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BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
Bangsamoro Transition Authority
BARMM Compound, Cotabato City

Second Regular Session
Bill No. 143

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
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AN ACT
PROVIDING BENEFITS FOR BANGSAMORO VETERAN MUJAHIDEEN AND
MUJAHIDAT AND THEIR FAMILIES, ESTABLISHING THE BANGSAMORO
MUJAHIDEEN/MUJAHIDAT BENEFITS SYSTEM, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Bangsamoro Transition Authority in session assembled:

CHAPTER I
General Provisions

Section 1. Short Title. – This Act shall be known as the “Bangsamoro Mujahideen/Mujahidat Benefits System Act.”

Sec. 2. Declaration of Policy. – It is the policy of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) to remember and recognize the heroic struggles and sacrifices of ex-combatants whose efforts played a critical role in the establishment of the BARMM. In line with the principles of Transitional Justice under the Bangsamoro Organic Law (BOL) and to facilitate the reintegration of ex-combatants and their families back into society, the Bangsamoro government aims to establish, develop, promote and perfect a pension system catered to the needs of mujahideen and mujahidat of the Bangsamoro.

Sec. 3. Definition of Terms. – As used in this Act:

- (a) *Active service* - any active duty in the armed wing of the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF);
- (b) *Administering Office* - the agency created or mandated by the Bangsamoro Government to administer the veterans benefits, hereinafter referred to as the Office;
- (c) *Children* - any child entitled to support from the veteran under existing laws. Minor children are those who are below eighteen (18) years of age;
- (d) *Decommissioning* - refers to the component of the peace agreements that the Philippine Government entered with the MILF and MNLF that accounts for the disarmament and demobilization of their respective forces;
- (e) *Dependent* - any spouse, child or parent who is wholly under the care and support of the veteran;
- (f) *Mujahideen/mujahidat* - Refer to male/female combatants who, in the service of the Moro revolutionary fronts, took part in the protracted wars for self-determination between the Bangsamoro people and the Philippine Government. This excludes those who have been integrated into the Philippine Armed Forces or Philippine National Police.

Veteran mujahideen/mujahidat are those who are aged sixty (60) and above upon the effectivity of this Act. This includes the combatants who were discharged or separated after at least three (3) years total cumulative active service, or sooner separated due to death or disability arising from a wound or injury received or sickness or disease incurred in line of duty while in the active service.
- (g) *Parents* - include, in the absence of parents by nature, a father or mother by adoption and, in the absence of a legal parent, any person who stood in loco parentis to the veteran at least one (1) year prior to his entry into the active service;
- (h) *Socioeconomic status* - refers to the social standing of the veteran measured as a combination of income, education, and occupation.
- (i) *Surviving spouse* - the lawful widow or widower of the deceased veteran, or the innocent spouse if he or she was legally separated by final judicial decree from the deceased;

CHAPTER II
Benefits of Bangsamoro Veteran Mujahideen/Mujahidat

Sec. 4. Coverage. – Any veteran mujahideen/mujahidat, hereinafter referred to as Beneficiary, is entitled to the benefits under this Act. *Provided*, that he or she has not been found guilty by final judgment of a gross human rights violation while in the service, as certified by the Bangsamoro Human Rights Commission or Commission on Human Rights. *Provided further*, that benefits under this Act may be withheld if he or she is already a beneficiary of a benefit package of the same form under the decommissioning process enforced by the peace processes of the Philippine Government either with the MILF or MNLF.

