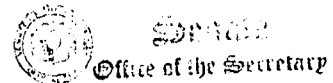


**EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



20 MAR -4 P 4 :07

SENATE

Senate Bill No. 1395

RECEIVED

Introduced by Senators Juan Miguel F. Zubiri, Ronald "Bato" M. dela Rosa, Francis "Tol" N. Tolentino, Christopher Lawrence T. Go, Imee R. Marcos

**AN ACT
PROVIDING MONETARY COMPENSATION FOR THE LOSS OR
DESTRUCTION OF RESIDENTIAL, CULTURAL, COMMERCIAL
STRUCTURES, AND OTHER PROPERTIES IN THE MAIN AFFECTED AREA
(MAA) AND THE GREATER MARAWI AREA (GMA) DURING THE SIEGE
OF 2017, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

On 23 May 2017, a militant group composed of the Abu Sayaff 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, and 119 civilians; as well as 1,287 government forces wounded (Task Force Ranao).

The estimated cost of damages to socio-economic, infrastructure, equipment and facilities is at more than Php 8 billion. It was noted that more than 1,000 houses were partially to totally damaged at an estimated cost of Php 4 billion and economic cost estimated at another Php 4 billion.

Administrative Order No.3 was issued by President Rodrigo 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 reorganization of the Task Force Bangon Marawi is a statement of the government's commitment to rebuild and develop the settlement of the areas affected. Major infrastructures were destroyed and thousands of Marawi residents were left without shelter, without their place of business, and without jobs and other means of livelihood. Places of worship, educational facilities, and health care centers were leveled to the ground. They need the government's urgent help to get back on their feet and bring their lives back to normal.

This proposed bill seeks to provide monetary compensation for the loss or destruction of residential, cultural, commercial facilities, and other properties,

following the precedent set by RA No. 10368, otherwise known as the "The Human Rights Victims Reparation and Recognition Act of 2013" and cognizant of the principle of just compensation embedded in the social justice provisions of the 1987 Constitution.

The State has the moral and legal obligation to provide concrete solutions to the concerns of the victims in the long process of reconstruction, rehabilitation and recovery from damages brought about by the Marawi siege.


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



JUAN MIGUEL F. ZUBIRI




RONALD "BATO" M. DELA ROSA



FRANCIS "TOL" N. TOLENTINO

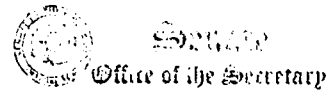


CHRISTOPHER LAWRENCE T. GO



IMEE R. MARCOS *disregarding my opposition to RA 10368 at the time it was deliberated*

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MARAWI AREA (GMA) DURING THE SIEGE OF 2017, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

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

CHAPTER I

PRELIMINARY PROVISIONS

1
2
3
4 Section 1. Short Title - This Act shall be known as the "*Marawi Siege Victims*
5 *Compensation Act of 2020.*"
6

7 Sec. 2. Declaration of Policy – Section 1 of Article XIII of the Constitution
8 mandates Congress to give highest priority to the enactment of measures that protect
9 and enhance the right of all the people to human dignity, reduce social, economic and
10 political inequalities, and remove cultural inequities by equitably diffusing wealth and
11 political power for the common good. Section 2 of Article XII of the Constitution
12 provides that the promotion of social justice shall include the commitment to create
13 economic opportunities based on freedom of initiative and self-reliance. The enactment
14 of measures calculated to alleviate the plight of those plagued and disadvantaged by
15 the scourge of war is not only an advancement of the cause of social justice but
16 likewise an expression of *parens patriae* in that the State serves as a guardian of the
17 civilians who have become vulnerable and marginalized because of internal armed
18 conflicts.
19

1 Consistent with the foregoing, it is hereby declared that the policy of the State is
2 to recognize the suffering and hardship that the civilians affected by the Marawi siege
3 have to endure. To alleviate their plight, the State hereby acknowledges its moral
4 obligation to provide monetary reparation for their property losses during the Marawi
5 siege.

