

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 9997]

AN ACT CREATING THE NATIONAL COMMISSION ON MUSLIM FILIPINOS DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known as the "National Commission on Muslim Filipinos Act of 2009".

SEC. 2. *Declaration of Policy.* - It is henceforth the policy of the State to ensure the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions

and institutions, as well as to further ensure their contribution to national goals and aspirations and to make them active participants in nation-building.

ARTICLE I

CREATION AND COMPOSITION OF THE COMMISSION, AND TERM OF OFFICE OF THE COMMISSIONERS

SEC. 3. *Creation of the National Commission on Muslim Filipinos.* – In pursuance of the abovementioned policy, the National Commission on Muslim Filipinos, hereinafter referred to as the Commission, is hereby created.

The Commission, which shall be under the Office of the President, shall take over the functions of the Office on Muslim Affairs (OMA), which is hereby abolished. Its coverage shall be both local and national affairs involving Muslim Filipinos that include the implementation of economic, educational, cultural, and infrastructure programs for Muslim Filipino communities.

SEC. 4. *Mandate.* – The Commission shall preserve and develop the culture, tradition, institutions, and well-being of Muslim Filipinos, in conformity with the country's laws and in consonance with national unity and development.

SEC. 5. *Composition of the Commission.* – The Commission shall be composed of nine (9) full-time members who are Muslim Filipinos and shall be headed by a Secretary: *Provided*, That one (1) of the Commissioners shall come from the women sector, one (1) from the youth sector and another Commissioner shall come from the Ulama sector: *Provided, further*, That not more than two (2) Commissioners shall come from the same Muslim Filipino tribe at any given time, to ensure a more equitable representation in the Commission. The President shall appoint the regular members of the Commission. The Commissioners shall be academic degree holders and must speak and write fluently the English and/or Arabic languages. They shall be individuals who possess the highest degree of integrity and have the endorsement of their respective tribes or sectors.

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

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

SEC. 6. *Term of Office.* - The Secretary, who shall be the Chief Executive Officer of the Commission with Cabinet-rank, shall attend the Cabinet-level meetings, appointed by the President from among the nine (9) Commissioners, and shall serve for a period of two (2) years without prejudice to reappointment.

For the initial set of Commissioners, the first five (5) Commissioners shall have a term of office of four (4) years and the remaining four (4) shall hold office for two (2) years. Thereafter, the succeeding set of Commissioners shall serve for a full term of four (4) years.

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

The Secretary and the Commissioners shall have the same rank, salary, and privileges as those of a Cabinet Secretary and Assistant Secretaries, respectively.

SEC. 7. *Removal from Office.* - The President may remove any member of the Commission before the expiration of his/her term, for cause and after observance of the proper due process required by pertinent laws.

ARTICLE II

POWERS AND FUNCTIONS

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

(a) Provide advice and assistance to the President in the formulation, coordination, implementation and monitoring of policies, plans, programs and projects affecting Muslim Filipino communities; when so authorized, represent the President on matters concerning Muslim Filipino communities; serve as a link between the President and public or private agencies, internal or external, that are involved in such programs and projects; and recommend such affirmative actions as may be necessary for their efficient and effective implementation;

(b) Undertake and coordinate development programs and projects for the advancement of Muslim Filipino communities, including designing, implementing and maintaining settlements for Muslim Filipino communities: *Provided*, That the Commission shall not take jurisdiction or ownership over lands, and bodies of water traditionally and actually occupied by indigenous peoples and within the identified ancestral domains of the National Commission on Indigenous Peoples: *Provided, further*, That lands may be identified by the Commission for the purpose of settling the homeless and displaced Muslim families to improve the conditions of the members of the Muslim communities;

(c) Act as the primary government agency through which Muslim Filipinos can seek government assistance and redress; serve as the medium through which such assistance may be extended to Muslim Filipinos; for this purpose, the Commission is hereby authorized, subject to existing auditing rules and regulations, to give grants-in-aid out of its appropriations or other appropriate funds to cooperating government agencies for such programs or projects for the development of Muslim Filipino communities; provide services including legal assistance, medical aid, relief, rehabilitation and other forms of assistance for socioeconomic upliftment of Muslim Filipino communities;

