

**IMPLEMENTING RULES AND REGULATIONS
OF REPUBLIC ACT NO. 10368
“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”**

**RULE I
Preliminary Provisions**

Section 1. Title. These Rules and Regulations shall be known and cited as **“The Rules and Regulations Implementing the Human Rights Victims Reparation and Recognition Act of 2013.”**(1)

Section 2. Purpose. These Rules and Regulations are hereby promulgated to ensure:

- a) transparency in the processing of the claims;
- b) a procedure that allows any concerned party to oppose an application or claim on the ground that it is fraudulent, fictitious or spurious and gives that party the opportunity to question the same and to present evidence in support thereof; and,
- c) a speedy and expeditious procedure respecting the parties’ fundamental rights.(28)

Section 3. Declaration of Policy. Consistent with Sections 2 and 11 of Article II, and Section 12 of Article III of the 1987 Constitution of the Republic of the Philippines, and adhering to international human rights law and conventions, it is the declared policy of the State to:

- a) Recognize the heroism and sacrifices of all Filipinos who were victims of summary execution, torture, enforced or involuntary disappearance and other gross human rights violations committed during the regime of former President Ferdinand E. Marcos covering the period from September 21, 1972 to February 25, 1986 and restore the victims’ honor and dignity;
- b) Acknowledge its moral and legal obligation to recognize and/or provide reparation to the said victims and/or their families for the deaths, injuries, sufferings, deprivations and damages they suffered under the Marcos regime;
- c) Acknowledge the sufferings and damages inflicted upon persons whose properties or businesses were forcibly taken over, sequestered or used, or those whose professions were damaged and/or impaired, or those whose freedom of movement was restricted, and/or such other victims of the violations of the Bill of Rights. (2)

Section 4. Construction. These Rules and Regulations shall be liberally construed to promote the intent, purposes and objectives of the Human Rights Victims Reparation and Recognition Act of 2013 as expressed in the preceding section. Any doubt in the implementation and interpretation hereof shall be resolved in favor of facilitating the reparation and recognition of *bona fide* human rights violations victims or their legal heirs. (n)

RULE II

Definition of Terms

Section 1. Definition of Terms. The following terms as used in these Rules and Regulations shall mean:

- a) “Act” refers to Republic Act No. 10368, otherwise known as “Human Rights Victims Reparation and Recognition Act of 2013.”
- b) “IRR” refers to this Implementing Rules and Regulations.
- c) “Board”, when used in this IRR, refers to the Human Rights Victims’ Claims Board or the Human Rights Violations Victims’ Claims Board.
- d) “Human rights violation”(HRV) refers to any act or omission committed during the period from September 21, 1972 to February 25, 1986 by persons acting in an official capacity and/or agents of the State, but shall not be limited to the following:
 - (1) Any search, arrest and/or detention without a valid search warrant or warrant of arrest issued by a civilian court of law, including any warrantless arrest or detention carried out pursuant to the declaration of Martial Law by former President Ferdinand E. Marcos as well as any arrest, detention or deprivation of liberty carried out during the covered period on the basis of an "Arrest, Search and Seizure Order (ASSO)", a "Presidential Commitment Order (PCO)" or a "Preventive Detention Action (PDA)" and such other similar executive issuances as defined by decrees of former President Ferdinand E. Marcos, or in any manner that the arrest, detention or deprivation of liberty was effected;
 - (1.1) “Detention” refers to the act of taking a person into custody against his will by persons acting in an official capacity and/or agents of the State, as is commonly understood under pertinent penal laws;
 - (2) The infliction by a person acting in an official capacity and/or an agent of the State of physical injury, torture, killing, or violation of other human rights, of any person exercising civil or political rights, including but not limited to the freedom of speech, assembly or organization; and/or the right to petition the government for redress of grievances, even if such violation took place during or in the course of what the authorities at the time deemed an illegal assembly or demonstration: *Provided*, That torture in any form or under any circumstance shall be considered a human rights violation;
 - (2.1) “Torture”, as defined by Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009", refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority;

