

**ESSENTIAL TRUTHS ON
THE STATE OF HUMAN RIGHTS
DURING MARTIAL LAW 72-86
UNDER MARCOS**

**Former Member of the Board
HUMAN RIGHTS VICTIMS' CLAIMS BOARD (HRVCB)**

“NO ONE BUT NO ONE HAS BEEN TORTURED.”

FERDINAND E. MARCOS

**“NAME ME ONE PERSON THAT WAS ARRESTED BECAUSE OF
POLITICAL OR RELIGIOUS BELIEF DURING THAT PERIOD.”**

JUAN PONCE ENRILE (2018)

**“THERE WAS NO POLICY TO ABUSE ANYONE. IF THERE WERE ABUSES, IT
DID NOT EMANATE FROM ANY INSTRUCTION OF (MY FATHER).”**

BONGBONG R. MARCOS

**“AS WE ALL KNOW, THESE (HUMAN RIGHTS VIOLATIONS) ARE POLITICAL
ACCUSATIONS THAT HAVE NOT BEEN PROVEN IN COURT.”**

IMEE R. MARCOS (OCT 2018)



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ESSENTIAL TRUTHS

- 1. Democratic processes were violated during Martial Law under the Marcos regime. Ferdinand E. Marcos arrogated for himself and took over judicial and legislative powers which removed checks and balances then resulted to gross human rights violations.**
- 2, The Philippine government has recognized that there were thousands of gross human rights violations committed during the Martial Law era of 1972-1986.**

ESSENTIAL TRUTHS

ON THE STATE OF HUMAN RIGHTS DURING MARTIAL LAW (72-86)

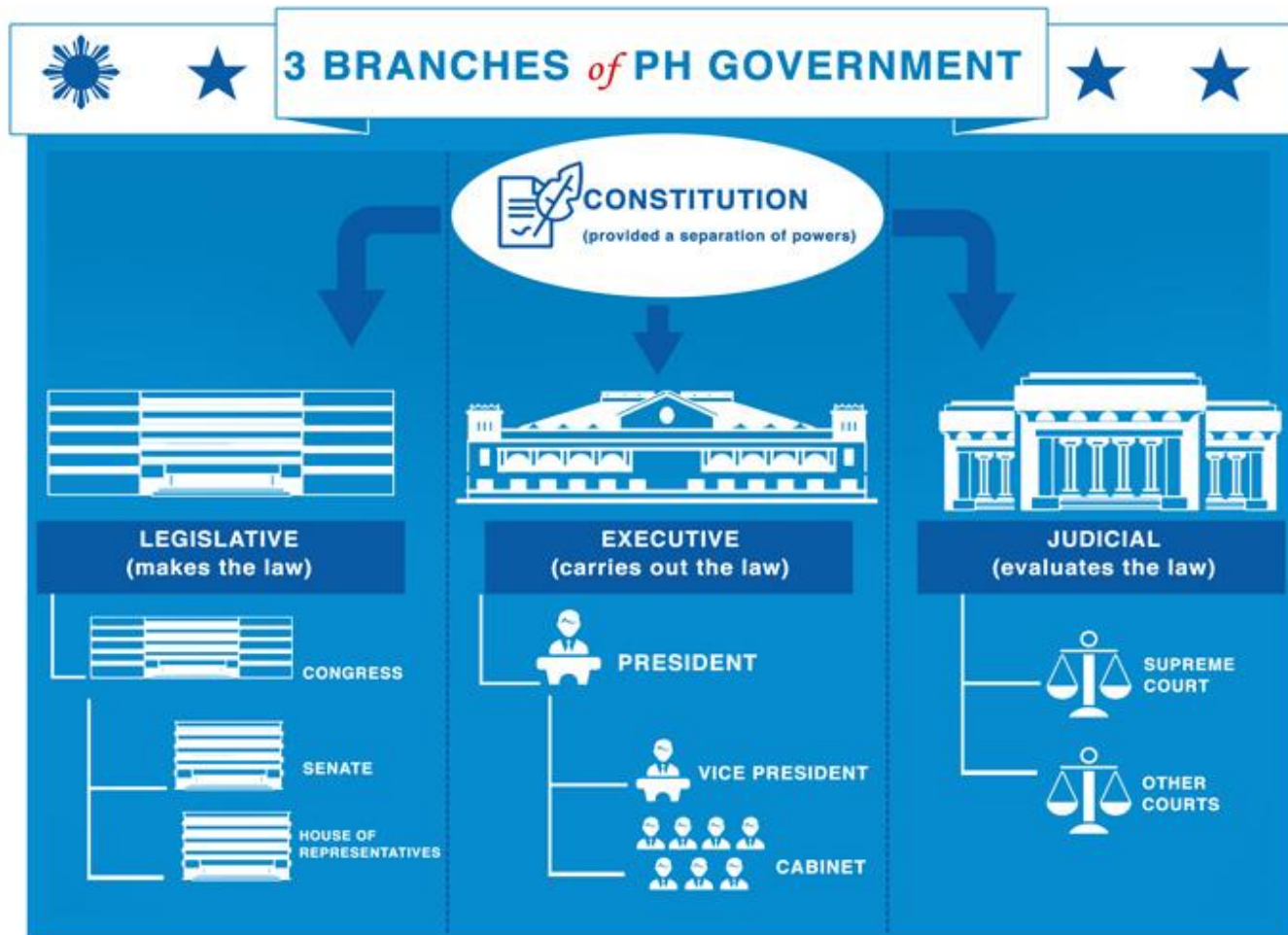
1. Democratic processes were violated during martial law under the Marcos regime.

