

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



'18 JUN 28 P 3 :05

SENATE  
SENATE BILL NO. 1856

RECEIVED BY \_\_\_\_\_

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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

**EXPLANATORY NOTE**

The 1987 Constitution under Article XIII, Section 1 explicitly provides that:

*The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.*

On May 23, 2017, a militant group, composed of the Abu Sayyaf and Maute members, affiliated with the Islamic State of Iraq and Levant (ISIL), attacked the Islamic City of Marawi. The five-month long battle left massive displacement of 78,466 families or 359,680 persons, death toll of 598 militants, 130 government forces, 119 civilian, and 1,287 government forces wounded.<sup>1</sup> The estimated cost of damages to socio-economic, infrastructure, equipment and facilities is at more than P8 billion. It was noted that more than 1,000 houses were partially to totally damaged at an estimated cost of P4 billion and economic cost estimated at another P4 billion.

<sup>1</sup> Task Force Ranao

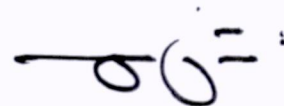
Administrative Order No. 3 was issued by President Rodrigo Duterte creating an Inter-Agency Task Force for Recovery, Reconstruction and Rehabilitation of Marawi City or the Task Force Bangon Marawi. This was initially headed by the Secretary of National Defense, but was later on reorganized by virtue of Administrative Order No. 9, designating the Chairman of the HUDCC, Gen. Del Rosario, as the Chairperson. The re-organization of the Task Force Bangon Marawi echoes the government's existing priority to rebuild and develop the settlement areas affected.

During my visit and consultation with the victims, one of the recommendations from the civil society organizations of internally displaced persons (IDPs) of Marawi is to provide "just reparation and compensation for damages" to the owner of damaged buildings, houses, business and livelihood, as well as families with members killed, missing, trapped and who suffer psycho-emotional trauma.

In this regard, this bill seeks to provide monetary compensation to the qualified claimants who are victims of the Marawi seige. With the enactment of this bill, a Reparation Trust Fund will be created which shall be used to grant reparations. The Marawi Reparation Board shall be created which shall receive all claims, investigate, process, and determine the validity of all claims filed, exercise administrative control and supervision of the Secretariat, and disburse any and all reparations to qualified claimants.

The only way for us to build peaceful, safe and nurturing communities, free of discrimination, political manipulation, oppression and a culture of entitlement, is when we can immediately address the vulnerabilities and desperation of homeless families.

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



**JOSEPH VICTOR G. EJERCITO**



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**MARAWI CITY DURING THE MARAWI SIEGE, APPROPRIATING FUNDS**  
**THEREFOR AND FOR OTHER PURPOSES**

1 *Be it enacted by the Senate and House of Representative of the Philippines in*  
2 *Congress assembled:*

3  
4 **Section 1. Short Title** - This Act shall be known as the "**Marawi Siege Victims**  
5 **Reparation Act of 2018**".

6  
7 **CHAPTER 1**

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

15  
16 Section 2 of Article II of the Constitution provides that the State adopts the  
17 generally accepted principles of international law as part of the law of the land.  
18 Accordingly, the Philippines adhere to international human rights conventions and  
19 laws, particularly the Universal Declaration of Human Rights and the International

1 Covenant on Civil and Political Rights which guarantee protection of the civilian  
2 population and individual civilians, including damage to private property in the  
3 course of legitimate security or police operation where measures shall be undertaken  
4 to repair the damage caused.

5  
6 Section 10 of Article II of the Constitution also declares that the State shall  
7 promote social justice in all phases of national development. In furtherance of these  
8 declared policies, Section 1 of Article XIII of the Constitution mandates Congress to  
9 give highest priority to the enactment of measures that protect and enhance the  
10 right of all the people to human dignity, reduce social, economic and political  
11 inequalities.

12  
13 Further, guided by the United Nations Resolution on Basic Principles and  
14 Guidelines on the Right to a Remedy and Reparation, it is hereby a declared policy  
15 that it is the obligation of the State under international customary law that the  
16 plights of victims of acts of terrorism or armed conflict be given due attention  
17 through adequate, effective and prompt reparation through recognition and/or  
18 compensation of said victims and or their families for these violations.

19  
20 It is therefore a declared the policy of the State to recognize the actual  
21 damages caused by the Marawi siege. It is the State's moral obligation to provide  
22 monetary reparation for the real property losses inside the Main Affected Area (MAA)  
23 and Greater Marawi Area (GMA) caused by the Marawi Siege.