- (3) Any enforced or involuntary disappearance, as defined in Republic Act No. 1035[3], otherwise known as the "Anti-Enforced or Involuntary Disappearance Act of 2012" refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law;
 - (4) Any force or intimidation causing the involuntary exile of a person from the Philippines;
 - (5) Any act of force, intimidation or deceit causing unjust or illegal takeover of a business, confiscation of property, detention of owner/s and or their families, deprivation of livelihood of a person by agents of the State, including those caused by Ferdinand E. Marcos, his spouse Imelda R. Marcos, their immediate relatives by consanguinity or affinity, as well as those persons considered as among their close relatives, associates, cronies and subordinates under Executive Order No. 1, issued on February 28, 1986 by then President Corazon C. Aquino in the exercise of her legislative powers under the Freedom Constitution;
 - (6) Any act or series of acts causing, committing and/or conducting the following:
 - (6.1) Kidnapping or otherwise exploiting children of persons suspected of committing acts against the Marcos regime;
 - (6.2) Committing sexual offenses against human rights violations victims who are detained and/or in the course of conducting military and/or police operations. Sexual offenses shall refer to unlawful acts constituting either sexual harassment or sexual offenses not amounting to torture; and, (n)
 - (6.3) Other violations and/or abuses similar or analogous to the above, including those recognized by international law.
- e) *"Human Rights Violations Victim (HRVV)"* refers to a person whose human rights were violated by persons acting in an official capacity and/or agents of the State as defined herein. In order to qualify for reparation under this Act, the human rights violation must have been committed during the period from September 21, 1972 to February 25, 1986: *Provided, however,* That victims of human rights violations, which were committed one (1) month before September 21, 1972 and one (1) month after February 25, 1986, shall be entitled to reparation under the Act if they can establish that the violation was committed:
- (1) By agents of the State and/or persons acting in an official capacity as defined hereunder;
 - (2) For the purpose of preserving, maintaining, supporting or promoting the said regime; or
 - (3) To conceal abuses during the Marcos regime and/or the effects of Martial Law.

- f) “*Persons Acting in an Official Capacity and/or Agents of the State*” refer to:
- (1) Any member of the former Philippine Constabulary (PC), the former Integrated National Police (INP), the Armed Forces of the Philippines (AFP) and the Civilian Home Defense Force (CHDF) from September 21, 1972 to February 25, 1986 as well as any civilian agent attached thereto; and any member of a paramilitary group even if one is not organically part of the PC, the INP, the AFP or the CHDF so long as it is shown that the group was organized, funded, supplied with equipment, facilities and/or resources, and/or indoctrinated, controlled and/or supervised by any person acting in an official capacity and/or agent of the State as herein defined;
 - (2) Any member of the civil service, including persons who held elective or appointive public office at any time from September 21, 1972 to February 25, 1986;
 - (3) Persons referred to in Section 2(a) of Executive Order No. 1, creating the Presidential Commission on Good Government (PCGG), issued on February 28, 1986 and related laws by then President Corazon C. Aquino in the exercise of her legislative powers under the Freedom Constitution, including former President Ferdinand E. Marcos, spouse Imelda R. Marcos, their immediate relatives by consanguinity or affinity, as well as their close relatives, associates, cronies and subordinates; and,
 - (4) Any person or group/s of persons acting with the authorization, support or acquiescence of the State during the Marcos regime.(3)
- g) “*Reparation*”, under the Act, refers to the obligation of the State to restore the rights and uphold the dignity of the victims, which is part of the right to an effective remedy. Reparation shall be both monetary and non-monetary. (n)
- h) “*Recognition*” refers to the acknowledgment by the State of the violations committed against persons who are victims of human rights violations as described herein. This recognition shall be manifested by enshrining the name of the said HRVV in the Roll of Human Rights Violations Victims prepared by the Board pursuant to its mandated powers and functions.(n, 26)
- i) “*Motu Proprio Recognition*” refers to the action of the Board in taking judicial notice or cognizance of the legitimacy of individual claims of HRVV as defined herein and granting such persons recognition as such and enshrined in the Roll of Human Rights Violations Victims as provided hereafter.(18, 26)
- j) “*Memorialization*” refers to the preservation of the memory of the human rights violations victims, objects, events and lessons learned during the Marcos regime. This is part of the inherent obligation of the State to acknowledge the wrongs committed in the past, to recognize the heroism and sacrifices of all Filipinos who were victims of gross human rights violations during Martial Law, and to prevent the recurrence of similar abuses.
- k) “*Memorial Commission*” refers to the Human Rights Violations Victims’ Memorial Commission established under the Act.

