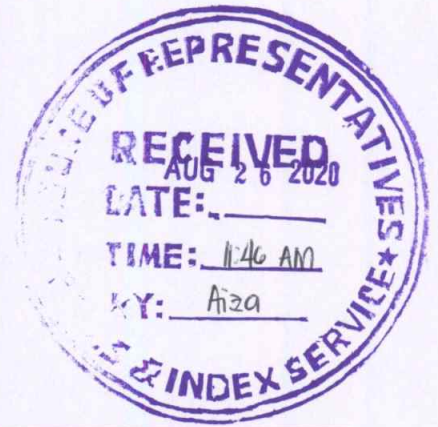


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7503



Introduced by Representative Mohamad Khalid Q. Dimaporo

EXPLANATORY NOTE

The Marawi Siege is the armed conflict between Philippines Security Forces and Terrorist groups, which occurred on May 23, 2017 and ended on October 23, 2017. The human toll consists of 978 militants killed, 168 government forces captured, more than 1,400 government forces wounded, and 87 civilians dead. The fighting left Marawi City in ruins with 3,152 buildings completely destroyed and 2,145 buildings partially damaged within four (4) square kilometers of the main battle area. When government forces clashed with the terrorist groups more than 200,000 residents of Marawi fled to nearby cities and provinces. Although the government has succeeded in defeating security threats, the restoration of the Islamic City of Marawi appears to be a more daunting task.

The national government issued Administrative Orders No. 3 and No. 9 creating Task Force Bangon Marawi to craft and implement a Marawi Recovery, Restoration, Rehabilitation Program. After more than three (3) years of the rehabilitation process of Marawi City, the marginal accomplishment of Task Force Bangon Marawi has caused disgruntlement in the local population. The prolonged period that residents of the most affected area remain displaced adds to the clamor to provide additional assistance to our fellow Filipinos in Marawi City.

It is the state's constitutional obligation to value the dignity of every human person and guarantee full respect for human rights. To provide dignity to our citizens affected by the Marawi Siege this bill seeks to recognize their hardship and suffering as a result of the delayed completion of the Marawi Rehabilitation Program. In doing so, it mandates the national government to exhaust all possible means of compensation through Task Force Bangon Marawi.

In view of the foregoing premises, the prompt approval of this measure is earnestly sought and recommended.


REP. MOHAMAD KHALID Q. DIMAPORO
First District, Lanao del Norte

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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 7503

Introduced by Representative Mohamad Khalid Q. Dimaporo

AN ACT MANDATING TASK FORCE BANGON MARAWI TO PROVIDE MONETARY COMPENSATION FOR THE LOSS OR DESTRUCTION OF RESIDENTIAL AND COMMERCIAL PROPERTIES AS A RESULT OF THE MARAWI SIEGE, ARMED CONFLICT BETWEEN THE ARMED FORCES OF THE PHILIPPINES AND TERRORIST GROUPS, 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 Compensation Act.”

Section 2. Declaration of Policy. - It is hereby declared the policy of the State, as enshrined in the 1987 Constitution, to value the dignity of every person, and guarantees full respect for human rights, including rights of indigenous cultural communities and other vulnerable groups such as women and children, at all times. The State shall also fulfill its obligations to international human rights law and humanitarian law, thus, it recognizes the basic principles and guidelines on the right to remedy and reparation for victims of gross violations of such.

It is also declared the policy of the State to provide the protection for Internally-displaced persons (IDPs) in recovering properties and possessions, wherein such recovery of property and possessions is not possible, the State shall provide or assist these persons in obtaining appropriate compensation or other form of just reparation.

The State is likewise obligated to recognize the essence of providing reparation and compensation for persons and families whose rights were violated and economic, social and cultural rights were unfulfilled as a result of armed conflicts.

Section 3. Definition of Terms. – As used in this Act:

(a) Marawi Siege refers to the 2017 armed conflict between the Philippine Government Security Forces and Terrorists groups that occurred in Marawi City, Lanao del Sur

(b) Residential Property refers to any building or tenement that is used exclusively or partially for residential purposes.

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

Section 4. *The Establishment of Task Force Bangon Marawi.* - The Task Force Bangon Marawi is hereby established and institutionalized, created by virtue of Administrative Order No. 3 Series of 2017, and Administrative Order No. 9 Series of 2017, as amended, to achieve and attain the objectives set in the Marawi Recovery, Rehabilitation, and Reconstruction Program (MRRP). The Task Force Bangon Marawi shall be in full force until the completion of the MRRP and the fulfillment of the provisions of this Act, providing for the compensation to those affected by the Marawi Siege.

Section 5. *Compensation for Private Properties affected by the MRRP.* - In accordance to Article III Section 9 of the Constitution all properties demolished as part of the implementation of the MRRP shall be compensated for.

- (a) Amendment to RA 10752. – Section 3 of Republic Act No. 10752 is hereby amended to include the MRRP, Debris Management Programs, and Programs that require the demolition of private property for the Search and Recovery of Unexploded Ordnance (UXO);
- (b) Determination of Replacement Cost. - Private property owners shall be compensated a Replacement Cost for loss and/or destruction of property as a result of the MRRP. The Replacement Cost shall be based on the current market value of the improvements and structures as determined by:
 - (i) The implementing agency;
 - (ii) A government financial institution with adequate experience in property appraisal; and
 - (iii) An independent property appraiser accredited by the BSP.

