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Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
Bangsamoro Transition Authority
BARMM Compound, Cotabato City

Bangsamoro Autonomous Region in Muslim Mindanao

Parliament
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Fifth Regular Session

Bill No. 183

Office of the Minority Leader-BTA
MP Atty. Laisa Alamia

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**AN ACT ESTABLISHING SOCIAL AND ECONOMIC REPARATION AND
BENEFIT INITIATIVES FOR ORPHANS OF WAR, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

CHAPTER I
Preliminary Provisions

Section 1. Short Title. – This Act shall be known as “*Social and Economic Reparation and Benefit Initiatives for Orphans of War Act*”.

Section 2. Declaration of Policies. – Section 9 of Article II of the 1987 Constitution declares that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. In line with this declared State policy, Section 1 of Article IX of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao mandates the Bangsamoro Parliament, taking into account the report of the Transitional Justice and Reconciliation Commission, to enact a transitional justice mechanism to address the legitimate grievances of the Bangsamoro people and the indigenous peoples, such as historical injustices, human rights violations, and marginalization through unjust dispossession of territorial and proprietary rights and customary land tenure.

Section 2 of Article II of the 1987 Constitution of the Republic of the Philippines declares that the State adopts generally accepted principles of international law as part of the law of the land. The Philippines is a state party to the UN Convention on the Rights of the Child (CRC). CRC Article 20 provides that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests

50 cannot be allowed to remain in that environment, shall be entitled to special protection
51 and assistance provided by the State. Consistent with this provisions, Section 14 of
52 Article IX of the Organic Law for the Bangsamoro Autonomous Region in Muslim
53 Mindanao also provides that the Bangsamoro Government shall respect, protect and
54 promote the rights of children, especially orphans of tender age. They shall be protected
55 from exploitation, abuse or discrimination. Their education and development, both
56 physical and mental, shall be protected from exploitation, abuse, or discrimination.
57 Their education and development, both physical and mental, shall be fully addressed.
58 Bangsamoro policies and programs shall take into utmost consideration the best interest
59 of children, and promote and protect the rights of children, youth, and adolescents,
60 including their survival and development.

61
62 In the fulfillment of its aspirations for self-determination, peace and justice, the
63 Bangsamoro people were involved in armed conflicts which claimed numerous lives
64 and left innocent children as destitute and vulnerable orphans.

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66 Thence, the Bangsamoro Government has the obligation to indemnify these
67 orphans by providing reparation and benefits to ensure their social and economic
68 upliftment and redemption. The Bangsamoro Government shall undertake to create
69 positive effects by recognizing the sufferings of these orphans of war and communicate
70 to them their entitlements.

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72 **Section 3. *Definition of Terms.*** - As used in this Act:

- 73
74 a. Child - is a person under 18 years old, regardless of the status of his/her
75 legitimacy
76 b. Documented victim of human rights violation - refers to a person included in the
77 Regional Transitional Justice and Reconciliation Commission's masterlist who
78 identifies with the Bangsamoro people and/or non-moro indigenous peoples
79 and/or other inhabitants of the Bangsamoro Autonomous Region between
80 March 18, 1968 and the present, and whose human rights were violated by State
81 actors and State-affiliated armed groups, and/or non-State armed group,
82 including, but not limited to, the following:
83 (1) Persons killed, tortured, raped and/or sexually assaulted, mutilated,
84 and/or injured;
85 (2) Internally displaced persons;
86 (3) Widows and orphans of war; and
87 (4) Persons whose properties were destroyed or forcibly taken.
88
89 c. Emancipated orphan of war - an orphan of war who has already attained 18
90 years of age or has already married upon the enactment of this Act
91 d. Parent - is the mother or father of child, including the ones acting in loco parentis
92 e. Report of the Transitional Justice and Reconciliation Commission - refers to the
93 151-page Report of the Transitional Justice and Reconciliation Commission
94 published with a Philippine Copyright in 2016
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101 **CHAPTER II**
The Orphans of War

Section 1. *Orphan of War.* - For purposes of this Act, the following shall be considered an orphan of war:

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- a. A child of a documented victim of human rights violation who was killed as a result of such violation;
- b. A child who lost both of his/her parents or his/her surviving parent who identified themselves as Bangsamoro people and/or inhabitants of the Bangsamoro Autonomous Region and died during armed conflicts in the Bangsamoro Autonomous Region; or
- c. A child who lost his father in any of the foregoing incidents and whose widowed mother remarries thereby losing her parental authority and custody over all children by the deceased husband, unless the second husband is related to them within the prohibited degrees of consanguinity.

