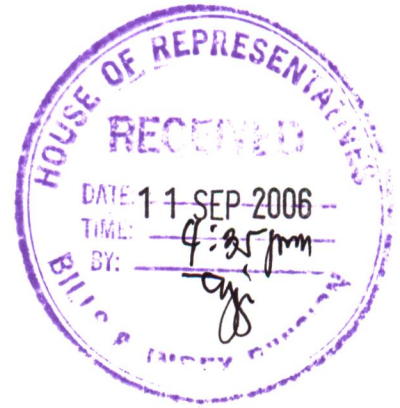


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Third Regular Session

House Bill No. **5767**



Introduced by AKBAYAN Party-List Representatives
Ana Theresia Hontiveros-Baraquel,
Mario "Mayong" Joyo Aguja and Loretta Ann P. Rosales

EXPLANATORY NOTE

The pursuit of peace is a task of supreme and utmost importance. The Republic of the Philippines – through all three branches of government – should have unequivocal commitment to this undertaking.

If we are to obtain a genuine and lasting peace, two parallel tracks must be pursued. First, the roots of the problem must be addressed by giving life to the social justice and human rights provisions of the Constitution. After all, armed rebellion in the Philippines is but a manifestation of our people's frustration with government's inability to satisfactorily address their concerns on such issues as poverty and underdevelopment; lack of jobs and livelihood; lack of basic necessities such as food, housing, and health care; agrarian reform and rural development; workers' rights; gender issues; the ancestral domain of our Muslim sisters and brothers; and respect for human rights.

At the same time, it is essential to continue to pursue peace talks with armed rebel groups, secure ceasefire agreements, and most importantly, implement the peace agreements that we have signed through the years. The persistent incidence of conflict, whether initiated by the government or the rebels, hampers whatever initiatives that in the first place, have been taken to resolve and end the conflicts. Thus, only with an unwavering, untiring and uncompromising commitment to the implementation of these peace agreements can we hope to end this vicious and restive cycle of violence.

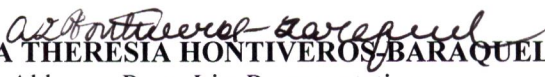
The problem is by no means simple or straightforward. This complexity requires that policies and actions towards the goal of peace must be guided by a rights-based approach, that is, a conceptual framework for the process of human development that is normatively based on international human rights standards operationally directed to promoting and protecting human rights. Under this approach, the norms, standards and principles under international human rights system are integrated into the plans, policies and processes of national and local development.

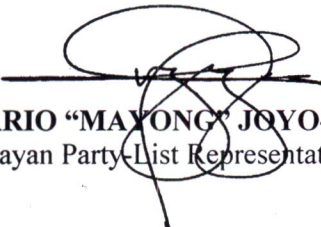
Also necessary is an independent implementing arm, under the Executive Department, that will effectively and efficiently lead the way. This, this bill seeks to further strengthen the Office of the Presidential Adviser on the Peace Process as an institution by converting it into the National Peace Commission, strengthening its mandate, protecting it from politicking and propaganda, providing security of tenure to its staff, increasing its budget, and making it the agency that will decide on all matters related to the peace process.

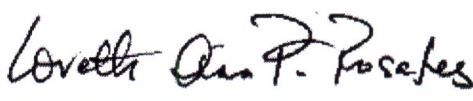
The bill also recognizes the need to ensure continuity in the programs of the Commission, while at the same time providing it with the ability to adapt to changes in the conditions of the political, social, and economic landscape, in the strategies and tactics of parties to the armed conflict; and the focus of government action that hopefully will shift from engagement in peace talks to implementation of peace agreements. Further, it directs the Commission to ensure that the pursuit of peace is mainstreamed into the plans, policies, and programs of all three branches of government. It is only with such unity of purpose and design that the difficult and uphill road to peace can be traversed with any hope of success.

The casualties of the armed struggle are by no means limited to the persons engaged in the conflict. The costs should not be measured just by the loss in human lives, though indeed, one is too many. Held hostage, too, is our people's security --- whether it is in a sustainable and equitable economy or in the basic right to live without fear. It must be remembered that as the conflicts stay unresolved and Filipino continues to fight Filipino, so remain elusive "the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace."

It is with this urgency that the approval of this Act is earnestly sought.