RULE III
Human Rights Victims' Claims Board

Section 1. Powers and Functions of the Board. The Board as an independent and quasi-judicial body shall have sole and original jurisdiction to determine the eligibility of claims, extent of human rights violations and award of reparations. It shall have the following powers and functions:

- a) Receive, evaluate, process, and investigate applications for claims;
- b) Issue *subpoenae ad testificandum* and *duces tecum*;
- c) Conduct independent administrative proceedings and resolve disputes over claims;
- d) Approve with finality and on appeal all eligible claims;
- e) Prepare the Roll of Human Rights Violations Victims;
- f) Deputize appropriate government agencies to assist it in order to effectively perform its functions;
- g) Promulgate such rules as may be necessary to carry out the purposes of the Act including rules of procedure in the conduct of its proceedings, with the Revised Rules of Court of the Philippines having suppletory application;
- h) Exercise administrative control and supervision over its Secretariat and Division Secretariats, including appointment, hiring and dismissal of its regular personnel;
- i) At its discretion, consult the human rights organizations mentioned in Section 9 of the Act;
- j) Hire additional personnel or enter into contracts for provision of services of counselors, psychologists, social workers and public education specialists, among others, and additional legal or paralegal services to augment the services of the Board and the Secretariat; and,
- k) Perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of the Act. (10, 13)

Section 2. Motu Proprio Recognition. The Board may take judicial notice *motu proprio* of individual persons who suffered human rights violations as defined herein and grant such persons recognition as HRVVs and enshrined in the Roll of Human Rights Violations Victims. (18)

Section 3. Roll of Human Rights Violations Victims. Persons who are HRVVs, regardless of whether they opt to seek reparation or not, shall be given recognition by enshrining their names in a Roll of Human Rights Violations Victims to be prepared by the Board.(26)

Section 4. Composition and Qualifications. The Human Rights Victims' Claims Board shall be composed of nine (9) members who shall possess the following qualifications:

- a) Must be of known probity, competence and integrity;
- b) Must have a deep and thorough understanding and knowledge of human rights and involvement in efforts against human rights violations committed during the regime of former President Ferdinand E. Marcos;
- c) At least three (3) of them must be members of the Philippine Bar who have been engaged in the practice of law for at least ten (10) years; and
- d) Must have a clear and adequate understanding and commitment to human rights protection, promotion and advocacy.

The Human Rights Victims' Claims Board shall be attached to, but shall not be under, the Commission on Human Rights (CHR). (8)

Section 5. Divisions. The Board shall be composed of three (3) divisions which shall function simultaneously and independently of each other in the resolution of claims for reparation and/or recognition. Each division shall be composed of one (1) Chairperson, who shall be a member of the Philippine Bar, and two (2) members, to be appointed by the Board *en banc*. (11)

Section 6. Rank, Salary, Emoluments and Allowances of the Chairman and Members of the Board. The Chairperson and the Members of the Board shall enjoy the rank, receive the same salary, emoluments and allowances equivalent to a Presiding Justice and Associate Justice of the Court of Appeals respectively, which shall not be decreased during their term of office. The emoluments shall include fees, compensation, perquisites, pensions and retirement benefits, which shall be given in accordance with RA 6758 and RA 910, as amended. (n, 12)

Section 7. Operating Budget of the Board. The operating budget of the Board shall be funded from the ten billion peso (P10,000,000,000.00) fund, with ten million pesos (P10,000,000.00) as its initial operating budget: *Provided*, That it shall not exceed fifty million pesos (P50,000,000.00) a year. (14)

RULE IV Secretariat

Section 1. Functions. The Board shall be assisted by a Secretariat which shall have the following functions:

- a) Receive, evaluate, process and investigate applications for claims under the Act;
- b) Recommend to the Board the approval of applications for claims;
- c) Assist the Board in technical functions; and
- d) Perform other duties that may be assigned by the Board. (13)

Section 2. Composition. The Chairperson of the Board shall appoint a Board Secretary who shall head the Secretariat for the duration of the existence of the Board. There shall be a Technical Staff Head assisted by five (5) Legal Officers and three (3) Paralegal Officers, an Administrative Staff Head assisted by three (3) Administrative Support Staff and other additional personnel as may be necessary.