(d) Participate in the peace process involving conflicts between Filipino Muslim groups and/or individuals and the government in cooperation with appropriate agencies, individuals and institutions. Pursuant hereto, the Commission's Secretary or his/her duly designated representative shall sit as a regular member of the government's peace panel

negotiating peace with the Muslim Filipino groups or individuals;

(e) Enter, subject to existing laws, policies and guidelines, into contracts, agreements or arrangements with government or private agencies/entities as may be necessary to attain the objectives of the Commission;

(f) In accordance with existing laws, rules and regulations and subject to guidelines provided by the Office of the President, promote and enhance the development of domestic trade and commerce among the members of the Muslim Filipino communities; promote or facilitate the establishment by members of the Muslim Filipino communities joint venture and investments in cooperation or coordination with existing public enterprises, corporations or private entities; initiate and/or organize, in accordance with pertinent laws, rules and regulations, enterprises based on the principles of Islamic business and finance for the benefit and welfare of the Muslim Filipino communities;

(g) Recommend to the Department of Budget and Management (DBM) the proposed expenditure for the development of all Muslim Filipino communities;

(h) Promote and develop the Philippine Halal Industry and accredit halal-certifying entities/bodies for the utmost benefit of Muslim Filipinos and in partnership or cooperation with appropriate agencies, individuals and institutions here and abroad;

(i) Develop criteria for allocating additional resources for education, economic and cultural development programs;

(j) Monitor and evaluate the performance of all existing policies and development programs of the government that seek to strengthen and uplift the socioeconomic conditions of Muslim Filipinos and identify areas that need government intervention and support;

(k) Acquire, lease or own property or assets in whatever form as may be necessary, and sell or otherwise dispose of the same, and serve as the custodian or administrator of such

lands or areas and other properties or assets the President may reserve for the benefit of Muslim Filipino communities;

(l) Solicit and accept grants, donations and gifts, in cash or in kind, in whatever source, in coordination with the appropriate agency for the benefit of the Muslim Filipinos, and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of Muslim Filipinos as well as existing laws;

(m) Undertake studies, establish and maintain ethnographic research centers and museums on the cultures and institutions of Muslim Filipinos for policy formulation and program implementation and for the purpose of preserving their historical heritage;

(n) Certify, whenever appropriate, membership of persons in Muslim Filipino communities for purposes of establishing qualifications for specific requirements of government and private agencies or for benefits as may be provided by law;

(o) Provide legal and technical services for the survey, adjudication, titling, and development of Muslim Filipino ancestral lands and settlements proclaimed by the government for the Muslim Filipinos;

(p) Assist the National Statistics Office (NSO) in conducting census on the actual population of Muslim Filipinos in the country;

(q) Administer all programs, projects and activities, formulate the necessary rules and regulations, and coordinate with pertinent offices to ensure the success of the annual *Hajj* (pilgrimage) to Mecca, Kingdom of Saudi Arabia;

(r) Promote the development of a *Hajj* Assistance Fund that shall be created from contributions of Muslim Filipinos and other donors which shall be used to support the financial needs of deserving Muslim Filipinos intending to participate in the annual *Hajj*;

(s) Administer and hold in trust *awqaf* (endowment) properties and/or *awqaf* institutions, and receive by way of

grant, donations or gifts, *awqaf* investments in accordance with the principles of Islamic investments and finance;

(t) Prescribe rules and regulations for the establishment of *awqaf* institutions, administration of *awqaf* assets, and settlement of disputes among *awqaf* beneficiaries pursuant to the general principles of *Shari'ah* (Islamic Law);

(u) Formulate and adopt continuing programs and activities to strengthen *Madaris* (plural of *Madrasah*) schools, Islamic Studies, and *Shari'ah* and Islamic jurisprudence, in coordination with appropriate agencies of the government;