Sec. 5. Non-pension Benefits and Services. —

- (a) **Education Benefit.** – A Beneficiary who desires to study; or one direct descendant of the veteran in whose favor he or she renounces such right; or the surviving spouse or a direct descendant of a deceased ex-combatant in whose favor the same is applied for by the surviving spouse or by the legal guardian shall, upon certification of the Administering Office, be admitted to any school, college, university, or institution authorized by the Ministry of Basic, Higher and Technical Education, with all school fees, including tuition, matriculation, athletic, library, laboratory, medical, military training, diploma and graduation fees, at the expense of the Bangsamoro Mujahideen/Mujahidat Fund, subject to rules and conditions promulgated by the Office.
- (b) **Burial Assistance.** – The next of kin of a deceased Beneficiary who died after decommissioning shall be given burial assistance in an amount set by the Office upon application therefor in due form, which shall be filed within two (2) years from the death of the ex-combatant concerned. The burial assistance shall be given in an amount set in accordance with the rates prescribed according to the combatant's socioeconomic status at the time of decommissioning. The Office shall also provide for the eligibility of the next of kin to claim benefits provided for under this provision.
- (c) **Hospitalization Benefits.** – Beneficiaries shall be admitted free of charge into any Ministry of Health-sponsored hospitals in the region. In cases where it is more convenient and expedient for the Beneficiaries and their dependents to be admitted to a private hospital or health institution, the Office shall provide financial assistance to help cover the costs of hospitalization, medical care and treatment. It shall prescribe the amount of financial assistance in accordance with the existing regional laws and the cost of treatment incurred.

Sec. 6. Pension Benefits. —

- (a) **Old Age Pension.** – The Beneficiary shall be paid a monthly old-age pension upon reaching the age of sixty (60) years old until their death. The amount of the monthly

pension shall be set in accordance with the rates prescribed in accordance with the Beneficiary's socioeconomic status at the time of decommissioning.

The surviving spouse shall be entitled to receive the ex-combatant's monthly old-age pension from the time of the Beneficiary's death or when the surviving spouse reaches the age of sixty (60), whichever comes later, up until the surviving spouse remarries or dies. The same rule shall apply even if the ex-combatant dies prior to reaching the age of sixty (60).

If at the time of death, the Beneficiary has multiple spouses under Islamic Law, the amount of pension shall be distributed equally among the spouses provided that they have already reached the age of sixty (60). The amount pertaining to the share of a surviving spouse who has not yet reached the said age shall redound to the benefit of a surviving spouse eligible under this section, until such ineligible surviving spouse reaches the age of sixty (60).

Benefits received from the old age pension shall be given notwithstanding any other benefits the Beneficiary is entitled to receive under this Act.

- (b) ***Death Pension.*** – For the death of a Beneficiary, who rendered military service and died in the line of duty or at any time after honorable discharge or separation from the service as a result of wounds, or injury received or sickness directly incurred in line of duty or as a direct consequence of the performance of duty, the surviving spouse and unmarried minor children or, in default thereof, the parents, shall be given a monthly pension from the time of the Beneficiary's death until the surviving spouse or spouses remarries, dies, or reaches the age of sixty (60) and until the minor child dies or reaches the age of eighteen (18), or until the parents die.

In the case of multiple surviving spouses under Islamic Law, the amount shall be divided equally among the surviving spouses provided they have not yet reached the age of sixty (60). The amount pertaining to the share of a surviving spouse who has already reached the age of sixty (60) shall redound to the benefit of the surviving spouse still eligible under this section.

The pension shall be given in an amount set in accordance with the rates prescribed according to the Beneficiary's socioeconomic status at the time of death. Death Benefits provided under this law shall be given notwithstanding any other benefits the ex-combatant is entitled to receive under this law.

- (c) ***Disability Benefit.*** – Any Beneficiary who is permanently disabled owing to sickness, disease, wounds or injuries sustained in line of duty shall be given a monthly disability pension upon certification by the Office. The amount of the monthly pension shall be set

in accordance with the rates prescribed by the Office which will commensurately reflect the severity of the injury to compensate for the loss of earning capacity incurred.

Sec. 7. *Exemption of Pension from Income Tax, Attachment, Levy, Garnishment.* – Any benefit granted to a beneficiary under this Act shall not, wholly or partly, be subject to income tax, attachment, execution, forfeiture, or retention under any legal or equitable proceedings.