The Board may hire additional contractual employees or contract service providers, such as counselors, psychologists, social workers and public education specialists, among others, to

augment the services of the Secretariat, provided that the maximum contract amount per year shall not exceed more than fifteen percent (15%) of the total annual operating budget of the Board.(13)

Section 3. Processing of Claims. The Secretariat shall ensure the completeness of the claims application in accordance with Section 6 of Rule III, evaluate the application for substantive compliance, prepare a reasoned recommendation and submit to the respective Division for determination of eligibility. The Secretariat may also raise legal and other issues to the Board, through the Divisions, that may arise in the course of the evaluation of the applications and implementation of the Act. (n)

RULE V

Claims, Reparations and Recognition

Section 1. Period of Filing. The Board, in accordance with Section 22 of the Act, has set the period of the commencement of filing of applications on May 12, 2014 and termination of the same on November 10, 2014, and has caused the publication thereof once a week for three (3) consecutive weeks in two (2) national newspapers of general circulation. (n, 22)

Section 2. Waiver of Claims. Any claimant who fails to file an application within the period fixed in the preceding section is deemed to have waived the right to file the same. (n, 23)

Section 3. Place of Filing. Applications must be personally filed with the Secretariat of the Board at its main office or at designated on-site/satellite intake offices. (n)

Section 4. No fees. There will be no fees charged for the filing of claims application or appeal. Costs for photocopying or scanning or other similar costs incurred in the filing of the application or appeal shall be borne by the applicant or appellant. (n)

Section 5. Substantial Evidence. Substantial evidence is necessary to establish the eligibility of any claim. Substantial evidence is that level of evidence which a reasonable mind might accept as adequate to justify the conclusion. Evidence submitted by the applicants will be validated and verified with appropriate government records and database and other relevant and material sources, and allegations investigated prior to the resolution of the claim. (n)

Section 6. Summary Procedure; Prohibited Pleadings. All proceedings of the Board and its Divisions are summary in nature and shall be guided by the Revised Rules on Summary Procedure. It shall adopt the rule on prohibited pleadings and motions as may be applicable. The only pleadings allowed to be filed are the claims application together with the necessary attachments, opposition to the eligibility of the claim, and appeal together with the Memorandum. (n)

Section 7. Eligibility of Claims. The applicant must qualify to be an HRVV as provided under the Act, show to the satisfaction of the Board, through the Divisions, the eligibility of the claim and provide proof that:

- a) The applicant is a legitimate claimant under Sections 8 and 9 of this Rule, including those seeking recognition;
- b) The human rights violation is one of those enumerated under Rule II, Section 1(d), committed by a person in an official capacity and/or State agent in accordance with Section 10 of this Rule during the periods identified.(n, 4)

Section 8. Application. A Claims Application may be filed by the following:

- a) A person who is an HRVV as defined in Rule II, Section 1(e);
- b) Claimants who are conclusively presumed to be a HRVV under section 9 of this Rule; (17)
- c) Legal heir/s, as determined by the provisions of Articles 960 to 1010 of the Civil Code of the Philippines, or authorized representative of HRVVs who are deceased, incapacitated, or involuntarily disappeared.(4, 23)

The applicant shall submit the following to support eligibility as a claimant:

- a) Claims Application Form;
- b) Detailed sworn statement of the human rights violation;
- c) Proof of filiation and relationship issued by the National Statistics Office (NSO) or Office of the Local Civil Registrar. In the absence thereof, affidavits of at least two (2) disinterested individuals;
- d) In case the HRVV is physically incapacitated to file the application personally, a notarized authorization showing proof of identity of the authorized representative and his/her *bona fide* relationship with the victim;
- e) In case of mental or psychological disability of the HRVV, proof of filiation and relationship of the nearest next of kin in accordance with the Civil Code provisions on succession issued by the NSO or Office of the Local Civil Registrar.(n, 21, 23)

Section 9. Conclusive Presumption as HRVV. The claimants in the class suit and direct action plaintiffs in the Human Rights Litigation Against the Estate of Ferdinand E. Marcos (MDL No. 840, CA No. 88-0390) in the US Federal District Court of Honolulu, Hawaii, wherein a favorable judgment has been rendered, shall be extended the conclusive presumption that they are HRVVs: *Provided*, That the HRVVs recognized by the Bantayog Ng Mga Bayani Foundation shall also be accorded the same conclusive presumption: *Provided, further*, That nothing herein shall be construed to deprive the Board of its original jurisdiction and its inherent power to determine the extent of the human rights violations and the corresponding reparation and/or recognition that may be granted. (17)

