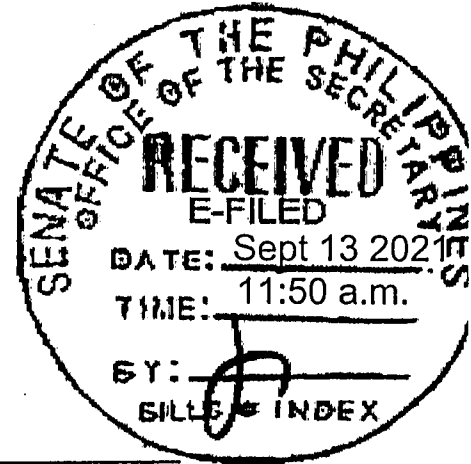


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE

S.B. No. 2394



INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
PROVIDING COMPENSATION FOR THE LOSS OF LIVES AND FOR THE DESTRUCTION
OF RESIDENTIAL AND COMMERCIAL PROPERTIES AS A RESULT OF THE 2017
ARMED CONFLICT BETWEEN THE ARMED FORCES OF THE PHILIPPINES AND
TERRORIST GROUPS IN MARAWI CITY, LANA DEL SUR, AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

More than four years after the Marawi Siege that displaced almost 370,000 individuals and left the once vibrant city in ruins, most of those who lost their homes and livelihood have yet to settle in more permanent dwellings, much less go back to their lives as it was before the armed conflict. Many of them still live in transitory shelters or are being fostered in already cramped houses of their relatives in nearby areas, and can only dream of going back home.


Rebuilding a city that was reduced to rubble by mortar shells and other heavy artillery has been painstakingly slow. For Marawi residents, this is made slower by the continued displacement from their homes and places of livelihood, and the uncertainty that they shall be compensated for their properties that have been destroyed in the five-month firefight and the disruption to their lives it has brought upon them.

It is therefore incumbent upon the State to address the destruction of property and the loss of lives and livelihood of the city's residents for the last four years.

The bill seeks to institutionalize the Task Force Bangon Marawi (TFBM) which was established by virtue of Administrative Order No. 3 Series of 2017, and was later on reorganized by way of Administrative Order No. 9 Series of 2017. The institutionalization of the TFBM is sought that it may fully fulfill its mandate of implementing the Marawi Recovery, Rehabilitation, and Reconstruction Program.

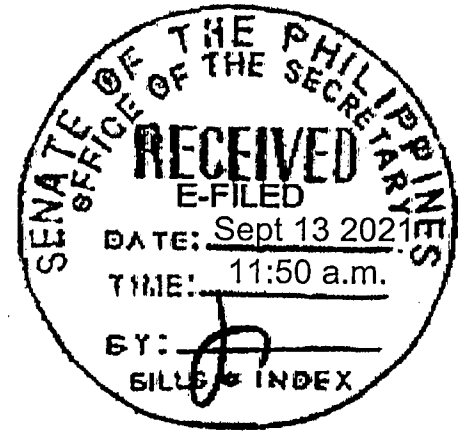
The bill likewise proposes the adoption of a compensation scheme to respond to the need for recompense for the damages wrought upon lives and property brought about by the armed conflict. It creates the TFBM Claims and Compensation Subcommittee tasked to process claims guided by the spirit of Republic Act No. 10368, or the Human Rights Victims Reparation and Recognition Act of 2012 with its strong emphasis on social justice as enshrined in the Philippine Constitution.

The immediate passage of this bill is earnestly sought.