Sec. 8. *Additional Benefits from the Government.* – Notwithstanding any existing laws, rules and regulations, ex combatants and their dependents or survivors who receive such benefits under this law may also receive any additional benefits granted by the National Government and/or their respective local governments.

CHAPTER III Administration

Sec. 9. *Needs-Based Benefits System.* – The Bangsamoro Mujahideen/Mujahidat Benefits System, in coordination with the Philippine Statistics Authority-BARMM, shall adopt a needs-based system in delivering the benefits and services under this Act. It shall develop such a system by categorizing rates based on the income, education, and occupation of the Beneficiaries. This shall be the basis in determining the amounts of monetary benefits and the rates of the pension and other assistance to be provided under this Act.

Sec. 10. *Application and Verification.* – The Bangsamoro Government, through the Office, shall ensure the institution of a fair, efficient, and transparent procedure of approving eligible beneficiaries. It shall promulgate reasonable application guidelines and documentary requirements for this purpose. A mechanism of verification shall likewise be established to ensure the integrity of the benefits system prescribed by this Act.

Sec. 11. *Veteran Mujahideen/Mujahidat Database.* – A Veteran Mujahideen/Mujahidat Database shall be established and maintained by the Office to record, verify, and monitor the status of the Beneficiaries. An integrated database management system shall likewise be established to translate and transfer data between various database management systems of the Bangsamoro Government necessary to ensure the effective and efficient administration of veterans benefits under this Act. The management of data must be in accordance with Republic Act No. 10173, otherwise known as the Data Privacy Act, and other relevant laws.

CHAPTER IV Bangsamoro Mujahideen/Mujahidat Benefits System

Sec. 12. *Bangsamoro Mujahideen/Mujahidat Benefits System.* – The Bangsamoro Mujahideen/Mujahidat Benefits System (BARMM-MMBS) is hereby created as the corporate arm of the Office. It shall function and operate as an accountable government-owned and -controlled corporation (GOCC) attached to the Office of the Chief Minister and placed under the control and supervision of the Chief Minister. .

Sec. 13. *Coordination with the National Government.* – The Bangsamoro Government shall coordinate with the National Government in creating the BARMM-MMBS, in compliance with the provisions of RA No. 10149, otherwise known as the GOCC Governance Act of 2011.

Sec. 14. *Board of Governors.* – The BARMM-MMBS shall be directed and controlled by a Board of Governors, hereinafter referred to as “Board”. All members of the board must be Filipino Citizens and must not have been convicted by any crime by way of final judgement.

Sec. 14. *Composition.* – The board of seven (7) members shall be comprised of one (1) Chairperson who shall be appointed by the Chief Minister, two (2) members appointed by the Chief Minister from the recommendation of the Intergovernmental Fiscal Policy Board, two (2) members appointed by the Chief Minister from the recommendation of the Bangsamoro Economic and Development Council. All of whom shall be of known competence, probity, integrity and of recognized expertise in any of the fields of social security, fund management, insurance, investment, banking and finance, economics, management, law or actuarial science and with at least ten (10) years of managerial or leadership experience. Lastly, two (2) members to represent the beneficiaries who shall be appointed by the Chief Minister upon the recommendation of the MILF and MNLF, all of whom shall be of known competence, probity, integrity.

Sec. 15. *Term.* – The term of office of the members of the Board shall be three (3) years, which can be extended for another term of three (3) years so long as the Chief Minister seems fit. Each member shall continue to hold office until their successors shall have been appointed and duly qualified. All vacancies, prior to the expiration of term, shall be filled for the unexpired term only.