*Section 10. Human Rights Violation (HRV).*The human rights violation, as defined under Rule II, Section 1(d), must be shown to have been committed during the period from September 21, 1972 to February 25, 1986: *Provided, however*, That victims of human rights violations, which were committed one (1) month before September 21, 1972 and one (1) month after February 25, 1986, shall be entitled to reparation under the Act if they can establish that the violation was committed:

- a) By agents of the State and/or persons acting in an official capacity as defined hereunder;
- b) For the purpose of preserving, maintaining, supporting or promoting the said regime; or
- c) To conceal abuses during the Marcos regime and/or the effects of Martial Law. (3)

To prove the HRV, the applicant shall submit one or more of the following:

- a) NSO-issued or local death certificate;
- b) Warrant of arrest, seizure orders (PDA, PCO, ASSO), mission order and other similar documents;

- c) Certification by custodial government agencies on the fact of detention, *carpeta*, police blotter, NBI files, release papers and other similar documents;
- d) Doctor's affidavit, medico-legal, autopsy or pathology certificate or report, and other similar documents;
- e) Declassified documents from the Department of National Defense and other government agencies;
- f) Court records;
- g) Original or duly certified lawyer's records;
- h) Photographs with affidavit of proper authentication;
- i) Sworn statement of two (2) co-detainees or two (2) persons who have personal knowledge of the circumstances surrounding the HRV;
- j) Secondary sources of information from reliable sources may be presented such as church/non-government organization report, books documenting HRVs, newsclippings or other similar documents;
- k) Other documents and evidence attesting the occurrence of the incident and violations or that may be required for the award of any reparation. (n)

Section 11. Resolution of Claims. Any issue, claim or appeal before the Board or its Divisions shall be decided by a majority vote of the members thereof, within 15 calendar days from the time it is deemed submitted for resolution. (n, 11)

Section 12. Determination of Award of Monetary Reparation. The Board, through the Divisions, shall proceed to determine the award due each eligible claimant classified under Sections 16 and 17 of the Act. A point system shall guide the determination of the award in the following manner:

- a) Victims who were killed or who were involuntarily disappeared and are still missing shall be given ten (10) points;
- b) Victims who were tortured and/or raped or sexually abused shall be given six (6) to nine (9) points;
- c) Victims who were detained shall be given three (3) to five (5) points; and
- d) Victims whose rights were violated under Section 3, paragraph (b), nos. (4), (5) and (6) under RA 10368 shall be given one (1) to two (2) points.

The Board shall exercise its powers with due discretion in the determination of points for each victim, which shall be based on the type of violation committed against the HRVV, frequency and duration of the violation, and severity of harm and its consequences. In each category, HRVVs who had suffered more would receive more points. In instances where a victim is classified in more than one category, s/he shall be awarded the points in the higher category.

The Board, through the Divisions, shall award only one (1) valid claim, which corresponds to the category obtaining the highest number of points, for each HRVV.

After the final determination of the awards for all claimants, the Board shall then compute the final monetary value of one's award that is equivalent to the numerical value of one point multiplied by the number of points that a claimant is entitled to, as previously determined by the Board. (19)

Section 13. Amount of Reparation. The amount of reparation under this Act shall be in proportion to the gravity of the human rights violation committed on the HRVV and in accordance with the number of points assigned to the individual under the preceding section of this Rule. (6)

Section 14. Finality of Resolution. After the determination by the Divisions, the Board *en banc* shall approve the list of all eligible claimants and direct its publication in at least two (2) newspapers of general circulation once a week for three (3) consecutive weeks.

a) Opposition to any of the new eligible claimants shall be filed within fifteen (15) calendar days from the date of last publication, on the following grounds:

- (1) The new claimant is not legitimate under section 8 of this Rule;
- (2) The human rights violation is not one of those enumerated under Rule II, Section 1(d), and Section 10 of this Rule;
- (3) The claim is fraudulent, fictitious or spurious.

