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REPUBLIC OF THE PHILIPPINES )  
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SENATE

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Introduced by Senator JUAN MIGUEL F. ZUBIRI

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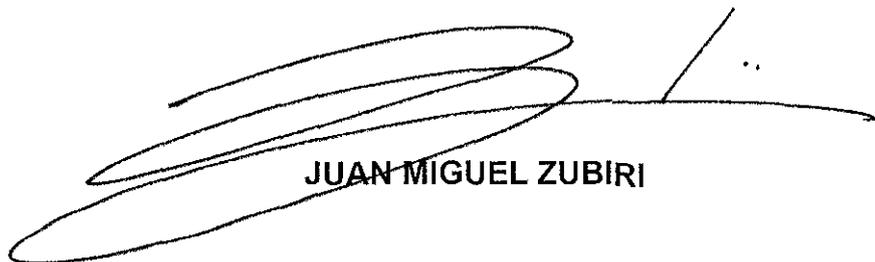
### EXPLANATORY NOTE

Section 5, Article III of the 1987 Constitution provides that, "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed."

In pursuance of this Constitutional mandate, the Office on Muslim Affairs (OMA) was created in 1987 by virtue of Executive Order No. 122-A as amended by Executive Order No. 295. It is the agency mandated to uplift and improve the conditions of the Muslim Filipinos and tasked to address the various issues facing Muslim Communities comprising almost 5% of the total population.

It has been more than 20 years since the organization of this office and there is now a need to revisit the charter of OMA, expand its present mandate and address the diverse needs of Muslim Filipinos. This bill seeks to create a National Commission on Muslim Filipinos (NCMF) which will replace and take over the functions of the Office on Muslim Affairs, to include not just to preserve and to develop the culture, traditions, institutions and well-being of Muslim Filipinos, but likewise to coordinate and consult with various government agencies, and to oversee the proper implementation of all laws and policies that affect Muslim Filipinos.

In view of the importance of this proposed legislation in addressing the needs of our Muslim brothers and sisters, passage of this bill is earnestly sought.

  
JUAN MIGUEL ZUBIRI



1 (1) of the Commissioners shall come from the women sector and another Commissioner  
2 shall come from the Ulama (religious leader) sector: *Provided, finally,* That no two  
3 Commissioners shall come from the same Muslim Filipino tribe at any given time, to  
4 ensure equitable representation in the Commission.

5 The President shall appoint the regular members of the Commission. The  
6 Commissioners shall be academic degree holders and must speak and write fluently the  
7 English and/or Arabic languages. They shall be individuals who possess the highest  
8 degree of integrity and have the endorsement of their respective tribes.

9 In no case shall the Commissioners appoint representatives to act on their  
10 behalf.

11 The Commission may create a Council of Advisers to be composed of religious,  
12 traditional, and tribal leaders. The Council shall advise the Commission on matters  
13 pursuant to the Commission's mandate.

14 **SEC. 6. *Term of Office.*** The Chairman, who shall be the Chief Executive Officer  
15 of the Commission and appointed by the President from among the seven (7)  
16 Commissioners, shall serve for a period of two (2) years. No Commissioner shall serve  
17 as Chairman for two (2) consecutive terms. The Chairmanship of the Commission shall  
18 then rotate among the seven (7) Commissioners to ensure that leadership in the  
19 Commission is not monopolized or dominated by one particular tribal group.

20 The Commissioners shall have a term of office of six (6) years without prejudice  
21 to reappointment by the President. Of those first appointed, four (4) Commissioners  
22 shall hold office for three (3) years.

23 Should a Commissioner fail to complete his or her term, the President shall  
24 appoint a successor from the tribe the Commissioner represents. The successor will  
25 only serve for the unexpired portion of the term.

26 The Chairman and the Commissioners shall have the rank, salary, and privileges,  
27 as those of a Department Secretary and Undersecretaries, respectively.

28 **SEC. 7. *Removal from Office.*** The President may, remove any member of the  
29 Commission before the expiration of his term, upon the recommendation of any Muslim  
30 Filipino tribal group or sector for cause and after complying with the due process  
31 requirement of the law.

