



HOUSE OF REPRESENTATIVES

H. No. 9925

BY REPRESENTATIVES ADIONG, HATAMAN, SANGCOPAN, BALINDONG, TORRES-GOMEZ, DIMAPORO (M.K.), YAP (E.), SAVELLANO, GARIN (S.), BAGATSING, EBCAS, DAGOOC, MATBA, HERNANDEZ, LABADLABAD, YU, FORTUN, PLAZA, SACDALAN, UNABIA, FLORES, JIMENEZ, ALMARIO, TEVES (J.), AMATONG, CALDERON, JAVIER, BUSTOS, DAZA, DELOS SANTOS, ABUNDA, CABOCHAN, CABATBAT, CAMINERO, LIM, ROQUE, TULFO, AGUINALDO, TADURAN, TAN (S.), DE JESUS, ROMAN, CHATTO, GULLAS, BAUTISTA, AUMENTADO, BAUTISTA-BANDIGAN, TEJADA, PACQUIAO (R.), RADAZA, PACQUIAO (A.), SALIMBANGON, OUANO-DIZON, ABELLANOSA, LAGON, TY (D.), BENITEZ, VALMAYOR, MARQUEZ, PADUANO, GUYA, ZARATE, GAITE, CULLAMAT, BROSAS, CASTRO (F.L.), ELAGO, ATIENZA, AGLIPAY, CANAMA, PADIERNOS, LACSON, VILLARAZA-SUAREZ, ESTRELLA, ROMERO, ALBANO (A.), UMALI (M.V.), FARIÑAS (R.C.), NOEL, VILLANUEVA (E.), SAULOG, RIVERA, GARBIN, ALONTE, PINEDA, SALO, MENDOZA, Co (A.N.), ABANTE, ABU, ARENAS, DUTERTE, ESCUDERO, FERNANDEZ, GARCIA (P.J.), GONZALES (N.), PICHAY, PIMENTEL, ROMUALDEZ (F.M.), RAMIREZ-SATO, BELMONTE, OAMINAL, LEGARDA, VILLAFUERTE, VELASCO, CHIPECO, SINSUAT, ONG (J.), MACAPAGAL ARROYO, KHO (W.), LIMKAICHONG, LAGMAN, SALCEDA, SUANSING (H.), DY (F.M.C.), MANGUDADATU, BARZAGA, VIOLAGO, DUAVIT, ECLEO, TY (A.), CUA, MADRONA, BABASA, TAMBUNTING AND FERRER (J.M.), PER COMMITTEE REPORT NO. 1103

AN ACT
PROVIDING MONETARY COMPENSATION TO QUALIFIED CLAIMANTS, THROUGH THE TASK FORCE BANGON MARAWI, FOR THE LOSS OR 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, LANAOS DEL SUR, AND APPROPRIATING FUNDS THEREFOR

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

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

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

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

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

20
21 **SEC. 3. Definition of Terms.** – As used in this Act:

22
23 (a) Commercial Property refers to any building or structure that is used
24 exclusively for commercial or business purposes;

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

29
30 (c) Residential Property refers to any building or structure that is used
31 exclusively or partially for residential purposes.

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

8
9 **SEC. 5. Compensation for Private Properties affected by the MRRRP.** - In
10 accordance with Section 9, Article III of the Constitution all properties demolished as
11 part of the implementation of the MRRRP shall be compensated for:

12
13 (a) Amendment to RA 10752. – Section 3 of Republic Act No. 10752
14 otherwise known as the “Right of Way Act,” is hereby amended to include the
15 MRRRP, Debris Management Programs, and programs that require the demolition of
16 private property for the search and recovery of Unexploded Ordnance (UXO);

17
18 (b) Determination of Replacement Cost. – Private property owners shall
19 be granted a Replacement Cost for loss or destruction of property as a result of the
20 MRRRP. The replacement cost shall be based on the current market value of the
21 improvements and structures as determined by:

- 22
23 (i) The implementing agency;
24 (ii) A government financial institution with adequate experience in
25 property appraisal; or
26 (iii) An independent property appraiser accredited by the Bangko Sentral
27 ng Pilipinas (BSP).

28
29 In the absence of baseline data or the required documents, the cost estimates
30 and data utilized for the Post Conflict Needs Assessment (PCNA) mandated under
31 the MRRRP may be used to determine just compensation.

32
33 (c) Entitlement to New Land Titles. – Property owners granted the appropriate
34 replacement cost shall not be precluded from receiving and benefitting from the
35 MRRRP Land Titling Program, which intends to return real property to the owner in
36 the form of new land titles.

