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Bangsamoro Autonomous Region in Muslim Mindanao  
Cotabato City

Second Parliament  
BANGSAMORO TRANSITION AUTHORITY

First Regular Session



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OFFICE OF MP ALAMIA  
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Private Member Bill No. 23

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

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

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

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

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

- a. *Child* is a person under 18 years old, regardless of the status of his/her legitimacy.
- b. *Documented victim of human rights violation* refers to a person included in the Regional Transitional Justice and Reconciliation Commission's masterlist who identifies with the Bangsamoro people and/or non-moro indigenous peoples and/or other inhabitants of the Bangsamoro Autonomous Region between March 18, 1968 and the present, and whose human rights were violated by State actors and State-affiliated armed groups, and/or non-State armed group, including, but not limited to, the following:
  - i. Persons killed, tortured, raped and/or sexually assaulted, mutilated, and/or injured;

- ii. Persons internally displaced due to armed conflicts;
  - iii. Widows and orphans of war; and
  - iv. Persons whose properties were destroyed or forcibly taken.
- c. *Emancipated orphan of war* refers to an orphan of war who has already attained 18 years of age or has already married upon the enactment of this Act.
- d. *Parent* is the mother or father of a child, including the ones acting in loco parentis.
- e. *Report of the Transitional Justice and Reconciliation Commission* refers to the 151-page Report of the Transitional Justice and Reconciliation Commission published with a Philippine Copyright in 2016

## **CHAPTER II**

### **The Orphans of War**

**Section 4. *Orphan of War.*** — For purposes of this Act, the following shall be considered an orphan of war:

- 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 5. *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 orphans of war. *Provided*, that 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 6. 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 7. 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;
- c. P15,000 annually – Senior High School, provided it will not exceed two (2) years;
- d. P20,000 annually – College, provided it will not exceed four (4) years;
- e. P20,000 annually - Vocational Course, provided it will not exceed two (2) years.

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

**Section 8. Livelihood Benefits.** — For an emancipated orphan of war who opts not to study or continue his/her studies, he/she shall be referred to and prioritized under the Sustainable Livelihood Program of the Ministry of Social Services and Development.

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

**Section 9. *Psychological Consultation and Trauma Therapy.*** — The orphan of war shall also have free access to psychological consultation and trauma therapy provided by the Ministry of Health. In the absence of such a consultation or therapy program, the Ministry of Health shall refer the orphan of war to national agencies and non-government organizations.

**Section 10. *Preference in Employment in the Bangsamoro Government Agencies.*** — The orphan of war shall be given priority in employment in a government or agency or office in the Bangsamoro Government where his/her qualifications are fitted, subject to Civil Service laws and rules and regulations.

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

**Section 11. *Benefit Extended to Relatives of Orphan of War in Loco Parentis.*** — The Commission shall ensure the welfare of an orphan of war living with his/her relatives acting in loco parentis and that he is well taken care of. For this purpose, the relative in loco parentis of an orphan of war may avail of the livelihood benefits provided for in the preceding section; provided, that such relative may only claim once regardless of the number of orphans of war he/she is acting in loco parentis.

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

**Section 12. *Priority of the Unemancipated Orphan of War.*** — Considering the limited time and resources, priority shall be given to orphans of war who are still minors in the implementation and release of benefits.

**Section 13. *Other Programs.*** — Other government agencies of the Bangsamoro Government are enjoined to render the necessary services to orphans of war in coordination with the Commission and agencies mentioned in this Act. The agencies shall ensure that the programs are culturally-sensitive, gender-responsive and age-appropriate. The amount necessary for this purpose shall be sourced from the budget of the agency concerned in the annual General Appropriations Act (GAA).

#### **CHAPTER IV**

##### **Endowment Fund for Orphans of War**

**Section 14. *Creation of Endowment Fund for Orphans of War.*** — In accordance with the principle of zakat in Islamic law, the Endowment Fund is hereby created to receive gifts and donations for orphans of war.

**Section 15. Administration of and Disbursement from the Endowment Fund.** — The administration of the Endowment Fund is vested to the Bangsamoro Treasury Office (hereinafter, “Treasury”), subject to audit of the Commission on Audit.

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

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

**Section 16. Donations in Kind and Other Non-Monetary Gifts and Donations.** — All donations in kind and non-monetary gifts and donations shall be received by the Commission and distributed according to the wishes of the donor, or if none, upon the discretion of the Commission. *Provided*, the benefits shall be redound to the orphans of war.

## CHAPTER V General Provisions

**Section 17. Source of Funds.** — The amounts necessary to fund the monetary reparation, educational stipend and livelihood benefits shall be taken from the Block Grant which shall not be less than 1/8 of 2.5% of the fund. Other benefits and programs shall be charged to the respective appropriations of the concerned agency.

**Section 18. Release of Funds.** — The Commission shall ensure the immediate release of funds for the award of benefits provided for in this Act.

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

**Section 19. Prohibition on Double Benefits.** — An orphan of war under this Act who has received compensation, donation, insurance, gift, pension, grant, or any form of benefit pursuant to any existing law or conventions shall not be entitled to the benefits provided for in this Act.

**Section 20. Exemption from Income Tax, Attachment, Levy, Garnishment.** — Any benefit granted to an orphan of war under this Act shall not, in whole or in part, be subject to income tax, attachment, execution, forfeiture, or retention under any legal or equitable proceedings.

**Section 21. Construction of Ambiguity.** — Any ambiguous provision and in the implementation of the provisions of this Act shall be construed in favor of and for the advancement of the welfare of the orphans of war.

**Section 22. Guidelines for the Implementing Rules and Regulations.** — The Commission, in consultation and coordination with the Ministry of Finance, Budget and Management, and other concerned 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.


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

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

**Section 23. 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.

**Section 24. Repealing Clause.** — All regional laws, orders, rules, and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

**Section 25. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of local circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

  
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Member of Parliament