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SUMMARY OF SENATE BILL ON SECOND READING*

Third Regular Session, Eighteenth Congress

S. NO. 2420 AN ACT PROVIDING COMPENSATION FOR THE LOSS OR DESTRUCTION OF PROPERTIES AS A RESULT OF THE 2017 MARAWI SIEGE, AND APPROPRIATING FUNDS THEREFOR

(In Substitution of Senate Bill Nos. 1395 and 2394, taking into consideration House Bill No. 9925)

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Referred to: Committee on Finance

Key words: Marawi Siege, internally-displaced persons (IDPs), Main Affected Areas (MAA), Other Affected Areas (OAA), Ulama, cultural property and facilities, commercial property, residential property, other properties, claimants, lawful owners

This bill provides the basis of compensating people whose properties were either lost or destroyed during the 2017 Marawi Siege. It establishes the Marawi Compensation Board (MCB), an independent and quasi-judicial body that shall formulate a system of determining and indemnifying the local population for damage or loss of property brought about by the siege.

The MCB shall be composed of nine (9) members, at least three (3) of whom shall be lawyers and preferably from the Maranao ethnic group and who have been practicing law for at least five (5) years; one (1) licensed physician; one (1) certified public accountant; one (1) educator; and one (1) licensed engineer.

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The President shall appoint the chairperson of MCB as well as the other members. However, organizations of traditional leaders, professionals, the Ulama and civil society organizations may submit nominations to the President.

MCB shall be assisted by a secretariat which shall come from the personnel of the Department of Human Settlements and Urban Development (DHUD), as well as additional personnel to be hired by MCB to accommodate the volume of work. The chairperson of MCB shall appoint a Board Secretary to head the secretariat during the five (5)-year existence of MCB. The Board Secretary shall have a technical staff composed of legal and administrative personnel.

MCB shall (1) receive, evaluate, process and investigate applications for claims; (2) issue subpoenas ad testificandum and duces tecum; (3) conduct administrative proceedings; (4) resolve disputes over claims; (5) approve with finality all eligible claims; (6) disburse all compensation to qualified claimants; (6) promulgate rules to carry out the purposes of this measure; (7) exercise administrative control over the secretariat; (8) consult with the organizations of traditional leaders, professionals, the Ulama, and civil society organizations; as well as (9) perform other duties and functions necessary to attain the objectives of this measure.

The bill also cites that government shall compensate other private property owners whose properties shall be demolished for the implementation of the Marawi Recovery, Rehabilitation, and Reconstruction Program (MRRRP) and Debris Management Programs. Private properties referred are those that require demolition to search and recover unexploded ordnance (UXO). The compensation of owners under these programs shall be in accordance with Republic Act 1072 or the "Right of Way Act". For these property owners, new land titles shall also be granted through the MRRRP's Land Titling Program.

This bill also stipulates a one (1) year period for filing of application of claims to the MCB after the latter is duly organized. Failure to do so within said period shall be deemed a waiver to file the same. The MCB shall publish the period of commencement and termination of application in two (2) newspapers of general circulation.

This measure provides penalties for fraudulent claimants, who shall be prosecuted in accordance with the applicable laws of the land. Any member of MCB, the secretariat, public officer or any private person mandated to implement the provisions of this measure, who embezzle, misuse, or misappropriate the funds for the same, and those who commit fraud in the processing of claims and applications shall also be prosecuted.

The Implementing Rules and Regulations (IRR) of this measure shall be formulated by MCB in consultation with the Department of Finance, Department of Budget and Management, Bangsa Moro Human Rights Commission, Task Force Bangon Marawi, and the National Economic and Development Authority. It shall be promulgated within sixty (60) days after its enactment into law. It shall be effective fifteen (15) days after its publication in two (2) newspapers of general circulation.

A Joint Congressional Oversight Committee shall be created to oversee, monitor, and evaluate the implementation of this measure. It shall be composed of five (5) members each from the Senate and the House of Representatives (HOR) to be designated by the Senate President and the Speaker, respectively. At least two (2) members from each Chamber shall come from the Minority.

The bill further provides for a mandatory review on the implementation of this measure three (3) years after its effectivity. A report of such review shall be submitted to Congress and the Commission on Audit.

This measure provides for a sunset clause, citing that MCB shall complete its work within five (5) years from effectivity of the IRR. After, MCB shall cease to exist.

(Summary prepared by: Ma. Trinidad D. Llorito, 3 November 2021)