37
38 **SEC. 6. The TFBM Claims and Compensation Subcommittee.** – In addition
39 to the existing TFBM subcommittees on Reconstruction, Housing, Peace and Order,
40 Health and Social Welfare, Business and Livelihood, and Land Resource
41 Management, there is hereby created a Subcommittee on Claims and
42 Compensation, herein referred to as the Subcommittee, which shall be tasked to
43 process claims in line with the spirit of Republic Act No. 10368, otherwise known as
44 the “Human Rights Victims Reparation and Recognition Act of 2013”. The
45 Subcommittee shall be attached to yet independent from the TFBM.

1 (a) The Subcommittee shall be chaired by the Chairperson of the Commission
2 of Human Rights (CHR), co-chaired by the Head of the Bangsamoro Human Rights
3 Commission (BCHR), and composed of five (5) members organic to the CHR and
4 BHRC organization that comply with Section 8 of RA 10368;

5
6 (b) Honoraria and other operational expenses of the Subcommittee shall be
7 provided by the TFBM, notwithstanding that the Subcommittee may seek funding
8 assistance from international governing bodies or foreign aid; and

9
10 (c) The Subcommittee shall be assisted by existing personnel of the CHR and
11 BHRC without prejudice that the TFBM may hire additional personnel to
12 accommodate the volume of work required. Likewise, the TFBM may source fund
13 augmentation from International Governing Bodies, Foreign Aid, the Bangsamoro
14 Autonomous Regional Government, or the Local Governments subject to existing
15 laws, rules and regulations.

16
17 **SEC. 7. Powers and Functions.** – The Claims and Compensation
18 Subcommittee shall have the following powers and functions:

19 (a) Receive all claims under this Act together with the pertinent documents to
20 such claims;

21 (b) Investigate, process, and determine the validity of all claims filed;

22 (c) Conduct independent administrative hearings and resolve or deny
23 applications for compensation;

24 (d) Disburse any and all compensation to qualified claimants at the earliest
25 possible time;

26 (e) Promulgate rules and regulations to carry out the objectives of this Act;
27 and

28 (f) Perform such other functions as may be necessary for the implementation
29 of this Act.

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

33
34 **SEC. 9. Claimants.** – Lawful owners or possessors who have become
35 internally displaced persons (IDPs) as a result of the demolition or destruction of
36 their private properties due to the 2017 Marawi Armed Conflict may file a claim in
37 accordance with the provisions of this Act:

38
39 *Provided,* That if the owner of the properties is deceased, the legal heirs as
40 provided for in the Code of Muslim Personal Laws of the Philippines or the Civil
41 Code of the Philippines, whichever is applicable, or such other person named by the
42 executor or administrator of the deceased owner's estate in that order, shall be
43 entitled to receive such compensation.

1 **SEC. 10. Determination of Monetary Compensation.** – The compensation
2 for claims under this Act shall be patterned after Republic Act No. 10368.

3
4 The Commission on Human Rights *en banc* shall have the authority to
5 determine the point allocation to victims whose properties have been destroyed as a
6 result of armed conflict, in congruence with Section 19 of RA 10368: *Provided*, That
7 the monetary award for claimants under this Act shall be equivalent and shall not
8 exceed the monetary amount granted to the human rights victims recognized by RA
9 10368.

10
11 **SEC. 11. Consolidation of Claims.** – The Subcommittee shall determine the
12 final budgetary requirement to award all claims which shall be submitted to the
13 Department of Budget and Management (DBM) through the TFBM.

14
15 **SEC. 12. Awarding of Monetary Compensation** – The award of monetary
16 compensation shall take effect upon its reflection in the Annual General
17 Appropriations Act and upon the Subcommittee's completion and approval with
18 finality of each eligible claim pending before it, and after due publication of such
19 legitimate claim: *Provided*, That any pending appeal filed by an aggrieved claimant
20 before the Subcommittee must be resolved by it within sixty (60) days after
21 concluding the final list of claimants and monetary amount to be granted.

22
23 The CHR and the BCHR shall develop procedures for the awarding of
24 monetary compensation to rightful claimants in accordance with national laws,
25 policies, and regulations respecting at all times the right to self-determination of the
26 Bangsamoro afforded by Republic Act No. 11054 or the Bangsamoro Organic Law.
27 A special audit shall be conducted by the Commission on Audit upon the termination
28 of the existence of the TFBM.

29
30 **SEC. 13. Publication.** – The Subcommittee shall set the period for the
31 commencement and termination of applications by property owners and cause the
32 publication of a formal announcement about such application: *Provided*, That such
33 period shall be effective fifteen (15) days after its publication in two (2) newspapers
34 of general circulation.

