

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1634



INTRODUCED BY THE HONORABLE GERRY A. SALAPUDDIN

EXPLANATORY NOTE

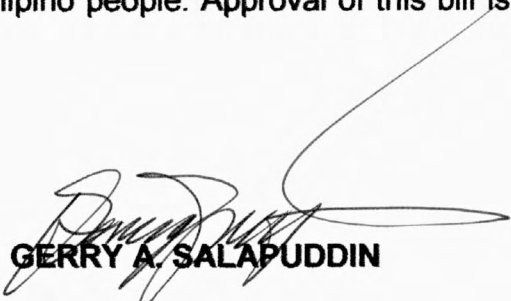
Our country is composed of various peoples with diverse cultures, a significant number of which belong to the Filipino Muslims composed of several cultural tribes. The Mindanao conflict in the early '70s and even today are accounts worth telling about how Muslim Filipinos have pursued its struggle to keep their identity intact and be respected by the government to extend to them much needed assistance, programs, and services.

After years of struggling for self-determination, our Muslim countrymen now enjoy a measure of autonomy in Mindanao. While this is already a big step in reducing if not eliminating the inequalities which have been suffered by our Muslim brothers and sisters for centuries, there are still many things that can be done to recognize their role as indispensable partners in our country's development.

In this light, this Bill seeks to establish the "National Commission on Muslim Filipinos" (NCMF), which seeks to upgrade the status of the Office on Muslim Affairs in order to enable the said Office to perform its functions and responsibilities of protecting and enhancing the welfare of the Muslim Filipino people.

Relatively, the Muslim Filipinos as a people deserve the right to be developed and sustained as members of the wider Filipino community, hence the need to establish the National Commission on Muslim Filipinos that will be tasked by the government to bring development and to protect the welfare of the Filipino Muslims.

The proposed measure will secure the success of the government's development efforts for the over 6 million Filipino Muslims in Mindanao and the other regions of the archipelago who have long been deprived and given little attention in terms of development programs by the government. The establishment of the National Commission on Muslim Filipinos that will focus its programs and services to the several Muslim tribes in the country, will also translate peace and development not only to the Mindanaoans but likewise to the entire Filipino people. Approval of this bill is therefore earnestly sought.


GERRY A. SALAPUDDIN

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

**THIRTEENTH CONGRESS
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House Bill No. 1634

Introduced by Representative Gerry A. Salapuddin

**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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* This Act shall be known as the Act Creating The National Commission on Muslim Filipinos.

SEC. 2. *Declaration of Policy.* It is henceforth the policy of the State to ensure 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, and 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, hereinafter referred to as the Commission, is hereby created.

The Commission which shall be under the Office of the President, shall 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, cultural, and infrastructure 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* one (1) of the Commissioners shall come from the women sector and another Commissioner shall come from the Ulama (religious leader) sector: *Provided, finally,* That no two Commissioners shall come from the same Muslim Filipino tribe at any given time to ensure equitable representation in the Commission.

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

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

The Commission may create a 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 Chairman, who shall be the Chief Executive Officer of the Commission and appointed by the President from among the nine (9) Commissioners, shall serve for a period of two (2) years. No Commissioner shall serve as Chairman for two (2) consecutive terms. 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.

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 (3) years.

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

The Chairman and the Commissioners shall have the rank, salary, and privileges as those of a Department Secretary and Undersecretaries, respectively.

SEC. 7. *Removal from Office.* The President may remove any member of the Commission before the expiration of his/her term, upon the recommendation of any Muslim Filipino tribal group or sector or for cause after complying with the due process requirement of the law.

ARTICLE II

Powers and Functions of the Commission

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 Filipino communities; when so authorized, represent the President on matters concerning Muslim Filipino communities; serve as a link between the President and public or private agencies, internal or external, that are 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 Filipino communities, including designing, implementing and maintaining settlements for Muslim Filipino 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 other appropriate funds to cooperating government agencies for such programs or projects for the development of Muslim Filipino communities; provide services including legal assistance, medical aid, relief and other forms of assistance for socio-economic upliftment of Muslim Filipino 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;
- (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 Filipino communities; or promote or facilitate the establishment by members of the Muslim Filipino 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 Muslim Filipino communities;
- (g) Develop criteria for allocating additional resources for education, economic and cultural development programs;
- (h) Monitor and evaluate the performance of all existing policies and development programs of the government that seek to strengthen and uplift the socio-economic conditions of Muslim Filipinos and identify areas that need government intervention and support;

- (i) Acquire, lease or own such property or assets in whatever form as may be necessary, and sell or otherwise dispose of the same, and serve as the custodian or administrator of such lands or areas and other properties or assets the President may reserve for the benefit of Muslim Filipino communities;
- (j) Solicit and accept grants, donations and gifts, in cash or in kind, from 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 the 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 Filipino 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 other appropriate 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 Filipino 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 Filipino ancestral lands and settlements proclaimed by the government for the Muslim Filipinos and issue certificate of ancestral land/domain title;
- (o) Administer all programs, projects, and activities, formulate the necessary rules and regulations, and coordinate with pertinent offices to ensure the success of the annual *Hajj* (Pilgrimage) to Mecca, Kingdom of Saudi Arabia;
- (p) Promote the development of a *Hajj* Assistance Fund that shall be created from contributions of Muslim Filipinos and other donors and which shall be used to support the financial needs of Muslim Filipinos intending to participate in the annual *Hajj*;
- (q) 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;
- (r) 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);
- (s) Formulate and adopt continuing programs and activities to strengthen *Madaris* schools, Islamic Studies, and *Shari'ah* and Islamic jurisprudence, in coordination with appropriate agencies of the government.

