

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City
Twentieth Congress
First Regular Session



House Bill No. **935**

Introduced by Honorable Representatives
DADAH KIRAM ISMULA (Akbayan Partylist)
JOSE MANUEL TADEO "CHEL" I. DIOKNO (Akbayan Partylist)
PERCIVAL V. CENDAÑA (Akbayan Partylist)
ARLENE "KAKA" J. BAG-AO (Dinagat Islands)

**AN ACT CREATING THE NATIONAL TRANSITIONAL JUSTICE
RECONCILIATION AND COMMISSION FOR THE BANGSAMORO,
ESTABLISHING A TRANSITIONAL JUSTICE AND RECONCILIATION
PROGRAM FOR THE BANGSAMORO, AND APPROPRIATING FUNDS
THEREFOR**

EXPLANATORY NOTE

1 On March 27, 2014, the Government of the Republic of the Philippines (GRP)
2 and the Moro Islamic Liberation Front (MILF) signed the Comprehensive Agreement
3 on the Bangsamoro (CAB), outlining the institutional mechanisms and modalities
4 necessary to end the sovereignty-based conflict in Mindanao that has plagued the
5 region for several decades.

6
7 Under the CAB, both parties agreed to "work out a program for transitional
8 justice to address the legitimate grievances of the Bangsamoro people, correct
9 historical injustices, and address human rights violations and marginalization through
10 land dispossession." For this purpose, the Annex on Normalization provided for the
11 creation of an independent "Transitional Justice and Reconciliation Commission (TJRC)
12 to undertake a study and recommend to the Panels the appropriate mechanism for
13 transitional justice and reconciliation."

14
15 Thereafter, on September 2014, the TJRC was established and convened.
16 Utilizing the dealing with the past' framework, they went through an elaborate
17 Consultation Process that involved community-based "listening process" sessions,
18 study group reviews of existing research, as well as key policy interviews. Additional
19 independent research projects were also implemented relative to the mandate of the
20 TJRC.

21
22 In total, the TJRC conducted a "listening process" in more than 210 Moro
23 indigenous, and settler communities in Mindanao and the Sulu archipelago, involving
24 some 3,000 community members and local officials. The TJRC also engaged with a

1 wide range of experts from the Bangsamoro Region and at the national level, including
2 peace-building and human rights practitioners, community and religious leaders,
3 academics and scholars of Bangsamoro history and culture, public servants, and
4 representatives of the security and private sectors.

5 The TJRC turned over its report to the peace negotiating panels of the GRP and
6 MILF in December 2015 and subsequently released its report to the public on March
7 2016. In said report, TJRC recommended for the creation of a National Transitional
8 Justice and Reconciliation Commission for the Bangsamoro (NTRJCB).
9

10 On April 24, 2019, the Office of the President issued Executive Order No. 79
11 entitled, "Implementing the Annex on Normalization under the Comprehensive
12 Agreement on the Bangsamoro", created the Inter-Cabinet Cluster Mechanism on
13 Normalization (ICCMN) to guarantee the implementation of the recommendations
14 provided in the report of the TJRC towards the adoption and implementation of the
15 Transitional Justice and Reconciliation Program for the Bangsamoro. On March 30,
16 2021, ICCMN approved the proposed Transitional Justice and Reconciliation roadmap.
17

18 Unfortunately, a Transitional Justice and Reconciliation Program for the
19 Bangsamoro has yet to be created.
20

21 Transitional justice is an evolving practice in conflict resolution that covers the
22 full range of processes and mechanisms associated with society's attempt to come to
23 terms with the legacy of large-scale conflict, repression, violations, and abuses, in
24 order to ensure accountability, serve justice, and achieve reconciliation.
25

26 A Transitional Justice and Reconciliation Program for the Bangsamoro will
27 essentially be the attempt of the Philippine State to recognize the legitimate grievances
28 of the Bangsamoro, rectify these injustices by addressing the root causes of the
29 conflict, and ensure its non-recurrence through the establishment of institutional
30 mechanisms for transitional justice and reconciliation. The full realization of this
31 program shall serve as vehicle for peace and harmony in the Mindanao, in consonance
32 with the national clamor for unity and progress.
33

34 In view of the foregoing, this bill seeks to institutionalize a Transitional Justice
35 and Reconciliation Program (TJRP) for the Bangsamoro, and thereby creating the
36 NATIONAL TRANSITIONAL JUSTICE AND RECONCILIATION COMMISSION FOR THE
37 BANGSAMORO.
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39 Consistent with our collective desire to sustain the gains of peace, unity and
40 development in the Bangsamoro, the passage of this bill into law is earnestly sought.
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REP. DADAH KIRAM ISMULA
AKBAYAN PARTYLIST



**JOSE MANUEL TADEO "CHEL" I.
DIOKNO**
AKBAYAN REPRESENTATIVE



REP. PERCIVAL V. CENDAÑA
AKBAYAN REPRESENTATIVE



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THEREFOR**

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Transitional Justice
2 and Reconciliation Act for the Bangsamoro."

