

Compensation to Victims of Human Rights

House Bill 3756

Sponsorship Speech

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Chair, Committee of Human Rights

Mr. Speaker, distinguished Colleagues,

Today I sponsor House Bill 3756 entitled “Compensation Act to Victims of Human Rights Violations” with mixed feelings. This bill should have been law years and years ago but sadly, Congress has been remiss in fulfilling its duty of providing justice to the thousands who have been victims of Martial Law and to those, whose rights have been violated by the State thereafter.

As Chair of the Committee on Human Rights, I am nevertheless honored to present before this Chamber, yet another version of this bill that has been a product of extensive discussions both in the Committee and outside the formal confines of our Committee hearings. Indeed, despite the several intense discussions during the past Congresses, the passion has never waned. It has even intensified, as aging victims of all sorts of human rights violations appeared before us during the public hearings. It has been more than 20 years, Mr. Speaker, since we unshackled ourselves from the

vestiges of a dictatorship...yet those who suffered then and are lucky to still be around, continue to suffer as they wait for the compensation that the State should justly give them, no matter how small.

Mr. Speaker,

Summary execution, torture, involuntary disappearance – these are just some of the human rights violations that have marked our history. They had no place in a civilized society then. They have no place in a civilized society now. While we could arguably do little about them then, can do more now and we must not miss the chance to act decisively.

Let me enumerate some of the important features of this bill:

First, it creates an independent Human Rights Victims Compensation Board to administer compensation to eligible human rights violations victims. The Board is made up of seven members of known probity, competence and integrity, each one with a deep understanding of the human rights violations committed during the rule of former President Ferdinand Marcos. The Board works closely with a consultative body, whose primary function is to identify and monitor the legitimate victims who may be eligible for compensation.

Second, while the eligible victims include those who suffered human rights violations during the Marcos times, other human rights violations victims can file a claim before the Board. Those who have secured or can secure a judgment or award of damages from any Court of the Philippines arising from a human rights violation, as defined, even if the said judgment has not yet become final and executory, are **conclusively** deemed victims of human rights violations without need of further proof

Third, the amount of the compensation is proportional to the gravity of the human rights violation committed. The principle source of funds is the amounts transferred to the Government of the Republic of the Philippines by virtue of the December 10, 1997 Order of the Swiss Federal Supreme Court, adjudged by the Supreme Court of the Philippines as final and executory on July 15, 2003 in G.R. No. 152154, Republic vs. Sandiganbayan, declaring the amounts as ill-gotten Marcos wealth and forfeited in favor of the Republic of the Philippines.

Indeed, for many, transitional justice, the move from barbarism to decency, from chaos to order, and from senselessness to reason, remains elusive. This long overdue measure hopes to do something about this stark reality. What we knew then is what we know now: to

violate human rights is wrong. We can tolerate the human rights violations of the past no more than we can tolerate those that happen today. At all times, the person's value comes first and those who dare attempt to discard it must be called upon to be held accountable.

On the matter of the right to a remedy and compensation, Article 8 of the Universal Declaration of Human Rights has this to say:

“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”

For its part, Article 2 of the International Covenant on Civil and Political Rights makes it an obligation:

“To ensure that any person whose rights or freedoms ... are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”

No less resolute is the Article III, Section 12 of the 1987 Constitution of the Philippines in saying:

“The law shall provide for penal and civil sanctions for violations ... as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.”

Mr. Speaker, my dear Colleagues,

Past sufferings and death cannot be undone. The survivors of the human rights violations wonder if they can ever be the same persons again. Certainly, no amount of money can satisfactorily replace what has been lost. But we can recognize, acknowledge and give due respect to those whose rights have been violated. Let us compensate however humble our effort may be.

Our effort is important for another reason. The common thread of our humanity is one that crosses the boundaries of time. Whatever the decade or period of history, we are human beings possessing the same infinite worth. Some government officials of the past might have forgotten this fact. And some government officials of the present need to be reminded, constantly, of that.

Our own humanity today is just as much at stake if we do not act decisively. Let the 14th Congress pass this measure without any further delay.

Mr. Speaker, my dear Colleagues, I urge for your unanimous support of this measure NOW.

Thank you.