Ferdinand E. Marcos arrogated for himself and took over judicial and legislative powers which removed checks and balances then resulted to gross human rights violations.

2. The Philippine government has recognized that there were thousands of gross human rights violations committed during the Martial Law era of 1972-1986.

DEMOCRATIC PROCESSES AND SEPARATION OF POWERS (POLICY)

BRANCHES OF PHILIPPINE GOVERNMENT



- <https://pia.gov.ph/branches-of-govt>

SEPARATION OF POWERS AND CHECKS AND BALANCES

- One basic corollary in a presidential system of government is the principle of separation of powers wherein legislation belongs to Congress, execution to the Executive, and settlement of legal controversies to the Judiciary.
- The Philippine government seeks to act in the best interests of its citizens through this system of checks and balances.

MARCOS TOOK OVER JUDICIAL AND LEGISLATIVE POWERS DURING MARTIAL LAW

Within 1 week, in September 1972,

Marcos arrogated to himself and took-over powers of the legislative and judiciary.

Authoritarianism reigned.

He tried to cover authoritarianism through GO # 3 maintaining the operations of the three branches of government and GO #9 prohibiting abuse but issued more orders negating them.

PROCLAMATION 1081

SEPTEMBER 21-23, 1972: GOs 1-7

SEPTEMBER 27-30, 1972: GOs 8-12

ARROGATION OF JUDICIAL POWERS

- General Order 1: Marcos to govern and direct the operation of the entire government (signed September 22, 1972)
- General Order 2: Arrest of certain criminals (signed September 22, 1972)
- General Order 2 –A: Arrest of those in lists plus for 19 other crimes. (amended GO 2; Signed September 26, 1972)
- General Order 3: Continuous operation of government offices under their present officers and employees but limited judicial functions (Signed September 22, 1972).

ARROGATION OF LEGISLATIVE POWERS

- General Orders #1 and 3: Marcos to govern the nation and direct the operation of the **entire** government with continuous operation of offices t **limited judicial functions.**
- General Order 8: AFP Chief of Staff to **create military tribunals** (Signed September 27, 1972)
- General Order 12. **Military Tribunal and Civil courts jurisdiction amended** 2-A, 3 and 8 (signed September 30, 1972).
-

MARCOS SOWED FEAR AMONG THE PEOPLE – THROUGH SUPPRESSION OF RIGHTS

General Order 4: Observance and enforcement of curfew hours limiting movement (Signed September 22, 1972) – **SUPPRESSION OF THE RIGHT TO MOVE.**

General Order 5: Ban on group assemblies, including strikes and picketing in vital industries (Signed September 22, 1972). – **SUPPRESSION OF THE RIGHT TO ASSEMBLE and THE RIGHTS OF WORKERS TO PICKET AND STRIKE** *to improve work conditions, increase salaries and assert/obtain security of tenure.*