Section 2. Identification, Verification and Documentation. - It shall be the task of the Regional Transitional Justice and Reconciliation Commission (hereinafter, "the Commission") to identify, list down and verify those who are considered orphans of war, as provided in this Act.

The Commission shall also provide a mechanism for individuals who come forward for inclusion as orphan of war; provided, the applicant shall submit proof of his qualification and validated by a respected member of the community; provided, further, that due consideration for local customs and practices shall be recognized in every phase of the application.

The Commission shall ensure the rights and welfare of an orphan of war are protected and guaranteed with due consideration to the type of parent lost, the age level he/she lost his/her parent/s, and the incident to which he/she lost his/her parent/s.

CHAPTER III Reparation and Benefits

Section 1. Monetary Reparation. - An orphan of war shall be entitled to a one-time monetary reparation which shall be in the amount of Fifty Thousand Pesos (P50,000).

The monetary award shall be received personally by the orphan of war. In no case shall a special power of attorney shall be recognized in the actual disbursement of the award, except if the orphan of war is shown to be incapacitated to the satisfaction of the Commission. In case the orphan of war is a minor, he/she shall be accompanied by a legal guardian with proof of his/her guardianship.

The Commission shall ensure the swift disbursement of the award without compromising, however, the proper screening of the awardees and the integrity and transparency of the award.

Section 2. Educational Stipend. - The following amount shall be given as stipend corresponding the educational level of an orphan of war:

- a. P10,000 annually - Elementary, provided it will not exceed six (6) years;
- b. P15,000 annually - Junior High School, provided it will not exceed four (4) years;

- 155 c. P15,000 annually – Senior High School, provided it will not exceed two (2)
156 years;
157 d. P20,000 annually – College, provided it will not exceed four (4) years;
158 e. P20,000 annually – Vocational Course, provided it will not exceed two (2)
159 years.
160

161 Provided, further, that the amount shall be released in full at the beginning of
162 every school year, except for College or Vocational Course, which shall be released in
163 two equal installments at the start of every semester; Provided finally, that in all cases,
164 the stipend shall be released upon presentation of the approved enrollment or
165 registration form.
166

167 **Section 3. *Livelihood Benefits.*** – For emancipated orphan of war who opt not to study
168 or continue his/her studies, they shall be referred and prioritized under the Sustainable
169 Livelihood Program of the Ministry of Social Services and Development.
170

171 The educational stipend and livelihood benefit shall be exclusive of one another.
172 The choice shall be communicated by the orphan of war upon identification and
173 verification by the Commission.
174

175 **Section 4. *Psychological Consultation and Trauma Therapy.*** – The orphan of war shall
176 also have free access to psychological consultation and trauma therapy provided by the
177 Ministry of Health. In the absence of such consultation or therapy program, the
178 Ministry of Health shall refer the orphan of war to national agencies and non-
179 government organizations.
180

181 **Section 5. *Preference in Employment in the Bangsamoro Government Agencies.*** – The
182 orphan of war shall be given priority in employment in a government or agency or
183 office in the Bangsamoro Government where his/her qualifications are fitted, subject to
184 Civil Service laws and rules and regulations.
185

186 The appointing authority or officer of the Bangsamoro Government agency
187 where the orphan of war applied shall furnish the Commission a letter explaining the
188 decision for not hiring the orphan of war, in case of such decision.
189

190 **Section 6. *Benefit Extended to Relatives of Orphan of War in Loco Parentis.*** – The
191 Commission shall ensure the welfare of an orphan of war living with his/her relatives
192 acting in loco parentis and that he is well taken care of. For this purpose, the relative in
193 loco parentis of an orphan of war may avail of the livelihood benefits provided for in
194 the preceding section; provided, that such relative may only claim once regardless of
195 the number of orphans of war he/she is acting in loco parentis.
196

197 Social workers from the city or municipal government shall conduct monthly
198 monitoring of the orphans of war in their respective localities and submit progress
199 reports to the Commission.
200

201 **Section 7. *Priority of the Unemancipated Orphan of War.*** – Considering the limited
202 time and resources, priority shall be given to orphans of war who are still minors in the
203 implementation and release of benefits.
204

205 **Section 8. *Other Programs.*** – Other government agencies of the Bangsamoro
206 Government are enjoined to render the necessary services to orphans of war in
207 coordination with the Commission and agencies mentioned in this Act. The agencies

208 shall ensure that the programs are culturally-sensitive, gender-responsive and age-
209 appropriate. The amount necessary for this purpose shall be sourced from the budget of
210 the agency concerned in the annual General Appropriations Act (GAA).