(v) Promote and supervise, in coordination with appropriate agencies of the government, the implementation of the *Madrasah* education system throughout the country except in the Autonomous Region in Muslim Mindanao (ARMM) where the system shall be implemented and supervised by the Department of Education-ARMM; and provide assistance in the expeditious accreditation of *Madrasah* educational institutions with the appropriate agencies of the government;

(w) Ensure that the curriculum of the *Madrasah* education system shall conform with the basic curriculum of the national formal education system which, along with teachings on Arabic Language, Islamic Studies, and Filipino and Islamic Values shall include, among others, the subjects on Filipino and English Grammar and Usage, Philippine History and Geography, Science and Technology, Mathematics, Physical Education and Sports Development, and Vocational Education to secure the local and international competitiveness of Muslim Filipino graduates from the *Madrasah* educational institutions;

(x) Develop criteria for the grant of local and foreign scholarships and the selection of deserving students and teachers of *Madrasah* and other educational institutions;

(y) Provide and/or facilitate access to local and foreign scholarships to deserving Muslim Filipinos in coordination with formal educational institutions here and abroad;

(z) Ensure the continuous transfer of technology to Muslim Filipino communities to uplift the quality of life of Muslim Filipinos;

(aa) Promulgate such rules and regulations and exercise such powers and functions as may be necessary to carry out the purposes and objectives outlined in this Act; and

(bb) Perform such other functions as may be necessary for its effective operations and continued enhancement as a government entity.

SEC. 9. *Administrative Supervision and Control.* – The administrative supervision and control over the personnel, except the Commissioners, and the properties of the Commission shall be vested in the Secretary. Except for presidential appointees, the appointment of and imposition of disciplinary measures on the same personnel shall likewise be vested in the Secretary who shall accomplish the same in consultation with the Commissioners, except that when the administrative charge entails, considering the circumstances alleged in the complaint, the penalty of dismissal from the service, the decision thereon shall be by the majority of all the members of the Commission. The Secretary shall exercise administrative supervision over the Commissioners. The Commissioners shall assist the Secretary in the performance of his/her functions, who may assign or delegate specific, substantive or administrative responsibilities to any of them.

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

SEC. 11. *Bureaus.* – The Bureaus of the Commission shall consist of the Bureau of Muslim Economic Affairs, Bureau of Muslim Cultural Affairs, Bureau of Muslim Settlement, Bureau of External Relations, Bureau of Pilgrimage and Endowment, Bureau of Peace and Conflict Resolution, and the Bureau of Legal Affairs. Each of these Bureaus shall be headed by a Director who shall hold the same rank, salary, and privileges of a Staff Bureau Director.

The Bureau Director shall be appointed by the President from among the names or nominees submitted by the Commission to the President.

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

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

It shall formulate and implement an education program especially designed to improve the literacy level of Muslim Filipinos, including their study of the Arabic language, Islamic heritage, and maintain a central library, museum and audio-visual center to serve as repositories of information on the Muslim Filipino peoples.

It shall be responsible for the *Madrasah* institutions in the country wherein it will assist and facilitate the applications for registration and accreditation with the Department of Education (DepED). It shall also oversee the conduct of the Annual *Qur'an* Reading Competition.

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

(d) Bureau of External Relations - This Bureau shall be responsible in forging linkages among Muslim Filipino communities and organizations within and outside the country

including print, broadcast and electronic communications. The Bureau shall also serve as the public information arm of the Commission and assist in fulfilling information dissemination on issues affecting Muslim Filipinos. It is tasked to carry-out sound dissemination practices and may use the services of other agencies to help achieve an informed judgment on issues.

(e) Bureau of Pilgrimage and Endowment. - This Bureau shall be primarily responsible for the administration of the annual Muslim pilgrimage to Mecca, Kingdom of Saudi Arabia; and the formulation and implementation of programs, projects and activities for the efficient and effective administration and supervision of the conduct of pilgrimage activities: *Provided*, That the supervision accorded the Bureau under this section shall not include control.