**THE ARROGATION TO HIMSELF /TAKING OVER
OF JUDICIAL AND LEGISLATIVE POWERS
BY FERDINAND E. MARCOS
(REMOVED THE CHECKS AND BALANCES)**



AUTHORITARIANISM



**MASSIVE GROSS
HUMAN RIGHTS VIOLATIONS
AND PLUNDER OF WEALTH.**

**MASSIVE HUMAN RIGHTS
VIOLATIONS
DURING MARTIAL LAW (72-86)
UNDER MARCOS**

INTRODUCTION

- **There have been many accounts written and told about the martial law period in the Philippines, 1972-1986 – books, memoirs, reports, papers, articles, films, etc.**
- **Our Focus – Two main tracks pursued to secure justice for human rights violations victims (HRVVs) during martial law –**
 - **Judicial – The Hawaii Class Suit , 1986**
 - **Legislative – Republic Act No.10368, the “Human Rights Victims Reparation and Recognition Act of 2013**

THE HAWAII CLASS SUIT

- **Filed by Atty. Robert Swift in April 1986 before the US Federal District Court of Honolulu, Hawaii, Judge Manuel Real presiding – docketed as MDL No, 840, CA No. 86-0390.**
- **Based on an old US law – Alien Torts Act; Victims assisted by Attys. Jose Mari Velez, Rene Saguisag, Fruto and Rod Domingo Involving 9,539 HRVVs**
- **There was also a separate direct action case filed by around 24 HRVVs**
 - **Marcos found liable for HRVs and for damages of almost \$2B (approved by the Supreme Court of Hawaii)**
 - **2 distributions of \$10m each in 2011 and 2014 in partial satisfaction of judgment; and 2019**

THE HAWAII CLASS SUIT

Atty. Robert Swift

“The Marcos litigation demonstrated that a massive number of human rights abuses could be litigated in a US Court. The twenty or so opinions rendered in the litigation by US appellate courts created a human rights jurisprudence of lasting importance. These opinions have been cited in hundreds of other cases and discussed in more than 100 law reviews and textbooks.”

REPUBLIC ACT 10368

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 (Enacted on February 25, 2013)
- Created the Human Rights Victims Claims Board (HRVCB) and the Human Rights Victims Memorial Commission (HRVVMC)
- To recognize the heroism and sufferings of all Filipinos during martial law under Marcos Regime
- To provide reparation and recognition of victims of gross human rights violations during the period

REPUBLIC ACT 10368

- The “Human Rights Victims Reparation and Recognition Act of 2013”, signed into law by former President Benigno Aquino III on 25 February 2013, is an indictment of the Marcos regime and of the abuses of martial law –
 - it is an admission by the State of the human rights violations during martial law;
 - it accepts the accountability of the Marcos regime for human rights violations and provides for reparation and recognition for the victims;
 - It cites the plunder of the economy;
 - it cites the violation of democratic processes; and
 - it provides for the memorialization of the truth of the human rights violations.

REPUBLIC ACT 10368

Third paragraph, Sec. 2 – “(I)t is hereby declared the policy of the State to recognize the heroism and sacrifices of all Filipinos who were victiims**The State hereby acknowledges its moral and legal obligation to recognize and/or provide reparation to said victims and/or their families for the deaths, injuries, sufferings, deprivations and damages they suffered under the Marcos regime.**”

REPUBLIC ACT 10368

Sec. 3 – Lists the **compensable human rights violations under the law**, namely: unlawful arrest, search, detention; physical injury, torture, killing; enforced or involuntary disappearance; force or intimidation causing involuntary exile; 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; and other violations.

