

**SENATE**

Senate Bill No. 114

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**INTRODUCED BY SEN. GREGORIO B. HONASAN II**

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**EXPLANATORY NOTE**

The Declaration of Principles and State Policies in the 1987 Constitution provides 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 enjoyment by all the people of the blessings of democracy."

Given the century-old insurgency problem in this country, the government should strive to deliver peaceful, harmonious environment to every Filipinos that is free from all forms of threats and disturbances. The continuous pursuit of peace agreements between the major rebel groups and the government should be the primordial concern of every citizen in actively pursuing peace and stability in the country.

The government, through the years, have consistently expressed its continuing interest to invest in programs that will bring about peace to Mindanao. The prevailing rage in Basilan and other parts of Mindanao has caused major alarm and concerns as to the true status of peace negotiations and more importantly the over-all security policy not only in Mindanao but also throughout the country. It is therefore imperative that we come up with a comprehensive peace policy that would address the current military, political, social and economic issues that have been identified as threats to peace and national security.

Two recent incidents have shown how inadequate and incomplete the current programs on the peace process truly are. First is the escalated inhumane violence brought about by the Moro Islamic Liberation Front (MILF) in 2008 when the Bangsamoro movement was pushing for the detachment of numerous parts of

Mindanao from the central government. The armies of the MILF were sweeping through towns causing death and injury to our unfortunate brothers and sisters in Mindanao. Clearly there was lack of effectiveness in the peace process conducted by the designated government agencies.

Another incident was the tragedy that was dubbed the Maguindanao Massacre where fifty-seven people including members of the media were slaughtered. The Maguindanao Massacre has again brought to fore, but more shockingly, the weaknesses of Philippine governance in the ungovernable “Wild, Wild West” of Muslim Mindanao. Among these weaknesses are “structural inequities in our political system, including control by an elite minority, traditional politicians and political dynasties, and enforcement of such control through private armies. By creating a centralized agency geared towards peace talks and the maintenance of peace in Mindanao there will be a more effective way of negotiating for peace with the insurgents in Mindanao.

This measure seeks to institutionalize a National Peace Policy that is governed by the following principles:

- a. A comprehensive community-based peace process reflecting the sentiments, values, and principles important to all Filipinos. Thus, it shall be defined not by government alone, nor by the different contending groups only, but by all Filipinos as one community.
- b. A comprehensive peace process that aims to forge a new compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic society where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.

This bill likewise provides for the creation of a Commission on Peace that will be tasked to assist the President in the active pursuit for a comprehensive peace process which will inculcate social, economic and political reforms, consensus-building and empowerment for peace and peaceful negotiated settlement with the different rebel groups. Moreover, ~~programs for reconciliation, reintegration into mainstream society,~~

rehabilitation, addressing concerns arising from the continuing armed hostilities, building and nurturing a climate conducive to peace are also introduced in this measure.

In light of the foregoing, the immediate passage of this bill is hereby earnestly sought.

A handwritten signature in black ink, appearing to read 'Gregorio B. Honasan II', written in a cursive style.

**GREGORIO B. HONASAN II**  
Senator

FIFTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

SENATE

Senate Bill No. 114

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**AN ACT  
DECLARING A NATIONAL PEACE POLICY THEREBY CREATING A  
COMMISSION ON PEACE**

**SECTION 1. Short Title** - This Act shall be known as the "**National Peace Policy Act of 2010**".

**SEC. 2. Constitutional Policy on Peace** - The national peace policy shall be pursued in the light of the following constitutional mandates:

- a. The sovereign Filipino people, imploring the aid of the Almighty God, in order to build a just and humane society and establish a government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace.
- b. The maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all people of the blessings of democracy.

**SEC. 3. Principles Underlying the Comprehensive Peace Process** - The comprehensive peace process shall be governed by the following underlying principles:

- a. A comprehensive peace process shall be community-based, reflecting the sentiments, values, and principles important to all Filipinos. Thus, it shall be defined not by government alone, nor by the different contending groups only, but by all Filipinos as one community.
- b. A comprehensive peace process aims to forge a new compact for a just, equitable, humane and pluralistic society. It seeks to establish a genuinely pluralistic society where all individuals and groups are free to engage in peaceful competition for predominance of their political programs without fear, through the exercise of rights and liberties guaranteed by the Constitution, and where they may compete for political power through an electoral system that is free, fair and honest.

**SEC. 4. Components of the Comprehensive Peace Process** – The comprehensive peace process shall include, but not limited to, the following components:

**a. PURSUIT OF SOCIAL, ECONOMIC AND POLITICAL REFORMS**

This component would allow the Commission on Peace to act as a coordinative body of the various policies, reforms, programs and projects aimed at addressing the root causes of internal armed conflicts and social unrest. This may require administrative action, new legislation or even constitutional amendments.

**b) CONSENSUS-BUILDING AND EMPOWERMENT FOR PEACE**

This component shall include the continuing consultations on both the national and local levels to build consensus for a peace agenda and process and the mobilization and facilitation of people's participation in the peace process.