The Board shall remand to the concerned Division the adjudication on the opposition, where evidence and issues shall be presented and passed upon. The Division may summarily dismiss an opposition found to be frivolous. An applicant who is not included in the list of new eligible claimants is entitled to appeal to the Board, through the Division, in accordance with the immediately succeeding section.

b) However, in the case of conclusively presumed claimants, any opposition may be filed within 10 days as an appeal to the Board *en banc* based on the above-mentioned grounds and under the succeeding section. (n, 23)

Section 15. Appeal to the Board. An appeal from the Resolution of the Division can be filed by any aggrieved claimant or oppositor, through a Notice of Appeal with the Secretariat, within ten (10) calendar days from receipt of the Resolution, on any of the following grounds:

- a) That the Resolution is not supported by substantial evidence; and,
- b) That the claimant or opposing party has been deprived, through no fault attributable to him/her, of presenting his/her evidence in support of his/her claim or opposition during the Division proceedings.

The appellant shall submit a Memorandum appended to the Notice of Appeal, in at least nine (9) copies, citing the grounds why the resolution of the Division should be vacated, set aside or modified. Failure to submit said Memorandum shall be deemed non-perfection of the appeal.

The decision on the appeal by the Board *en banc* is final and executory.

The Board *en banc* shall resolve all pending appeals within sixty (60) calendar days before it becomes *functus officio*. (n, 19, 24)

Section 16. Effectivity of Award of Monetary Compensation. Within thirty (30) days after the Board has approved with finality each eligible claim pending before it and after due publication of such legitimate claim, the award of monetary compensation shall take effect. (19)

Section 17. Disbursement of Monetary Reparation. No special power of attorney shall be recognized in the actual disbursement of the award, and only the victim or successor(s)-in-interest shall be entitled to personally receive said reparation from the Board, unless the victim involved is shown to be incapacitated to the satisfaction of the Board. Monetary reparation shall be free of tax.

The reparation received under the Act shall be without prejudice to the receipt of any other sum by the HRVV from any other person or entity in any case involving violations of human rights. (4)

Section 18. Non-monetary Reparation. The Department of Health (DOH), the Department of Social Welfare and Development (DSWD), the Department of Education (DepED), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and such other government agencies shall render the necessary services as nonmonetary reparation for HRVVs and/or their families, as may be determined by the Board pursuant to the provisions of the Act. The amount necessary for this purpose shall be sourced from the budget of the agency concerned in the annual General Appropriations Act (GAA). (5)

Section 19. Recognition. HRVVs, whether they opt to seek reparation or not, shall be given recognition by enshrining their names in a Roll of Human Rights Violations Victims to be prepared by the Board. (26)

Section 20. Motu Proprio Recognition. The Board may take judicial notice *motu proprio* of individual persons who suffered human rights violations as defined herein and grant such persons recognition as HRVVs and enshrined in the Roll of Human Rights Violations Victims. (18)

Section 21. Confidentiality. Processing of the claims shall be transparent. In certain instances, the Board shall ensure confidentiality of information primarily to protect the HRVV, unless s/he gives prior informed consent. (n)

Section 22. Assistance from other government agencies. Government agencies in possession or custody of documents such as but not limited to, court records, clearances, dossiers, arrest and seizure orders, detention logs, police blotters, and other documents, that may assist claimants in the processing of applications for monetary and non-monetary reparations shall provide necessary assistance to enable claimants to obtain said documents necessary to prove their claims under the Act. The Board may also seek assistance or deputize appropriate government agencies for purposes of validation, verification and investigation of any claim, opposition or appeal brought before it, ensuring effective performance of its functions, and implementation of the objectives of the Act. (n, 10)

Section 23. Assistance from civil society and media. The Board may seek the assistance of civil society and media organizations to assist claimants in obtaining materials, documents, and other files that will facilitate in proving their claims. These materials, documents and other files include newsclippings, microfilms, still photos, audio, video footages and other documents. (n)

Section 24. Funding Source. The principal source of funds for the reparation of HRVVs and implementation of the Act shall be the amount of ten billion pesos (P10,000,000,000.00) plus the accrued interest, which form part of the funds 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 in Republic vs. Sandiganbayan on July 15, 2003 (G.R. No. 152154) as Marcos ill-gotten wealth and forfeited in favor of the Republic of the Philippines. (7)

Section 25. Proper Disposition of Funds. The Board shall ensure that funds appropriated or those which may become available as reparation for HRVVs are properly disbursed in accordance with the policies stated by Congress and relevant government rules, regulations and accounting procedures. (15)

RULE VI Penalties

Section 1. Applicability of the Revised Penal Code. Any claimant who is found by the Board, after due hearing, to have filed a fraudulent claim, shall be referred to the appropriate office for prosecution. If convicted, he shall suffer the imprisonment of eight (8) to ten (10) years, shall be disqualified from public office and employment and shall be deprived of the right to vote and be voted for in any national or local election, even after the service of sentence unless granted absolute pardon.(25)

Section 2. Accountability. Any member of the Board, its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who shall misuse, embezzle or misappropriate the funds for the reparation of HRVVs or who shall commit fraud in the processing of documents and claims of HRVVs, or shall conspire with any individual to commit the same, shall also be prosecuted.