24  
25 **SEC. 3. Monetary Reparation-** Any claimant qualified under this Act shall receive  
26 compensation from the State, free of tax, as herein prescribed: *Provided*, That for a  
27 deceased owner residential or commercial building, the legal heirs as provided for in  
28 the Code of Muslim Personal Laws of the Philippines or the Civil Code of the  
29 Philippines, whichever is applicable, or such other person named by the executor  
30 administrator of the deceased owner's estate in that order, shall be entitled to  
31 receive such compensation. *Provided, further*, That no special power of attorney  
32 shall be recognized in the actual disbursement of the award, and only the owner or



1 the afforested successor(s)-in-interest shall be entitled to personally receive said  
2 compensation from the Board, unless the owner involved is shown to be  
3 incapacitated to the satisfaction of the Board: *Provided, furthermore* , That the  
4 compensation received under the Act shall be considered as a complete satisfaction  
5 of the loss or destruction of home/s or building/s sustained by the owner thereof,  
6 unless Congress, by law, provides for additional monetary reparation to be awarded  
7 to said owner.

8  
9 **SEC. 4. Source of Monetary Reparation. Creation of the Reparations Trust**  
10 **Fund** – Any amount of Twenty Billion Pesos (Php 20,000,000,000.00) shall be  
11 allocated under this act which shall be known as the Compensation Trust Fund. Such  
12 fund will be under the custody of the Board and shall be included in the annual  
13 General Appropriations Act. This fund shall be primarily used to grant reparations to  
14 qualified claimants.

15 **CHAPTER II**  
16 **THE MARAWI REPARATION BOARD**

17  
18 **SEC. 5. Board for the Reparation of the Marawi Siege Claimants** - A Board  
19 for the Reparation of Marawi Siege claimants, hereinafter referred to as the Board, is  
20 hereby established and shall be composed of thirteen (13) members. The Secretary  
21 of the Housing and Urban Development Council (HUDCC) shall be the *ex-officio*  
22 Chairman of the Board. The other twelve (12) members shall be from different  
23 agencies. The composition of such members shall be as follows:

- 24  
25 1. Undersecretary of Department of National Defense (DND)  
26 2. Undersecretary of the Department of Budget and Management (DBM)  
27 3. Undersecretary of Department of Health (DOH)  
28 4. Undersecretary of Department of Education (DepEd)  
29 5. Undersecretary of Department of Public Work and Highways (DPWH)  
30 6. Undersecretary of Department of Justice (DOJ)  
31 7. Undersecretary of Department of Finance ( DOF)

- 1           8. Undersecretary of Department of Social Services and Development
- 2           (DSWD)
- 3           9. Undersecretary of Department of Environment and Natural Resources
- 4           (DENR)
- 5           10. Undersecretary of the Department of Trade and Industry (DTI)
- 6           11. Administrator, Land Registration Authority (LRA)
- 7           12. Governor, Provincial Government of Lanao del Sur
- 8           13. Mayor, City Government of Marawi

9           Such Board will be under the direct control and supervision of the HUDCC,  
10 *Provided*, That no person shall be a member of the Board if he/or she is a victim  
11 entitled to compensation as defined under this Act.

12  
13           There shall be created a Secretariat, whose task is to perform the primary  
14 function of identifying and monitoring the legitimate claimants who shall be eligible  
15 for reparations under this Act, and such other functions as may be defined by the  
16 Board.

17  
18 **SEC. 6. Powers and Functions** - The Board shall have the following powers and  
19 functions:

- 20
- 21           a.) Receive all claims under this act together with the pertinent documents
- 22           to such claims;
- 23
- 24           b.) Investigate, process, and determine the validity of all claims filed
- 25           within thirty (30) days after submission thereof;
- 26
- 27           c.) Exercise administrative control and supervision of the Secretariat
- 28           through an Executive Director;
- 29
- 30           d.) Disburse any and all reparations to qualified claimants at the earliest
- 31           possible time from the Reparations Trust Fund, *Provided* That in all

1 cases, such disbursement must be made within thirty (30) days after  
2 the Board has rendered its decision.

