

Republic of the Philippines
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8099



Introduced by
REPRESENTATIVE MAUYAG B. PAPANDAYAN, JR.

EXPLANATORY NOTE

What is now known all over the world as the Marawi Siege, has left only devastation, ruin and despair among the Muslim communities who call Marawi home. However, the fighting is over, what is left is to rebuild, to hope again for a better tomorrow, and to rise above all the chaos that turned peaceful lives into an uncertain future.

Surviving victims of the Siege long to return to their shattered houses and rebuild their homes. While Government has set the stage for the building of Marawi's public infrastructure, there is an urgent need to address the loss of private homeowners, who have lost their homes, properties, businesses and livelihood due to the bombings and the raging battle between the ISIS and the Government forces.

This proposed bill, based on the structure of RA No. 10368, otherwise known as "The Human Rights Victims Reparation and Recognition Act of 2013" seeks to provide monetary compensation for the loss or destruction of private residential homes, other properties and commercial buildings in Marawi City as well as in the affected neighboring areas which also suffered heavy damages.

The approval and immediate passage of this bill is earnestly sought.

Hon. Mauyag B. Papandayan, Jr.



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House Bill No. 8099

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AN ACT
PROVIDING FOR MONETARY REPARATION FOR THE LOSS OR DESTRUCTION OF
RESIDENTIAL HOUSES, COMMERCIAL BUILDINGS AND OTHER PROPERTIES IN
MARAWI CITY DURING THE 2017 SIEGE OF MARAWI, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

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

CHAPTER I

PRELIMINARY PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Marawi Siege Victims Reparation Act of 2018”.

SEC. 2. *Declaration of Policy.* – Section 9 of Article II of the 1987 Constitution declares that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and improved quality of life for all. 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, and remove cultural inequities by equitably diffusing wealth and political power for the common good. Section 2 of Article XII of the Constitution provides that the promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

By virtue of Section 2 of Article II of the Constitution adopting generally accepted principles of international law as part of the law of the land, the Philippines adheres to international laws, treaties and conventions providing for reparation or compensation for war victims and their property losses. The enactment of measures calculated to alleviate the plight of those plagued and disadvantaged by the scourge of war is not only an advancement of the cause of social justice but likewise an expression of *parens patriae* in that the State serves as a guardian of the civilians who have become vulnerable and marginalized because of internal armed conflicts.

Consistent with the foregoing, it is hereby declared the policy of the State to recognize the suffering and hardship that the civilians affected by the Marawi siege have to endure. To alleviate their plight, the State hereby acknowledges its moral obligation to provide monetary reparation for their property losses during the Marawi siege.

SEC. 3. *Definitions of Terms.* – The following terms as used in this Act shall mean:

(a) *Residential house* refers to any building or tenement that is used exclusively or partially for residential purposes.

(b) *Commercial building* refers to any building that is used exclusively for commercial or business purposes.

(c) *Other Properties* refer to house appliances, jewelries, machineries, rice mills, and other equipment[s] of value.

(d) *Main Affected Areas [or] (MAA)* refer to the [main] affected barangays in Marawi City during the Marawi siege consisting of twenty-four (24) barangays, namely:

- | | |
|-------------------------|------------------------|
| 1. LUMBAC MADAYA | 13. DANSALAN |
| 2. SOUTH MADAYA | 14. DATU SA DANSALAN |
| 3. RAYA MADAYA 1 | 15. SANGKAY DANSALAN |
| 4. RAYA MADAYA 2 | 16. MONCADO COLONY |
| 5. SABALA AMANAO | 17. MONCADO CADINGILAN |
| 6. SABALA AMANAO PROPER | 18. MARINAUT WEST |
| 7. TOLALI | 19. MARINAUT EAST |
| 8. DAGUDUBAN | 20. KAPANTARAN |
| 9. NORHAYA VILLAGE | 21. WAWALAYAN MARINAUT |
| 10. BANGGOLO | 22. LUMBAC MARINAUT |
| 11. BUBONG MADAYA | 23. TUCA MARINAUT |
| 12. LILOD MADAYA | 24. DATU NAGA |

(e) *Other Affected Areas or OAA* refer to the other affected barangays in Marawi City during the Marawi siege [–], NAMELY:

- | | |
|-------------------|------------------------|
| 25. SADUC PROPER | 29. DATU SABER |
| 26. PANGGAO SADUC | 30. BANGON |
| 27. RAYA SADUC | 31. FORT |
| 28. LILOD SADUC | 32. WAWALAYAN CALOOCAN |

Sec. 4. *Entitlement to Monetary Reparation.* – Any owner of residential house, commercial building or other properties in Marawi's MAA/OAA qualified under this Act shall receive compensation from the State, free of tax, as herein prescribed: *Provided*, that in case the claim is for a property covered by insurance, the compensation receivable under this act shall only be to the extent not covered by insurance: *Provided further*, That for the deceased owner of said properties, 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, furthermore*, 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, finally*, That the compensation received under this Act shall be considered as a complete satisfaction of the loss or destruction of the properties sustained by the owner thereof, unless Congress provides for additional monetary reparation to the said owner[s].

SEC. 5. *Source of Monetary Reparation.* – The amount of Thirty Billion Pesos (P30,000,000,000.00) shall be the principal source of funds for the implementation of this Act, which shall be included in the annual General Appropriations Act (GAA) for the next three years in three (3) equal amounts.

