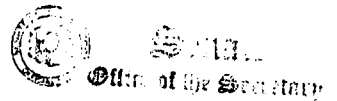



SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 MAY 22 P5:37

SENATE
S. No. 1816

RECEIVED BY: 

Introduced by Senator Paolo Benigno "Bam" A. Aquino IV

**AN ACT
PROVIDING FOR MONETARY COMPENSATION FOR THE LOSS OR
DESTRUCTION OF RESIDENTIAL HOUSES AND COMMERCIAL BUILDINGS
IN THE MAIN AFFECTED AREA (MAA) AND GREATER MARAWI AREA (GMA)
IN MARAWI CITY DURING THE MARAWI SIEGE, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

One year ago, the ISIS-inspired Maute Group attacked Marawi City, destroying public infrastructure, private properties and holding hundreds of civilians hostage.

The attack also displaced thousands of Marawi Residents from their homes, and forced them to seek shelter for months in evacuation centers and the homes of relatives outside the besieged city.

After five months of fighting, government forces successfully regained control of Marawi from the clutches of the terrorist group. The government's fight against terrorism also got a huge boost with the death of Isnilon Hapilon and Omar Maute.

However, the intensified conflict left Marawi City in shambles, bringing the once-glorious city to the ground. The government's Task Force Bangon Marawi estimated that it will cost around P51.7 billion to rebuild Marawi.

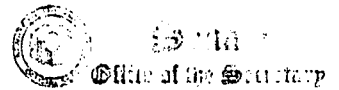
Aside from damaged infrastructure, thousands of Marawi residents were left without shelter, without their place of business, and without jobs and other means of livelihood. They need the government's urgent help to get back on their feet and bring their lives back to normal.

This measure seeks to provide compensation and assistance to the people of Marawi, providing them with means to immediately recover from the damage and destruction to their homes and private property resulting from the Marawi Siege.

In view of the foregoing, the passing of this bill is earnestly sought.

Bam Aquino

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

CHAPTER I

PRELIMINARY PROVISIONS

1
2
3 **Section 1. Short Title.** — This Act shall be known as the "Marawi Siege Victims
4 Compensation Act of 2018."

5 **Sec. 2. Declaration of Policy.** — It is a declared policy of the State to protect and
6 promote the dignity of every person and full respect for human rights, as
7 provided in Section 11, Article II of the 1987 Philippine Constitution. Further,
8 Section 12, Article III of the Constitution prohibits the use of force, violence, threat,
9 intimidation, or any other mean which vitiate the free will and mandates the
10 compensation and rehabilitation of victims of torture or similar practices, and their
11 families.

1 Section 2 of Article II of the Constitution provides that the State adopts the
2 generally accepted principles of international law as part of the law of the land.
3 Accordingly, the Philippines adheres to international human rights conventions and
4 laws particularly the Universal Declaration of Human Rights and the International
5 Covenant on Civil and Political Rights, which guarantee protection of the civilian
6 population and individual civilians, including from damage to private property in the
7 course of legitimate security or police operations where measures shall be
8 undertaken to repair the damage caused.

9 Section 10 of Article II of the Constitution also declares that the State shall promote
10 social justice in all phases of national development. In furtherance of these declared
11 policies, Section 1 of Article XIII of the Constitution mandates Congress to give
12 highest priority to the enactment of measures that protect and enhance the right
13 of all the people to human dignity, and reduce social, economic and political
14 inequalities.

15 Further, guided by the United Nations Resolution on Basic Principles and Guidelines
16 on the Right to a Remedy and Reparation, it is hereby a declared policy that it is the
17 obligation of the State under international customary law to give due attention to the
18 plights of victims of acts of terrorism or armed conflict through adequate, effective
19 and prompt compensation through recognition and/or compensation of said
20 victims and/or their families for these violations.

21 It is therefore declared the policy of the State to recognize the actual damages
22 caused by the Marawi siege. It is the State's moral obligation to provide monetary
23 compensation for the real property losses inside the Main Affected Area (MAA) and
24 Greater Marawi Area (GMA) caused by the Marawi siege.