REPUBLIC ACT 10368

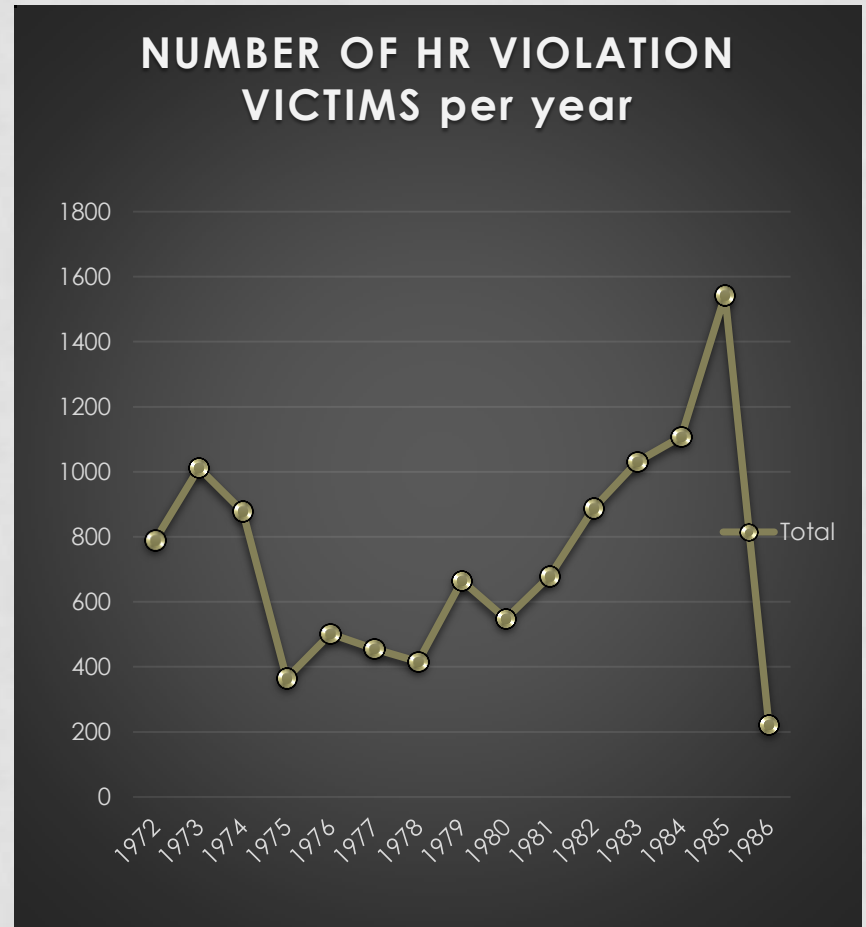
- Sec. 7 shows the plunder of the economy committed by the Marcoses.
- Sec. 7 – The amount of Ten billion pesos (₱10,000,000,000.00) ++ ...by virtue of the **December 10, 1997 Order of the Swiss Federal Supreme Court**, adjudged by the **Supreme Court of the Philippines** ... as **Marcos ill-gotten wealth** and forfeited in favor of the Republic of the Philippines, shall be the principal source of funds for the implementation of this Act.”

HUMAN RIGHTS VIOLATIONS DURING MARTIAL LAW 72-86 ACC. TO HRVCB

| Points Awarded | Human Rights Violations | No. of Claims | Percent age |
|----------------|--|---|---------------|
| 10 | Enforced Disappearance and Killing | 2325 Killing – 1941 Enforced Disappearance – 384 | 20.94% |
| 9 | Rape and Torture with permanent damage | 238 | 2.14% |
| 8 | Torture | 217 | 1.95% |
| 7 | Torture | 1468 | 13.22% |
| 6 | Cruel, Inhuman and Degrading Treatment | 182 | 1.64% |
| 5 | Arbitrary Detention (more than 6 months) | 700 | 6.30% |
| 4 | Arbitrary Detention (16 days to 6 months) | 1417 | 12.76% |
| 3 | Arbitrary Detention (36 hours to 15 days) | 1239 | 11.16% |
| 2 | Physical Injuries, Destruction of Properties and Deprivation of Livelihood | 580 | 5.23% |
| 1 | Unlawful Arrest, Physical Injuries, Destruction of Properties and Deprivation of Livelihood | 2735 | 24.64% |
| Grand Total | | 11103 | 100% |
| Table 1 | | | |

