Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS

First Regular Session

House Bill No. 716

Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

Section 5 of the Bill of Rights of the 1987 Constitution provides that "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed."

In pursuance of this Constitutional mandate, the State guarantees the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions, giving them the opportunity to contribute to nation building.

This bill therefore seeks to create the National Commission on Muslim Filipinos, an independent, autonomous body that will replace and take over the functions of the Office on Muslim Affairs (OMA). This Commission shall be subject to existing rules, policies and regulations. Its policies shall be both local and national affairs involving Muslim Filipinos, which includes the implementation of economic, educational, cultural, and infrastructure programs for Muslim Filipino communities.

In view of addressing the needs of the Muslim Filipinos, the passage of this bill is earnestly sought.

JUDY J. SYJUCO

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AN ACT
CREATING THE NATIONAL COMMISSION ON MUSLIM FILIPINOS DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Sec. 1. Short Title. This Act shall be known as the "National Commission On Muslim Filipinos Act".

Sec. 2. Declaration of Policy. It is henceforth the policy of the State to insure the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions, as well as to further ensure their contribution to national goals and aspirations and to make them active participants in nation building.

ARTICLE I
Creation, Composition, Term of Office of the Commission

Sec. 3. Creation of the National Commission on Muslim Filipinos. In pursuance of the above-mentioned policy, the National Commission on Muslim Filipinos, herein after referred to as the Commission, is hereby created.

The Commission shall be an independent, autonomous body, and will take over the functions of the Office on Muslim Affairs (OMA), which is hereby abolished. It shall be subject to existing government rules, policies and regulations. Its coverage shall be both local and national affairs involving Muslim Filipinos that includes the implementation of economic, educational and cultural programs for Muslim Filipino communities.

Sec. 4. Mandate. The Commission shall preserve and develop the culture, tradition, institutions, and well-being of Muslim Filipinos, in conformity with the country's laws and in consonance with national unity and development.

Sec. 5. Composition of the Commission. The Commission shall be composed of nine (9) full-time members who are Muslim Filipinos: *Provided that,* two (2) of the Commissioners shall each come from the women and the Ulama (religious leader)

sector; and: *Provided finally that,* equitable representation from all Muslim tribes shall, as far as practicable, be ensured at any given time.

The President shall appoint the regular members of the Commission. The Commissioners shall be academic degree holders and must speak and write English and/or Arabic languages fluently. They shall be individuals who possess the highest degree of integrity and shall have the endorsement of their respective tribes.

The President shall appoint a Chairman of the Commission from among the nine (9) Commissioners who shall serve for a period of two (2) years. The Chairmanship of the Commission shall then rotate among the nine (9) Commissioners to ensure that leadership in the Commission is not monopolized or dominated by one particular tribal group. No Commissioner shall serve as Chairman for two (2) consecutive terms.

In no case shall the Commissioners appoint representatives to act on their behalf.

The Commission may create Council of Advisers to be composed of religious, traditional, and tribal leaders. The Council shall advise the Commission on matters pursuant to the Commission's mandate.

Sec. 6. Term of Office. The Commissioners shall have a term of office of six (6) years without prejudice to reappointment by the President. Of those first appointed, four (4) Commissioners shall hold office for three years.

Should a Commissioner fail to complete his or her term, the President shall appoint a successor from the tribe or sector the Commissioner represents. The successor will only serve for the unexpired period of the term.

The Chairman of the Commission and Commissioners shall have the rank of Department Secretary and Undersecretaries respectively and shall be subject to the same qualifications as provided under existing laws.

Sec. 7. Removal from Office. The President may, on his own initiative or upon recommendation by any Muslim tribal group or sector, remove any member of the Commission before the expiration of his term for cause and after complying with the due process requirement of the law.