RISA HONTIVEROS
Senator

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1 **SEC. 1. *Short Title.*** – This Act shall be known as the “Marawi Compensation Act.”
2

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State, as enshrined in
4 the Constitution, to value the dignity of every person, and guarantee full respect for human rights,
5 including rights of indigenous cultural communities and other vulnerable groups such as women
6 and children, at all times. It is also a declared the policy of the State to provide compensation or
7 reparation to the internally-displaced persons (IDPs) of the 2017 Marawi Armed Conflict whose
8 damaged or demolished property and possessions cannot be recovered.
9

10 The State shall also fulfill its obligations under international human rights and
11 humanitarian laws, thus, it recognizes the basic principles and guidelines on the right to remedy
12 and reparation for victims of gross human rights violations.
13

14 The State is likewise obligated to recognize the essence of providing reparation and
15 compensation for persons and families whose rights were violated and whose economic, social,
16 and cultural rights were unfulfilled as a result of armed conflicts.
17

18 **SEC. 3. *Definition of Terms.*** – As used in this Act:
19

20 (a) Commercial property refers to any building or structure that is used exclusively for
21 commercial or business purposes;
22

23 (b) Marawi Armed Conflict refers to the 2017 armed conflict between Philippine
24 Government security forces and terrorist groups that occurred in Marawi City, Lanao
25 del Sur;
26

27 (c) Residential Property refers to any building or structure that is used exclusively or
28 partially for residential purposes;
29

30 **SEC. 4. *Creation of Task Force Bangon Marawi (TFBM).*** – The Task Force Bangon Marawi,
31 established by virtue of Administrative Order No. 3 Series of 2017, and Administrative Order No.
32 9 Series of 2017, as amended, is hereby institutionalized to achieve the objectives set in the
33 Marawi Recovery, Rehabilitation, and Reconstruction Program (MRRRP). The TFBM and its
34 subcommittees shall function until the completion of the MRRRP and the fulfillment of the
35 provisions of this Act.

1 **SEC. 5. Compensation for Private Properties affected by the MRRRP.** – In accordance
2 with Section 9, Article III of the Constitution, all properties damaged and demolished as part of
3 the implementation of the MRRRP shall be compensated for:
4

5 (a) Amendment to RA 10752. – Section 3 of Republic Act No. 10752 otherwise known as
6 the "Right of Way Act," is hereby amended to include the MRRRP, Debris Management
7 Programs, and programs that require the demolition of private property for the search
8 and recovery of Unexploded Ordnance (UXO);
9

10 (b) Determination of Replacement Cost. – Private property owners shall be granted a
11 Replacement Cost for loss or destruction of property as a result of the MRRRP. The
12 replacement cost shall be based on the current market value of the improvements and
13 structures as determined by:

- 14 i. The implementing agency;
15 ii. A government financial institution with adequate experience in property
16 appraisal; or
17 iii. An independent property appraiser accredited by the Bangko Sentral ng
18 Pilipinas (BSP).
19

20 In the absence of baseline data or the required documents, the cost estimates and data
21 utilized for the Post-Conflict Needs Assessment (PCNA) mandated under the MRRRP may be used
22 to determine just compensation. The TFBM must update the PCNA, especially on the provision of
23 permanent housing within three (3) months after the enactment of this law.
24

25 (c) Entitlement to New Land Titles. – Property owners granted appropriate replacement
26 cost shall not be precluded from receiving and benefitting from the MRRRP Land Titling
27 Program, which intends to return real property to the owner in the form of new land
28 titles.
29

30 **SEC. 6. The TFBM Claims and Compensation Committee.** – In addition to the existing TFBM
31 subcommittees on Reconstruction, Housing, Peace and Order, Health and Social Welfare,
32 Business and Livelihood, and Land Resource Management, there is hereby created a
33 Subcommittee on Claims and Compensation, herein referred to as the Subcommittee, which shall
34 be tasked to process claims in line with the spirit of Republic Act No. 10368, otherwise known as
35 the "Human Rights Victims Reparation and Recognition Act of 2012". The Subcommittee shall be
36 attached to, yet independent from the TFBM.
37

38 (a) The Subcommittee shall be chaired by the Chairperson of the Commission of Human
39 Rights (CHR), co-chaired by the Head of the Bangsamoro Human Rights Commission
40 (BHRC), and composed of five (5) members organic to CHR and BHRC organizations
41 that comply with Section 8 of RA 10368, and two (2) members of Marawi civil society
42 organizations.
43

44 (b) Honoraria and other operational expenses of the Subcommittee shall be provided by
45 the TFBM, notwithstanding that the Subcommittee may seek funding assistance from
46 international governing bodies or foreign aid;
47