## 32 **ARTICLE II**

### 33 **Powers and Functions**

34 **SEC. 8. *Powers and Functions.*** To accomplish its mandate, the Commission  
35 shall have the following powers and functions:

36 (a) Provide advice and assistance to the President in the formulation, coordination,  
37 implementation and monitoring of policies, plans, programs and projects affecting  
38

- 1 Muslim Filipino communities; when so authorized, represent the President on  
2 matters concerning *Muslim Filipino communities*; serve as a link between the  
3 President and public or private agencies, internal or external, that are involved in  
4 such programs and projects; and recommend such affirmative actions as may be  
5 necessary for their efficient and effective implementation;
- 6 (b) Undertake and coordinate development programs and projects for the advancement  
7 of *Muslim Filipino communities*, including designing, implementing and maintaining  
8 settlements for Muslim Filipino communities;
- 9 (c) Act as the primary government agency through which Muslim Filipinos can seek  
10 government assistance and redress; serve as the medium through which such  
11 assistance may be extended to Muslim Filipinos; for this purpose, the Commission  
12 is hereby authorized, subject to existing auditing rules and regulations, to give  
13 grants-in-aid out of its appropriations or other appropriate funds to cooperating  
14 government agencies for such programs or projects for the development of Muslim  
15 Filipino communities; provide services including *legal assistance, medical aid, relief*  
16 *and other forms of assistance for socio-economic upliftment of Muslim Filipino*  
17 *communities*;
- 18 (d) Enter, subject to existing laws, policies and guidelines, into such contracts,  
19 agreements or arrangements with government or private agencies or entities as  
20 may be necessary to attain the *objectives of the Commission*;
- 21 (e) In accordance with pertinent laws, rules and regulations then in force, and subject to  
22 guidelines provided by the President, promote and enhance the development of  
23 domestic trade and commerce among the members of the Muslim Filipino  
24 communities; or promote or facilitate the establishment by members of the Muslim  
25 *Filipino communities of venture and investments in cooperation or coordination with*  
26 *existing public enterprises, corporations or private entities, or subject to prior*  
27 *approval of the President, initiate and/or organize, in accordance with pertinent*  
28 *laws, rules and regulations then in force, enterprises based on the principles of*  
29 *Islamic business and finance consistent with existing policies and guidelines for the*  
30 *benefit and welfare of the regions of autonomy*;
- 31 (f) Recommend to the Department of Budget and Management (DBM) the proposed  
32 expenditure for the development of all Muslim Filipino communities;
- 33 (g) Develop criteria for allocating additional resources for education, economic and  
34 *cultural development programs*;
- 35 (h) Monitor and evaluate the performance of all existing policies and development  
36 programs of the government that seek to strengthen and uplift the socio-economic  
37 conditions of Muslim Filipinos and identify areas that need government intervention  
38 and support;

- 1 (i) Acquire, lease or own such property or assets in whatever form as may be  
2 necessary, and sell or otherwise dispose of the same, and serve as the custodian or  
3 administrator of such lands or areas and other properties or assets the President  
4 may reserve for the benefit of Muslim Filipino communities;
- 5 (j) Solicit and accept grants, donations and gifts, in cash or in kind, in whatever source,  
6 in coordination with the appropriate agency for the benefit of the Muslim Filipinos,  
7 and administer the same in accordance with the terms thereof, or in the absence of  
8 any condition, in such manner consistent with the interest of Muslim Filipinos as well  
9 as existing laws;
- 10 (k) Undertake studies, establish and maintain ethnographic research centers and  
11 museums on the cultures and institutions of Muslim Filipinos for policy formulation  
12 and program implementation and for the purpose of preserving their historical  
13 heritage;
- 14 (l) Certify, whenever appropriate, membership of persons in Muslim Filipino  
15 communities for purposes of establishing qualifications for specific requirements of  
16 government and private agencies or for benefits as may be provided by law;
- 17 (m) Conduct inspections or surveys, jointly with other appropriate agencies, and issue  
18 necessary certifications prior to the grant of any license, lease or permit for the  
19 exploitation of natural resources affecting the interests of Muslim Filipino  
20 communities or areas occupied by them; and in case of conflicts, recommend to the  
21 President appropriate action under the circumstances;
- 22 (n) Provide legal and technical services for the survey, adjudication, titling, and  
23 development of Muslim Filipino ancestral lands and settlements proclaimed by the  
24 government for the Muslim Filipinos and issue certificate of ancestral land/domain  
25 title;
- 26 (o) Administer all programs, projects, and activities, formulate the necessary rules and  
27 regulations, and coordinate with pertinent offices to ensure the success of the  
28 annual hajj (pilgrimage) to Mecca, Kingdom of Saudi Arabia;
- 29 (p) Promote the development of a *Hajj* Assistance Fund that shall be created from  
30 contributions of Muslim Filipinos and other donors which shall be used to support  
31 the financial needs of Muslim Filipinos intending to participate in the annual hajj;
- 32 (q) Administer and hold in trust awqaf (endowment) properties and/or awqaf institutions,  
33 and receive by way of grant, donations or gifts, awqaf investments in accordance  
34 with the principles of Islamic investments and finance;
- 35 (r) Prescribe rules and regulations for the establishment of awqaf institutions,  
36 administration of awqaf assets, and settlement of disputes among awqaf  
37 beneficiaries pursuant to the general principles of Shari'ah (Islamic Law);