ARTICLE II
Powers and Functions

Sec. 8. Powers and Functions. To accomplish its mandate, the Commission shall have the following powers and functions:

(a) Provide advice and assistance to the President in the formulation, coordination, implementation and monitoring of policies, plans, programs and projects affecting Muslim communities; when so authorized by the President, represent the President on matters concerning Muslim communities; serve as a link between the President and public or private agencies, internal or external, involved in such programs and projects; and recommend such affirmative actions as may be necessary for their efficient and effective implementation;

(b) Undertake and coordinate development programs and projects for the advancement of Muslim communities, including designing, implementing and maintaining settlements for Muslim communities;

(c) Act as the primary government agency through which Muslim Filipinos can seek government assistance and redress; serve as the medium through which such assistance may be extended to Muslim Filipinos; for this purpose, the Commission is hereby authorized, subject to existing auditing rules and regulations, to give grants-in-aid out of its appropriations or appropriate funds to cooperating government agencies for such programs or projects which are for the development of Muslim communities; provide services including legal assistance, medical aid, relief and other forms of assistance for socio-economic upliftment of Muslim communities;

(d) Enter, subject to existing laws, policies and guidelines, into such contracts, agreements or arrangements with government or private agencies or entities as may be necessary to attain the objectives of the Commission, including obtaining loans from lending institutions, subject to the approval of the President, which shall finance the implementation of the provisions of this Act;

(e) In accordance with pertinent laws, rules and regulations then in force, and subject to guidelines provided by the President, promote and enhance the development of domestic trade and commerce among the members of the Muslim communities; or promote or facilitate the establishment by members of the Muslim communities of venture and investments in cooperation or coordination with existing public enterprises, corporations or private entities, or subject to prior approval of the President, initiate and/or organize, in accordance with pertinent laws, rules and regulations then in force, enterprises based on the principles of Islamic business and finance consistent with existing policies and guidelines for the benefit and welfare of the regions of autonomy;

(f) Recommend to the Department of Budget and Management (DBM) the proposed expenditure for the development of all Filipino Muslim communities;

(g) Develop criteria for allocating additional resources for education, economic and cultural development programs;

(h) Monitor and evaluate the performance of all existing development programs and policies of the government that seek to strengthen and uplift the socio-economic conditions of Filipino Muslims and identify areas that need government intervention and support;

(i) Acquire, in any lawful manner, such personal or real property; or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

(j) Accept grants, donations, gifts funds and/or properties in whatever source, in coordination with the appropriate agency for the benefit of the Muslim Filipinos, and administer the same in accordance with the terms thereof, or in absence of any condition, In such manner consistent with the interest of Muslim Filipinos as well as existing laws;

(k) Undertake studies, establish and maintain ethnographic research centers and museums on the cultures and institutions of Muslim Filipinos for policy formulation and program implementation and for the purpose of preserving their historical heritage;

(l) Certify, whenever appropriate, membership of persons in Muslim communities for purposes of establishing qualifications for specific requirements of government and private agencies or for benefits as may be provided by law;

(m) Conduct inspections or surveys, jointly with the appropriate government agencies, and issue necessary certifications prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of Muslim communities or areas occupied by them; and in case of conflicts, recommend to the President appropriate action under the circumstances;

(n) Provide legal and technical services for the survey, adjudication, titling, and development of Muslim ancestral lands as well as settlements proclaimed by the government for the Muslim Filipinos;

(o) Initiate, plan, integrate, execute, implement, coordinate, manage, supervise and administer all aspects and phases of programs, projects and activities relevant to the *hajj* (annual pilgrimage to Mecca, Saudi Arabia);

(p) Coordinate with and obtain assistance, support and cooperation from other offices including the private sector to ensure the success of every such pilgrimage to Mecca, Saudi Arabia;

(q) Conduct a continuing study on, and submit to the President recommendation for improving and modernizing the system employed to ensure the success of every such pilgrimage to Mecca, Saudi Arabia;

(r) Prescribe rules and regulations in the administration, supervision and orderly conduct of such pilgrimage to Mecca, Saudi Arabia;

(s) Undertake *Halal* (permissible under Islamic Law) certification and regulatory activities and oversee the Philippines Halal Certification scheme and formulate rules, guidelines and sanctions for non-compliance therewith in coordination with the National Meat Inspection Commission;