- 3  
4 e.) Perform such other functions as shall be necessary for the  
5 implementation of this Act.  
6

7 **Section 7. Resolution of Claims** – The Board shall be composed of three (3)  
8 divisions which shall function simultaneously and independently of each other in the  
9 resolution of claims for reparation. Each division shall be composed of one (1)  
10 Chairperson and three (3) members to be appointed by the Board *en banc*.

11  
12 **Section 8. Emoluments.** - The Chairperson and members of the Board shall  
13 receive emoluments and allowances, subjects to existing rules and regulations.  
14

15 **Section 9. Secretariat of the Board.** – The Board shall be assigned by a  
16 Secretariat which may come from the existing personnel of the HUDCC, without  
17 prejudice to the hiring of additional personnel as determined by the Board to  
18 accommodate the volume of required work. The following shall be the functions of  
19 the Secretariat:  
20

- 21 (a) Receive, evaluate, process and investigate applications for claims under  
22 this Act;  
23 (b) Recommended to the Board the approval of application for claims;  
24 (c) Assist the Board in technical functions; and  
25 (d) Perform other duties that may be assigned by the Board.  
26

27 The Chairperson of the Board shall appoint an Executive Director who shall  
28 head the Secretariat for the duration of the existence of the Board. There shall be a  
29 Technical Staff Head assisted by five (5) Legal Officers and three (3) Paralegal  
30 Officers; and an Administrative Staff Head assisted by the three (3) Administrative  
31 Support Staff.  
32



1 When necessary, the Board may hire additional contractual employees or  
2 contract a service provider to provide services of counselors, psychologist, social  
3 workers, and public education specialists, among others, to augment the services of  
4 the Secretariat: *Provided*, That the maximum contract amount per year shall not  
5 exceed more than fifteen percent (15%) of the total annual operating budget of the  
6 Board.

7  
8 **Section 10. Operational Budget of the Board.** – The operational budget of Fifty  
9 Million Pesos (Php 50,000,000.00) necessary for the initial operations of the Board  
10 which shall be separate from the Reparations Trust Fund, shall be included in the  
11 General Appropriations Act (GAA) to be disbursed to the HUDCC. Thereafter, the  
12 amount required for its continued operation shall be included in the annual GAA.

13  
14 The Board shall ensure that funds appropriated or those which may have  
15 become available as compensation for qualified claimants are properly disbursed in  
16 accordance with the policies stated by Congress and relevant rules, regulations and  
17 accounting procedures.

18  
19  
20 **CHAPTER III**  
21 **CLAIMANTS AND REPARATION**

22  
23 **Section 11. Claimants.** – Any person who is a lawful owner of residential house/s  
24 or commercial buildings/s or both, located in the Main Affected Area and Greater  
25 Marawi Area, destroyed or damaged, either totally or partially on the occasion of the  
26 Marawi siege, may file a claim with the Board for monetary reparation in accordance  
27 with the provisions of this Act.

28  
29 **Section 12. Determination of monetary reparation.** –  
30



- 1 a. The Board shall determine the monetary reparation and award to the lawful  
2 owner/s based on the fair market value of the residential house or  
3 commercial building at the time of the Marawi siege.  
4
- 5 b. Within thirty (30) days after the Board has approved with finality each eligible  
6 claim pending before it and after due publication of such legitimate claim, the  
7 award of monetary reparation shall take effect: *Provided*, That any pending  
8 appeal filed by an aggrieved claimant before the Board must resolved sixty  
9 (60) days before the Board becomes *functus officio*.  
10
- 11 c. The qualified claimant shall use the monetary compensation exclusively for  
12 the construction or restoration of the lost or damaged residential or  
13 commercial building.  
14
- 15 d. The qualified claimant shall report to the Board within six (6) months from  
16 receipt of the monetary compensation proof/s of its use.  
17

18 **CHAPTER IV**  
19 **GENERAL – PROVISIONS**  
20

21 **Section 13. Publication.** – The Board, after having been duly convened, shall set  
22 the period for the commencement and termination of applications by homeowners or  
23 building owners and cause the publication of the same: *Provided*, That such period  
24 shall only become operative fifteen (15) days after its last publication, which shall be  
25 once a week for three (3) consecutive weeks in at least two (2) national newspapers  
26 of general circulation.  
27

28 **Section 14. Period for Filing of Claims; Waiver,** - A claimant shall file an  
29 application for monetary reparation with the Board within six (6) months from the  
30 effectivity of the Implementing Rules and Regulation (IRR) of this Act: *Provided*,  
31 That failure to file an application within said period is deemed a waiver of the right  
32 to file the same; *Provided, further*, That for homeowner or building owners who are

1 deceased, incapacitated, or missing due to the armed conflict in Marawi City, their  
2 legal heir/s or representatives, shall be entitled to file an application for reparation  
3 on their behalf.

