Administrative Staff Head assisted by **AT**
26 **LEAST** [three (3)] **FOUR (4)** Administrative
27 Support Staff.

28 When necessary, the Board may hire additional
29 contractual employees or contract a service
30 provider to provide services of counselors,
31 psychologists, social workers and public
32 education specialists, among others, to augment
33 the services of the Secretariat[: Provided, That the
34 maximum contract amount per year shall not

1 exceed more than fifteen percent (15%) of the
2 total annual operating budget of the Board].”

3 SECTION 4. Section 14 of Republic Act No. 10368 is hereby
4 amended to read as follows:

5 “SEC. 14. *Operating Budget of the Board.*— The
6 operating budget of the Board shall be funded
7 from the Ten billion peso (P10,000,000,000.00)
8 fund, with Ten million pesos (P10,000,000.00) as
9 its initial operating budget: Provided, That it shall
10 not exceed [Fifty million pesos (P50,000,000.00)]
11 **ONE HUNDRED MILLION PESOS**
12 **(P100,000,000.00) [a] PER CALENDAR year.**”

13 SECTION 5. A new provision after Section 22 of Republic Act
14 No. 10368, denominated as “*Section 22-A*” is hereby added to read as
15 follows:

16 “SEC. 22-A. **FRANKING PRIVILEGE.** —
17 **THE HRVCB MAY TRANSMIT THROUGH**
18 **REGISTERED MAIL WITH THE RETURN**
19 **CARD AND/OR ORDINARY MAIL, FREE**
20 **OF CHARGE, ALL OFFICIAL**
21 **COMMUNICATIONS AND PAPERS**
22 **DIRECTLY CONNECTED WITH THE**
23 **CONDUCT OF ITS DUTIES, FUNCTIONS,**
24 **AND/OR EXERCISE OF ADMINISTRATIVE**
25 **SUPERVISION OVER ITS PERSONNEL.**

26 **THE ENVELOPE OR WRAPPER OF THE**
27 **PRIVILEGED MAIL MATTER SHALL**
28 **BEAR ON THE LEFT CORNER, ‘HUMAN**
29 **RIGHTS VICTIMS’ CLAIMS BOARD’**
30 **TOGETHER WITH ITS ADDRESS, AND ON**
31 **THE RIGHT UPPER CORNER THE**
32 **WORDS ‘PRIVATE OR UNAUTHORIZED**

1 **USE TO AVOID PAYMENT OF POSTAGE**
2 **IS PENALIZED BY FINE OR**
3 **IMPRISONMENT, OR BOTH.'**

4
5 **THE HRVCB SHALL PROVIDE FOR THE**
6 **STANDARD MAILING ENVELOPE AND**
7 **THE STANDARD RUBBER STAMP FOR**
8 **PURPOSES OF COMPLIANCE WITH THE**
9 **PRECEDING PARAGRAPH."**

10 **SECTION 6.** Section 29 of Republic Act No. 10368 is hereby
11 amended to read as follows:

12 **"SEC. 29. *Work Period; Sunset Clause.* — The**
13 **Board shall complete its work within [two (2)**
14 **years from the effectivity of the IRR promulgated**
15 **by it.] **FOUR (4) YEARS FROM MAY 12,****
16 **2014.** After such period, it shall become *functus*
17 **officio.**

18 **WHENEVER ADMINISTRATIVELY**
19 **FEASIBLE, OFFICERS AND PERSONNEL**
20 **OF THE BOARD SHALL BE GIVEN**
21 **PRIORITY IN THE HIRING BY THE**
22 **HUMAN RIGHTS VIOLATIONS VICTIMS'**
23 **MEMORIAL COMMISSION OR THE**
24 **COMMISSION ON HUMAN RIGHTS,**
25 **SUBJECT HOWEVER TO CIVIL SERVICE**
26 **LAWS, RULES, AND OTHER ISSUANCES**
27 **ON THE MATTER."**

28
29 **SECTION 7. *Separability Clause.* — Should any provision of this**
30 **Act be declared invalid or unconstitutional, such declaration shall not**
31 **affect the validity of the remaining provisions of this Act.**

32 **SECTION 8. *Repealing Clause.* — All laws, presidential decrees,**
33 **executive orders, resolutions, rules or regulations, or any part thereof**

1 which are inconsistent with any of the provisions of this Act, are hereby
2 repealed or modified accordingly.

3 **SECTION 9. *Effectivity.*** – This Act shall take effect after its
4 complete publication in two (2) newspapers of general circulation.

5 *Approved,*
6