48 (c) The Subcommittee shall be assisted by existing personnel of the CHR and BHRC
49 without prejudice that the TFBM may hire additional personnel to accommodate the
50 volume of work required. Likewise, the TFBM may source fund augmentation from
51 International Governing Bodies, Foreign Aid, the Bangsamoro Autonomous Regional
52 Government, or the Local Governments subject to existing laws, rules and regulations.
53

54 **SEC. 7. Powers and Functions.** – The Claims and Compensation Subcommittee shall have the
55 following powers and functions:
56

- 1 (a) Receive all claims under this Act together with the pertinent documents to such
2 claims;
3 (b) Investigate, process, and determine the validity of all claims filed;
4 (c) Conduct independent administrative hearings and resolve or deny applications for
5 compensation;
6 (d) Disburse any and all compensation to qualified claimants at the earliest possible
7 time;
8 (e) Promulgate rules and regulations to carry out the objectives of this Act; and
9 (f) Perform such other functions as may be necessary for the implementation of this
10 Act.
11

12 **SEC. 8. Resolution of Claims.** – The Subcommittee shall resolve a claim for compensation
13 within thirty (30) working days after the receipt of the application.
14

15 **SEC. 9. Claimants.** – Lawful owners or possessors who have become internally displaced
16 persons (IDPs) as a result of the demolition or destruction of their private properties due to the
17 2017 Marawi Armed Conflict may file a claim in accordance with the provisions of this Act:
18

19 *Provided,* That if the owner of the properties is deceased, the legal heirs as provided for
20 in the Code of Muslim Personal Laws of the Philippines or the Civil Code of the Philippines,
21 whichever is applicable, or such other person names by the executor or administrator of the
22 deceased owner's estate in that order, shall be entitled to receive such compensation.
23

24 **SEC. 10. Determination of Monetary Compensation.** – The compensation claims under this
25 Act shall be patterned after Republic Act No. 10368; *Provided,* that the widespread displacement
26 and wholesale destruction of property, and its socio-cultural and religious impact on the lives of
27 the people of Marawi shall be considered and given due weight.
28

29 The Commission on Human Rights *en banc* shall have the authority to determine the point
30 allocation to victims who died and who have been disappeared as a result of the armed conflict,
31 and whose properties have been destroyed, in congruence with Section 19 of RA 10368; *Provided,*
32 That the monetary award for claimants under this Act shall be equivalent and not exceed the
33 monetary amount granted to the human rights victims recognized by RA 10368.
34

35 **SEC. 11. Consolidation of Claims.** – The Subcommittee shall determine the final budgetary
36 requirement to award all claims which shall be submitted to the Department of Budget and
37 Management (DBM) through the TFBM.
38

39 **SEC. 12. Awarding of Monetary Compensation.** – The award of monetary compensation
40 shall take effect upon its reflection in the Annual General Appropriations Act and upon the
41 Subcommittee's completion and approval with finality of each eligible claim pending before it, and
42 after due publication of such legitimate claim; *Provided,* That any pending appeal filed by an
43 aggrieved claimant before the Subcommittee must be resolved by it within sixty (60) days after
44 concluding the final list of claimants and monetary amount to be granted.
45

46 The CHR and BHRC shall develop procedures for the awarding of monetary compensation
47 to rightful claimants in accordance with national laws, policies, and regulations respecting at all
48 times the right to self-determination of the Bangsamoro afforded by Republic Act No. 11054 or
49 the Bangsamoro Organic Law. A special audit shall be conducted by the Commission on Audit
50 upon the termination of the existence of the TFBM.
51

52 **SEC. 13. Publication.** – The Subcommittee shall set the period for the commencement and
53 termination of applications by property owners and cause the publication of a formal
54 announcement about such application; *Provided,* That such period shall be effective fifteen (15)
55 days after its publication in two (2) newspapers of general circulation.
56

57 **SEC. 14. Period of Filing Claims; Waiver.** – Claims for compensation may be filed with the
58 Subcommittee within one (1) year after it has been duly organized, and in accordance with the