4  
5 **Section 15. Appeal.** – Any aggrieved claimant or oppositor may file an appeal  
6 within ten (10) calendar days from the receipt of the Resolution of the Board whose  
7 decision shall then become final and executory.

8  
9 **Section 16. Penalties; Applicability of the Revised Penal Code.**– Any  
10 claimant who is found by the Board, after due hearing, to have filed a fraudulent  
11 claim, shall be referred to the appropriate office for prosecution. If convicted, he  
12 shall suffer the imprisonment of eight (8) to ten (10) years, shall be disqualified from  
13 public office and employment and shall be deprived of the right to vote and be voted  
14 for in any national or local election, even after the service of sentence unless  
15 granted absolute pardon.

16  
17 Any member of the Board and its Secretariat, public officer, employee of an  
18 agency or any private individual mandated to implement this Act, who shall misuse,  
19 embezzle or misappropriate the funds for monetary reparation under this Act or who  
20 shall commit fraud in the processing of documents and applications of claimants, or  
21 shall conspire with any individual to commit the same, shall also be prosecuted,

22  
23 Any member of the Board and its Secretariat, public officer, employee of an  
24 agency or any private individual mandated to implement this Act, who may have  
25 been found guilty of committing any or all of the prohibited acts stated in the  
26 preceding paragraph, or those acts punishable under the Revised Penal Code, shall  
27 be penalized under the pertinent provisions in the Code and relevant special penal  
28 laws.

29  
30 **CHAPTER V**  
31 **FINAL PROVISIONS**  
32



1 **Section 17. Guidelines for the Implementing Rules and Regulations**

2 **(IRR).**- Within thirty (30) days from the date of its organization, the Board shall  
3 formulate the rules and regulations to effectively implement the provisions of this  
4 Act. The IRR shall be effective fifteen (15) days after its publication in to (2) national  
5 newspapers of general circulation.  
6

7 In implementing this Act and in formulating the corresponding rules and  
8 regulations, and to ensure that all applications are properly screened for fraudulent  
9 claims, the Board must provide for:

- 10
- 11 (a) Transparency in the processing of the claims;
- 12
- 13 (b) A procedure that allows any concerned party to oppose an application or  
14 claim on the ground that it is fraudulent, fictitious or spurious and gives  
15 that party the opportunity to question the same and to present evidence  
16 in support thereof; and  
17
- 18 (c) A procedure that is speedy and expeditious without sacrificing any of the  
19 parties' fundamental rights.  
20

21 **Section 18. Joint Congressional Oversight Committee.** – There is hereby  
22 created a Joint Congressional Oversight Committee to oversee, monitor and evaluate  
23 the implementation of this Act.  
24

25 The Oversight Committee shall be composed of five (5) members each from  
26 the Senate and from the House of Representatives, including the Chair of the House  
27 Committee on Housing and Urban Development and the Senate Committee on Urban  
28 Planning, Housing and Resettlement, the Committee on Appropriations and Finance  
29 of both Houses, and at least two (2) members from the minority.  
30

1 **Section 19. Mandatory Evaluation and Review.** - By the end of 2020, the  
2 Board shall conduct a mandatory review and submit a midterm report to Congress as  
3 to the status of implementation of this Act.  
4

5 **Section 20. Work Period; Sunset Clause.** – The Board shall complete its work  
6 within three (3) years from the effectivity of the IRR promulgated by it. After such  
7 period, it shall become *functus officio*.  
8

9 **Section 21. Separability Clause.** – If, for any reason, any section or provision of  
10 this Act is declared unconstitutional or invalid, such other sections or provisions not  
11 affected thereby shall remain in full force and effect.  
12

13 **Section 22. Repealing Clause.** – All laws, decrees, executive orders, rules and  
14 regulations or parts thereof inconsistent with any of the provisions of this Act, are  
15 hereby repealed, amended or modified accordingly.  
16

17 **Section 23. Effectivity Clause.** – That Act shall take effect fifteen (15) days after  
18 its complete publication in the *Official Gazette* or in at two (2) national newspapers  
19 of general circulation.  
20

21 Approved,  
22  
23  
24