In the absence of baseline data or required documents, the cost estimates and data utilized for the Post Conflict Needs Assessment (PCNA) included in the MRRP may be used to determine just compensation.;

- (c) Entitlement to New Land Titles. - Recipients of Compensation for Replacement Cost shall not be precluded from receiving and benefitting from the MRRP Land Titling program, which intends to return Real Property to the owner in the form of Land Titles.

Section 6. *The Taskforce Bangon Marawi Compensation Subcommittee.* - There is hereby created a Compensation Subcommittee under Task Force Bangon Marawi task to process claims in line with the spirit of Republic Act No. 10368. The Compensation Subcommittee shall be attached yet independent from Task Force Bangon Marawi.

- (a) The Compensation Subcommittee shall be Chaired by the Commission of Human Rights (CHR), Co-Chaired by the Bangsamoro Human Rights Commission (BCHR), and composed of five (5) members organic to the CHR and BHRC organization who comply to Section 8 of RA 10368;

(b) Honorariums and other operational expense of the Compensation Subcommittee shall be provided by TFBM, notwithstanding that the compensation subcommittee can seek funding assistance from international governing bodies and/or foreign aid;

(c) The Compensation Subcommittee shall be assisted by existing personnel of the CHR and BHRC without prejudice that TFBM can hire additional personnel to accommodate the volume of work required. Likewise, TFBM may source fund augmentation from International Governing Bodies, Foreign Aid, The Bangsamoro Autonomous Regional Government, and/or the Local Governments for the same purpose.

Section 7. Powers and Functions. – The Compensation Subcommittee 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 (30) days after submission thereof;

(c) Conduct an independent administrative hearing and resolve application for compensation or deny the same;

(e) Disburse any and all compensation to qualified claimants at the earliest possible time. Provided that in all cases;

(f) Promulgate rules and regulations in order to carry out the objectives of this Act;

(g) Perform such other functions as will be necessary for the implementation of this Act.

Section 8. Resolution of Claims. – The Compensation Subcommittee shall resolve the claim for compensation within thirty (30) working days after the filing of application.

Section 9. Claimants. – Lawful owners or possessors who have become Internally Displaced Persons (IDPs) as a result of the destruction of their private property as result of the Marawi Siege may file a claim with the Compensation Subcommittee for monetary compensation in accordance with the provisions of this Act.

Provided, 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.

Section 10. Determination of Monetary Compensation. - The compensation for claims under the TFBM Compensation Subcommittee shall be patterned after Republic Act No. 10368, The Human Rights Victims Reparation and Recognition Act of 2013.

The Commission on Human Rights En Banc shall be granted the authority to determine the point allocation to victims whose properties have been destroyed as a result of armed conflict, in congruence to Section 19 of RA 10368. *Provided,* that the monetary award for claimants under this act shall be equivalent and shall not exceed the monetary amount granted to the Human Rights Victims recognized by RA 10368.

Section 11. Consolidation of Claims. - The Compensation Subcommittee shall compute the final budgetary requirement to award all claims granted. It will be submitted for appropriation through TFBM.

Section 12. Awarding of Monetary Compensation. - Upon reflection in the General Appropriations Act after the TFBM Compensation Subcommittee 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 claimants before the Board must resolved by it within sixty (60) days after concluding the final list of claimants and monetary amount to be appropriated.

In the spirit of the Bangsamoro Autonomous Region's Right to Self Determination, and in accordance to Republic Act No. 11054, The Bangsamoro Organic Law, the CHR and the BCHR shall develop a mechanism to award compensation to claimants.

Awarding of Monetary Compensation to claimants will be in accordance to national laws, policies, and regulations. A special audit will be conducted by the Commission on Audit upon completion of the task provided to the TFBM Compensation Subcommittee.

Section 13. Publication. - The TFBM Compensation Subcommittee, after having 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 publication in two (2) newspapers of general circulation.

Section 14. Period for Filing Claims; Waiver. - Claims for compensation may be filed with the TFBM Compensation Subcommittee within one (1) year after it has been duly organized upon effectivity and in accordance to 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.

Section 15. Appeal. - Any aggrieved claimant or oppositor may file an appeal within ten (10) calendar days from the receipt of the decision by the TFBM Compensation Subcommittee, whose decision shall then become final and executory.

Section 16. 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 Compensation Subcommittee 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.

Section 17. Source of Compensation. - The appropriation required for the operational needs of this act shall be incorporated into the following year's General Appropriations Act upon ratification into law.

The budgetary requirement for relocation costs and compensation of claimants shall be submitted to the Department of Budget and Management by Task Force Bangon Marawi. The appropriation therewith shall reflect on the subsequent General Appropriations Act. The total required budget must be allocated in not more than three (3) years upon ratification of this Act.

Section 18. 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 TFBM Compensation Subcommittee 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.

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

Section 19. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional 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 20. Mandatory Evaluation and Review. - By the end of Three (3) years, the Compensation Subcommittee shall conduct a mandatory review and submit a midterm report to Congress as to the status of implementation of this Act.

Section 21. Sunset Clause. - As stated in Section 4 of this Act, upon the completion of the MRRP and the provisions of this Act, the Task Force Bangon Marawi and all its subcommittees shall be terminated. This Act shall become *functus officio*.

Section 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.

Section 23. Repealing Clause. - Section 3 of Republic Act No. 10752 is hereby amended. All other 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 24. *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,