1 **Sec. 3. Monetary Compensation.** — Any claimant qualified under this Act
2 shall receive compensation from the State, free of tax, as herein prescribed:
3 *Provided*, That for a deceased residential or commercial building owner, the legal
4 heirs as provided for in the Code of Muslim Personal Laws of the Philippines or the
5 Civil Code of the Philippines, whichever is applicable, or such other person named by
6 the executor or administrator of the deceased owner's estate in that order, shall be
7 entitled to receive such compensation: *Provided, further*, That no special power of
8 attorney shall be recognized in the actual disbursement of the award, and only the
9 owner or the aforestated successor(s)-in-interest shall be entitled to personally
10 receive said compensation from the Board, unless the owner involved is shown
11 to be incapacitated to the satisfaction of the Board: *Provided, furthermore*, That
12 the compensation received under this Act shall be considered as a complete
13 satisfaction of the loss or destruction of home/s or building/s sustained by the owner
14 thereof, unless Congress, by law, provides for additional monetary compensation to
15 be awarded to said owner.

16 **Sec. 4. Source of Monetary Compensation. Creation of the Compensation**
17 **Trust Fund** – An amount of Twenty Billion Pesos (Php 20,000,000,000.00) shall be
18 allocated under this Act which shall be known as the Compensation Trust Fund.
19 Such fund will be under the custody of the Board and shall be included in the annual
20 General Appropriations Act. This fund shall be primarily used to grant compensation
21 to qualified claimants.

22 CHAPTER II

23 THE COMPENSATION BOARD

24 **Sec. 5. Board for the Compensation of the Marawi Siege Claimants, Its**
25 **Creation and Composition and Secretariat.** – A Board for the Compensation of
26 Marawi Siege claimants, hereinafter referred to as the Board, is hereby established

1 and shall be organized within fifteen (15) days after the effectivity of this Act. It
2 shall be composed of thirteen (13) members. The Secretary of the Housing and
3 Urban Development Coordinating Council (HUDCC) shall be the ex-officio
4 Chairperson of the Board. The other twelve (12) members shall be from
5 different administrative agencies. The composition of such members shall be as
6 follows:

- 7 1. Undersecretary of the Department of National Defense (DND)
- 8 2. Undersecretary of the Department of Budget and Management (DBM)
- 9 3. Undersecretary of the Department of Health (DOH)
- 10 4. Undersecretary of the Department of Education (DepEd)
- 11 5. Undersecretary of the Department of Public Work and Highways (DPWH)
- 12 6. Undersecretary of the Department of Justice (DOJ)
- 13 7. Undersecretary of the Department of Finance (DOF)
- 14 8. Undersecretary of the Department of Social Welfare and Development (DSWD)
- 15 9. Undersecretary of the Department of Environment and Natural Resources (DENR)
- 16 10. Undersecretary of the Department of Trade and Industry (DTI)
- 17 11. Administrator, Land Registration Authority (LRA)
- 18 12. Governor, Provincial Government of Lanao del Sur
- 19 13. Mayor, City Government of Marawi City

20 Such Board will be under the direct control and supervision of the Housing and
21 Urban Development Coordinating Council (HUDCC): *Provided*, That no person shall
22 be a member of the Board if he or she is a victim entitled to compensation as
23 defined under this Act.

24 There shall also be created a Secretariat, whose task is to perform the primary
25 function of identifying and monitoring the legitimate claimants who shall be eligible

1 for compensation under this Act, and such other functions as may be defined by the
2 Board.

3 **Sec. 6. Powers and Functions.** – The Board shall have the following powers and
4 functions:

- 5 a) Receive all claims under this Act together with the pertinent documents to
6 such claims;
- 7 b) Investigate, process, and determine the validity of all claims filed within thirty
8 (30) days after submission thereof,
- 9 c) Exercise administrative control and supervision of the Secretariat through
10 an Executive Director;
- 11 d) Disburse any and all compensation to qualified claimants at the earliest possible
12 time from the Compensation Trust Fund: *Provided*, That in all cases,
13 such disbursement must be made within thirty (30) days after the Board has
14 rendered its decision;
- 15 e) Perform such other functions as shall be necessary for the implementation of
16 this Act.