3 **Sec. 2. Declaration of Policy.** — It is hereby a declared policy of the State to
4 ensure pursue a lasting and enduring peace, reconciliation and development in the
5 Bangsamoro region. The State shall create a program that shall address the legitimate
6 grievances of the Bangsamoro people, rectify historical injustices, address human
7 rights violations, and marginalization through land dispossession. The State shall
8 likewise ensure the non-recurrence of such injustices and violations.

9 **Sec. 3. Definition of Terms**— As used in this Act:

10 a. Historical Injustices - include acts committed and transactions entered into
11 by state and non-state actors with the Bangsamoro and other inhabitants of
12 the Mindanao and Sulu archipelago that have placed the Bangsamoro people
13 at a political and economic disadvantage and, while hating occurred in the
14 distant past, continue to impact their lives today.

15 b. Land Dispossession - includes dispossession by ostensibly lawful means,
16 such as public land laws but may have been attended by force, duress,
17 intimidation, stealth, and deception.

18 c. Marginalization - refers to the political and economic disenfranchisement that
19 the Bangsamoro people and other inhabitants of the Mindanao and Sulu
20 archipelagos have suffered due to unjust national laws, programs, policies, as
21 well as government neglect and failure to address destructive and exploitative
22 actions of non-state actors.

1 d. Transitional Justice -means the full range of process and mechanisms
2 associated with a society's attempts to come to terms with a legacy of past
3 abuses, in order to ensure accountability, serve justice and achieve
4 reconciliation which include criminal prosecution, truth telling, reparations
5 programs and Institutional reform.

6 e. Legitimate Grievances - refer to grievances that are rooted or grounded on
7 objective conditions and circumstances like landlessness, poverty,
8 unemployment widespread discrimination and abuses, ethnic dominance, inter-
9 group hatred, political/economic exclusion, gender violence or injustice.

10 **Sec. 4. *Transitional Justice and Reconciliation Program for the Bangsamoro.***

11 — There is hereby established a Transitional Justice and Reconciliation Program for
12 the Bangsamoro, hereinafter referred to as the "Program," which shall address
13 legitimate grievances of the Bangsamoro and Indigenous peoples, historical injustices
14 and human rights violation, including marginalization through land dispossession, with
15 the following aims:

16 a. Provide venues for the victims of conflict to be heard and mechanisms for
17 the investigation of serious violations of international human rights law and
18 international humanitarian law, and enable inquiries into specific events of the
19 armed conflict;

20 b. Contribute to the resolution of outstanding land disputes in conflict-affected
21 areas in the Bangsamoro and address the legacy of land dispossession with
22 concrete measures to provide redress;

23 c. Provide effective counteractions to impunity, by promoting accountability and
24 strengthening the rule of law in relation to past and present wrongdoings,
25 including crimes identified under international conventions to which the
26 Philippines is a signatory; and

27 d. Promote healing and reconciliation among the different communities affected
28 by the conflict.

29 **Sec. 5. *National Transitional Justice and Reconciliation Commission on the***
30 ***Bangsamoro.*** — There is hereby created a National Transitional Justice and
31 Reconciliation Commission on the Bangsamoro, hereinafter referred to as the
32 "Commission" under the Office of the President. The Commission shall design and
33 formulate mechanisms to implement the Program and supervise such implementation.
34 In formulating the mechanisms, the Commission shall be guided by a framework of
35 dealing with the past that respects, protects, and fulfills the right to truth, right to
36 justice and right to reparation of the victims and ensure non-recurrence of any
37 violation. For this purpose, the Commission shall adopt its own operational guidelines
38 and rules of procedure.

39 **Sec. 6. *Composition.*** — The Commission shall be composed of five (5) regular
40 members headed by a Chairperson and two (2) ex-officio representatives from the
41 civil society organizations who shall sit as non-voting members of the Commission.
42 The President shall appoint all members of the Commission; Provided, That the two
43 (2) ex-officio representatives shall be appointed upon the recommendation of the civil
44 society organizations.