NUMBER OF VICTIMS PER YEAR ACC TO HRVCB

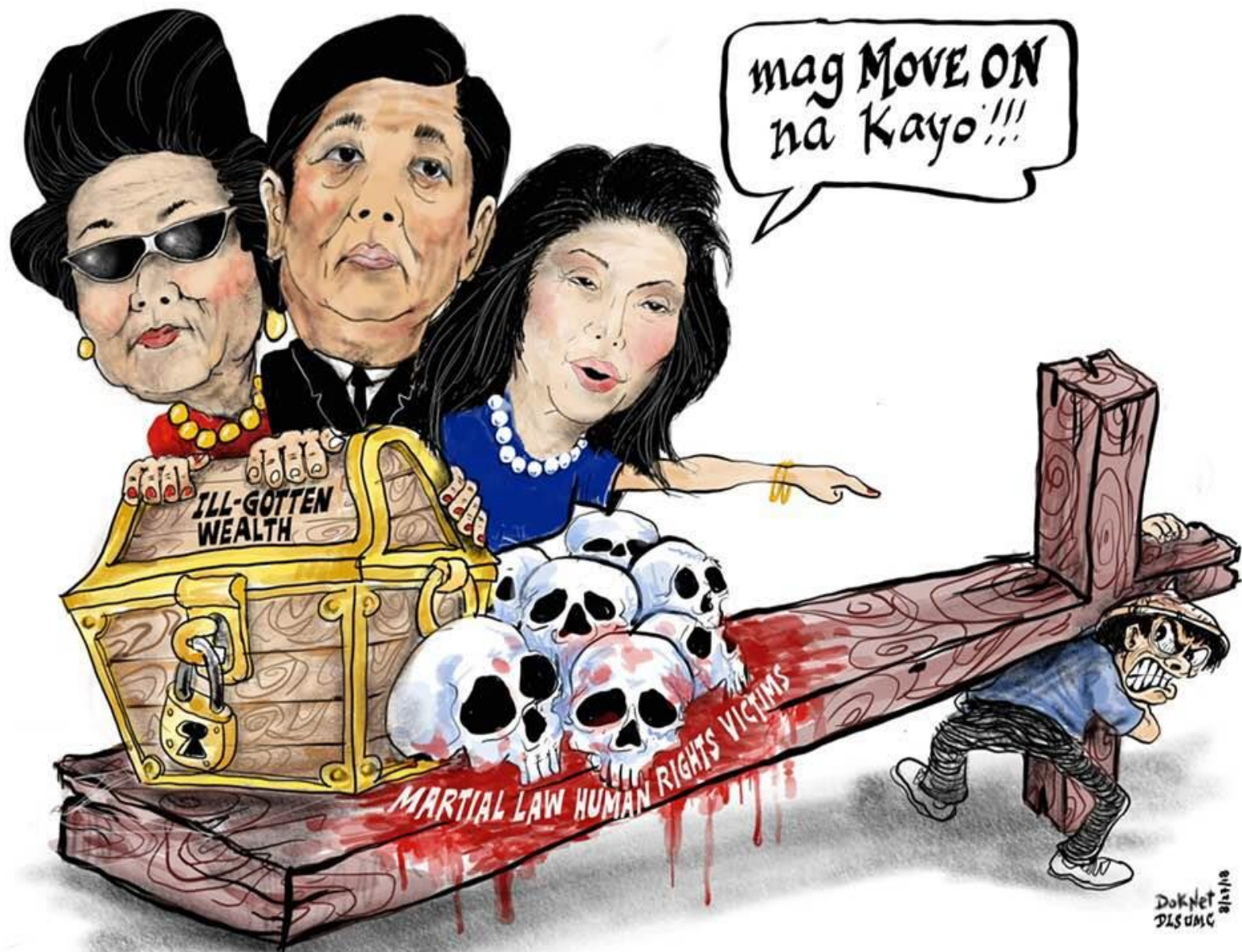
| Year Committ ed | No. of Victims |
|------------------------|-------------------|
| 1972 | 790 |
| 1973 | 1012 |
| 1974 | 878 |
| 1975 | 365 |
| 1976 | 502 |
| 1977 | 455 |
| 1978 | 416 |
| 1979 | 665 |
| 1980 | 548 |
| 1981 | 679 |
| 1982 | 888 |
| 1983 | 1031 |
| 1984 | 1107 |
| 1985 | 1543 |
| 1986 | 223 |
| Grand Total | 11103 |
| Table 2 | |







COMMIT OURSELVES TO TRUTH



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DISUMC

ESSENTIAL TRUTHS

Democratic processes were violated during Martial Law under the Marcos regime.

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COMMIT OURSELVES TO TRUTH AND JUSTICE

Tell the stories of sufferings, of heroism during Martial Law under Marcos. Tell the evidences of major problems during martial law. Learn lessons from martial law.