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

The pilgrims shall be accorded free choice of travel agencies and airlines or other means of transportation to and from the site of pilgrimage: *Provided*, That pilgrims comply with the prescribed arrival and departure schedule fixed by the Ministry of *Hajj* of the Kingdom of Saudi Arabia: *Provided, further*, That all pilgrims shall be legitimate holders of round-trip tickets to and from the Kingdom of Saudi Arabia: *Provided, furthermore*, That the pilgrims shall be free to choose on where to purchase or acquire other logistics, materials and supplies for the pilgrimage.

In no instance shall the pilgrims be forced to purchase such logistics, materials and supplies from the Commission or its authorized agents or representatives.

The Bureau shall also accredit qualified and deserving sheikhs. It shall also formulate, subject to the approval of

the Commission, the timetable of annual *Hajj* activities which must be posted in all areas accessible to Muslim Filipinos.

The Bureau shall likewise be responsible for the administration of *awqaf* properties and institutions, and the conduct of research and studies for the establishment and maintenance of *Hajj* towns, Islamic centers and *awqaf* projects.

(f) Bureau of Peace and Conflict Resolution. - This Bureau shall primarily be responsible for the conduct of peace and settlement of conflict among Muslim Filipinos and shall likewise participate in the national peace process efforts, particularly for Muslim Mindanao. It is aimed to prevent, de-escalate and find solution to conflicts by peaceful means.

(g) Bureau of Legal Affairs. - The Legal Affairs Bureau shall be responsible for providing Muslim Filipinos with legal education and assistance in case of litigation involving their persons or interests; act as the legal counsel of the Commission; and investigate cases involving its personnel and submit appropriate recommendations pertaining thereto. The Bureau shall also investigate valid complaints brought before the Commission.

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

(a) Administrative Service. - This Service shall be responsible for providing the Commission with efficient and effective staff services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and custodial work.

(b) Finance and Management Service. - This Service shall be responsible for providing the Commission with efficient and effective staff advice and assistance on budgetary, financial and management matters.

(c) Planning Service. - This Service shall be responsible for providing the Commission with efficient and effective staff services relating to planning, monitoring, and evaluation of programs and projects.

SEC. 13. *Regional Offices, Field Offices, Sub-Offices.* - The Commission is hereby authorized to establish, operate, and maintain Regional Offices in such appropriate administrative regions of the country, each of which shall be headed by a Regional Director.

A Regional Office shall have, within its administrative region, the following functions:

(a) Implement laws, rules, regulations, policies, programs, and projects of the Commission;

(b) Establish regional and provincial *Hajj* coordinating and monitoring units;

(c) Provide efficient and effective service to Muslim Filipinos;

(d) Coordinate with regional offices and agencies of the Executive Department;

(e) Coordinate with local government units; and

(f) Perform such other functions as may be provided by law.

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

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

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

The Executive Director shall be appointed by the President and shall enjoy security of tenure and may only be removed for cause in accordance with law.

SEC. 15. *Hajj Attaché.* – The President shall appoint a *Hajj Attaché* from among the three (3) recommendees of the Commission within fifteen (15) days from the submission of such recommendees by the Commission. The *Hajj Attaché* shall coordinate with the Ministry of *Hajj* of the Kingdom of Saudi Arabia on all matters pertaining to the conduct of the annual *Hajj*. He/She shall be an academic degree holder and must be able to write and speak fluently the Arabic language. He/She shall hold office in the Kingdom of Saudi Arabia and shall enjoy the same rank, salary, and privileges as those of attachés of the national government.

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

SEC. 17. *Change of Pilgrim's Name.* – The Commission shall authenticate the certification which is issued by the *Hajj Attaché* and the Ministry of *Hajj* of the Kingdom of Saudi Arabia and which provides a Muslim name to a pilgrim. The authentication issued by the Commission, which shall contain both the pilgrim's registered name in the Philippine Civil Registry and his/her newly-issued Muslim name, shall then be legally recognized by the national government as valid for all intents and purposes.