REP. ANA THERESIA HONTIVEROS BARAQUEL
Akbayan Party-List Representative


REP. MARIO "MAYONG" JOYO-AGUJA
Akbayan Party-List Representative


REP. LORETTA ANN P. ROSALES
Akbayan Party-List Representative

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City, Metro Manila

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5 THIRTEENTH CONGRESS
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12 Introduced by AKBAYAN Party-List Representatives
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18 AN ACT
19 PROVIDING FOR A NATIONAL PEACE POLICY FRAMEWORK,
20 CREATING A NATIONAL PEACE COMMISSION, PROVIDING FUNDS THEREFOR
21 AND OTHER PURPOSES
22

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24 Be it enacted by the Senate and the House of Representatives of the Philippines in Congress
25 assembled:
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27
28 **SECTION 1. Title.** This Act shall be known as the “National Peace Act of 2006.”
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30 **SECTION 2. Declaration of Policy.** It is hereby declared the policy of the State to:
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- 32 a) Adhere to the commitments made through the Universal Declaration of Human
33 Rights, the Convention on the Elimination of All Forms of Violence Against Women,
34 International Humanitarian Law, and the Convention on the Rights of the Child;
35
36 b) Promote peace and ensure the safety and development of the communities and its
37 people, especially women and children;
38
39 c) Renounce war as an instrument of national policy, adopting the generally accepted
40 principles of international law as part of the law of the land and adhering to the
41 policy of peace, equality, justice, freedom, cooperation, and amity with all nations;
42
43 d) Promote just, lasting and comprehensive peace that adopts a rights-based, people-
44 centered human security approach, and shall at all times, respect human rights and
45 work towards human development. Towards this end, peace shall be pursued with
46 the participation and cooperation between and among the government, business,
47 church, media, educational institutions, non-government and people’s
48 organizations, other private organizations and funding organizations;
49
50 e) Support a national peace policy direction aimed at the conclusion of peace talks and
51 signing of final peace agreements, implementation of final peace agreements
52 signed, mainstreaming rebel groups through enhanced amnesty, reintegration and
53 reconciliation program, rehabilitation, development, and healing of conflict-
54 affected areas, and strengthening peace constituency and citizen’s participation in
55 the peace process on the ground; and
56
57 f) Recognize the crucial role of national government agencies and local government
58 agencies in mainstreaming the peace agenda in their policies and programs; and
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60 g) Subject to the provisions of the Local Government Code, coordinate closely with
61 local government units with respect to all aspects of the peace process with rebel
62 groups.
63

64 **SECTION 3. Definition of Terms**

- a. Rights-based approach - is a conceptual framework for the process of human development that is normatively based on international human rights standards and is operationally directed to promoting and protecting human rights. It integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development;
- b. Human security - means safety from chronic threats such as hunger, disease and repression, and protection from sudden and hurtful disruptions in the pattern of daily life whether in homes, in jobs, or in communities, such threats and disruptions being possible at all levels of national income and development;
- c. Conflict - refers to a relationship between two or more parties who have, or think they have, incompatible goals or who disagree about the distribution of material or symbolic resources;
- d. Peace - refers to the absence of armed conflict and other forms of violence, as well as the presence of structures, mechanisms and processes that promote and sustain freedom, justice, tolerance and co-existence;
- e. Peace process - involves all structures, strategies, programs, and activities, pursued by government and other sectors to resolve armed conflict, end hostilities, address the roots of violence and unrest, and obtain genuine, lasting peace, including, among others, entering into negotiated peace agreements with identified armed groups, implementation of signed peace agreements, community-based rehabilitation and development programs, capacity-building, dialogues and constituency-building;
- f. Peace-keeping - is a way to help countries torn by conflict create conditions for sustainable peace;
- g. Peace-making - involves processes, structures, programs and activities, directed towards the completion of a negotiated settlement and signing of peace agreements;
- h. Peace talks - a process to obtain negotiated settlement between armed groups and the government, culminated by the signing of peace agreements;
- i. Peace-building - refers to the transformation of society through processes, structures, programs and activities intended to build and sustain peace, including the capacity to resolve conflicts through non-violent means;
- j. Reconciliation - is the process of addressing conflicting and fractured relationships and we see reconciliation as a voluntary act that cannot be imposed; and
- k. Reintegration - refers to a set of programs and processes 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.

SECTION 4. Principles of the Comprehensive Peace Process. The comprehensive peace process shall continue to be governed by the following underlying principles:

- a) A comprehensive peace process should be community-based and reflect the sentiments, values and principles important to all Filipinos. Thus, it shall be defined not by the government alone, nor by the different contending groups only, but by all Filipinos as one community.
- b) A comprehensive peace process aims to forge a new social compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic society, where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.
- c) A comprehensive peace process seeks a principled and peaceful resolution to internal armed conflicts, with neither blame nor surrender, but with dignity for all concerned.

