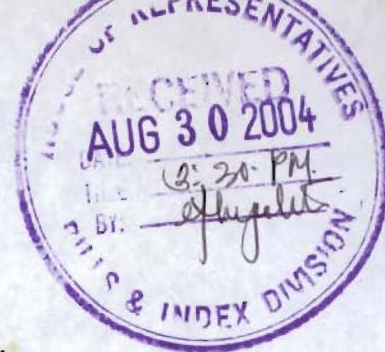




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2655

**Introduced by HON. MUJIV S. HATAMAN of Anak Mindanao (AMIN) Party List,
HON. MANUEL "WAY KURAT" E. ZAMORA of the district of Compostela Valley ,
and HON. GUILLERMO P. CUA of the COOP-NATCCO Party-List**

EXPLANATORY NOTE

Mindanao has long been dubbed as the "Land of Promise" but it is a promise largely unfulfilled. It may be more accurate to describe Mindanao or a big part of it as an island of unpeace and underdevelopment. There is the centuries-old Mindanao problem, a problem of relationships among and between the three peoples (Christian settlers, Moro people, and Indigenous Lumad), and with the central Philippine government. Historically and currently, the most critical expression of this has been the so-called Moro problem, the core of which is the historical and systematic marginalization and minoritization of the Moro people in their own homeland. For the most part, various wars against them at various periods of history have been brought into their homeland. This has in turn spurred fierce armed resistance at first to colonial powers and then to successor Philippine governments.

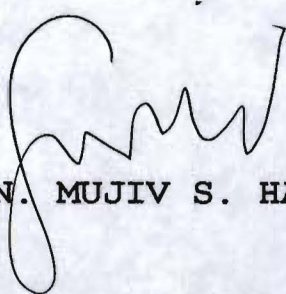
The incessant armed conflict partly fuels the grinding poverty in Mindanao. Despite its rich natural resources, 14 out of the 20 poorest provinces in the Philippines are found here. About 51.2% of the total households are deprived of a decent living. The regions of Central, Western Mindanao and the Autonomous Region of Muslim Mindanao share the highest incidence of poor people, with the Lumads often being even poorer than the Moro people.

They are dragged down into poverty by such fundamental problems such as inequitable distribution of land, continued siphoning-off of the island's wealth by big business, blatant disregard for indigenous people's rights, and government's

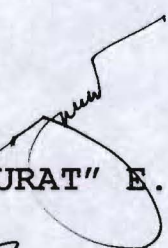
lack of vision and coherence, including a slew of uncoordinated government agencies often overlapping with each other.

It is high time, in fact long overdue, that we, especially we in Mindanao break through this vicious cycle of unpeace and underdevelopment, at least starting with some vision and coherence. This bill seeks to achieve this by providing a policy framework for Mindanao peace and development, which is recognized Mindanao's distinct tri-people character. The main institutional support for this policy framework would be a Mindanao Peace and Development Commission with tri-people composition that would oversee and ensure the implementation and enhancement of this policy framework with strategic purpose and coherence. It will be, hopefully, a motive force for Mindanao to eventually and fully fulfill its promise.

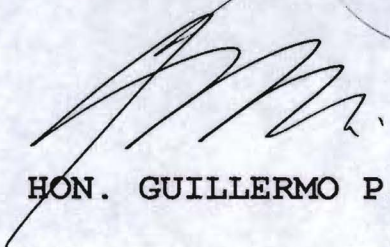
Support for and approval of this bill is, therefore, earnestly sought.



HON. MUJIV S. HATAMAN



HON. MANUEL "WAY KURAT" E. ZAMORA



HON. GUILLERMO P. CUA



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**AN ACT PROVIDING FOR A POLICY FRAMEWORK FOR MINDANAO
PEACE AND DEVELOPMENT, CREATING A MINDANAO PEACE AND
DEVELOPMENT COMMISSION AND APPROPRIATING FUNDS
THEREFORE, AND FOR RELATED PURPOSES**

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

SECTION 1. Short Title. - This act shall be known as "The
Mindanao Peace and Development Act of 2004."

SECTION 2. Tri-People Framework - Mindanao peace and
development shall be guided by Mindanao-specificity, the key
aspect of which is its tri-people character as an island
shared by three groupings of peoples: the Christian Settlers
and their descendants, the Moros or Muslim, and the Lumads or
Indigenous highlander tribes. The tri-people approach
emphasizes the existence of these three peoples, which share
Mindanao, and the ideal of their equality, co-existence, and
unity.

