

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7711



INTRODUCED BY HONORABLE ANSARUDDIN A.M. A. ADIONG

EXPLANATORY NOTE

On May 23 2017, militants brought the hostilities to various locations around the City. The entire city was put on lockdown; power and communication lines were shutdown; numerous buildings, both public and private were set on fire; and several citizens and workers were abducted. The next morning, thousands of people fled from Marawi City.

After 5 months of clashes between the government forces and the militants, Marawi City is now in ruins. It has caused social, economic, and humanitarian crises. It has resulted in the massive displacement of people, the loss of hundreds of innocent lives, loss of livelihood, employment and investments, loss of homes, destruction of public infrastructures, and fear for safety amongst the residents.

This bill seeks to provide assistance and grant compensation to the Marawi City victims of the siege who are now faced with the difficulty of rebuilding their lives, their homes, and their livelihood. The state therefore has the moral obligation to provide concrete solutions to the immediate concerns of the victims in the long process of reconstruction, rehabilitation, and recovery from damages brought about by the Marawi siege.

In consideration of all the foregoing, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Adiong", written over a horizontal line.

ANSARUDDIN A.M.A. ADIONG
1st District, Lanao del Sur

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HOUSE BILL NO. 7711

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AN ACT
PROVIDING FOR MONETARY COMPENSATION FOR THE LOSS OR
DESTRUCTION OF RESIDENTIAL HOUSES AND COMMERCIAL BUILDINGS IN
THE MAIN AFFECTED AREA (MAA) AND GREATER MARAWI AREA (GMA) IN
MARAWI CITY DURING THE MARAWI SIEGE, 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. *Short Title.* — This Act shall be known as the “Marawi Siege Victims Compensation Act of 2018”.

CHAPTER I

PRELIMINARY PROVISIONS

Section 2. *Declaration of Policy.* —

It is a declared policy of the State to protect and promote the dignity of every person and full respect for human rights, as provided in Section 11, Article II of the 1987 Philippine Constitution. Further, Section 12, Article III of the Constitution prohibits the use of force, violence, threat, intimidation, or any other mean which vitiate the free will and mandates the compensation and rehabilitation of victims of torture or similar practices, and their families.

Section 2 of Article II of the Constitution provides that the State adopts the generally accepted principles of international law as part of the law of the land. Accordingly, the Philippines adhere to international human rights conventions and laws particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which guarantee protection of the civilian population and individual civilians, including damage to private property in the course of legitimate security or police operations where measures shall be undertaken to repair the damage caused.

Section 10 of Article II of the Constitution also declares that the State shall promote social justice in all phases of national development. In furtherance of these declared policies, Section 1 of Article XIII of the Constitution mandates Congress to give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities.

Further, guided by the United Nations Resolution on Basic Principles and Guidelines on the Right to a Remedy and Reparation, it is hereby a declared policy that it is the obligation of the

State under international customary law that the plights of victims of acts of terrorism or armed conflict be given due attention through adequate, effective and prompt compensation through recognition and/or compensation of said victims and/or their families for these violations.

It is therefore declared the policy of the State to recognize the actual damages caused by the Marawi siege. It is the State's moral obligation to provide monetary compensation for the real property losses inside the Main Affected Area (MAA) and Greater Marawi Area (GMA) caused by the Marawi siege.

Section 3. *Monetary Compensation.* — Any claimant qualified under this Act shall receive compensation from the State, free of tax, as herein prescribed: *Provided*, That for a deceased residential or commercial building owner, the legal heirs as provided for in the Code of Muslim Personal Laws of the Philippines or the Civil Code of the Philippines, whichever is applicable, or such other person named by the executor or administrator of the deceased owner's estate in that order, shall be entitled to receive such compensation: *Provided, further*, That no special power of attorney shall be recognized in the actual disbursement of the award, and only the owner or the aforesaid successor(s)-in-interest shall be entitled to personally receive said compensation from the Board, unless the owner involved is shown to be incapacitated to the satisfaction of the Board: *Provided, furthermore*, That the compensation received under this Act shall be considered as a complete satisfaction of the loss or destruction of home/s or building/s sustained by the owner thereof, unless Congress, by law, provides for additional monetary compensation to be awarded to said owner.

Section 4. *Source of Monetary Compensation. Creation of the Compensation Trust Fund* — An amount of Twenty Billion Pesos (Php 20,000,000,000.00) shall be allocated under this Act which shall be known as the Compensation Trust Fund. Such fund will be under the custody of the Board and shall be included in the annual General Appropriations Act. This fund shall be primarily used to grant compensation to qualified claimants.

