

[REPUBLIC ACT NO. 9997, February 18, 2010]

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