- 1 (s) Formulate and adopt continuing programs and activities to strengthen *Madaris*  
2 (plural of *Madrasah*) schools, Islamic Studies, and *Shari'ah* and Islamic  
3 jurisprudence, in coordination with appropriate agencies of the government.
- 4 (t) Promote and supervise, in coordination with appropriate agencies of the  
5 government, the implementation of the *Madrasah* education system throughout the  
6 country except in the Autonomous Region in Muslim Mindanao (ARMM) where the  
7 system shall be implemented and supervised by the Department of Education-  
8 ARMM; and provide assistance in the expeditious accreditation of *Madrasah*  
9 educational institutions with the appropriate agencies of the government;
- 10 (u) Ensure that the curriculum of the *Madrasah* education system shall conform with the  
11 basic curriculum of the national formal education system which along with teachings  
12 on Arabic Language, Islamic Studies, and Filipino and Islamic Values shall include,  
13 among others, the subjects on Filipino and English Grammar and Usage, Philippine  
14 History and Geography, Science and Technology, Mathematics, Physical Education  
15 and Sports Development, and Vocational Education to secure the local and  
16 international competitiveness of Muslim Filipino graduates from the *Madrasah*  
17 educational institutions;
- 18 (v) Develop criteria for the grant of local and foreign scholarships and the selection of  
19 deserving students and teachers of *Madrasah* educational institutions;
- 20 (w) Provide local and foreign scholarships to deserving Muslim Filipinos in coordination  
21 with formal educational institutions here and abroad;
- 22 (x) Ensure the continuous transfer of technology to Muslim Filipino communities to uplift  
23 the quality of life of Muslim Filipinos;
- 24 (y) Promulgate such rules and regulations and exercise such powers and functions as  
25 maybe necessary to carry out the purposes and objectives outlined in this Act; and
- 26 (z) Perform such other functions as may be necessary for its effective operations and  
27 continued enhancement as a government entity.

28 **SEC. 9. Administrative Supervision and Control.** The administrative  
29 supervision and control over the personnel, except the Commissioners, and the  
30 properties of the Commission shall be vested in the Chairman. Except for Presidential  
31 appointees, the appointment of and imposition of disciplinary measures on the same  
32 personnel shall likewise be vested in the Chairman who shall accomplish the same in  
33 consultation with the Commissioners, except that when the administrative charge  
34 entails, considering the circumstances alleged in the complaint, the penalty of dismissal  
35 from the service, the decision thereon shall be by the majority of all the members of the  
36 Commission. The Chairman shall exercise administrative supervision over the  
37 Commissioners. The Commissioners shall assist the Chairman in the performance of

1 his functions, who may assign or delegate specific and substantive or administrative  
2 responsibilities to any of them.

3 **SEC. 10. Organizational Structure.** The Commission shall be composed of the  
4 offices of the Chairman, the Commissioners, the Executive Director and the Deputy  
5 Executive Director and their immediate staff, the Bureaus, Services, Regional Offices,  
6 Field Offices and Sub-offices.

7 **SEC. 11. Bureaus.** The Bureaus of the Commission shall consist of the Bureau  
8 of Economic Affairs, Bureau of Muslim Cultural Affairs, Bureau of Muslim Settlements,  
9 Bureau of External Relations, and the Bureau of Pilgrimage and Endowment,. Each of  
10 these Bureaus shall be headed by a Director who shall hold the same rank, salary, and  
11 privileges of a Staff Bureau Director.