CHAPTER II

THE MARAWI COMPENSATION BOARD

Section 5. *Board for the Compensation of the Marawi Siege, Its Creation and Composition and Secretariat.* — A Board for the Compensation of Marawi Siege claimants, hereinafter referred to as the Board, is hereby established. It shall be composed of thirteen (13) members. The Secretary of the Housing and Urban Development Council (HUDCC) shall be the *ex-officio* Chairman of the Board. The other twelve (12) members shall be from different administrative agencies. The composition of such members shall be as follows:

1. Undersecretary of Department of National Defense (DND)
2. Undersecretary of the Department of Budget and Management (DBM)
3. Undersecretary of the Department of Health (DOH)
4. Undersecretary of the Department of Education (DepEd)
5. Undersecretary of the Department of Public Work and Highways (DPWH)
6. Undersecretary of the Department of Justice (DOJ)
7. Undersecretary of the Department of Finance (DOF)
8. Undersecretary of the Department of Social Services and Development (DSWD)
9. Undersecretary of the Department of Environment and Natural Resources (DENR)
10. Undersecretary of the Department of Trade and Industry (DTI)
11. Administrator, Land Registration Authority (LRA)
12. Governor, Provincial Government of Lanao del Sur
13. Mayor, City Government of Marawi City

Such Board will be under the direct control and supervision of the House and Urban Development Coordinating Council. *Provided* that no person shall be a member of the Board if he/or she is a victim entitled to compensation as defined under this act.

There shall also be created a Secretariat, whose task is to perform the primary function of identifying and monitoring the legitimate claimants who shall be eligible for compensation under this Act, and such other functions as may be defined by the Board.

Section 6. Powers and Functions. — The Board shall have the following powers and functions:

- a) Receive all claims under this act together with the pertinent documents to such claims;
- b) Investigate, process, and determine the validity of all claims filed within thirty days after submission thereof,
- c) Exercise administrative control and supervision of the Secretariat through an Executive Director;
- d) Disburse any and all compensation to qualified claimants at the earliest possible time from the Compensation Trust Fund, *Provided* that in all cases, such disbursement must be made within thirty (30) days after the Board has rendered its decision;
- e) Perform such other functions as will be necessary for the implementation of this Act.

Section 7. Resolution of Claims. — The Board shall be composed of three (3) divisions which shall function simultaneously and independently of each other in the resolution of claims for compensation. Each division shall be composed of one (1) Chairperson and three (3) members to be appointed by the Board *en banc*.

Section 8. Emoluments. — The Chairperson and members of the Board shall receive emoluments and allowances, subject to existing rules and regulations.

Section 9. Secretariat of the Board. — The Board shall be assisted by a Secretariat which may come from the existing personnel of the HUDCC, without prejudice to the hiring of additional personnel as determined by the Board to accommodate the volume of required work. The following shall be the functions of the Secretariat:

- (a) Receive, evaluate, process and investigate applications for claims under this Act;
- (b) Recommend to the Board the approval of applications for claims;
- (c) Assist the Board in technical functions; and
- (d) Perform other duties that may be assigned by the Board.

The Chairperson of the Board shall appoint an Executive Director who shall head the Secretariat for the duration of the existence of the Board. There shall be a Technical Staff Head assisted by two (2) legal officers and (2) paralegal officers; and an Administrative Staff Head assisted by three (3) Administrative Support Staff.

When necessary, the Board may hire additional contractual employees to augment the services of the Secretariat: *Provided*, That the maximum contract amount per year shall not exceed more than fifteen percent (15%) of the total annual operating budget of the Board.

Section 10. Operational Budget of the Board. — The operational budget of Fifty Million Pesos (Php 50,000,000.00) necessary for the initial operations of the Board which shall be separate from

the Compensations Trust Fund shall be included in the General Appropriations Act to be disbursed to the Housing and Urban Development Coordinating Council (HUDCC); and thereafter, the amount required for its continued operation shall be included in the annual General Appropriations Act and said amount to be disbursed to the same agency, exclusively for the operational requirements of the Board.

The Board shall ensure that funds appropriated or those which may have become available as compensation for qualified claimants are properly disbursed in accordance with the policies stated by Congress and relevant rules, regulations and accounting procedures.

