

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

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SENATE

S. B. No. 1210

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Article II, Section 3 of the 1987 Constitution states, "Civilian authority is, at all times supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.

Sections 4 and 5 of the same article likewise provide that "the prime duty of the government is to serve and protect the people" and that the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the employment by all the people of the blessings of democracy.

It is sad to note that while said provisions have been incorporated in the Constitution with the end in view of securing, among others, the safety of the people, this objective has not been attained and remains illusive until the present.

In the light of incidents of killings and reports on the displacement of many Filipinos as a result of the military counter insurgency-efforts, there is a need to alleviate the sufferings of civilians brought about by the armed conflict between the military and the rebel forces.

If indeed civilian authority is supreme over the military, this measure is just but one mode of easing the hardships endured by civilians caught in the crossfire as a result of the armed conflict between the military and rebel forces.

The early passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.
Senator

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AN ACT
TO PROVIDE COMPENSATION, REIMBURSEMENT FOR
HOSPITALIZATION EXPENSES, AND OTHER BENEFITS,
TO CIVILIANS CAUGHT IN THE CROSSFIRE BETWEEN
REBELS AND THE MILITARY, AND FOR OTHER
PURPOSES

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

SECTION 1. This Act shall be known and cited as the "*Civilian Compensation Act of 2004*"

SEC. 2. *Civilian Compensation Fund.* - The Civilian Compensation Fund is hereby established which shall be administered by the Commission on Human Rights, hereafter referred to as the Commission.

SEC. 3. As used in this Act---

- a. The "military" refers to the Armed Forces of the Philippines;
- b. A "rebel" is a person who opposes or takes up arms against the government or its duly constituted authorities;
- c. A "civilian" is a resident of the country who is neither a rebel nor a member of the military.

SEC. 4. Any civilian, as defined in Section 4 hereof, who is killed or injured in the crossfire between rebels and the military shall be entitled to---

- a. an indemnity in the amount not exceeding Thirty Thousand Pesos (P30,000.00), in case of death;
- b. a reimbursement for the necessary expenses incurred for hospitalization, medical treatment, loss of wage, and the like, in case of injury. *Provided*, that in case said civilian is compelled by the military to leave his or her residence prior to a military campaign, the Commission shall provide emergency housing, food and medical benefits to said civilian, *Provided* further that in case said civilian incurs material loss, the Commission shall indemnify the former the necessary amount to cover said loss.

SEC. 5. Any civilian, his or her family, or any other person dependent upon said civilian for support may file a claim with the Commission: *Provided*, that the claim must be filed within six (6) months after the date of the death, injury, compulsory abandonment of one's residence, or occurrence of other similar events that resulted to material loss.

SEC. 6. *Implementing Rules and Regulations (IRR).* - The Commission shall promulgate the rules and regulation necessary to effectively implement this Act.

SEC. 7. *Appropriations.* - The amount of Five Million Pesos (P5,000,000.00) is hereby authorized from the funds of the National Treasury not otherwise appropriated. Thereafter, such amount shall form part of the regular budget of the Committee.

SEC. 8. *Separability Clause.* - If any provision of this Act shall be declared invalid or unconstitutional, the remaining part or provisions not otherwise affected shall remain in force and effect.

SEC. 9. *Repealing Clause.* – All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,