ARTICLE III

APPROPRIATIONS, MANAGEMENT AND ADMINISTRATION

SEC. 18. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the OMA. However, to carry-out the additional functions and powers of the Commission as provided in this Act, an additional amount of One hundred million pesos (Php100,000,000.00) is hereby appropriated. Thereafter, such sums as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 19. *Record of Transaction.* – The Commission shall keep proper accounts and records of all its transactions and affairs, and shall exert all efforts to ensure that all payments made out of its moneys are correctly made and properly authorized, and that adequate control is maintained over the assets of, or in the custody of the Commission and the expenditures it may incur. The Commission shall be subject to audit by the Commission on Audit.

SEC. 20. *Civil Service Law Coverage for Employees.* – The hiring, appointment, employment, promotion, disciplinary control, separation, and other terms and conditions of the service of all employees of the Commission and such other matters affecting its employees shall be consistent with the provisions of the Civil Service Law and the Civil Service Commission's rules and regulations.

SEC. 21. *Government Service Insurance System (GSIS) Coverage for Employees.* – All employees of the Commission shall be deemed members of the GSIS and shall enjoy all the benefits of said System.

SEC. 22. *Transitory Provisions.* – The OMA is deemed abolished upon the creation of the Commission. All the powers, functions, assets, liabilities, capital, accounts, contracts, equipment, and facilities of the OMA which are owned by the government, shall be transferred to the Commission.

During the transition period, which begins upon approval of this Act, the President may appoint the incumbent Executive Director of the OMA as Acting Secretary of the Commission until the regular Secretary of the Commission shall have been appointed.

All regular or permanent employees of the OMA shall be absorbed or transferred to the Commission: *Provided*, That they possess the necessary qualifications, and shall not suffer any loss of seniority or rank or decrease in emoluments.

No officer or employee in the career service shall be removed except for a valid cause and after due notice and hearing. A valid cause for removal exists when, pursuant to a *bona fide* reorganization, a position has been abolished or rendered redundant or there is a need to merge, divide or consolidate positions in order to meet the exigencies of the service, or other lawful causes allowed by the Civil Service Law.

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

Employees separated and/or retired from the Commission shall not be eligible for reappointment to or employment in the Commission whether on a permanent, temporary, casual or contractual status within a period of three (3) years after separation or retirement.

The Secretary shall recommend to the Commission a work program that shall include the organizational plan and structure, staffing pattern and compensation plan, budget, programs, projects and activities of the Commission within ninety (90) days from the approval of this Act. Said work program shall be implemented by the Secretary within thirty

(30) days after its approval by the Commission and the President.

SEC. 23. *Periodic Performance Evaluation.* - The Secretary is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Commission and submit the same annually to the President and to the Congress of the Philippines.

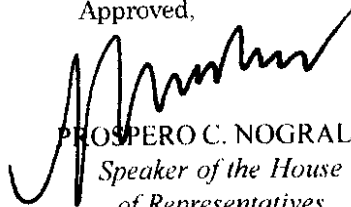
SEC. 24. *Implementing Rules and Regulations.* - The National Commission on Muslim Filipinos (NCMF) and the Department of Budget and Management shall issue the implementing rules and regulations ninety (90) days after the effectivity of this Act.

SEC. 25. *Separability Clause.* - If for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 26. *Repealing Clause.* - Executive Order No. 122-A, as amended by Executive Order No. 295 is hereby repealed. All other acts, decrees, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act are also hereby repealed or modified accordingly.


SEC. 27. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,


PROSPERO C. NOGRALES
Speaker of the House
of Representatives

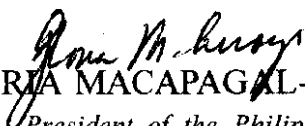

JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 3482 and House Bill No. 4253 was finally passed by the Senate and the House of Representatives on December 16, 2009.


 MARILYN B. BARUA YAP
 Secretary General
 House of Representatives


 EMMA LIRIO-ROYES
 Secretary of the Senate

Approved: FEB 18 2010


 GLORIA MACAPAGAL-ARROYO
 President of the Philippines

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