

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P11:22

SENATE

RECEIVED BY:

S.B. No. **932**

Introduced by Senator **JINGGOY EJERCITO ESTRADA**

EXPLANATORY NOTE

This bill seeks to institutionalize a National Peace Policy.

The Preamble of the 1987 Constitution sanctifies peace, thus:

The Sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that will embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our prosperity and blessings of independence and democracy under the rule of law and a regime of truth, justice, equality, and peace.

While the Constitution regards peace as sacrosanct, it does not refer categorically to the concept of peace negotiations as an instrument for resolving conflicts. Furthermore, although the Constitution provided the President with extraordinary powers "to prevent or suppress lawless violence, invasion or rebellion," (Art. 7, Sec. 18) it has no provisions for the use by government of extraordinary peaceful means to meet armed threats to the State.

Evidently, the absence of a clear and unequivocal national peace policy caused some delays and snags in the peace talks, with the major rebel groups, namely the National Democratic Front (NDF), the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF), and the Rebolusyonyong Alyansang Makabansa-Soldiers of the Filipino People-Young Officers Union (RAM-SFP-YOU).

There is a need for a national peace policy to guide the President and all departments and branches of government, in working together for peace, which, undeniably, is the basic foundation for economic development and national prosperity. Further, the creation of an independent Commission on Peace would ensure continuous assistance to the President in his noble pursuit of a comprehensive peace process. The Commission on Peace is envisaged to provide a clear direction for the peace process with the end in view of achieving enduring peace for all Filipinos.

As provided in this measure, the peace process should adhere to certain principles. These included the pursuit of social, economic, and political reforms; consensus-building and empowerment of peace; peaceful, negotiated settlement with different rebel groups; programs for reconciliation, reintegration into mainstream society

and rehabilitation; addressing concerns relative to continuing armed hostilities and nurturing a climate conducive to peace.

More importantly, a national peace policy would bring into sharp focus the value of a comprehensive peace process to the nation's life and survival, its constitutional underpinnings, underlying principles and components, the value of the National Unification, Commission consultations; guidelines for the peace talks, the mandate and authority of the President and the administrative structure for carrying out the peace process, and the role of the country's political leadership and agencies of civil society.


In view of the foregoing considerations, early approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
DECLARING A NATIONAL PEACE POLICY THEREBY CREATING A COMMISSION
ON PEACE

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

SECTION 1. *Short Title.* – This Act shall be known as the “*National Peace Policy Act of 2004.*”

SECTION 2. *Constitutional Policy on Peace.* – The national peace policy shall be pursued in the light of the following constitutional mandates:

a) The sovereign Filipino people, imploring the aid of the Almighty God, in order to build a just and humane society and establish a government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and to prosperity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace.

b) The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all people of the blessings of democracy.

SECTION 3. *Principles Underlying the Comprehensive Peace Process.* – The comprehensive peace process shall be governed by the following underlying principles:

a) A comprehensive peace process shall be community-based, reflecting the sentiments, values, and principles important to all Filipinos. Thus, it shall be defined not by government alone, nor by the different contending groups only, but by all Filipinos as one community.

b) A comprehensive peace process aims to forge a new compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic society where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.

SECTION 4. Components of the Comprehensive Peace Process. – The comprehensive peace process shall include, but shall not be limited to, the following components:

a) **PURSUIT OF SOCIAL, ECONOMIC AND POLITICAL REFORMS.** This component would allow the Commission on Peace to act as a coordinative body of the various policies, reforms, programs and project aimed at addressing the root causes of internal armed conflicts and social unrest. This may require further administrative action, new legislation or even constitutional amendments.

b) **CONSENSUS-BUILDING AND EMPOWERMENT FOR PEACE.** – This component shall include the continuing consultations on both the national and local levels to build consensus for a peace agenda and process and the mobilization and facilitation of people's participation in the peace process.

c) **PEACEFUL NEGOTIATED SETTLEMENT WITH THE DIFFERENT REBEL GROUPS.** This component involves the conduct of face-to-face negotiations to reach peaceful settlement with the different rebel groups.

d) **PROGRAMS FOR RECONCILIATION, REINTEGRATION, INTO MAINSTREAM SOCIETY AND REHABILITATION.** This component shall include programs to address the legal status and security of former rebels, as well as community-based assistance programs to address the economic, social, and psychological rehabilitation needs of former rebels, demobilized combatants, and civilian victims of the internal armed conflicts.

e) **ADDRESSING CONCERNS, ARISING FROM THE CONTINUING ARMED HOSTILITIES.** This component involves the strict implementation of laws and policy guidelines, and the institution of programs to ensure the protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas.

f) **BUILDING AND NURTURING A CLIMATE CONDUCTIVE TO PEACE.** This component shall include peace advocacy and peace education programs and the implementation of various confidence-building measures aimed at ensuring transparency and good faith in the peace process.

