



HOUSE OF REPRESENTATIVES

H. Jt. Res. No. 26

BY REPRESENTATIVE ZARATE

JOINT RESOLUTION EXTENDING THE PERIOD OF AVAILABILITY OF FUNDS INTENDED FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME UNTIL DECEMBER 31, 2019, AUTHORIZING THE BUREAU OF TREASURY AND THE LAND BANK OF THE PHILIPPINES TO RELEASE THE FUNDS AND ENSURE THE PAYMENT OF CLAIMS, AND THE COMMISSION ON HUMAN RIGHTS TO ADMINISTER THE EFFECTIVE DISTRIBUTION OF THE FUNDS TO QUALIFIED VICTIMS OR THEIR HEIRS OR REPRESENTATIVES, AS PROVIDED UNDER REPUBLIC ACT NO. 10368, OTHERWISE KNOWN AS THE "HUMAN RIGHTS VICTIMS REPARATION AND RECOGNITION ACT OF 2013," AS AMENDED BY REPUBLIC ACT NO. 10766

WHEREAS, the State recognizes the heroism and sacrifices of all victims of human rights violations committed during the regime of former President Ferdinand Edralin Marcos. The State also acknowledges its moral and legal obligation to recognize and provide reparation to said victims and their families for the deaths, injuries, sufferings, deprivations and damages they suffered under the Marcos dictatorial regime as provided under Republic Act No. 10368, or the "Human Rights Victims Reparation and Recognition Act of 2013";

WHEREAS, Bayan Muna Representative Neri Colmenares together with other notable members of the House of Representatives authored Republic Act No. 10368 and worked hard to ensure that the objectives of the law could be achieved during the 15th Congress;

WHEREAS, Republic Act No. 10368 created the Human Rights Victims' Claims Board (HRVCB) to receive, evaluate, process, and investigate applications and approve claims for the reparation of human rights violations subject to the provisions of the said Act. The amount of Ten billion pesos (P10,000,000,000.00) was allotted for the reparation of the human rights victims. The same Act mandates the HRVCB to complete its work within two (2) years from the effectivity of the implementing rules and regulations (IRR) promulgated by it, and to become *functus officio* after such period;

WHEREAS, on April 19, 2016, Republic Act No. 10766 entitled, "An Act Extending the Life of the Human Rights Victims Claims Board, Amending for This Purpose Section 29 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" was signed by President Benigno Aquino III. Republic Act No. 10766 amended the sunset clause such that the HRVCB shall become *functus officio* by May 12, 2018;

WHEREAS, as of May 11, 2018, the HRVCB was able to approve and duly recognize eleven thousand one hundred three (11,103) legitimate claimants out of more than seventy-five thousand (75,000) applicants. However, the HRVCB was only able to completely resolve the six thousand seven hundred thirty-seven (6,737) appeals on May 6, 2018, or six (6) days before the expiry of its existence. The checks issued by the HRVCB for the human rights victims were valid only up to three (3) months from issuance;

WHEREAS, the HRVCB implemented two (2) modes of payments for the approved claimants: (1) through the Automated Teller Machines (ATMs) of the Land Bank of the Philippines (LBP); and (2) through the issuance of checks. Some three thousand six hundred (3,600) out of the eleven thousand one hundred

three (11,103) approved claimants will be paid in cash through their ATM accounts; the rest will be issued checks, which have validity of three (3) months;

WHEREAS, as of June 28, 2018, the HRVCB account with the LBP reported a balance of Seven hundred ninety-two point six hundred twenty-eight million pesos (P792.628 million). The funds shall be maintained until August 11, 2018, after which the balance will be reverted to the Bureau of Treasury (BTr);

WHEREAS, although the Commission on Human Rights and HRVCB created a transition team to assist the claimants in the remaining months, many human rights victims are concerned that there might not be enough time to process issues or matters relating to the distribution of monetary claims until August 11, 2018. The Samahan ng Ex-Detainees Laban sa Detensyon at Aresto (SELDA), in particular, has received reports from some relatives of the approved claimants who were unable to encash the checks even with requisite Special Power of Attorney authorizations;

WHEREAS, without immediate intervention, many human rights victims will be denied the monetary reparation intended for them. While no amount of monetary reparation will restore lost lives, properties, broken relations and dreams of the human rights victims and their families, the reparation is important for them, as it forms part of the overall recognition of the reality of human rights violations and their immeasurable suffering under the Marcos regime;

WHEREAS, the HRVCB had issued a total of four hundred fifty-one (451) so-called "problematic" checks to the victims, two hundred ninety-one (291) checks of which amounted to Two hundred thirty-nine million one hundred ninety-eight thousand eight hundred thirty-six pesos (P239,198,836.00), representing unreleased checks and one hundred sixty (160) checks amounting to One hundred ten million nine hundred thirty-one thousand four hundred sixty pesos (P110,931,460.00), representing checks issued to payees who are now deceased;

WHEREAS, it is the sense of the House of Representatives and the Senate that said funds be effectively distributed to those

found qualified by the HRVCB and that relevant government agencies and bodies, notably the Commission on Audit, the LBP and the BTr should coordinate and cooperate to ensure that said effective distribution be speedily accomplished;

WHEREAS, it is also the sense of the House of Representatives and the Senate that the LBP should acknowledge and ensure the extension of the validity of issued checks beyond the three (3)-month prescriptive period for government issued checks, and ensure the payment of claims, subject to appropriate government auditing rules and regulations, and for the BTr to allocate the funds intended for the human rights violations victims as reparation funds that should not be commingled with the other funds, to ensure the availability of funds for the legitimate claimants: Now, therefore, be it

1 *Resolved by the House of Representatives and the Senate,*
2 To authorize the extension of the period of availability of funds
3 intended for victims of human rights violations during the Marcos
4 regime until December 31, 2019, and to authorize the Bureau of
5 Treasury and the Land Bank of the Philippines to release the funds
6 and ensure the payment of claims, and the Commission on Human
7 Rights to administer the effective distribution of the funds to
8 qualified victims or their heirs or representatives, as provided under
9 Republic Act No. 10368, otherwise known as the "Human Rights
10 Victims Reparation and Recognition Act of 2013," as amended
11 by Republic Act No. 10766.

Approved,

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