**SECTION 3. Guiding Principles and Policies of Peace and
Development.** - In addition to the key framework of the tri-
people approach, peace and development efforts in Mindanao
shall be guided by the following principles and policies:

- (a) Peace and development shall go hand in hand. More
particularly, peace negotiations and processes shall
go hand in hand with relief, rehabilitation, and
development efforts, especially in areas affected by
internal armed conflict.
- (b) The constitutional principles renouncing war as an
instrument of national policy and upholding civilian

supremacy over the military are reaffirmed. This shall mean the primacy of peace negotiations over military action in addressing the Moro and communist rebellions, and the primacy of civilian authority in the peace process.

- (c) In matters of security, especially as far as this may impinge on Peace and development, the human security approach shall be preferred over the national security approach in the country and in Mindanao.
- (d) The Mindanao peace process shall seek a just, lasting and comprehensive solution to the Mindanao problem, a problem of relationships among the three peoples there and with the central Philippine government. It shall address both the roots of Mindanao conflict and the deep social, cultural, and religious cleavages there. It shall consist not only of peace negotiations with rebel groups but also people-to-people or tri-people peace processes and public participation in peacemaking.
- (e) The Mindanao peace process shall build on the accumulated gains of previous and current peace negotiations and agreements complement existing solutions, surface new ideas and open new formulas that permanently solve the Mindanao problem, including fundamental changes in the existing legal and constitutional order.
- (f) Development efforts in Mindanao shall rest on the twin concepts of sustainability and equity. Sustainable development means meeting the needs of the present generation without compromising the needs of future generations based on a new understanding of the impact of human behavior on the environment. Equitable development means providing a real opportunity for all, but especially the poorer sectors, to participate and share in economic growth, resources, and benefits.
- (g) Development efforts in Mindanao shall give special attention to uplifting the welfare of the people in the poorer Muslim and Lumad areas of Mindanao with due regard to Islamic and Lumad concepts of development.

SECTION 4. Declaration of State Policy. -It is the policy of the State to:

- 1) Build a just and humane society and establish a government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and to prosperity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace.
- 2) Maintain peace and order, protect life, liberty, and property, and promote the general welfare for the enjoyment by all people the blessings of democracy.
- 3) Recognize the vital role of non-government organizations and citizens in the comprehensive peace process and sustainable development.

Section 5. Components of the Mindanao Peace and Development Commission. The Commission shall contain, but shall not be restricted to, the following mechanisms:

- a) PURSUIT OF SOCIAL, ECONOMIC, AND POLITICAL REFORMS. This mechanism would allow the Mindanao Peace and Development Commission to act as a coordinative body of the various policies, reforms, programs, and projects aimed at addressing the root causes of internal armed conflicts and social unrest. This may require administrative action, new legislation, or constitutional amendments.
- b) CONSENSUS-BUILDING AND EMPOWERMENT FOR PEACE.-This mechanism covers open and active Mindanao wide consultations to ensure the broadest peoples' participation in order to build consensus and framework for a peace agenda.
- c) PEACEFUL NEGOTIATED SETTLEMENT WITH THE VARIOUS REBEL GROUPS.-This component involves the conduct of face-to-face negotiations to reach peaceful settlement with the different rebel groups.
- d) PROGRAMS FOR RECONCILIATION, REINTEGRATION, REPARATION, AND REHABILITATION. This component shall include programs to address the legal status and security of former rebels, as well as community-based assistance programs to address the economic, social, and psychological rehabilitation needs of former rebels, demobilized combatants, and civilian victims of the internal armed conflicts.
- e) ADDRESSING CONCERNS ARISING FROM THE CONTINUING ARMED HOSTILITIES. This mechanism involves the strict implementation of laws and policy guidelines, and the institution of programs to ensure the protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas.
- f) BUILDING AND NURTURING A CLIMATE CONDUCTIVE TO PEACE. This component shall include peace advocacy and peace education programs and the implementation of various confidence-building measures aimed at ensuring transparency and good faith in the peace process.

SECTION 6. CREATION OF THE MINDANAO PEACE AND DEVELOPMENT COMMISSION.-An independent Mindanao Peace and Development Commission is hereby created to assist and advise the President and Congress in the active pursuit of peace.

- a) The Mindanao Peace and Development Commission shall be composed of a Chairman and seven (7) members with the Presidential Adviser on Mindanao Affairs and Head of the Bishop-Ulama Conference as ex-officio members. They shall be at least thirty-five(35) years of age, at the time of their appointment, and must be well versed in Mindanao issues, provided, that a representative coming from the Moro, Lumad and Christians shall seat in the Commission, provided finally, that a representative each

- from the women sector and civil society shall be appointed to the Commission.
- b) The Chairman and the Members of the Mindanao Peace and Development Commission shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in active management or control of any business which in any way may be affected by the functions of their office, nor shall be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivision, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.
 - c) The Chairman and the Members of the Mindanao Peace and Development Commission shall be appointed by the President for a term of seven (7) years without reappointment. Appointments to any vacancy shall be only for the unexpected term of the predecessor. The Chairman and the Members shall receive the same salary as the Chairman and Members of the Constitutional Commissions, which shall not be decreased during their term of office.