SECTION 5. *Creation of the Commission on Peace.* There is hereby created an independent Commission on Peace which shall be tasked to assist the President in the active pursuit of a comprehensive peace process.

a) The Commission on Peace shall be composed of a Chairman and four (4) Members who must be natural-born citizens of the Philippines and, at that time of their appointment, at least thirty-five (35) years of age and must not have been candidate for any elective position in the elections immediately preceding their appointment.

b) The Chairman and the Members of the Commission on Peace shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in active management or control of any business which in any way may be affected by the functions of their office, nor shall be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

c) The Chairman and the Members of the Commission on Peace shall be appointed by the President for a term of seven (7) years without reappointment. Appointments to any vacancy shall be only for the unexpected term of the predecessor.

d) The Chairman and the Members of the Commission on Peace shall receive the same salary as the Chairman and Members, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office.

e) In recognition of the crucial role of civil society in the implementation of a comprehensive peace process, one (1) member of the Commission on Peace should come from the civil society.

SECTION 6. *Secretariat.* – There shall be a Peace Commission Secretariat, headed by an Executive Director which shall provide all the necessary administrative and technical support to the Commission on Peace.

SECTION 7. *Powers and Functions of the Commission.* – The Commission on Peace shall have the following powers and functions.

1. Formulate policies, programs, guidelines, plans and provide direction in the implementation of the government's peace process;

2. Conduct continuing consultations and dialogues with various sectors of the citizenry towards ensuring people's direct participation in the government's peace process;

3. Submit an annual report to both Houses of Congress on the process and implementation of people's recommendations resulting from consultation and dialogue;

4. Request the assistance of the departments, agencies, including government-owned and controlled corporations in the efficient and effective implementation of the peace process;

5. Perform such other functions as well as exercise such powers as may be delegated or assigned by the President.

SECTION 8. *Citizen's Participation.* – The State recognizes the vital role of civil society in the comprehensive peace process. Citizen's participation in the peace process shall be welcomed, enhanced and protected. Mechanisms for this include the basic sectors' peace agenda, peace consultations, citizen third-parties in the peace talks and community-based peace initiatives including peace zones.

SECTION 9. *Transparency and Accountability.* – The President and the administrative structure for carrying on the peace process shall pursue a policy of transparency and accountability subject to the confidentiality requirements of peace negotiations.

SECTION 10. *Abolition, Transfer of Assets and Personnel.* – All agencies involved in the implementation of the Six Paths to Peace stated herein such as the Office of the Presidential Adviser on the Peace Process (OPAPP) created under Executive Order No. 125, the National Program for Unification and Development Council (NPUDC) created under Executive Order No. 152 and the National Peace Forum (NPF) created under Executive Order No. 115 and the Government of the Republic of the Philippines (GRP) panels are hereby abolished.

The unexpended appropriations of the abovementioned agencies are hereby transferred to the Commission on Peace. All properties, records, equipment, buildings, facilities and other assets of same shall be transferred to the Commission.

The Commission on Peace may retain such personnel of the OPAPP, the NPUDC and the NPF and the GRP panels, as may be necessary in the fulfillment of its powers and functions. Any public officer or employee separated from the service as a result of the abolition of the said offices effected under this Act shall receive the benefits to which he or she may be entitled under existing laws, rules, and regulations.

SECTION 11. *Transition Period.* – Until such time that the Commission on Peace is fully operational, the OPAPP Secretariat shall continue to provide staff support to the Commission on Peace. It shall be under the direct control and supervision of the Chair of the Commission on Peace.

SECTION 12. Appropriations. – The amount as may be necessary for the initial implementation of this Act shall be taken from the appropriations of this Act within thirty (30) days from its approval.

SECTION 13. Implementing Rules and Regulations. – A Technical Working Group (TWG) composed of the agencies which were abolished and subsumed under the Commission on Peace shall promulgate the necessary rules and regulations to implement the provisions of this Act ninety (90) days after the passage of this Act.

SECTION 14. Separability Clause. – If any part or provision of this Act shall be held unconstitutional or invalid other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect, Provided however, that no provision hereof shall be construed as a diminution of any peace pact.

SECTION 15. Repealing Clause. – All acts, laws, decrees, executive orders, rules, and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 16. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

APPROVED,