CHAPTER III

CLAIMANTS AND COMPENSATION

Section 11. *Claimants.* — Any person who is a lawful owner of residential house/s or commercial building/s or both, located in the Main Affected Area and Greater Marawi Area, and destroyed or damaged either totally or partially on the occasion of the Marawi siege may file a claim with the Board for monetary compensation in accordance with the provisions of this Act.

Section 12. *Determination of monetary compensation.* —

(a) The Board shall determine the monetary compensation and award to the lawful owner/s based on the fair market value of the residential house or commercial building at the time of the Marawi siege.

(b) Within thirty (30) days after the Board has approved with finality each eligible claim pending before it and after due publication of such legitimate claim, the award of monetary compensation shall take effect: *Provided,* That any pending appeal filed by an aggrieved claimant before the Board must be resolved by it sixty (60) days before the Board becomes *functus officio*.

(c) The qualified claimant shall use the monetary compensation exclusively for the construction or restoration of the lost or damaged residential or commercial building.

(d) The qualified claimant shall report to the Board within six (6) months from receipt of the monetary compensation proof/s of its use.

CHAPTER IV

GENERAL PROVISIONS

Section 13. *Publication.* — The Board, after having been duly convened, shall set the period for the commencement and termination of applications by homeowners or building owners and cause the publication of the same: *Provided,* That such period shall only become operative fifteen (15) days after its last publication, which shall be once a week for three (3) consecutive weeks in at least two (2) national newspapers of general circulation.

Section 14. *Period for Filing of Claims; Waiver.* — A claimant shall file an application for monetary compensation with the Board within six (6) months from the effectivity of the implementing rules and regulations (IRR) of this Act: *Provided,* That failure to file an application within said period is deemed a waiver of the right to file the same: *Provided, further,* That for homeowners or building owners who are deceased, incapacitated, or missing due to the armed conflict in Marawi City, their legal heir/s or representatives, shall be entitled to file an application for compensation on their behalf.

Section 15. *Appeal.* — Any aggrieved claimant or oppositor may file an appeal within ten (10) calendar days from the receipt of the Resolution of the Board whose decision shall then become final and executory.

Section 16. *Penalties; Applicability of the Revised Penal Code.* — Any claimant who is found by the Board, after due hearing, to have filed a fraudulent claim or violated any provision of this Act, shall be referred to the appropriate office for prosecution. If convicted, he shall suffer the imprisonment of six (6) to twelve (12) years, shall be disqualified from public office and employment and shall be deprived of the right to vote and be voted for in any national or local election, even after the service of sentence unless granted absolute pardon.

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who shall misuse, embezzle or misappropriate the funds for monetary compensation under this Act or who shall commit fraud in the processing of documents and applications of claimants, or shall conspire with any individual to commit the same, shall also be prosecuted,

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who may have been found guilty of committing any or all of the prohibited acts stated in the preceding paragraph, or those acts punishable under the Revised Penal Code, shall be penalized under the pertinent provisions in the Code and relevant special penal laws.

CHAPTER V

FINAL PROVISIONS

Section 17. *Guidelines for the Implementing Rules and Regulations (IRR).* — In implementing this Act and in formulating the corresponding rules and regulations, and to ensure that all applications are properly screened, the Board must provide for:

- (a) Transparency in the processing of the claims;
- (b) A procedure that allows any concerned party to oppose an application or claim on the ground that it is fraudulent, fictitious or spurious and gives that party the opportunity to question the same and to present evidence in support thereof; and
- (c) A procedure that is speedy and expeditious without sacrificing any of the parties' fundamental rights.

Within fifteen (15) days from the date of its organization, the Board shall promulgate the necessary IRR and procedures for the effective implementation of this Act. The IRR shall be effective fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Section 18. *Joint Congressional Oversight Committee.* — There is hereby created a Joint Oversight Committee to oversee, monitor and evaluate the implementation of this Act.

The Oversight Committee shall be composed of five (5) members each from the Senate and from the House of Representatives, including Chairs of the Committees on Housing and Urban Development, and Appropriation of both Houses. The membership of the Committee for every House shall have at least two (2) opposition or minority members.

Section 19. *Mandatory Evaluation and Review.* — By the end of 2020, the Board shall conduct a mandatory review and submit a midterm report to Congress as to the status of implementation of this Act.

Section 20. *Work Period; Sunset Clause.* — The Board shall complete its work within three (3) years from the effectivity of the IRR promulgated by it. After such period, it shall become *functus officio*.

Section 21. *Separability Clause.* — If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

Section 22. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with any of the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 23. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved.