

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 1 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

In the interest of the service and in line with the implementation of non-monetary reparation for human rights victims during Marcos regime, the following guidelines are hereby issued:

## I. RATIONALE

The State, through **Republic Act No. 10368**, otherwise known as the “**Human Rights Victims Reparation and Recognition Act of 2013**,” recognizes the heroism and sacrifices of human rights violations victims (HRVVs) during the Martial Law regime covering the period from September 21, 1972 to February 25, 1986 and acknowledges its moral and legal obligation to provide reparation to the victims, as part of their right to access to justice with the objective of ending human rights violations committed within its territory by State agents.

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

On October 6, 2015, a Memorandum of Agreement (MOA) was entered into between the Human Rights Victims' Claims Board (HRVCB) and the Technical Education and Skills Development Authority (TESDA) to implement the said provision.

## II. OBJECTIVES

This Non-Monetary Reparation (NMR) Program intends to provide free skills training and free assessment and certification to eligible beneficiaries, subject to availability of funds. More specifically, this program aims to achieve the following goals:

1. Determine the skills training needs of eligible beneficiaries;
2. Provide free skills training and free assessment and certification;
3. Provide assistance in job referrals; and
4. Tap the expertise of the eligible beneficiaries, based on qualification requirements,

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 2 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

for the implementation of TESDA programs and projects (i.e. as trainers, assessors, or experts).

### III. DEFINITION OF TERMS

#### 1. Eligible beneficiaries

- a. Victim of human rights violation included in the Roll of Human Rights Violations Victims (HRVVs).
- b. In the absence of a surviving HRVV, the benefit can be availed of by only one (1) of the HRVV's qualified dependents. For this purpose, qualified dependents of the HRVV are his or her compulsory and collateral heirs up to the fourth civil degree of consanguinity and affinity who are hereafter identified. In availing of the subject benefit, priority shall be recognized by TESDA strictly in the following order:
  - Legitimate spouse
  - Legitimate Children, from the oldest to the youngest
  - Illegitimate Children, from the oldest to the youngest
  - Legitimate Grandchildren, from the oldest to the youngest
  - Parents (Mother / Father)
  - Grandparents (Grandmother / Grandfather)
  - Siblings, from the oldest to the youngest
  - Children-In-Law, from the oldest to the youngest
- c. If the surviving HRVV is available but simply chose to forego of the benefit in favor of one (1) of his/her qualified dependents as enumerated in the preceding paragraph, the concerned HRVV must expressly authorize under oath the preferred qualified dependent to avail of the benefit in his/her behalf.
- d. In the absence of a surviving HRVV, and his or her legitimate spouse is not availing of the benefit either, all other interested dependents in the order mentioned in paragraph b must secure the authority from the said legitimate spouse of HRVV.
- e. Notwithstanding the priority to be given in the order of qualified dependents as enumerated in paragraph b hereof, this program shall last only for a period of one (1) year year until 30 June 2018. For this reason, the non-

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 3 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

submission of application by the preferred dependents in the hierarchy until 30 January 2018 shall be construed as non-interest to avail of the benefit and whoever among them submits instead the lone application after the prescribed period shall be entertained accordingly, regardless of his/her rank in the order of priority and with no more need for prior written authority.

2. **Non-Monetary Reparations (NMR)** – refers to the services provided to the beneficiaries which maybe in the form of educational and social support.
3. **Reparation** – under R.A. 10368, 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.

## IV. COVERAGE

This Circular covers persons whose human rights were violated by agents of the State and/or persons acting in an official capacity during the Martial Law period (from August 21, 1972 to March 25, 1986) and recognized by the HRVCB.

## V. SERVICES

The programs include: (1) skills training, (2) assessment and certification, and (3) entrepreneurship training.

## VI. REQUIREMENTS

To qualify under these guidelines, the following should be presented to TESDA ROs/POs/DO by the Eligible Beneficiary:

### a. FOR THE VICTIM:

Those whose names are in the Roll of Human Rights Violations Victims (HRVVs), there is no need to submit documentary requirements

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 4 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

## b. FOR AUTHORIZED BENEFICIARY:

- (1) Authorization under oath from the Human Rights Violations Victim HRVV (HRVV). In addition, Marriage Certificate should be submitted by the availing legitimate spouse; whereas Birth Certificate should be submitted by all other qualified dependents.
- (2) In the absence of a surviving HRVV to give authority, the legitimate spouse availing of the benefit may simply present proof of marriage (Marriage Certificate) with HRVV.
- (3) Subject to the earlier provisions of Section III hereof, in the absence of a surviving HRVV, and if the legitimate spouse is neither interested, the authorization under oath must come from the legitimate spouse for all other qualified dependents who are interested instead, in addition to the submission of Birth Certificate for proper relationship identification.
- (4) In all instances, the submission of a Government-issued I.D is required.