6
7 Sec. 3. Definition of Terms. – The following terms as used in this Act shall mean:

- 8 (a) Residential house refers to any building or tenement that is used exclusively or
9 partially for residential purposes.
- 10 (b) Cultural structures and facilities refer to mosques, madaris, schools and colleges,
11 hospitals and other health facilities.
- 12 (c) Commercial building refers to any building that is used exclusively for commercial
13 and business purposes.
- 14 (d) Other Properties refer to house appliances, jewelries, machineries, rice mills, and
15 other equipment(s) of value.
- 16 (e) Main Affected Areas (or) (MAA) refer to the main affected barangays in Marawi City
17 during the Marawi siege consisting of twenty-four (24) barangays, namely:

- 18 1. Lumbac Madaya
- 19 2. South Madaya
- 20 3. Raya Madaya 1
- 21 4. Raya Madaya 2
- 22 5. Sabala Amanao
- 23 6. Sabala Amanao Proper
- 24 7. Tolali
- 25 8. Daguduban
- 26 9. Norhaya Village
- 27 10. Banggolo Poblacion
- 28 11. Bubong Madaya
- 29 12. Lilod Madaya
- 30 13. Dansalan
- 31 14. Datu Sa Dansalan
- 32 15. Sangkay Dansalan
- 33 16. Moncado Colony
- 34 17. Moncado Kadilingan
- 35 18. Marinaut West
- 36 19. Marinaut East

- 1 20. Kapantaran
- 2 21. Wawalayan Marinaut
- 3 22. Lumbac Marinaut
- 4 23. Tuca Marinaut
- 5 24. Datu Naga
- 6 (f) Other Affected Areas or OAA refer to the other affected barangays in Marawi City
- 7 during the Marawi siege, namely:
- 8 25. Saduc Proper
- 9 26. Panggao Saduc
- 10 27. Raya Saduc
- 11 28. Lilod Saduc
- 12 29. Datu Saber
- 13 30. Bangon
- 14 31. Fort
- 15 32. Wawalayan Caloocan

16

17 Sec. 4. Entitlement to Monetary Compensation. – Any owner of a residential,
18 cultural, commercial structures, and other properties in Marawi’s MAA/OOA qualified
19 under this Act shall receive compensation from the State, free of tax, as herein
20 prescribed: *Provided*, That in case the claim is for a property covered by insurance, the
21 compensation receivable under this Act shall only be to the extent not covered by
22 insurance; *Provided, further*, That for the deceased owner of said properties, the legal
23 heirs as provided for in the Code of Muslim Personal Laws of the Philippines or the Civil
24 Code of the Philippines, whichever is applicable, or such other person named by the
25 executor or administrator of the deceased owner’s estate in that order, shall be entitled
26 to receive such compensation; *Provided, furthermore*, That no special power of attorney
27 shall be recognized in the actual disbursement of the award, and only the owner or the
28 aforesaid successor(s)-in-interest shall be entitled to personally receive said
29 compensation from the Board, unless the owner involved is shown to be incapacitated
30 to the satisfaction of the Board; *Provided, finally*, That the compensation received under
31 this Act shall be considered as a complete satisfaction of the loss or destruction of the
32 properties sustained by the owner thereof, unless Congress provides for additional
33 monetary compensation to the said owner(s).

34
35
36

1 Sec. 5. Source of Money Compensation. - The amount of Thirty Billion Pesos
2 (P30,000,000,000.00) shall be the principal source of funds for the implementation of
3 this Act, which shall be included in the Annual General Appropriations Act (GAA) for the
4 next three years in three (3) equal amounts.

5
6 **CHAPTER II**
7 **THE MARAWI COMPENSATION BOARD**

8
9 Sec. 6. Creation and Composition of the Marawi Compensation Board. – There is
10 hereby created an independent and quasi-judicial body to be known as the Marawi
11 Compensation Board (MCB), hereinafter referred to as the Board. It shall be composed
12 of nine (9) members, who shall possess the following qualifications:

13 (a) Must be of known probity, competence and integrity;

14 (b) Must have a deep and thorough understanding and knowledge of
15 compensation as a concept in international law and Philippine law; and

16 (c) At least three (3) of them of them must be members of the Philippine Bar,
17 preferably Maranao lawyers, who have been engaged in the practice of law for at least
18 five (5) years and there should be one (1) licensed physician, one (1) certified public
19 accountant, one (1) educator and one(1) licensed civil engineer.