LESSONS:

From former Senator Jose Diokno:

“Authoritarianism does not let people decide; its basic premise is that people do not know how to decide. It promotes repression that prevents meaningful change, and preserves the structure of power and privilege.”

“Yes-men are not compatible with democracy. We can strengthen our leaders by pointing out what they are doing that is wrong.”

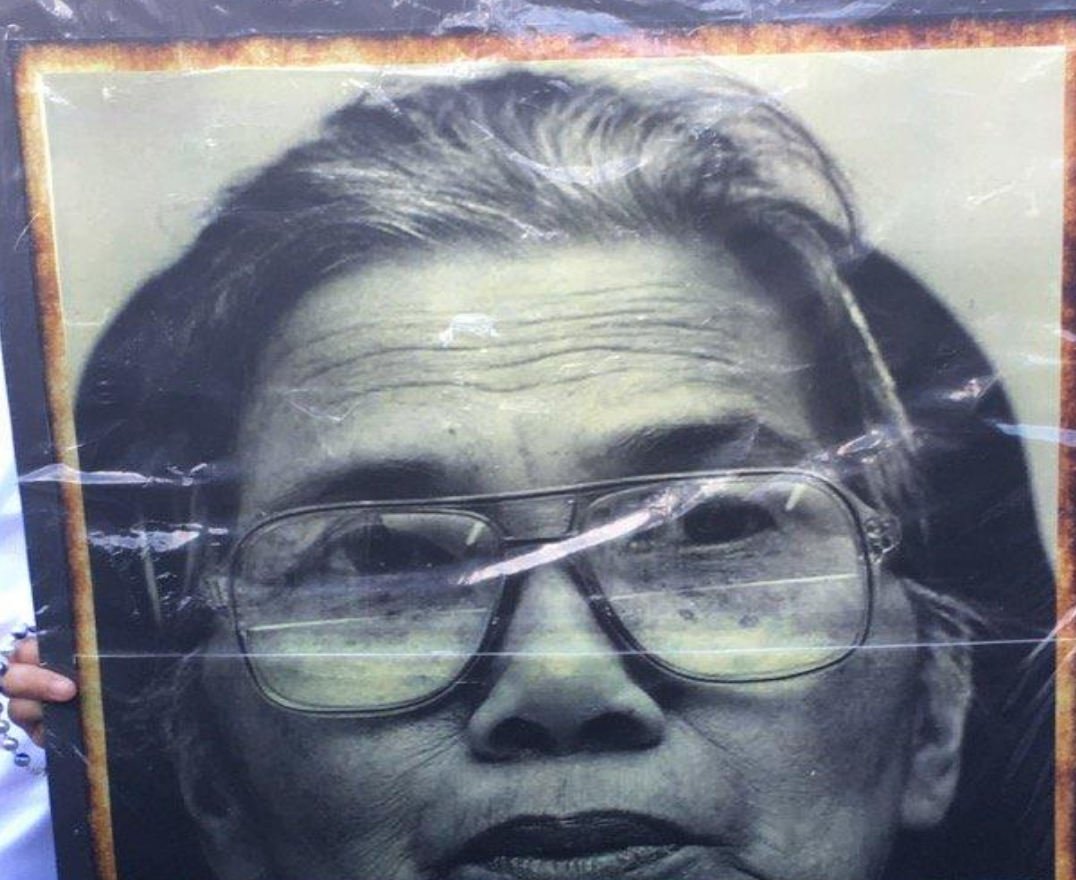
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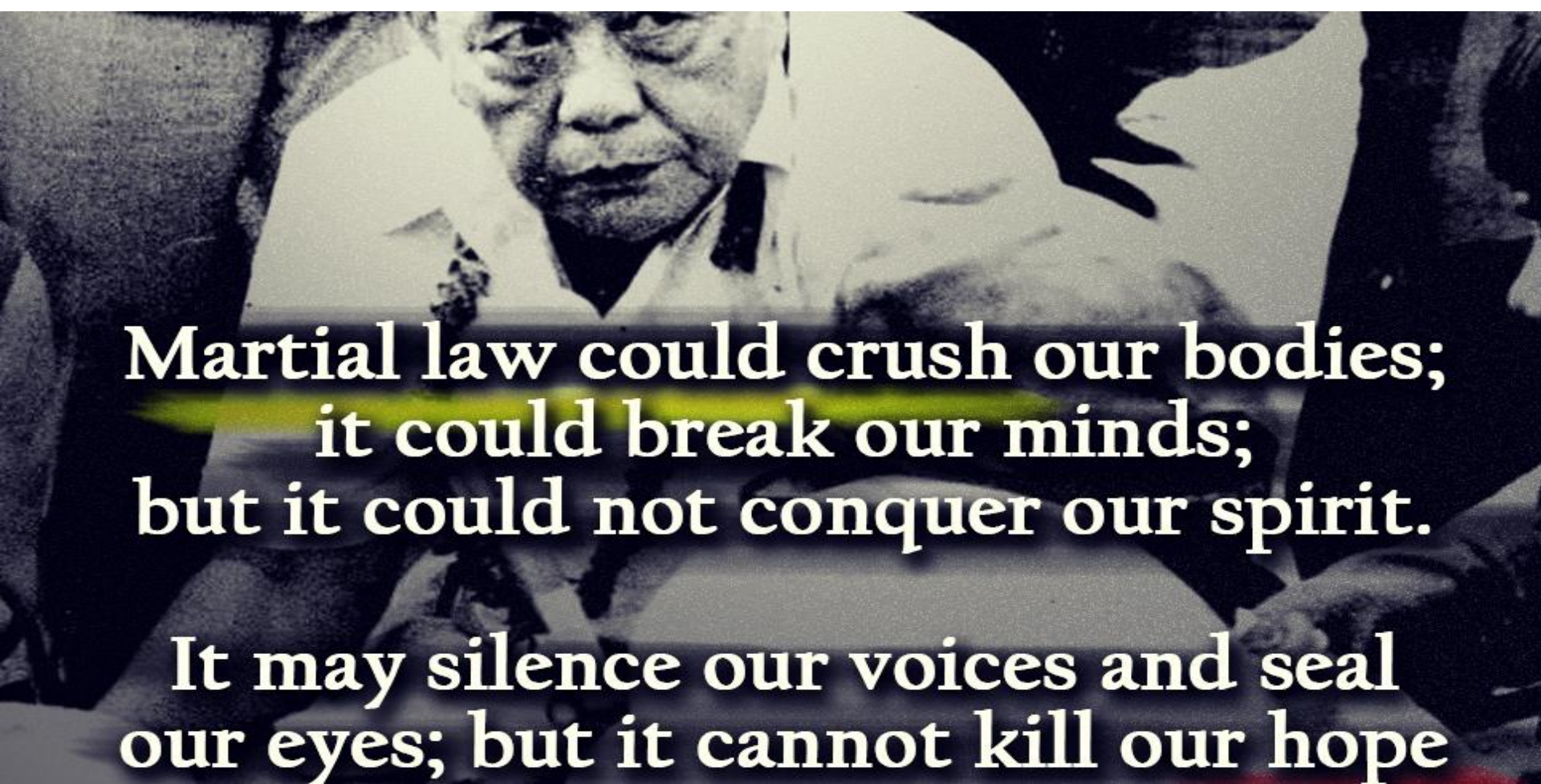
From former Justice Claudio Teehankee

- affirmed the right of citizens, even under martial law, to be tried by civilian courts rather than military tribunals.
- challenged the validity of various amendments to the 1973 Constitution that extended Marcos' term and gave him even more powers.
- defended civilian supremacy over the military, and the right of citizens to liberty and due process, against the abuse of power...



Sr. Mariani Dimaranan, SFIC

WE REFUSE TO FORGET!
TASK FORCE DETAINEES OF THE PHILIPPINES



**Martial law could crush our bodies;
it could break our minds;
but it could not conquer our spirit.**

**It may silence our voices and seal
our eyes; but it cannot kill our hope**

*“THERE IS ONE DREAM THAT WE ALL FILIPINOS SHARE:
THAT OUR CHILDREN MAY HAVE A BETTER LIFE THAN
WE HAVE HAD. TO MAKE THIS COUNTRY, OUR
COUNTRY, A NATION FOR OUR CHILDREN.”*