12 (a) **Bureau of Economic Affairs.** This Bureau shall promote and develop  
13 economic livelihood programs and projects through extension of loans,  
14 entrepreneurship, trade and marketing assistance to the members of Muslim Filipino  
15 communities. It shall also be responsible for the promotion and development of  
16 cooperative endeavors among Muslim Filipinos in coordination with the Cooperative  
17 Development Authority (CDA). It shall likewise promote and implement manpower  
18 training and community self-help projects for the economic development of Muslim  
19 Filipinos.

20 (b) **Bureau of Muslim Cultural Affairs.** This Bureau shall be responsible for  
21 the conduct of research and studies on the cultural development of Muslim Filipino  
22 communities which would serve as the basis for policy and plans formulation, program  
23 and project implementation.

24 It shall formulate and implement an education program especially designed to  
25 improve the literacy level of Muslim Filipinos, and maintain a central library, museum  
26 and audio-visual center to serve as repositories of information on the Muslim Filipino  
27 peoples.

28 It shall be responsible for the Madrasah institutions in the country wherein it will  
29 assist and facilitate the applications for registration and accreditation with the  
30 Department of Education (DepEd). It shall also oversee the conduct of the Annual  
31 Quor'an Reading Competition.

32 (c) **Bureau of Muslim Settlement.** This Bureau shall be responsible for the  
33 promotion and development of Muslim Filipino settlements in coordination with  
34 concerned agencies of the government.

35 (d) **Bureau of External Relations** - This Bureau shall be responsible in  
36 forging linkages among Muslim Filipino communities and organizations within and  
37 outside the country. The Bureau shall also serve as the political arm of the Commission.

1           (e)    **Bureau of Pilgrimage and Endowment.** This Bureau shall be primarily  
2 *responsible for the administration of the annual Muslim pilgrimage to Mecca, Kingdom*  
3 *of Saudi Arabia; and the formulation and implementation of programs, projects and*  
4 *activities for the efficient and effective administration and supervision of the conduct of*  
5 *pilgrimage activities; Provided that, the supervision accorded the Bureau under this*  
6 *Section shall not include control .*

7           In the pursuance of the above responsibilities, the Bureau shall formulate the  
8 *necessary guidelines to ensure the timely processing of the pilgrim's travel documents*  
9 *and the equitable and reasonable collection of fees. Such collection shall be limited to*  
10 *mutawiff and passporting and/or processing fees only. Collected fees shall be*  
11 *deposited in a special trust fund which shall be established by the Commission, the*  
12 *expenses from which shall be subject to existing auditing laws, rules and regulations.*

13           The pilgrims shall be accorded free choice of travel agencies and airlines or other  
14 *means of transportation to and from the site of pilgrimage: Provided that, pilgrims*  
15 *comply with the prescribed arrival and departure schedule fixed by the Ministry of Hajj of*  
16 *the Kingdom of Saudi Arabia; Provided, further That, all pilgrims shall be legitimate*  
17 *holders of round-trips tickets to and from the Kingdom of Saudi Arabia. The Bureau*  
18 *shall also accredit qualified and deserving sheikhs. It shall also formulate, subject to the*  
19 *approval of the Commission, the timetable of annual hajj activities which must be posted*  
20 *in all areas accessible to Muslim Filipinos.*

21           The Bureau shall likewise be responsible for the administration of *awqaf*  
22 *(endowment) properties and institutions, and the conduct of research and studies for the*  
23 *establishment and maintenance of hajj towns, Islamic centers and awqaf projects.*

24           **SEC. 12. Services.** The Services of the Commission shall consist of the  
25 *Administrative Service, Finance Management Service, Planning Service and Legal*  
26 *Service, each of which shall be headed by a Staff Director with the same rank, salary,*  
27 *and privileges of an Assistant Staff Bureau Director.*

28           **Administrative Service.** This Service shall be responsible for providing the  
29 *Commission with efficient and effective staff services relating to personnel, information,*  
30 *records, supplies, equipment, collection, disbursement, security and custodial work.*

31           **Finance and Management Service.** This Services shall be responsible for  
32 *providing the Commission with efficient and effective staff advise and assistance on*  
33 *budgetary, financial and management matters.*

34           **Planning Service.** This Service shall be responsible for providing the  
35 *Commission with efficient and effective staff services relating to planning, monitoring,*  
36 *and evaluation of programs and projects.*

37           **Legal Service.** The Legal Service shall be responsible for *providing Muslim*  
38 *Filipinos with legal education and assistance in case of litigation involving their persons*

1 or interests; act as the legal counsel of the Commission; and investigate cases involving  
2 its personnel and submit appropriate recommendations pertaining thereto.