20
21 The Board shall organize itself within thirty (30) days from the completion of
22 appointment of its members and shall thereafter organize its Secretariat.

23
24 Sec. 7. Appointment to the Board. – The President shall appoint the Chairperson
25 and the other eight (8) members of the Board: *Provided*, That organizations of
26 traditional leaders, professionals, the Ulama and civil society organizations may submit
27 nominations to the President.

28
29 Sec. 8. Powers and Functions of the Board. – The Board shall have the following
30 powers and functions:

31 (a) Receive, evaluate, process and investigate applications for claims under this
32 Act;

33 (b) Issue subpoenas *ad testificandum* and subpoenas *duces tecum*;

34 (c) Conduct independent administrative proceedings and resolve disputes over
35 claims;

36 (d) Approve with finality all eligible claims under this Act;

1 (e) Deputize appropriate government agencies to effectively perform its
2 functions;

3 (f) Promulgate such rules as may be necessary to carry out the purposes of this
4 Act, including rules of procedure in the conduct of its proceedings, with the Revised
5 Rules of Court of the Philippines having suppletory application;

6 (g) Exercise administrative control and supervision over its Secretariat;

7 (h) At its discretion, may consult the organizations mentioned in Section 7
8 herein; and

9 (i) Perform such other duties, functions and responsibilities as may be necessary
10 to effectively attain the objectives of this Act.

11

12 Sec. 9. Emoluments. – The Chairperson and members of the Board shall have
13 the rank, salary, emoluments and allowances equivalent to a Presiding Justice and
14 Associate Justice of the Court of Appeals, respectively.

15

16 Sec. 10. Secretariat of the Board.- The Board shall be assisted by a Secretariat
17 which shall come from the existing personnel of the Department of Human Settlements
18 and Urban Development, without prejudice to the hiring of additional personnel as
19 determined by the Board to accommodate the volume of required work. The following
20 shall be the functions of the Secretariat:

21 (a) Receive, evaluate, process and investigate applications for claims under this
22 Act;

23 (b) Recommend to the Board the approval of applications for claims;

24 (c) Assist the Board in technical functions; and

25 (d) Perform other duties that shall be assigned by the Board.

26

27 The Chairperson of the Board shall appoint a Board Secretary who shall head the
28 Secretariat for the duration of the existence of the Board. The Board Secretary shall
29 have a Technical Staff composed of legal and administrative personnel wherein the staff
30 plantilla positions and salaries shall be determined in the Implementing Rules and
31 Regulations or IRR. When necessary, the Board may hire additional personnel
32 consistent with issuances of the Civil Service Commission.

33

34 Sec. 11. Resolution of Claims. – The Board shall be composed of three (3)
35 divisions which shall function simultaneously and independently of each other in the
36 resolution of claims for compensation. Each division shall be composed of one (1)

1 Chairperson, who shall be a member of the Philippine Bar and two (2) members to be
2 appointed by the Board *en banc*.

3
4 Sec. 12. Operating Budget of the Board. - The operating budget of the Board
5 shall be funded from the Thirty Billion Pesos (P30,000,000,000.00) fund, with Thirty
6 Million Pesos (P30,000,000.00) as its initial operating budget: *Provided*, That it shall not
7 exceed Fifty Million Pesos (P50,000,000.00) a year.

8
9 Sect. 13. Proper Disposition of Funds. – The Board shall ensure that funds
10 appropriated or those which may become available as compensation for rightful
11 claimants are properly disbursed in accordance with the policies stated by Congress and
12 relevant government rules, regulations and accounting procedures.

13
14 **CHAPTER III**
15 **CLAIMANTS AND COMPENSATION**

16
17 Sec. 14. Claimants. – Any person who is a lawful owner of a residential, cultural,
18 commercial structures, and other properties as stated in the definition of terms both
19 located in the main affected area, and was destroyed or damaged either totally or
20 partially on the occasion of the Marawi siege may file a claim with the Board for
21 compensation in accordance with the provisions of this Act.