Sec. 16. *Duties of the Board.* – The fiduciary duties of a member of the Board include the following:

- (a) Act with utmost and undivided loyalty to the BARMM-MMBS;
- (b) Act with due care, extraordinary diligence and skill in the conduct of business and exercise utmost good faith in all transactions relating to their duties to the BARMM-MMBS and its properties, and in their dealings in behalf of the Bangsamoro Ex-Combatants Pension Office, they are held to the same strict rule of honesty and fair dealing;
- (c) Act for the best interest of the BARMM-MMBS and its beneficiaries and not for their own personal benefit;

- (d) Not to profit by virtue of their position and ensure that funds they receive from the BARMM-MMBS's properties revert to the System and hold the same as trustee for the benefit of the ex-combatant beneficiaries;
- (e) Avoid all conflicts of interest and not to acquire an interest adverse to or in conflict with that of the BARMM-MMBS, while acting for the System or when dealing individually with third persons and declare any interest they may have in any particular matter before the BARMM-MMBS; and
- (f) Apply sound business principles to ensure the financial soundness of the BARMM-MMBS.

Sec. 17. Chairperson. – The general conduct of the operations and management functions of the Bangsamoro Pension Office shall be vested in the Chairperson who shall be immediately responsible for carrying out the programs of the Bangsamoro Pension Office as directed by the Board of Governors.

Sec. 18. Auditor. – The Regional Director of the Commission on Audit-BARMM shall be the *ex officio* Auditor of the BARMM-MMBS. He/she shall check and audit all the accounts, funds and properties of the BARMM-MMBS in the same manner and as frequently as the accounts, funds and properties of the government are checked and audited under existing laws, and he shall have, as far as practicable, the same powers and duties as he has with respect to the checking and auditing of public accounts, funds and properties in general.

Sec. 19. Compensation. – The Board of Governors shall fix the reasonable compensation, allowances and other benefits of all positions in the BARMM-MMBS, including its Chairperson, based on a comprehensive job analysis and audit of actual duties and responsibilities.

Sec. 20. Grounds for Dismissal of Board Members. – Any member of the board including the Chairperson may be removed for a valid cause or any of the following reasons in accordance with the requirement of due process:

- (a) If he or she becomes physically or mentally incapacitated from discharging the duties and responsibilities of the office, and such incapacity has lasted for more than six (6) months;
- (b) If he or she is convicted of acts or omissions which are of fraudulent or illegal character or which are manifestly opposed to the aims and interests of the BARMM-MMBS;
- (c) If he or she no longer possess the qualifications specified in this Act;
- (d) If he or she does not meet the standards of performance based on the evaluation by the Chief Minister.

Sec. 21. Bangsamoro Mujahideen/Mujahidat Benefits Fund. – Four (4) months after the creation of the BARMM-MMBS, there is hereby established a Bangsamoro Mujahideen/Mujahidat Benefits Fund, which shall be used to fund the benefits and services under this Act.

CHAPTER V
Powers and Duties of the BARMM-MMBS

Sec. 22. Power to Manage Fund. – The BARMM-MMBS shall have the power and authority to manage the fund and all other assets held by it in accordance with the principles of transparency and accountability for the best interests of the ex-combatant beneficiaries. This includes the duty to set up its accounting system and provide the necessary personnel therefore;

Sec. 23. Power to Enter into Agreements and Contracts. – The BARMM-MMBS has the authority to enter into agreements or contracts for such service and aid, as may be needed for its proper, efficient and stable administration.

Sec. 24. Power to Enter into Investments. – In order to increase the monetary value of the fund, the BARMM-MMBS shall have the power and authority to use the fund to make strategic and sound investments with a view of achieving a maximum rate of return, without undue risk of loss, having regard to the factors that may affect the funding of the Bangsamoro Mujahideen/Mujahidat Fund and the ability of the BARMM-MMBS to meet its financial obligations.

Sec. 25. Duty to Conduct Actuarial Studies. – The BARMM-MMBS is obliged to conduct the necessary actuarial studies and present recommendations on premiums, investments and other related matters.

Sec. 26. Duty to Determine Amounts of Monetary Benefits. – The BARMM-MMBS is obliged to determine and publish the proper rates and corresponding amounts of the monetary benefits each ex-combatant would be entitled to under this Act. Such amounts received by ex-combatants shall afford them with enough dignity, recognizing their roles in the formation of the BARMM.