(t) Operate Halal Training and Research Facility to support the Philippine Halal Certification scheme;

(u) Administer and hold in trust *awqaf* (endowment) properties and/or awqaf institutions, and receive, by way of grant, donations, or gifts, awqaf investments in accordance with the principles of Islamic investments and finance;

(v) Prescribe rules and regulations for the establishment of awqaf institutions, administration of awqaf assets, and settlement of disputes among awqaf beneficiaries pursuant to the general principles of Shari'ah (Islamic Law);

(w) Formulate and adopt a program for the development of the Madrasah schools, in cooperation and coordination with appropriate agencies of the government, including the strengthening of programs on Islamic studies; and conduct continuing programs on legal education and research in the field of Shari'ah and Islamic jurisprudence;

(x) Promote and supervise, in coordination with appropriate agencies of the government, the implementation of the Madrasah education system throughout the country except in the Autonomous Region in Muslim Mindanao (ARMM) where the system shall be implemented and supervised by the Department of Education-ARMM; and provide assistance in the expeditious accreditation of Madrasah educational institutions with the appropriate agencies of the government;

(y) Ensure that the curriculum of the Madrasah education system shall conform with the basic curriculum of the national formal education system which along with teachings on Arabic Language, Islamic Studies, and Filipino and Islamic Values shall include, among others, the subjects on Filipino and English Grammar and Usage, Philippine History and Geography, Science and Technology, Mathematics, Physical Education and Sports Development, and Vocational Education to secure the local and international competitiveness of Filipino Muslim graduates from the Madrasah educational institutions;

(z) Develop criteria for the grant of local and foreign scholarships and the selection of deserving students and teachers of Madrasah educational institutions;

(aa) Solicit and accept grants, donations, gifts and funds from local and foreign sources to assist in the construction and repair of Madaris schools buildings, acquisition of furniture and fixtures and other educational facilities, procurement of textbooks, instructional materials and supplies. Provided that the disposition of the grant proceeds shall be subject to existing auditing rules and regulations;

(bb) Provide local and foreign scholarships to deserving Muslim Filipinos in coordination with formal educational institutions here and abroad;

(cc) Ensure the continuous transfer of technology to Muslim communities to uplift the quality of life of Muslim Filipinos;

(dd) Promulgate such rules and regulations and exercise such powers and functions as maybe necessary to carry out the purposes and objectives outlined in this Act; and

(ee) Perform such other functions as may be necessary for its effective operations and continued enhancement as a government entity.

Sec. 9. Administrative Supervision and Control. The administrative supervision and control over the personnel, except the Commissioners, and the properties of the Commission shall be vested in the Chairman. Except Presidential appointees, the appointment of and imposition of disciplinary measures on the same personnel shall likewise be vested in the Chairman who shall accomplish the same in consultation with the Commissioners, except that when the administrative charge entails, considering the circumstances alleged in the complaint, the penalty of dismissal from the service, the decision thereon shall be by the majority of all members of the Commission. The Chairman shall exercise administrative supervision over the Commissioners. The Commissioners shall assist the Chairman in the performance of his functions, who may assign or delegate specific and substantive or administrative responsibilities to either of them.

ARTICLE III
Structure and Organization

Sec. 10. Bureaus. The Bureaus of the Commission shall consist of the Bureau of Economic Affairs, Bureau of Muslim Cultural Affairs, Bureau of Muslim Cultural Settlements and Infrastructure, Bureau of External Relations, and the Bureau of Pilgrimage and Endowment. Each of these Bureaus shall be headed by a Director who shall hold the same rank, salary, and privileges of a Staff Bureau Director under existing laws.

(a) **Bureau of Economic Affairs.** This Bureau shall promote and develop economic livelihood programs and projects through extension of loans, entrepreneurship,

trade and marketing assistance to the members of Muslim Filipino communities. It shall also be responsible for the promotion and development of cooperative endeavors among Muslims in coordination with the Cooperative Development Authority (CDA). It shall likewise promote and implement manpower training and community self-help projects for the economic development of Muslim Filipinos.

(b) **Bureau of Muslim Cultural Affairs.** This Bureau shall be responsible for the conduct of research and studies on the cultural development of Muslim communities which would serve as the basis for policy and plans formulation, program and project implementation.

It shall formulate and implement an education program especially designed to improve the literacy level of Muslim Filipinos, and maintain a central library, museum and audio-visual center to serve as repositories of information on the Muslim peoples.

It shall be responsible for the Madrasah institutions in the country wherein it will assist and facilitate the applications for registration and accreditation with the Department of Education (DepEd). It shall oversee the conduct of the Annual Quor'an Reading Competition.

(c) **Bureau of Muslim Settlement and Infrastructure.** This Bureau shall be responsible for the promotion and development of Muslim settlements and implementation of infrastructure projects within the settlement in coordination with the Department of Public Works and Highways (DPWH).

(d) **Bureau of External Relations.** This Bureau shall be responsible in forging linkages and relationships with Muslim peoples, communities and organizations in and out of the country. This shall also serve as the political arm of the Commission.

(e) **Bureau of Pilgrimage and Endowment.** This Bureau shall be primarily responsible for the administration of the annual Muslim pilgrimage to Mecca, Saudi Arabia; and the formulation and implementation of programs, projects and activities for the efficient and effective administration and supervision of the conduct of pilgrimage activities; *Provided that,* the supervision accorded the Bureau under this Section shall not include control of awqaf (endowment) properties and institutions, and the conduct of research and studies for the establishment and maintenance of hajj towns, Islamic centers and awqaf projects.

In pursuance of the above responsibilities, this Bureau shall formulate the necessary guidelines to ensure the timely processing of the pilgrim's travel documents and the equitable and reasonable collection of fees. Such collection shall be limited to mutawiff and passporting/processing fees only. Collected fees shall be deposited in a special trust fund which shall be established by the Commission, the expenses from which shall be subject to existing auditing laws, rules and regulations.

The pilgrims shall be accorded free choice of travel agencies and airlines or other means of transportation to and from the site of pilgrimage: *Provided That,* pilgrims comply with the prescribed arrival and departure schedule fixed by the Ministry of Hajj of the Kingdom of Saudi Arabia; *Provided Further That,* all pilgrims shall be legitimate holders of round-trip tickets to and from the Kingdom of Saudi Arabia. There shall be established regional and provincial hajj coordinating and monitoring units. The Bureau shall also accredit qualified and deserving shiekhs. It shall also formulate, subject to the approval of the Commission, the timetable of annual hajj activities which must be posted in all areas accessible to Muslim Filipinos.

Sec. 11. Services. The Services shall consist of the Administrative Service, Finance Management Service, Planning Service and Legal Service, each if which shall be headed by a Staff Director with the same rank, salary and privileges of an Assistant Staff Bureau Director.

(a) **Administrative Service.** This Service shall be responsible for providing the Commission with efficient and effective staff services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and custodial work.

(b) **Finance and Management Service.** These Services shall be responsible for providing the Commission with efficient and effective staff advise and assistance on budgetary, financial and management matters.

(c) **Planning Service.** This Service shall be responsible for providing the Commission with efficient and effective staff services relating to planning, monitoring, and evaluation of programs and projects.

(d) **Legal Service.** This Service shall be responsible for providing Muslim Filipinos with legal education and assistance in case of litigation involving their persons or interests; act as the legal counsel of the Commission; and investigate cases involving its personnel and submit appropriate recommendations pertaining thereto.

Sec. 12. Regional Offices, Field Offices, Sub-Offices. The Commission is hereby authorized to establish, operate, and maintain Regional Offices in such appropriate administrative regions of the country, each of which shall be headed by a Regional Director. A Regional Director shall have, within its region, the following functions:

(a) Implement laws and policies, plans, programs, projects, rules and regulations of the Commission;
(b) Provide efficient and effective service to the Muslim Filipinos;
(c) Coordinate with regional offices of other departments, offices, and agencies of the Executive Department;
(d) Coordinate with local government units; and
(e) Perform such other functions as may be provided by law.