35
36 **SEC. 14. Period for Filing Claims; Waiver.** – Claims for compensation may
37 be filed with the Subcommittee within one (1) year after it has been duly organized,
38 and in accordance with the rules and regulations to be promulgated to implement
39 this Act: *Provided*, That the failure to file an application within said period shall be
40 deemed a waiver of the right to file the same.

41
42 **SEC. 15. Appeal.** – Any aggrieved claimant or oppositor to a claim may file
43 an appeal within fifteen (15) calendar days from the receipt of the decision of the

1 Subcommittee, otherwise, the Subcommittee's decision shall become final and
2 executory.

3
4 **SEC. 16. Penalties, Applicability of the Revised Penal Code.** – Fraud
5 committed in the course of availing of the compensation provided by this Act shall be
6 referred to the appropriate government office for prosecution. In addition to any
7 penalty imposed by the competent court, the person who committed or caused the
8 commission of the fraud shall be disqualified from public office and employment and
9 shall be deprived of the right to vote and be voted for in any national or local election,
10 even after the service of the sentence unless granted absolute pardon.

11
12 Any member of the Subcommittee and its Secretariat, public officer, employee
13 of an agency or any private individual mandated to implement this Act, who shall
14 embezzle, misappropriate, or otherwise misuse funds provided under this Act or who
15 shall commit fraud in the processing of documents and applications of claimants, or
16 shall conspire with any individual to commit the same, shall also be prosecuted
17 accordingly.

18
19 **SEC. 17. Appropriations.** – The amount necessary for the initial
20 implementation of this Act shall be charged against the current year's appropriations
21 of the National Disaster Risk Reduction and Management Fund for the Marawi
22 Recovery, Rehabilitation and Reconstruction Program. Thereafter, such amount as
23 may be necessary for the implementation of this Act shall be included in the annual
24 General Appropriations Act.

25
26 **SEC. 18. Implementing Rules and Regulations (IRR) and Guidelines.** –
27 The Chairperson of the CHR, Secretary of Finance, Secretary of Budget and
28 Management, Head of the Bangsamoro Human Rights Commission, Chairperson of
29 the TFBM, and the Secretary of the National Economic and Development Authority
30 (NEDA) shall promulgate the implementing rules and regulations (IRR) within sixty
31 (60) days after the effectivity of this Act.

32
33 In implementing this Act and in formulating the corresponding rules and
34 regulations, and to ensure that all applications are properly screened, the
35 Subcommittee must provide for:

36 (a) Transparency in the processing of the claims;

37 (b) A procedure that allows any concerned party to oppose an application or
38 claim on the grounds that it is fraudulent, fictitious, or spurious and gives that party
39 the opportunity to question the same and to present evidence in support thereof;
40 and

41 (c) A procedure that is speedy and expeditious without sacrificing any of the
42 parties' fundamental rights.

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

1 **SEC. 19. *Joint Congressional Oversight Committee.*** – There is hereby
2 created a Joint Congressional Oversight Committee to oversee, monitor and
3 evaluate the implementation of this Act.
4

5 The Oversight Committee shall be composed of five (5) members each from
6 the Senate and from the House of Representatives, to be designated by the Senate
7 President and the Speaker, respectively, including the Chairpersons of the
8 Committees on Disaster Resilience, and Human Rights of both Houses: *Provided,*
9 That at least two (2) members from each House shall be Members from the Minority.
10

11 **SEC. 20. *Mandatory Evaluation and Review.*** – Three (3) years after the
12 effectivity of this Act, the Subcommittee shall conduct a mandatory review and
13 submit a status report on the implementation of this Act to Congress.
14

15 **SEC. 21. *Sunset Clause.*** – Upon the completion of the MRRRP but not
16 exceeding five (5) years after the effectivity of this Act, the TFBM and all its
17 subcommittees shall cease to exist and this Act shall have no further official authority
18 or legal effect.
19

20 **SEC. 22. *Separability Clause.*** – If, for any reason, any section or provision of
21 this Act is declared unconstitutional or invalid, such other sections or provisions not
22 affected thereby shall remain in full force and effect.
23

24 **SEC. 23. *Repealing Clause.*** – Section 3 of Republic Act No. 10752
25 otherwise known as the Right of Way Act is hereby amended. All other laws,
26 decrees, executive orders, rules and regulations or parts thereof inconsistent with
27 any of the provisions of this Act, are hereby repealed or amended accordingly.
28

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

Approved,