CHAPTER II

THE MARAWI REPARATION BOARD

SEC. 6. *Creation and Composition of the Marawi Reparation Board.* – There is hereby created an[d] independent and quasi-judicial body to be known as the Marawi Crisis Reparation Board (MRB), hereinafter referred to as the Board. It shall be composed of nine (9) members, who shall possess the following qualifications:

- (a) Must be of known probity, competence and integrity;
- (b) Must have a deep and thorough understanding and knowledge of reparation as a concept in international law and Philippine law; and
- (c) At least a majority of them must be members of the Philippine Bar, preferably Maranao lawyers, who have been engaged in the practice of law for at least ten (10) years.

The Board shall organize itself within thirty (30) days from the completion of appointment of its members and shall thereafter organize its Secretariat.

SEC. 7. *Appointment to the Board.* – The President shall appoint the Chairperson and the other eight (8) members of the Board: *Provided*, That organizations of traditional leaders, professionals, the Ulama and civil society organizations may submit nominations to the President.

SEC. 8. *Powers and Functions of the Board.* – The Board shall have the following powers and functions:

- (a) Receive, evaluate, process and investigate applications for claims under this Act;
- (b) Issue subpoena/s *ad testificandum* and subpoena/s *duces tecum*;
- (c) Conduct independent administrative proceedings and resolve disputes over claims;
- (d) Approve with finality all eligible claims under this Act;
- (e) Deputize appropriate government agencies to effectively perform its functions;
- (f) Promulgate such rules as may be necessary to carry out the purposes of this Act, including rules of procedure in the conduct of its proceedings, with the Revised Rules of Court of the Philippines having suppletory application;
- (g) Exercise administrative control and supervision over its Secretariat;
- (h) At its discretion, may consult the organizations mentioned in Section [9] 7 herein; and
- (i) Perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of this Act.

SEC. 9. *Emoluments.* – The Chairperson and members of the Board shall have the rank, salary, emoluments and allowances equivalent to a Presiding Justice and Associate Justice of the Court of Appeals, respectively.

SEC. 10. *Secretariat of the Board.* – The Board shall be assisted by a Secretariat which may come from the existing personnel of relevant agencies like the Housing and Urban Development Coordinating Council and National Housing Authority, 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 a Board Secretary who shall head the Secretariat for the duration of the existence of the Board. There shall be a Technical Staff Head assisted by five (5) Legal Officers and three (3) Paralegal Officers, and an Administrative Staff Head assisted by three (3) Administrative Support Staff.

When necessary, the Board may hire additional contractual employees or contract a service provider to provide services of counsellors, psychologists, social workers and public education specialists, among others, 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.

SEC 11. *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 reparation. Each division shall be composed of one (1) Chairperson, who shall be a member of the Philippine Bar and two (2) members to be appointed by the Board *en banc*.

SEC 12. *Operating Budget of the Board.* – The operating budget of the Board shall be funded from the Thirty Billion Pesos (P30,000,000,000.00) fund, with Thirty Million Pesos (P30,000,000.00) as its initial operating budget: *Provided*, That it shall not exceed Fifty Million Pesos (P50,000,000.00) a year.

SEC 13. *Proper Disposition of Funds.* – The Board shall ensure that funds appropriated or those which may become available as reparation for rightful claimants are properly disbursed in accordance with the policies stated by Congress and relevant government rules, regulations and accounting procedures.

CHAPTER III

CLAIMANTS AND REPARATION

SEC. 14. *Claimants.* – Any person who is a lawful owner of A residential house[s] or commercial building[s] or both located in the main affected area, and destroyed or damaged either totally or partially on the occasion of the Marawi siege may file a claim with the Board for reparation in accordance with the provisions of this Act.

SEC. 15. *Determination of monetary reparation.* – (a) The Board shall determine the monetary reparation and award to the lawful owner[s] whichever is the lower amount of either the fair market value of the residential house, commercial building, or other REAL properties or the value of its total area per storey equivalent to an amount to be determined in the implementing rules and regulations of this Act. In case of claims for loss or destruction of personal properties, the claimant shall present competent evidence of the loss or destruction, ownership, as well as the fair market value of the personal properties.

(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 the Board sixty (60) days before it becomes *functus officio*.

CHAPTER IV

GENERAL PROVISIONS

SEC. 16. *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.

SEC. 17. *Period for Filing of Claims; Waiver*. – A homeowner or building owner shall file an application for monetary reparation 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 heirs or representatives, shall be entitled to file an application for reparation on their behalf.

SEC. 18. *Appeal*. – Any aggrieved claimant or oppositor may file an appeal within ten (10) calendar days from receipt of the resolution of the Board whose decision shall then become final and executory.

SEC. 19. *Penalties; Applicability of the Revised Penal Code*. – Any claimant who is found by the Board, after due hearing, to have filed a fraudulent claim shall be referred to the appropriate office for prosecution. If convicted, he or she shall suffer an imprisonment of eight (8) to ten (10) 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 reparation 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 of the Code and relevant special penal laws.

CHAPTER V

FINAL PROVISIONS

SEC. 20. *Guidelines for the Implementing Rules and Regulations (IRR)*. – The Board shall promulgate the implementing rules and regulations (IRR) of this Act within 30 days from its organization. In implementing this Act and in formulating the corresponding rules and regulations, and to ensure that all applications are properly processed, 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 OF THE PARTIES.

The IRR shall be effective fifteen (15) days after its publication in two (2) national newspapers of general circulation.

SEC. 21. *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*.

SEC. 22. *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.

SEC. 23. *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.

SEC. 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers or general circulation.

APPROVED,