Sec. 13. Hajj Attache. The President shall appoint a Hajj Attache from among the three (3) recommendees of the Commission. The Hajj Attache shall coordinate with the Ministry of Hajj of the Kingdom of Saudi Arabia on all matters pertaining to the conduct of the annual Hajjj.

Sec. 14. Amirul Hajj. The President shall appoint an Amirul Hajj from the three (3) recommendees of the Commission who shall come from the Autonomous Region in Muslim Mindanao, Association of Shiekhs, and Ulama Conference of the Philippines. The Amirul Hajj shall serve as the representative of the President and as the head of the Muslim Filipino pilgrims who will attend the annual Hajjj.

Sec. 15. Change of Pilgrim's Name. The Commission shall authenticate the certification which is issued by the Hajj Attache and the Ministry of Hajj of the Kingdom of Saudi Arabia and which provides a Muslim name to a pilgrim. The authentication

issued by the Commission, which shall contain both the pilgrim's registered name in the Philippine Civil Registry and his newly-issued Muslim name, shall then be legally recognized by the national government as valid for all intents and purposes.

ARTICLE IV
Commission Fund, Management and Administration

Sec. 16. The Commission Fund. A Commission Fund heretofore known as the Muslim Filipinos shall be established exclusively to preserve and develop the culture, tradition institutions, and well-being of Muslim Filipinos. The government's contribution to the Fund shall be the following:

(a) the amount of Seven Hundred Million Pesos (P700,000,000.00) which shall be appropriated in the national budget as annual expenditure;

(b) the amount of Fifty Million Pesos (P50,000,000.00) for the initial operation of the Commission to be appropriated out of the funds of the National Treasury; and

(c) the equivalent of thirty percent (30%) from the Mindanao Development Fund shall be allocated to the Commission.

Sec 17. Management of Funds. The Commission may from time to time, invest any of its funds not immediately required to be expended in meeting its obligations or in the discharge of its functions, in such secured notes, government securities and other negotiable instruments that satisfy the guidelines prescribed by the Commission.

Sec. 18. Record of Transaction. The Commission shall keep proper accounts and records of all its transactions and affairs, and shall exert all efforts to ensure that all payments made out of its moneys are correctly made and properly authorized, and that adequate control is maintained over the assets of, or in the custody of, the Commission and the expenditures it may incur. The Commission shall be subject to audit by COA.

Sec. 19. Civil Service Law Coverage for Employees. The hiring, appointment, employment, promotion, disciplinary control, separation, and other terms and conditions of the service of all employees of the Commission and such other matter affecting its employees shall be consistent with the provisions of the Civil Service Law, rules and regulations.

Sec. 20. GSIS Coverage for Employees. All employees of the Commission shall be deemed members of the Government Service Insurance System and shall enjoy all benefits of the said system.

Sec. 21. Transitory Provisions. Upon the creation of the Commission, the OMA shall cease to operate. All the powers, functions, assets, liabilities, capital, accounts, contracts, equipment, and facilities of the OMA which are owned by the government, shall be transferred to the Commission.

During the transition period which begins upon approval of this Act, the President may appoint the incumbent Executive Director of the OMA as ex-officio Chairman of the Commission until the Chairman of the Commission shall have been appointed,

All regular or permanent employees can be absorbed or transferred to the Commission, provided they possess the necessary qualifications, and shall not suffer any loss of seniority or rank or decrease in emoluments.

The Chairman shall recommend to the Commission an organizational plan that includes programming direction, budget, organizational plan and structure, a staffing pattern and compensation plan within ninety (90) days from the effectivity of this Act. Said organizational structure shall be implemented by the Chairman within thirty (30) days after its approval by the Commission.

Sec. 22. Periodic Performance Evaluation. The Chairman is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Commission and submit the same annually to the President.

Sec. 23. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other section or provisions hereof, which are not affected thereby shall continue in full force and effect.

Sec. 24. Repealing Clause. All acts, decrees, orders, executive orders, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act hereby repealed or modified accordingly.

Sec. 25. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after approval hereof.

Approved,