3 **SEC. 13. Regional Offices, Field Offices, Sub-Offices.** The Commission is  
4 hereby authorized to establish, operate, and maintain Regional Offices in such  
5 appropriate administrative regions of the country, each of which shall be headed by a  
6 Regional Director. A Regional Office shall have, within its administrative region, the  
7 following functions:

- 8 - Implement laws, rules, regulations, policies, programs, and projects of the  
9 Commission;
- 10 - Establish regional and provincial *Hajj* coordinating and monitoring units;
- 11 - Provide efficient and effective service to Muslim Filipinos;
- 12 - Coordinate with regional offices and agencies of the executive department;
- 13 - Coordinate with local government units; and
- 14 - Perform such other functions as may be provided by law.

15 The Commission is likewise authorized to establish, operate, maintain, and  
16 determine the functions of field offices and sub-offices, whenever necessary,  
17 appropriate and feasible.

18 **SEC. 14. The Secretariat.** The Commission shall organize a Secretariat that  
19 shall assist the Chairman in the performance of his functions and shall serve as the  
20 technical arm of the Commission. It shall be headed by an Executive Director who shall  
21 be appointed by the President. The Executive Director shall execute the policies and  
22 programs of the Commission and shall be responsible for the efficient and effective day-  
23 to-day management of the operations of the Commission.

24 The Executive Director shall recommend to the Chairman, for approval of the  
25 Commission, the budget of the Secretariat, its staffing pattern, position classification  
26 and compensation scheme, and the appointment of its personnel subject to existing  
27 laws, rules and regulations.

28 The Executive Director shall enjoy security of tenure and may only be removed  
29 for cause in accordance with law.

30 **SEC. 15. Hajj Attache.** The President shall appoint a *Hajj Attache* from among  
31 the three (3) recommendees of the Commission. The *Hajj Attache* shall coordinate with  
32 the Ministry of *Hajj* of the Kingdom of Saudi Arabia on all matters pertaining to the  
33 conduct of the annual *Hajj*. He shall hold office in the Kingdom of Saudi Arabia and  
34 shall enjoy the same rank, salary, and privileges as those of attaches of the national  
35 government.

36 **SEC. 16. Amirul Hajj.** The President shall appoint the Chairman of the  
37 Commission as the *Amirul Hajj* who shall serve as the representative of the President  
38 and as the head of the Muslim Filipino pilgrims who will attend the annual *Hajj*.



1 Employees separated and/or phased-out from the service as a result of the  
2 abolition of the OMA under the provision of this Act shall within three (3) months from  
3 their separation and/or phased-out from the service receive a separation pay in  
4 accordance with existing laws, rules and regulations. In addition, those who are  
5 qualified to retire shall be allowed to retire and be entitled to all benefits provided, under  
6 any of the existing retirement laws. The fund of the Commission maybe used to fund  
7 the purpose.

8 The Chairman shall recommend to the Commission a work program that shall  
9 include the organizational plan and structure, staffing pattern and compensation plan,  
10 budget, programs, projects, activities of the Commission within ninety (90) days from  
11 the approval of this Act. Said work program shall be implemented by the Chairman  
12 within thirty (30) days after its approval by the Commission and the President.

13 **SEC. 23. Periodic Performance Evaluation.** The Chairman is hereby required  
14 to formulate and enforce a system of measuring and evaluating periodically and  
15 objectively the performance of the Commission and submit the same annually to the  
16 President.

17 **SEC. 24. Separability Clause.** If for any reason, any section or provision of this  
18 Act is declared unconstitutional or invalid, the other section or provisions hereof, which  
19 are not affected thereby shall continue in full force and effect.

20 **SEC. 25. Repealing Clause.** Executive Order No. 122-A, as amended by  
21 Executive Order No. 295 is hereby repealed. All other acts, decrees, instructions, rules  
22 and regulations or parts thereof inconsistent with the provisions of this Act are also  
23 hereby repealed or modified accordingly.

24 **SEC. 26. Effectivity Clause.** This Act shall take effect fifteen (15) days after its  
25 publication in two (2) national newspapers or general circulation.

26 Approved,