**c) PEACEFUL NEGOTIATED SETTLEMENT WITH THE DIFFERENT REBEL GROUPS**

This component involves the conduct of face-to-face negotiations to reach peaceful settlements with the different rebel groups.

**d) PROGRAMS FOR RECONCILIATION, REINTEGRATION INTO MAINSTREAM SOCIETY AND REHABILITATION**

This component shall include programs to address the legal status and security of former rebels, as well as community-based assistance programs to address the economic, social and psychological rehabilitation needs of former rebels, demobilized combatants, and civilian victims of the internal armed conflicts.

**e) ADDRESSING CONCERNS, ARISING FROM THE CONTINUING ARMED HOSTILITIES**

This component involves the strict implementation of laws and policy guidelines, and the institution of programs to ensure the protection of non-combatants and reduce the impact of the armed conflict on communities found in conflict areas.

**f) BUILDING AND NURTURING A CLIMATE CONDUCTIVE TO PEACE**

This component shall include peace advocacy and peace education programs and the implementation of various confidence-building measures aimed at ensuring transparency and good faith in the peace process.

**SEC. 5. Creation of the Commission on Peace** - There is hereby created an independent Commission on Peace which shall be tasked to assist the President in the active pursuit of a comprehensive peace process.

a. The Commission on Peace shall be composed of a Chairman and four (4) Members who must be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age and must not have been a candidate for any elective position in the elections immediately preceding their appointment.

b. The Chairman and the Members of the Commission on Peace shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in active management or control of any business which in any way may be affected by the functions of their office, nor shall be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivisions, agencies or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

c. The Chairman and the Members of the Commission on Peace shall be appointed by the President for a term of seven (7) years without reappointment. Appointments to any vacancy shall be only for the unexpired term of the predecessor.

d) The Chairman and the Members of the Commission on Peace shall receive the same salary as the Chairman and members, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office.

e) In recognition of the crucial role of civil society in the implementation of a comprehensive peace process, one (1) member of the Commission on Peace should come from the civil society.

**SEC. 6. Secretariat** - There shall be a Peace Commission Secretariat, headed by an Executive Director which shall provide all the necessary administrative and technical support to the Commission on Peace.

**SEC. 7. Powers and Functions of the Commission** – The Commission on Peace shall have the following powers and functions.

1. Formulate policies, programs, guidelines, plans and provide direction in
2. Conduct continuing consultations and dialogues with various sectors of the citizenry towards ensuring people's direct participation in the government's peace process;
3. Submit an annual report to both Houses of Congress on the process and implementation of people's recommendations resulting from consultation and dialogue;
4. Request the assistance of the departments, agencies, including government-owned or controlled corporations in the efficient and effective implementation of the peace process; the implementation of the government's peace process;
5. Perform such other functions as well as exercise such powers as may be delegated or assigned by the President.

**SEC. 8. Citizen's Participation** - The State recognizes the vital role of civil society in the comprehensive peace process. Citizen's participation's in the peace process shall

be welcomed, enhanced and protected. Mechanisms for this include the basic sector's peace agenda, peace consultations, citizen third-parties in the peace talks and community-based peace initiatives including peace zones.

**SEC. 9. Transparency and Accountability** - The President and the administrative structure for carrying on the peace process shall pursue a policy of transparency and accountability subject to the confidentiality requirements of peace negotiations.

**SEC. 10. Abolition, Transfer of Assets and Personnel** - All agencies involved in the implementation of the Six paths to peace stated herein such as the Office of the Presidential Adviser on the Peace Process (OPAPP) created under Executive No. 125, the National Program for Unification and Development Council (NPUDC) created under Executive Order No. 152 and the National Peace Forum (NPF) created under Executive Order No. 115 and the Government of the Republic of the Philippines (GRP) panels are hereby abolished. The unexpended appropriations of the abovementioned agencies are hereby transferred to the Commission on Peace. All properties, records, equipment, buildings, facilities and other assets of same shall be transferred to the Commission. The Commission on Peace may retain such personnel of the OPAPP, the NPUDC and the NPF and the GRP panels, as may be necessary in the fulfilment of its powers and functions. Any public officer or employee separated from the service as a result of the abolition of the said offices affected under this Act shall receive the benefits to which he or she may be entitled under existing laws, rules and regulations.

**SEC. 11. Transition Period** - Until such time that the Commission on Peace is fully operational, the OPAPP Secretariat shall continue to provide staff support to the Commission on Peace. It shall be under the direct control and supervision of the Chair of the Commission on Peace.

**SEC. 12. Appropriations** - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

**SEC. 13. Implementing Rules and Regulations** - A Technical Working Group (TWG) composed of the agencies which were abolished and subsumed under the Commission on Peace shall promulgate the necessary rules and regulations to implement the provisions of this Act ninety (90) days after the passage of this Act.



**SEC. 14. Separability Clause** - If any part or provision of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect, provided, however, that no provision hereof shall be construed as a diminution of any peace pact.

**SEC. 15. Repealing Clause** - All acts, laws, decrees, executive orders, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

**SEC. 16. Effectivity Clause** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,