17 **Sec. 7. Resolution of Claims.** — The Board shall be composed of three (3)
18 divisions which shall function simultaneously and independently of each other in
19 the resolution of claims for compensation. Each division shall be composed of one
20 (1) Chairperson and three (3) members to be appointed by the Board en banc.

21 **Sec. 8. Emoluments.** — The Chairperson and members of the Board shall receive
22 emoluments and allowances, subject to existing rules and regulations.

23 **Sec. 9. Secretariat of the Board.** — The Board shall be assisted by a Secretariat
24 which may come from the existing personnel of the HUDCC, without prejudice to the

1 hiring of additional personnel as determined by the Board to accommodate the
2 volume of required work. The following shall be the functions of the Secretariat:

- 3 (a) Receive, evaluate, process and investigate applications for claims under this Act;
- 4 (b) Recommend to the Board the approval of applications for claims;
- 5 (c) Assist the Board in technical functions; and
- 6 (d) Perform other duties that may be assigned by the Board.

7 The Chairperson of the Board shall appoint an Executive Director who shall head the
8 Secretariat for the duration of the existence of the Board. There shall be a Technical
9 Staff Head assisted by two (2) legal officers and (2) paralegal officers; and an
10 Administrative Staff Head assisted by three (3) Administrative Support Staff.

11 When necessary, the Board may hire additional contractual employees to augment
12 the services of the Secretariat: *Provided*, That the maximum contract amount per
13 year shall not exceed more than fifteen percent (15%) of the total annual operating
14 budget of the Board.

15 **Sec. 10. Operational Budget of the Board.** – The operational budget of Fifty
16 Million Pesos (Php 50,000,000.00) necessary for the initial operations of the Board,
17 which shall be separate from the Compensations Trust Fund, shall be included in the
18 General Appropriations Act to be disbursed to the Housing and Urban Development
19 Coordinating Council (HUDCC). Thereafter, the amount required for its continued
20 operation shall be included in the annual General Appropriations Act.

21 The Board shall ensure that funds appropriated or those which may have become
22 available as compensation for qualified claimants are properly disbursed in
23 accordance with the policies stated by Congress and relevant rules, regulations and
24 accounting procedures.

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CHAPTER III
CLAIMANTS AND COMPENSATION

3 **Sec. 11. Claimants.** — Any person who is a lawful owner of residential house/s
4 or commercial building/s or both, located in the Main Affected Area and Greater
5 Marawi Area, destroyed or damaged either totally or partially on the occasion of
6 the Marawi siege may file a claim with the Board for monetary compensation in
7 accordance with the provisions of this Act.

8 **Sec. 12. Determination of monetary compensation.** —

9 (a) The Board shall determine the monetary compensation and award to
10 the lawful owner/s based on the fair market value of the residential house
11 or commercial building at the time of the Marawi siege.

12 (b) Within thirty (30) days after the Board has approved with finality each
13 eligible claim pending before it and after due publication of such legitimate
14 claim, the award of monetary compensation shall take effect: *Provided,*
15 That any pending appeal filed by an aggrieved claimant before the
16 Board must be resolved sixty (60) days before the Board becomes
17 *functus officio.*

18 (c) The qualified claimant shall use the monetary compensation
19 exclusively for the construction or restoration of the lost or damaged
20 residential or commercial building.

21 (d) The qualified claimant shall report to the Board within six (6) months
22 from receipt of the monetary compensation proof/s of its use.

CHAPTER IV
GENERAL PROVISIONS

1 **Sec. 13. *Publication.*** — The Board, after having been duly convened, shall set the
2 period for the commencement and termination of applications by homeowners or
3 building owners and cause the publication of the same: *Provided,* That such period
4 shall only become operative fifteen (15) days after its last publication, which shall be
5 once a week for three (3) consecutive weeks in at least two (2) national newspapers
6 of general circulation.