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who may have been found guilty of committing any or all of the prohibited acts stated in the preceding paragraph, or those acts punishable under the Revised Penal Code, shall be penalized under the pertinent provisions in the Code and relevant special penal laws. (25)

RULE VII Memorialization

Section 1. Memorial/Museum/Library/Compendium. A Memorial/Museum/Library shall be established in honor and in memory of the victims of human rights violations, whose names are inscribed in the Roll of Human Rights Violations Victims prepared by the Board. A compendium of their sacrifices shall be prepared and may be readily viewed and accessed in the internet. The Roll may also be displayed in government agencies as may be designated by the Human Rights Violations Victims Memorial Commission created by the Act.(26)

The database prepared by the Board derived from the processing of claims shall be turned over to the Memorial Commission for archival purposes, and made accessible for the promotion of human rights to all government agencies and instrumentalities in order to prevent recurrence of similar abuses, encourage continuing reforms and contribute to ending impunity.(n)

Section 2. Education and Curriculum Development. The lessons learned from Martial Law atrocities and the lives and sacrifices of HRVVs shall be included in the basic and higher education curricula, as well as in continuing adult learning, prioritizing those most prone to commit human rights violations.(n, 27)

Section 3. Informed Consent. The Memorial Commission shall publish only those stories of HRVVs who have given prior informed consent.(n)

Section 4. Funding Source. The Memorial/Museum/Library/Compendium shall have an appropriation of at least five hundred million pesos (P500,000,000.00) from the accrued interest of the ten billion peso (P10,000,000,000.00) fund.(26)

RULEV III

Human Rights Violations Victims' Memorial Commission

Section 1. Mandate, Powers and Functions of the Memorial Commission. The Memorial Commission, as created by the Act, shall be primarily responsible for the establishment, restoration, preservation and conservation of the Memorial/Museum/Library/Compendium. It shall also coordinate and collaborate with the Department of Education (DepED) and the Commission on Higher Education (CHED) to ensure that the lessons learned from Martial Law are taught in schools.

The Memorial Commission shall be attached to the CHR solely for budgetary and administrative purposes. (26, 27)

Section 2. Board of Trustees. The powers and functions of the Memorial Commission shall be assumed by a Board of Trustees, which shall be composed of the following: Chairperson of the CHR as Chairperson; Chairperson of the National Historical Commission of the Philippines as Co-Chairperson; and Chairpersons of the CHED and the National Commission on Culture and the Arts, the Secretary of the DepED and the Head of the University of the Philippines Diliman Main Library, as members.

The Board of Trustees has the authority to hire and appoint its officials and employees, including constituting its own Secretariat. It is likewise authorized to receive donations and grants for and in its behalf, and generate revenues for the benefit of the Memorial Commission. (n, 27)

Section 3. Operating Budget. The operating budget of the Commission shall be appropriated from the GAA. (27)

RULE IX

Final Provisions

Section 1. Work period; Sunset Clause. The Board shall complete its work within two (2) years from the effectivity of this IRR. After such period, it shall become *functus officio*. (29)

Section 2. Effectivity Clause. These Implementing Rules and Regulations shall take effect fifteen (15) days after their complete publication in two (2) national newspapers of general circulation. (28)

Section 3. Separability Clause. If, for any reason, any section or provision of this IRR is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect. (30)

Adopted this 24th day of April, 2014 at Quezon City, Philippines.

LINA C. SARMIENTO
Chairperson

WILFRED D. ASIS
Board Member

GLENDA T. LITONG
Board Member

GALUASCH G. BALLAHO
Board Member

JACQUELINE V. MEJIA
Board Member

BYRON D. BOCAR
Board Member

AURORA CORAZON A. PARONG
Board Member

JOSE LUIS MARTIN C. GASCON
Board Member

ERLINDA N. SENTURIAS
Board Member