## VII. AVAILMENT OF SKILLS TRAINING

1. The Eligible beneficiary *may* avail of the free skills training or competency assessment and certification or entrepreneurship training.
2. The Eligible beneficiary may avail multiple scholarship programs but not simultaneously. The additional qualification must be related or towards higher level qualification.
3. Upon availment, the Eligible beneficiary will be made to sign a commitment of undertaking that they will attend and finish the skills training program. In case the Eligible beneficiary fails to finish the program without justifiable reasons, he/she will bear the cost of the said training.

## VIII. GENERAL GUIDELINES

### A. PROMOTION AND ADVOCACY

This shall be a joint undertaking of TESDA and HRVCB. Announcements on the

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 5 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

implementation of the non-monetary reparation shall be posted in their respective Agency's website other advocacy implementation strategy may also be undertaken.

## **B. IDENTIFICATION OF SKILLS NEEDED**

### **1. Responsibilities of PLO (CO)**

- a) Coordinate with TESDA ROPODO concerning updates in the database of Eligible beneficiaries.

### **2. Responsibilities of the TESDA Regional Offices (ROs)**

- a) The list acquired by the TESDA ROs shall be forwarded to the appropriate TESDA Provincial / District Office (PO / DO) having jurisdiction on the domicile of the Eligible beneficiary.
- b) Coordinate and get the list officially endorsed by HVRCB to be included in the list of beneficiaries.

### **3. Responsibilities of the TESDA Provincial / District Offices (PO / DOs)**

- a) The TESDA PO / DO shall communicate with the Eligible beneficiary contained in the list given by the RO.
- b) The TESDA PO / DO shall conduct training needs using TESDA's Youth Profiling for Starring Career (YP4SC) instrument, or through an interview.
- c) The POs / DOs shall post the Non-Monetary Reparation (NMR) program in their bulletin boards emphasizing the requirements for the availment.

## **C. SKILLS TRAINING**

1. The TESDA PO / DO shall refer the Eligible beneficiary to the appropriate TESDA Technology Institutions (TTIs) or Technical Vocational Institutions (TVIs) with registered programs for skills training; and
2. The TESDA PO / DO shall provide the Eligible beneficiary a scholarship based on the existing TWSP scholarship guidelines.

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 6 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

## D. ASSESSMENT AND CERTIFICATION

1. The Regional and Provincial / District Directors shall ensure that the qualifications applied for by the Eligible beneficiary have readily available accredited assessment centers and assessors within the Region / Province / District.
2. In line with TESDA policy on assessment and certification program, competency assessment shall be mandatory for the qualifications with Training Regulations (TR) with Competency Assessment Tools (CATs).
3. Provision of free assessment and certification to the Eligible beneficiary may be provided through the Competency Assessment and Certification for Workers (CACW).
4. Assistance for assessment and certification will also be provided to Eligible beneficiary who only need certification.

## E. JOB REFERRAL

1. The TESDA POs / DOs will refer and endorse Eligible beneficiary graduate to the Public Employment Service Office (PESO) of the Local Government Units (LGUs) for job referral.

## F. MONITORING

1. A database of all Eligible beneficiaries shall be maintained at the Central Office through the T2 MIS. The said database shall be made accessible and regularly updated by all ROs / POs / DOs.
2. For this purpose, TESDA COROPODO shall designate an official focal staff who will monitor the program and maintain the database for the Eligible beneficiaries. The Central Office, through the Office of the Deputy Director General for Partnerships and Linkages shall be the office authorized to release reports upon request of other concerned government agencies / organizations.

# TESDA CIRCULAR

Subject: <b>Guidelines in the Implementation of the Non-Monetary Reparation (NMR) for Human Rights Victims under the Marcos Regime</b>	Page 7 of 7 pages Number <u>36</u> , Series of 2017	
Date Issued: <b>July 12, 2017</b>	Effectivity: <b>As indicated</b>	Supersedes:

## G. FUNDING

Subject to availability, funds for the implementation of this program shall be charged to the Training for Work Scholarship Program (TWSP). Allocated funds may be augmented from other sources. Disbursement shall be subjected to existing government accounting rules and auditing regulations.

## H. EFFECTIVITY

These guidelines shall take effect for a period one (1) year commencing one month after the receipt of the List of Human Rights Violations Victims. Wide dissemination and strict implementation of this Circular by all concerned is hereby enjoined.



**GUILING "GENE" A. MAMONDIONG**  
Director General/Secretary