Section 7. Powers and Functions of the Commission.—The Commission shall have the following powers and functions:

- a) advise the President on the appropriate measures regarding the peace process;
- b) set up policies, programs, guidelines, plans and provide direction in the implementation of the peace process;
- c) assists armed conflict affected areas in the establishment of peace zones;
- d) recommend to the President the suitability of the grant of pardon, reprieve and commutation of sentences to political prisoners, and to Congress for the issuance of amnesty to rebel groups;
- e) identify the existence of private armed groups and recommend to the President its dissolution;
- f) conduct continuing consultations and dialogues with various sectors of society towards ensuring people's direct participation in the peace process;
- g) submit an annual report to both Houses of Congress on the progress and implementation of peoples' direct recommendations resulting from consultation and dialogue;
- h) request the assistance of national agencies, local government units, and government owned and controlled corporations in the efficient and effective implementation of the peace process;
- i) perform such other functions as well as exercise such powers as may be delegated or assigned by the President;
- j) Appoints its necessary personnel subject to Civil Service laws and regulations; and
- k) Formulate and promulgate the implementing rules and regulations necessary to implement the provisions of this Act.

Section 8. Secretariat. - There shall be a Mindanao Peace and Development Commission Secretariat, headed by an Executive Director who shall provide all the necessary administrative and technical support to the Commission.

Section 9. Citizen's Participation.- Citizen's participation's in the peace process shall be welcomed, enhanced, promoted, and protected. Mechanisms for this include peace consultations, dialogues, citizen third-parties in the peace talks and community-based peace initiatives including peace zones.

Section 10. Transparency and Accountability.-The President and the administrative structure for carrying out the peace process shall pursue a policy of transparency and accountability subject to the confidentiality requirements of peace negotiations.

Section 11. Abolition, Transfer of Assets and Personnel. All Mindanao based agencies involved in the peace process such as the Office of the Presidential Adviser on the Peace Process (OPAPP) created under Executive Order No. 125, the National Program for the Unification and Development Council (NPUDC) created under Executive Order No. 152 and the National Peace Forum (NPF) created under Executive Order No. 115 and the Government of the Republic of the Philippines panels are hereby abolished.

The unexpended appropriations of the abovementioned agencies are hereby transferred to the Commission on Peace. All properties, records, equipment, buildings, facilities, and other assets of it shall be transferred to the Commission.

The Mindanao Peace and Development Commission may retain such personnel of the OPAPP, the NUDC, and the NPF and the GRP panels, as may be necessary in the fulfillment of its power and functions. Any public officer or employee separated from the service as a result of the abolition of the said offices effected under this Act shall receive the benefits to which he or she may be entitled under existing laws, rules, and regulations.

Section 12. Appropriations.- The amount as may be necessary for the initial implementation of this Act shall be taken from the appropriations of this Act within thirty (30) days from its approval.

Section 13. Implementing Rules and Regulations.- a Technical Working Group (TWG) composed of the agencies, which were abolished and subsumed under the Mindanao Peace and Development Commission, shall promulgate the necessary rules and regulations to implement the provisions of this Act ninety (90) days after the passage of this Act.

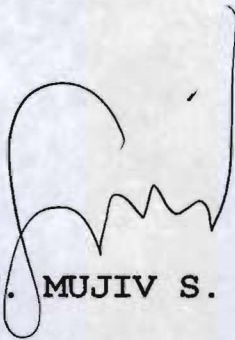
SECTION 14. Repealing Clause. - Any provision of law, executive order, acts, decrees, and regulations inconsistent

herewith is hereby repealed, revoked, or modified accordingly.

SECTION 15. *Separability Clause.* - If any provision of this Act is declared unconstitutional or inoperative, the other provisions shall remain in force and effect.

SECTION 16. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after publication in a newspaper of general circulation.

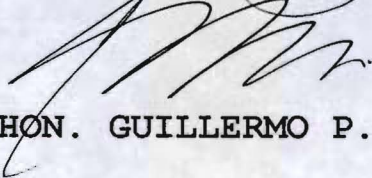
Approved,



HON. MUJIV S. HATAMAN



HON. MANUEL "WAY KURAT" E. ZAMORA



HON. GUILLERMO P. CUA