45 **Sec. 7. *Qualifications of the Regular Members of the Commission.*** - No person
46 shall be appointed as Member of the Commission unless he/she possess the minimum
47 qualifications:

48 a. A natural-born citizen of the Republic of the Philippines;

- b. Of proven competence, integrity, probity and independence; and
- c. Has distinguished himself/herself in the field of conflict resolution, peacebuilding, human rights, and other related heads of expertise.

Sec. 8. Powers and Functions. — The Commission shall have the following powers and functions.

a. Conduct a nationwide information, education, and dissemination program for the popularization of the rationale and principles of transitional justice and reconciliation, as well as its implementing mechanisms;

b. Investigate, study, and recommend measures for the resolution of cases of individuals and communities adversely affected by armed conflict, serious violations of human rights and international humanitarian law, and outstanding land disputes in the conflict-affected areas, generally and as provided in the mandates of the sub- commission. Pursuant to this, the Commission and its sub-commission may take the testimony or receive evidence, administer oath, summon witnesses, and require the production of documents by subpoena duces tecum;

c. Determine the factors that contribute to impunity in relation to past and present wrongdoings, and recommend appropriate actions to dismantle impunity, promote accountability, and strengthen the rule of law;

d. Coordinate with the public and private sectors in the formulation of short, medium, and long-term programs under a comprehensive approach to transitional justice and reconciliation;

e. Call upon other government agencies, including government-owned and controlled corporations and government financial institutions, for any support it needs to carry out its mandate;

f. Submit to the President recommendations for further action, including proposed bills on matters requiring legislative actions, when necessary, to fully implement its proposals and programs; and

g. Perform such other functions as may be necessary for the effective discharge of its mandate.

Sec. 9. Organizational Structure and Staffing Pattern. — Within three (3) months from the creation of the Commission, the organizational structure and staffing pattern shall be formulated and finalized in coordination with the Department of Budget and Management. TO assist the Commission in the performance of its duties, four (4) sub-commissions are hereby created, which shall deal with specific aspects of transitional justice for the Bangsamoro:

a. Sub-Commission on Bangsamoro Historical Memory, which shall have the following specific functions:

i. To contribute to confidence building in communities affected by the conflict through fact finding and truth seeking, while ensuring their protection, safety and dignity. In particular, the sub-commission shall listen to the testimony of victims in closed or public hearings, in order to collect witness statements and evidence related to specific violent events, with sensitivity to accounts of women who have been victims of gender-based and sexual violence;

ii. To investigate serious violations of international human rights and international humanitarian law, focusing, among other, on specific emblematic cases of mass atrocity crimes, of land dispossession, and of

- 1 conflict-related sexual and gender-based violence to determine whether
2 such forms of violence were practiced as a deliberate strategy of war in
3 the Bangsamoro conflict;
- 4 iii. To publish series of reports on the results of its investigation and
5 cases of international human right violations, which include an analysis
6 of the findings and recommendations related to individual, collective,
7 and symbolic forms of reparations, accountability for crimes committed,
8 institutional reforms, and reconciliation; and
- 9 iv. To establish databases on violations of international human rights
10 and international humanitarian law in the Bangsamoro from 1948 until
11 the present, particularly a database on conflict-related human casualties.
- 12 b. Sub-Commission against Impunity and on the Promotion of Accountability
13 and Rule of law In the Bangsamoro, which shall be responsible for the
14 following:
- 15 i. To identify, investigate, and recommend policies, operational means,
16 and concrete measures to address and overcome practices of impunity
17 at all levels, whether of a technical, political, or financial nature and
18 whether related to past or present wrongdoings; and
- 19 ii. To request disciplinary procedures against public officials who fail to
20 cooperate or who obstruct justice and the rule of law.
- 21 c. Sub-Commission on Land Dispossession in the Bangsamoro, which is
22 authorized:
- 23 i. To address issues related to land dispossession, use, and tenure in
24 the conflict- affected areas in the Bangsamoro by developing or
25 implementing a dispute resolution mechanism for land conflicts including
26 indigenous peoples' (IPs) claims on ancestral domains, and for
27 identifying lands where there are competing claimants;
- 28 ii. To create a database on actual land ownership in the Bangsamoro
29 and on land dispossession that may be used to support legal proceedings
30 and restitution or reparation programs, including cadastral, geo-tagged,
31 and community-based participatory mapping sets;
- 32 iii. To support the overall redesign of land services in the Bangsamoro
33 by recommending changes in the legal framework and all procedures
34 related to land titling, registration, taxation, and management, including
35 claims of IPs on ancestral domains, for legislation.
- 36 d. Sub-Commission on Bangsamoro Healing and Reconciliation, which is
37 empowered:
- 38 i. To identify and support traditional practices of reconciliation at the
39 community level;
- 40 ii. To develop and promote a meaningful process for national
41 reconciliation with a view to encouraging cultural and attitudinal change;
42 and
- 43 iii. To support the other three (3) sub-commissions in the
44 implementation of their mandate by shaping and promoting a
45 reconciliatory vision for each of them.
- 46
- 47 Each sub-commission shall cooperate with relevant national, regional, and local
48 institutions, both governmental and nongovernmental, in the exercise of its mandate.