22
23 Sec. 15. Determination of Monetary Compensation. –

24 (a) The Board shall determine the monetary compensation and award to the lawful
25 owner(s), whichever is the lower amount of either the fair market value of the
26 residential, cultural, commercial structures, and other properties, or other real
27 properties or the value of its total area per storey equivalent to an amount to be
28 determined in the implementing rules and regulations of this Act. In case of claims for
29 loss or destruction of personal properties, the claimant shall present competent
30 evidence of the loss or destruction, ownership, as well as the fair market value of the
31 personal properties.

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

1
2 **CHAPTER IV**
3 **GENERAL PROVISIONS**
4

5 Sec. 16. Publication. – The Board after having been duly convened, shall set the
6 period for the commencement and termination of applications by homeowners or
7 building owners and cause the publication of the same: *Provided*, That such period shall
8 only become operative fifteen (15) days after its last publication, which shall be once a
9 week for three (3) consecutive weeks in at least two (2) national newspapers of general
10 circulation.

11
12 Sec. 17. Period for Filing of Claims; Waiver. – A homeowner or building owner
13 shall file an application for monetary compensation with the Board within six (6) months
14 from the effectivity of the implementing rules and regulations (IRR) of this Act:
15 *Provided*, That failure to file an application within said period is deemed a waiver of the
16 right to file the same; *Provided, further*, That for homeowners or building owners who
17 are deceased, incapacitated, or missing due to the armed conflict in Marawi City, their
18 legal heirs or representatives, shall be entitled to
19 file an application for compensation on their behalf.

20
21 Sec. 18. Appeal. – Any aggrieved claimant or oppositor may file an appeal within
22 ten (10) calendar days from receipt of the compensation of the Board whose decision
23 shall become final and executory.

24
25 Sec. 19. Penalties, Applicability of the Revised Penal Code. – Any claimant who is
26 found by the Board, after due hearing, to have filed a fraudulent claim shall be referred
27 to the appropriate office for prosecution. If convicted, he or she shall suffer an
28 imprisonment of eight (8) to ten (10) years, shall be disqualified from public office and
29 employment and shall be deprived of the right to vote and be voted for in any national
30 or local election, even after the service of sentence unless granted absolute pardon.

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

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

7
8 **CHAPTER V**
9 **FINAL PROVISIONS**

10
11 Sec. 20. Guidelines for the Implementing Rules and Regulations (IRR). – The
12 Board shall promulgate the implementing rules and regulations (IRR) of this Act within
13 thirty (30) days from its organization. In implementing this Act and in formulating the
14 corresponding rules and regulations, and to ensure that all applications are properly
15 processed, the Board must provide for:

16
17 (a) Transparency in the processing of the claims;

18 (b) A procedure that allows any concerned party to oppose an application or
19 claim on the ground that it is fraudulent, fictitious or spurious and gives that party the
20 opportunity to question the same and to present evidence in support thereof; and

21 (c) A procedure that is speedy and expeditious without sacrificing any of the
22 fundamental rights of the parties.

23
24 The IRR shall be effective fifteen (15) days after its publication in two (2)
25 national newspapers of general circulation.

26
27 Sec. 21. Work Period; Sunset Clause. – The Board shall complete its work within
28 five (5) years from the effectivity of the IRR promulgated by it. After such period, it
29 shall become *functus officio*.

30
31 Sec. 22. Separability Clause. – If, for any reason, any section or provision of this
32 Act is declared unconstitutional or invalid, such other sections or provisions not affected
33 thereby shall remain in full force and effect.

34

1 Sec. 23. Repealing Clause. – All laws, decrees, executive orders, rules and
2 regulations or parts thereof inconsistent with any of the provisions of this are hereby
3 repealed, amended or modified accordingly.

4
5 Sec. 24. Effectivity Clause. – This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in at least two (2) national newspapers or general
7 circulation.

Approved,