

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8200



Introduced by AKBAYAN Party List Representative Tomasito S. Villarin

EXPLANATORY NOTE

The five-month long armed fighting in Marawi City, Lanao del Sur that started on 23 May 2017 did not only cause considerable loss of life but also wreaked havoc on the infrastructure of the City. Dubbed as the Marawi Siege, the armed fighting damaged an estimated 95% of the infrastructure in the main battle area.

This massive infrastructure damage is perhaps one of the greatest challenges facing the government's rehabilitation effort of Marawi City. The aftermath of the armed fighting created not only housing problems but also livelihood issues among the affected residents of Marawi City.

It is therefore the duty of the State to address the loss and destruction of the property of Marawi City residents.

This bill proposes for the adoption of a compensation scheme for the damage done to the people's property during the 2017 Marawi Siege. It covers any building or tenement damaged, and home appliances, jewelries, vehicles, machineries, rice mills and other equipment of value, lost or damaged as a result of the 2017 Marawi siege.

Accordingly, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be 'T. Villarin'.

TOMASITO S. VILLARIN

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AN ACT
PROVIDING FOR COMPENSATION FOR LOSS OR DESTRUCTION OF
PROPERTIES IN MARAWI CITY DURING THE 2017 SIEGE OF MARAWI,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and the 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 Compensation Act of 2018.”

SEC.2. Declaration of Policy. – Consistent with the Constitution, it is hereby declared the policy of the State to recognize the suffering arising from the 2017 Marawi Siege and further, to alleviate this, the State hereby provides for monetary compensation for damage done to people’s property during such siege.

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

- (a) Board – refers to the Marawi Compensation Board (MRB) as created under this Act.
- (b) Covered Property – refers to: (1) any building or tenement however used damaged as a result of the 2017 Marawi Siege; or (2) home appliances, jewelries, vehicles, machineries, rice mills, and other equipment of value damaged or lost as a result of the 2017 Marawi Siege;
- (c) Main Affected Areas or MAA – refers to the main affected barangays in Marawi City during the Marawi Siege consisting of twenty-four (24) barangays, namely:

- 1. Lumbac Madaya

2. South Madaya
3. Raya Madaya 1
4. Raya Madaya 2
5. Sabala Amanao
6. Sabala Amanao Proper
7. Tolali
8. Daguduban
9. Norhaya Village
10. Banggolo
11. Bubong Madaya
12. Lilod Madaya
13. Dansalan
14. Datu Sa Dansalan
15. Sangkay Dansalan
16. Moncado Colony
17. Moncado Cadingilan
18. Maronaut West
19. Maronaut East
20. Kapantaran
21. Wawalayan Maronaut
22. Lumbac Maronaut
23. Tuca Maronaut
24. Datu Naga.

(d) Other Affected Areas or OAA – refer to the other affected barangays in Marawi City during the Marawi Siege, namely:

1. Saduc Proper
2. Panggao Saduc
3. Raya Saduc
4. Lilod Saduc
5. Datu Saber
6. Bangon
7. Fort
8. Wawalayan Caloocan

SEC. 4. Entitlement to Monetary Compensation. – Persons who, at the time of the 2017 Marawi Siege, own covered property located within the main affected area or other affected areas shall be qualified to receive compensation from the State as further described herein, free of tax: *Provided*, That in case such person is deceased, the legal heirs as provided in the Code of Muslim Personal Laws of 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 compensation, 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.

SEC. 5. *Source of Compensation.* – The amount of Thirty Billion (Php 30,000,000,000.00) Pesos shall be the principal source of funds for the implementation of this Act, which amount shall be included in the annual General Appropriations Act (GAA) for the next three years in three equal amounts.

CHAPTER II THE MARAWI COMPENSATION BOARD

SEC. 6. *Creation and Composition of the Marawi Compensation Board.* – There is hereby created an independent and quasi-judicial body to be known as the Marawi Compensation Board (MCB), herein 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 compensation as a concept in international law and Philippine law;
- (c) At any time, at least a majority of the members must be members of the Philippine Bar 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 subpoenas *ad testificandum* and subpoenas *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 assist it in order to effectively perform its functions;
- (f) Exercise administrative control and supervision over its secretariat;
- (g) The Board, at its discretion, may consult the organizations mentioned in Section 9 herein, and
- (h) Provided that technical rules shall not be strictly applicable in proceedings before the Board, promulgate such rules as may be necessary to carry out its purposes of this Act;
- (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 the 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 headed by an Executive Director. Personnel of the Secretariat may come from the existing personnel of relevant agencies such as the Housing and Urban Development Coordinating Council (HUDCC) and National Housing Authority (NHA) without prejudice to the hiring of additional personnel as determined by the Board to accommodate the volume of 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 application for claims;
- (c) Assist the Board in technical functions; and
- (d) 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 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 personnel consistent with issuances of the Civil Service Commission (CSC).

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 compensation. Each division shall be composed of one (1) presiding member, 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 (Php 30,000,000,000.00) fund, with Thirty Million Pesos (Php 30,000,000.00) as its initial operating budget: *Provided*, That it shall not exceed fifty million pesos (Php 50,000,000.00) a year.

SEC. 13. Proper Disposition of Funds. – The Board shall ensure that funds appropriated or those which may become available as compensation 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 COMPENSATION

SEC. 14. Claimants. – Any person who is a lawful owner of covered property located in the MAA or OAA may file a claim with the Board for compensation in accordance with the provisions of this Act. *Provided*, that in case where the claimant is deceased, incapacitated, or missing, her/his legal heir/s or representatives shall be entitled to file an application for compensation on her/his behalf.

SEC. 15. Determination of monetary compensation. – (a) The Board shall determine the monetary compensation and award to the lawful owner/s whichever is the lower amount of either the fair market value of the property or the value of its total area per storey equivalent to Php 1,500.00 per square meter for residential houses and Php 2,000.00 for commercial buildings. The monetary compensation for the other properties shall be their fair market value less depreciation.

(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 sixty (60) days before the Board 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 a lawful owner and cause the publication of the same: *Provided*, That such period shall only become effective

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 publication.

SEC. 17. *Period for Filing Claims; Waiver.* – Claims for compensation may be filed 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.

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

SEC. 19. *Penalties; Applicability of the Revised Penal Code.* – Fraud committed in the course of availing of the compensation provided by this Act shall be referred to the appropriate government office for prosecution. In addition to any penalty imposed by the competent court, the person who caused the commission of the fraud 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 the 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 embezzle, misappropriate or otherwise misuse funds provided 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 accordingly.

SEC. 20. *Guidelines for the Implementing Rules and Regulations (IRR).* – The Board shall promulgate the Implementing Rules and Regulations (IRR) of this Act within thirty (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 its 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.

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) newspapers of general circulation.

Approved,