1 Moreover, each sub-commission shall ensure the meaningful participation of women
2 in the processes that will be undertaken, taking into consideration their experiences
3 relevant to the objectives of transitional justice.

4 **Sec. 10. *National Consultation Process.*** — The appointment of members of the
5 Commission shall be made through national public consultations. For this purpose, the
6 Office of the Presidential Adviser on the Peace, Reconciliation and Unity shall propose
7 to the President a selection and appointment process for the members of the
8 Commission. This selection and appointment process shall Include the appointment of
9 a selection committee composed representatives of national, regional, and local
10 sectoral stakeholders. The selection committee, after its convention, shall select, from
11 the pool of nominees, the persons who shall be Included in the short lists of nominees
12 from which the President shall appoint the members of the Commission. The selection
13 committee and the Commission shall ensure the inclusion of women in its membership,
14 corresponding to representatives of national, regional and local stakeholders. The
15 Commission, whenever it deems appropriate, shall likewise conduct national public
16 consultations in the formulation of the implementing mechanisms of the Program.

17 **Sec. 11. *Secretariat*** — The Commission shall organize its Secretariat that shall
18 assist the performance of its functions and shall provide administrative and technical
19 support. It shall be headed by an Executive Director who shall be appointed by the
20 President. The Executive Director shall execute the policies and programs of the
21 Commission and shall be responsible for the efficient, and effective day-to-day
22 management of the operations of the Commission. The Executive Director shall
23 recommend to the Chairperson, for the approval of the Commission, the budget of the
24 Secretariat, its staffing pattern, position, classification and compensation scheme, and
25 the appointment of its personnel subject to existing laws, rules and regulations. The
26 Executive Director shall be appointed by the President.

27 **Sec. 12. *Transitional Justice and Reconciliation Forum.*** — The Commission
28 shall actively engage with stakeholders In the formulation and implementation of its
29 projects and programs. For this purpose, it shall convene a Transitional Justice and
30 Reconciliation Forum which shall serve as the platform for stakeholders to monitor and
31 support the Transitional Justice and Reconciliation Program for the Bangsamoro.

32 **Sec. 13. *Duration.*** — The Commission shall operate for a period of six (6) years
33 from the effectivity of this Act or upon completion of the purpose for which it was
34 created, whichever comes first. However, it may continue to operate for additional
35 three (3) years upon the approval of the President.

36 **Sec. 14. *Appropriation.*** — For the initial operating expenses of the Commission
37 to carry out the mandate of this Act, the amount of One Hundred Million Pesos
38 (P100,000,000.00) is hereby appropriated to be charged against the unexpended
39 contingency funds of the Office of the President. Thereafter, the amount needed for
40 the operation and maintenance of the Commission shall be included in the annual
41 General Appropriations Act. The Commission is likewise authorized to accept
42 donations, contributions, grants, bequests or gifts from domestic or foreign sources,
43 for purposes relevant to its mandate and functions, in accordance with applicable laws
44 and rules and regulations subject to government accounting and auditing rules and
45 regulations.

46 **Sec. 15. *Implementing Rules and Regulations.*** - Within ninety (90) days from
47 the approval of this Act, the Commission shall promulgate rules and regulations
48 implementing the provisions of this Act. The implementing rules and regulations issued

1 pursuant to this Section shall take effect thirty (30) days after its publication in two
2 (2) newspapers of general circulation.

3 **Sec. 16. *Repealing clause.*** — All laws, orders, issuances, rules and regulations
4 inconsistent herewith are repealed or modified accordingly.

5 **Sec. 17. *Separability Clause.*** — If any of this Act is declared unconstitutional,
6 the remainder of this Act or any provision not affected thereby shall remain in full
7 force and effect.

8 **Sec. 18. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
9 publication in a newspaper of general circulation or in the Official Gazette.

10
11 Approved,
12