SECTION 5. Components of the peace process. The following components are interrelated and not mutually exclusive, and must therefore be pursued simultaneously in a coordinated and integrated manner. They shall include, but may not be limited to, the following:

- a) Pursuit of social, economic and political reforms. This component involves the vigorous implementation of various policies, reforms, programs and projects aimed at addressing the root causes of armed conflicts and social unrest. This may require administrative action, new legislation, or even constitutional amendments.
- b) Consensus-building and empowerment for peace. This component includes continuing consultations on both national and local levels to build consensus for a peace agenda and process, and the mobilization and facilitation of people's participation in the peace process.
- c) Peaceful, negotiated settlement with the different rebel groups. This component involves the conduct of face to face negotiations to reach peaceful settlement with the different rebel groups. It also involves the effective implementation of peace agreements.
- d) Programs for reconciliation, reintegration into mainstream society and rehabilitation. This component includes 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 internal armed conflict.
- e) Addressing concerns arising from continuing armed hostilities. This component involves the strict implementation of laws and policy guidelines, and the institution of programs to ensure protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas.
- f) Building and nurturing a climate conducive to peace. This component includes peace advocacy and peace education programs, and the implementation of various confidence-building measures.

SECTION 6. National Peace Commission. There is hereby created a National Peace Commission that shall lead the formulation, implementation and coordination of a national policy and program for peace. The Commission shall be headed by a Chairperson who shall occupy the post with the rank of a Cabinet Secretary.

SECTION 7. Composition and Structure.

- a) The Commission on Peace shall be composed of a Chairman and four (4) Members who must be natural-born citizens of the Philippines and, at that time of their appointment, at least thirty-five (35) years of age and must not have been candidate for any elective position in the elections immediately preceding their appointment.
- b) The Chairman and the Members of the Commission on Peace 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 subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.
- c) The Chairman and the Members of the Commission on Peace 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.
- d) The Chairman and the Members of the Commission on Peace shall receive the same salary as the Chairman and Members, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office.
- e) In recognition of the crucial role of civil society in the implementation of a comprehensive peace process, one (1) member of the Commission on Peace should come from the civil society.

SECTION 8. Powers and Functions. The Commission shall have the following powers and functions:

- a) Subject to Section 4 (Principles of the Comprehensive Peace Process) and Section 5 (Components of the Peace Process), come up with a national peace strategy and action plan for the approval of the President;
- b) Recommend to the President and other agencies policies, programs and actions to implement the comprehensive peace process;
- c) Advise and assist the President in the direction and supervision of the comprehensive peace process;
- d) On all issues affecting the peace process, including but not limited to military actions against rebels engaged in the peace process with the Government and parties to a peace agreement with the Government, Act as the alter-ego of the President vis-à-vis to other government agencies;
- e) Act as the lead implementing agency of all programs, projects, activities in pursuit of the national peace policy. The Commission shall become a member of the National Anti-Poverty Commission and the National Security Council or its equivalent body. In planning and implementing development plans, the National Economic Development Agency shall ensure its close coordination with the Commission;
- f) Enlist the assistance and coordination of national agencies, local government units and other instrumentalities, including the military to ensure the effective implementation of its functions. The Commission shall ensure that mandates and programs of other agencies shall be in support of the national peace agenda, and consistent with international agreements on promotion and protection of rights, especially women and children;
- g) Report to the President on the progress of implementation of the comprehensive peace process;
- h) Ensure the participation of people representing different sectors, especially those directly affected by armed hostilities, in the crafting of policies, programs and activities that will advance the objectives of peace making and peace building;
- i) Submit an annual report to Congress on the status and progress of the peace process; and
- j) Subject to coordination with the Department of Foreign Affairs, relate with foreign governments, foreign entities, and international bodies on all issues affecting in the peace process.

SECTION 9. Consultation on Military Action. Any prospective military action against rebel groups engaged in the peace process shall be coordinated with the Commission. No such military action shall be taken without consultation with the Commission.

SECTION 10. Transformation of the Office of the Presidential Adviser on the Peace Process into the National Peace Commission.

- a) The Office of the Presidential Adviser on the Peace Process (OPAPP), created by EO 125 and EO 3 is hereby transformed into the National Peace Commission, which shall assume all of the functions and powers of the OPAPP.
- b) All unexpended appropriations, assets, and liabilities of the OPAPP are hereby transferred to the Commission.
- c) The Commission shall retain all of the personnel up to the director level of the OPAPP, while employees from the level of Assistant Secretary may be retained as may be necessary in the performance of the functions of the Commission. Any official separated from office shall receive the benefits to which he or she may be entitled in accordance with existing laws, rules and regulations.

SECTION 11. Funding. The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

SECTION 12. Implementing Rules and Regulations. Within six (6) months from the approval of this Act, the Commission shall promulgate the implementing rules and regulations of this Act.

SECTION 13. Separability Clause. If any part or provision of this Act shall be held unconstitutional or invalid other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect. Provided, however, that no provision hereof shall be construed as a diminution of any peace agreement.

SECTION 14. Repealing Clause. All acts, laws, decrees, executive orders, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 15. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

APPROVED.