Sec. 27. Annual Report. – The Board of Governors is obliged to submit an annual financial report along with recommendations to the Chief Minister covering its activities in the administration and enforcement of this Act during the preceding year including information and recommendations on broad policies for the development and perfection of the program of the BARMM-MMBS.

Sec. 28. Rule Making Power. – The BARMM-MMBS is obliged to formulate, adopt, amend and/or rescind such rules and regulations as may be necessary to carry out the provisions and purposes of this Act, as well as the effective exercise of the powers and functions, and the discharge of duties and responsibilities of the BARMM-MMBS, its officers and employees.

Sec. 29. Power to Sue and be Sued. – The BARMM-MMBS has the power to sue and be sued in court and to perform such other corporate acts as it may deem appropriate for the proper enforcement of this Act.

CHAPTER VI
Penalties

Sec. 30. Fraudulent Claims and Penal Clause. —

- (a) Whoever, for the purpose of causing any payment to be made under this Act, or under an agreement thereunder, where none is authorized to be paid, shall make or cause to be made false statement or representation as to any compensation received or who makes or causes to be made any false statement of a material fact in any claim for any benefit payable under this Act, or who makes or causes to be made any false statement, representation, affidavit or document in connection with such claim, shall suffer the penalties provided for in Article One hundred seventy-two of the Revised Penal Code.
- (b) Whoever shall obtain or receive any money or check under this Act or any agreement thereunder, without being entitled thereto with intent to defraud the Office and/or BARMM-MMBS, shall be fined not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00) and imprisoned for not less than six (6) years and one (1) day nor more than twelve (12) years.
- (c) Whoever fails or refuses to comply with the provisions of this Act or with its promulgated rules and regulations, shall be punished by a fine of not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00), or imprisonment for not less than six (6) years and one (1) day nor more than twelve (12) years, or both, at the discretion of the court.
- (d) Any "employee" of the Office and/or BARMM-MMBS who receives or keeps funds or property belonging, payable or deliverable to the Office and who shall appropriate the same, or shall take or misappropriate, or shall consent, or through abandonment or negligence, shall permit any other person to take such property or funds, wholly or partially, or shall otherwise be guilty of misappropriation of such funds or property, shall suffer the penalties provided in Article Two hundred seventeen of the Revised Penal Code.
- (e) Criminal action arising from a violation of the provisions of this Act may be commenced by the Board of Governors or the employee concerned either under this Act or in appropriate cases under the Revised Penal Code: *Provided*, That such criminal action may be filed by the BARMM-MMBS in the city or municipality where it is located.

CHAPTER VII
Appropriations and Miscellaneous Provisions

Sec. 31. Appropriations. – Not less than 2% of the annual Special Development Fund appropriated by the National Government shall be set aside as the Bangsamoro Mujahideen/Mujahidat Benefits Fund.

The amount necessary for the initial implementation of this Act shall be charged against the current year's Contingent Fund, as appropriated. The Bangsamoro Government shall provide budgetary support to the BARMM-MMBS, the subsequent funding requirements for such shall be included in the annual Bangsamoro Appropriations Act.

Sec. 32. Implementing Rules and Regulations (IRR). – The Office of the Chief Minister, in consultation and coordination with the Ministry of Finance, Budget and Management, Ministry of Public Order and Safety, and other appropriate regional and national government agencies, civil society organizations, and other stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act no later than one hundred eighty (180) days upon the effectivity of this Act.

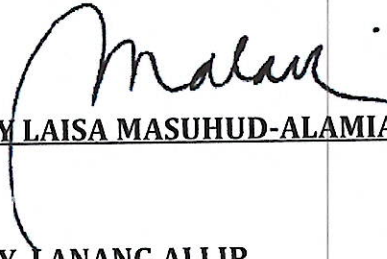
Sec. 33. Separability Clause. – If any part, section, or provision of this Act shall be held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and binding.

Sec. 34. Repealing Clause. – All regional laws, orders, rules, and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 35. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in a newspaper of local circulation in the BARMM.

APPROVED.

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