- (t) 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;
- (u) 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 Muslim Filipino graduates from the *Madrasah* educational institutions;
- (v) Develop criteria for the grant of local and foreign scholarships and the selection of deserving students and teachers of *Madrasah* educational institutions;
- (w) Provide local and foreign scholarships to deserving Muslim Filipinos in coordination with formal educational institutions here and abroad;
- (x) Ensure the continuous transfer of technology to Muslim Filipino communities to uplift the quality of life of Muslim Filipinos;
- (y) 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
- (z) 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 for 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 the 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 any of them.

SEC. 10. *Organizational Structure.* The Commission shall be composed of the Offices of the Chairman, the Commissioners, the Executive Director and the Deputy Executive Director

and their immediate staff, the Bureaus, Services, Regional Offices, Field Offices and Sub-offices.

SEC 11. *Bureaus.* The Bureaus of the Commission shall consist of the Bureau of Economic Affairs, Bureau of Muslim Cultural Affairs, Bureau of Muslim Settlements, 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.

- (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 Muslim Filipinos 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 Filipino 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 Filipino 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 also oversee the conduct of the Annual *Quor'an* Reading Competition.

- (c) **Bureau of Muslim Settlement.** This Bureau shall be responsible for the promotion and development of Muslim Filipino settlements in coordination with concerned agencies of the government.
- (d) **Bureau of External Relations.** This Bureau shall be responsible in forging linkages among Muslim Filipino communities and organizations within and outside the country. The Bureau 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, Kingdom of 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.*

In pursuance of the above responsibilities, the 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 only be limited to *mutawiff* and the processing of passport and pertinent documents. 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.* 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.

The Bureau shall likewise be responsible for the administration 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.

SEC. 12. *Services.* The Services of the Commission shall consist of the Administrative Service, Finance Management Service, Planning Service and Legal Service, each of 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.** This Service shall be responsible for providing the Commission with efficient and effective staff advice 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.** The Legal 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. 13. *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 Office shall have, within its administrative region, the following functions:

- (a) Implement laws, rules, regulations, policies, programs, and projects of the Commission;
- (b) Establish regional and provincial *Haji* coordinating and monitoring units;
- (c) Provide efficient and effective service to Muslim Filipinos;
- (d) Coordinate with regional offices and agencies of the executive department;
- (e) Coordinate with local government units; and
- (f) Perform such other functions as may be provided by law.

The Commission is likewise authorized to establish, operate, maintain, and determine the functions of field offices and sub-offices, whenever necessary, appropriate and feasible.

SEC. 14. *The Secretariat.* The Commission shall organize a Secretariat that shall assist the Chairman in the performance of his functions and shall serve as the technical arm of the Commission. It shall be headed by an Executive Director who shall be appointed by the President. The Executive Director shall execute the policies and programs of the Commission and shall be responsible for the efficient and effective day-to-day management of the operations of the Commission.

The Executive Director shall recommend to the Chairman, for approval of the Commission, the budget of the Secretariat, its staffing pattern, position classification and compensation scheme, and the appointment of its personnel subject to existing laws, rules and regulations.

The Executive Director shall enjoy security of tenure and may only be removed for cause in accordance with law.

SEC. 15. *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* in the Kingdom of Saudi Arabia on all matters pertaining to the conduct of the annual *Hajj*. He shall hold office in the Kingdom of Saudi Arabia and shall enjoy the same rank, salary, and privileges as those of attaches of the national government.

SEC. 16. *Amirul Hajj.* The President shall appoint the Chairman of the Commission as the *Amirul Hajj* who shall serve as the representative of the President and as the head of the Muslim Filipino pilgrims who will attend the annual *Hajj*.

SEC. 17. *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 III

Appropriations, Management and Administration

SEC. 18. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the Office on Muslim Affairs. Thereafter, such sums as may be needed for the continued implementation of the Act shall be included in the annual General Appropriations Act.

SEC. 19. *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. 20. *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. 21. *GSIS Coverage for Employees.* All employees of the Commission shall be deemed members of the Government Service Insurance System and shall enjoy all the benefits of said System.

SEC. 22. *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 Acting Chairman of the Commission until the Chairman of the Commission shall have been appointed.

All regular or permanent employees may 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.

Employees separated and/or phased-out from the service as a result of the abolition of the OMA under the provision of this Act, shall within three (3) months from their separation and/or phase-out from the service, receive a separation pay in accordance with existing laws, rules and regulations. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided under any of the existing retirement laws. The fund of the Commission maybe used to fund this purpose.

The Chairman shall recommend to the Commission a work program that shall include the organizational plan and structure, staffing pattern and compensation plan, budget, programs, projects, activities of the Commission within ninety (90) days from the approval of this Act. Said work program shall be implemented by the Chairman within thirty (30) days after its approval by the Commission and the President.

SEC. 23. *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. 24. *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. 25. *Repealing Clause.* Executive Order No. 122-A, as amended by Executive Order No. 295 is hereby repealed. All other acts, decrees, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act are also hereby repealed or modified accordingly.

SEC. 26. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,