1 rules and regulations to be promulgated to implement this Act; *Provided*, That the failure to file
2 an application within the said period shall be deemed a waiver of the right to file the same.
3

4 **SEC. 15. *Appeal.*** – Any aggrieved claimant or oppositor to a claim may file an appeal within
5 fifteen (15) calendar days from the receipt of the decision of the Subcommittee, otherwise, the
6 Subcommittee’s decision shall become final and executory.
7

8 **SEC. 16. *Penalties, Applicability of the Revised Penal Code.*** – Fraud committed in the
9 course of availing of the compensation provided by this Act shall be referred to the appropriate
10 government office for prosecution. In addition to any penalty imposed by the competent court,
11 the person who committed or caused the commission of the fraud shall be disqualified from public
12 office and employment, and shall be prohibited from being voted upon in any national or local
13 election, even after the service of the sentence unless granted absolute pardon.
14

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

21 **SEC. 17. *Appropriations.*** – The amount necessary for the initial implementation of this Act
22 shall be charged against the current year’s appropriations of the National Disaster Risk Reduction
23 and Management Fund for the Marawi Recovery, Rehabilitation, and Reconstruction Program.
24 Thereafter, such amount as may be necessary for the implementation of this Act shall be included
25 in the annual General Appropriations Act.
26

27 **SEC. 18. *Implementing Rules and Regulations (IRR) and Guidelines.*** – The Chairperson
28 of the CHR, Secretary of Finance, Secretary of Budget and Management, Head of the Bangsamoro
29 Human Rights Commission, Chairperson of the TFBM, and the Secretary of the National Economic
30 and Development Authority (NEDA) shall promulgate the implementing rules and regulations
31 (IRR) within sixty (60) days after the effectivity of this Act.
32

33 In implementing this Act and in formulating the corresponding rules and regulations, and
34 to ensure that all applications are properly screened, the Subcommittee must provide for:
35

- 36 (a) Transparency in the processing of the claims;
- 37 (b) A procedure that allows any concerned party to oppose an application or claim on
38 the grounds that it is fraudulent, fictitious, or spurious and gives that party the
39 opportunity to question the same, and to present evidence in support thereof; and
- 40 (c) A procedure that is speedy and expeditious without sacrificing any of the parties’
41 fundamental rights.
42

43 The Rules and Regulations shall be effective fifteen (15) days after its publication in two
44 (2) national newspapers of general circulation.
45

46 **SEC. 19. *Congressional Oversight Committee.*** – There is hereby created a Joint
47 Congressional Oversight Committee to oversee, monitor, and evaluate the implementation of this
48 Act.
49

50 The Oversight Committee shall be composed of five (5) members each from the Senate
51 and the House of Representatives, to be designated by the Senate President and the Speaker,
52 respectively, including the Chairpersons of the Committees on Disaster Resilience, and Human
53 Rights of both Houses; *Provided*, That at least two (2) members from each House shall be
54 members from the Minority.
55

56 **SEC. 20. *Mandatory Evaluation and Review.*** – Three (3) years after the effectivity of this
57 Act, the Subcommittee shall conduct a mandatory review and submit a status report on the
58 implementation of this Act.
59

1 **SEC. 21. *Sunset Clause.*** – Upon the completion of the MRRRP but not exceeding five (5) years
2 after the effectivity of this Act, the TFBM and all its subcommittees shall cease to exist, and this
3 Act shall have no further official authority or legal effect.

4
5 **SEC. 22. *Separability Clause.*** – If, for any reason, any section or provision of this Act is
6 declared unconstitutional or invalid, such other sections or provisions not affected thereby shall
7 remain in full force and effect.

8
9 **SEC. 23. *Repealing Clause.*** – Section 3 of Republic Act 10752 otherwise known as the Right
10 of Way Act is hereby amended. All other laws, decrees, executive, orders, rules and regulations
11 or parts thereof inconsistent with any of the provisions of this Act, are hereby repealed or
12 amended accordingly.

13
14 **SEC. 24. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in
15 the Official Gazette or in a newspaper of general circulation.

16
17 *Approved,*