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213 **CHAPTER IV**
214 **Endowment Fund for Orphans of War**

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216 **Section 1. *Creation of Endowment Fund for Orphans of War.*** - In accordance with the
217 principle of zakat in Islamic law, there is hereby created Endowment Fund to receive
218 gifts and donations for orphans of war.

219
220 **Section 2. *Administration of and Disbursement from the Endowment Fund.*** - The
221 administration of the Endowment Fund is vested to the Bangsamoro Treasury Office
222 (hereinafter, "Treasury"), subject to audit of the Commission on Audit.

223
224 The Treasury shall submit an annual report to the Commission on the receipts
225 and disbursements of the Endowment Fund.

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227 Any disbursements from the Endowment Fund shall be solely for the benefits of
228 the orphans of war and only upon the recommendation and approval of the
229 Commission.

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231 **Section 3. *Donations in Kind and Other Non-Monetary Gifts and Donations.*** - All
232 donations in kind and non-monetary gifts and donations shall be received by the
233 Commission and distributed in accordance with the intention of the donor, or if none,
234 upon the discretion of the Commission; provided, the benefits shall redound to the
235 orphans of war.

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238 **CHAPTER V**
239 **General Provisions**

240
241 **Section 1. *Source of Funds.*** - The amounts necessary to fund the monetary reparation,
242 educational stipend and livelihood benefits shall be taken from the Block Grant which
243 shall not be less than 1/8 of 2.5% of the fund.

244
245 Other benefits and programs shall be charged to the respective appropriations of
246 the concerned agency.

247
248 **Section 2. *Release of Funds.*** - The Commission shall ensure the immediate release of
249 funds for the award of benefits provided for in this Act.

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251 Any person who unduly delays, refuses or in any manners prevents the payment
252 of the special financial assistance defined in this Act to the person or persons entitled
253 thereto shall be dismissed from office if found guilty in an appropriate administrative
254 case.

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256 **Section 3. *No Double Benefits.*** An orphan of war under this Act who has received
257 compensation, donation, insurance, gift, pension, grant, or any form of benefit pursuant
258 to any existing law or conventions shall not be entitled to the benefits provided for in
259 this Act.

260

261 **Section 4. *Exemption from Income Tax, Attachment, Levy, Garnishment.*** – Any benefit
262 granted to an orphan of war under this Act shall not, in whole or in part, be subject to
263 income tax, attachment, execution, forfeiture, or retention under any legal or equitable
264 proceedings.

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266 **Section 5. *Construction of Ambiguity.*** – Any ambiguous provision and in the
267 implementation of the provisions of this Act shall be construed in favor of and for the
268 advancement of the welfare of the orphans of war.

269
270 **Section 6. *Guidelines for the Implementing Rules and Regulations.*** – The Commission,
271 in consultation and coordination with the Ministry of Finance, Budget and
272 Management, and other concerned regional and national government agencies, civil
273 society organizations, and other stakeholders, shall promulgate the necessary rules and
274 regulations for the effective implementation of this Act no later than one hundred
275 eighty (180) days upon the effectivity of this Act.

276
277 In implementing this Act and in formulating the corresponding rules and
278 regulations, and to ensure the comprehensiveness and transparency, the Commission
279 must provide for:

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- 281 a. A procedure that is speedy and expeditious without sacrificing any of the
282 fundamental rights of the orphans of war;
 - 283 b. Transparency in the processing of the claims;
 - 284 c. A procedure that allows any concerned party to oppose an application, claim
285 or inclusion on grounds of fraud and/or falsity and gives that party the
286 opportunity to question the same and to present evidence in support thereof;
287 and
 - 288 d. Convergence and coordination of concerned agencies to guarantee the
289 comprehensive and non-repetitive delivery and award of services and
290 benefits in this Act.

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292 **Section 7. *Separability Clause.*** – If any part, section, or provision of this Act shall be
293 held invalid or unconstitutional, the remainder of the law or the provisions not
294 otherwise affected shall remain valid and binding.

295
296 **Section 8. *Repealing Clause.*** – All regional laws, orders, rules, and regulations or parts
297 thereof which are inconsistent with this Act are hereby repealed or modified
298 accordingly.

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300 **Section 9. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
301 publication in a newspaper of local circulation in the BARMM.

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