7 **Sec. 14. *Period for Filing of Claims; Waiver.*** — A claimant shall file an
8 application for monetary compensation with the Board within six (6) months
9 from the effectivity of the implementing rules and regulations (IRR) of this Act:
10 *Provided,* That failure to file an application within said period is deemed a waiver of
11 the right to file the same: *Provided, further,* That for homeowners or building
12 owners who are deceased, incapacitated, or missing due to the armed conflict in
13 Marawi City, their legal heir/s or representatives shall be entitled to file an
14 application for compensation on their behalf.

15 **Sec. 15. *Appeal.*** — Any aggrieved claimant or oppositor may file an appeal within
16 ten (10) calendar days from the receipt of the Resolution of the Board whose
17 decision shall then become final and executory.

18 **Sec. 16. *Penalties; Applicability of the Revised Penal Code.*** — Any claimant
19 who is found by the Board, after due hearing, to have filed a fraudulent claim or
20 violated any provision of this Act shall be referred to the appropriate office for
21 prosecution. If convicted, he or she shall suffer the imprisonment of six (6) to

1 twelve (12) years, shall be disqualified from public office and employment,
2 and shall be deprived of the right to vote and to run in any national or local election,
3 even after the service of sentence unless granted absolute pardon.

4 Any member of the Board and its Secretariat, public officer, employee of an agency
5 or any private individual mandated to implement this Act, who shall misuse,
6 embezzle or misappropriate the funds for monetary compensation under this Act or
7 who shall commit fraud in the processing of documents and applications of
8 claimants, or shall conspire with any individual to commit the same, shall also be
9 prosecuted.

10 Any member of the Board and its Secretariat, public officer, employee of an agency
11 or any private individual mandated to implement this Act, who may have been found
12 guilty of committing any or all of the prohibited acts stated in the preceding
13 paragraph, or those acts punishable under the Revised Penal Code, shall be
14 penalized under the pertinent provisions in the Code and relevant special penal laws.

CHAPTER V FINAL PROVISIONS

15 **Sec. 17. *Guidelines for the Implementing Rules and Regulations (1RR).*** —
16 Within thirty (30) days from the date of its organization, the Board shall formulate
17 the rules and regulations to effectively implement the provisions of this Act.

18

19 In implementing this Act and in formulating the corresponding rules and
20 regulations, and to ensure that all applications are properly screened, the Board
21 must provide for:

22 (a) Transparency in the processing of the claims;

- 1 (b) A procedure that allows any concerned party to oppose an application or claim
2 on the ground that it is fraudulent, fictitious or spurious and gives that party the
3 opportunity to question the same and to present evidence in support thereof; and
4 (c) A procedure that is speedy and expeditious without sacrificing any of the
5 parties' fundamental rights.

6 **Sec. 18. Joint Congressional Oversight Committee.** — There is hereby
7 created a Joint Oversight Committee to oversee, monitor and evaluate the
8 implementation of this Act.

9 The Oversight Committee shall be composed of five (5) members each from the
10 Senate and from the House of Representatives, including Chairs of the
11 Committees on Housing and Urban Development, and Appropriation of both
12 Houses. The membership of the Committee for every House shall have at least two
13 (2) opposition or minority members.

14 **Sec. 19. Mandatory Evaluation and Review.** — By the end of 2020, the Board
15 shall conduct a mandatory review and submit a midterm report to Congress as to
16 the status of implementation of this Act.

17 **Sec. 20. Work Period; Sunset Clause.** — The Board shall complete its work
18 within three (3) years from the effectivity of the IRR promulgated by it. After such
19 period, it shall become *functus officio*.

20 **Sec. 21. Separability Clause.** — If, for any reason, any section or provision
21 of this Act is declared unconstitutional or invalid, such other sections or provisions
22 not affected thereby shall remain in full force and effect.

1 **Sec. 22. Repealing Clause.** — All laws, decrees, executive orders, rules and
2 regulations or parts thereof inconsistent with any of the provisions of this Act, are
3 hereby repealed, amended or modified accordingly.

4 **Sec. 23. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its
5 complete publication in the Official Gazette or a newspaper of general circulation.

Approved,