

Republic of the Philippines
HOUSE of REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6121**



Introduced by Representative GLORIA MACAPAGAL ARROYO

**AN ACT PROVIDING FOR THE BASIC LAW FOR THE BANGSAMORO
AUTONOMOUS REGION AND ABOLISHING THE AUTONOMOUS REGION IN
MUSLIM MINDANAO, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9054,
ENTITLED "AN ACT TO STRENGTHEN AND EXPAND THE ORGANIC ACT FOR
THE AUTONOMOUS REGION IN MUSLIM MINDANAO," AND REPUBLIC ACT NO.
6734, ENTITLED "AN ACT PROVIDING FOR AN ORGANIC ACT FOR THE
AUTONOMOUS REGION IN MUSLIM MINDANAO," AND FOR OTHER PURPOSES"**

EXPLANATORY NOTE

During the State of the Nation Address last 24 July 2017, the President mentioned that in order to achieve just and lasting peace for a unified nation, the government is pursuing an inclusive peace process, promoting the participation of all stakeholders, including those in conflict-affected areas. The President further stated that efforts have been made to promote inclusiveness in the Bangsamoro Transition Commission (BTC) by expanding its membership through Executive Order No. 8 which was signed in November 2016. Lastly, in order to ensure a Bangsamoro government that truly reflects the aspirations of our Muslim brothers and sisters as well as the indigenous brethren, representation to Indigenous Peoples, women, the sultanates, and other key stakeholders in the drafting of the Bangsamoro Basic Law shall be given.

In view of the foregoing, immediate passage of this bill is earnestly sought.


GLORIA MACAPAGALARROYO
2nd District, Pampanga

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

**ARTICLE I
NAME AND PURPOSE**

SECTION 1. *Short Title.*—This Act shall be known as the "Basic Act for the
Bangsamoro Autonomous Region".

Sec. 2. *Name.* — The name of the political subdivision under this Basic Act shall
be the Bangsamoro Autonomous Region.

As used in this act, the "Bangsamoro Autonomous Region" is the political
subdivision created by the Bangsamoro Basic Act which is an Autonomous Region as
provided in Sec. 15, Article X of the 1987 Philippine Constitution, with the powers and
functions as provided under this law and other related laws. The Bangsamoro
Autonomous Region forms an inalienable part of the Philippines.

Sec.3. *Purpose.*—The purpose of this Basic Act is to establish the Bangsamoro
Autonomous Region in accordance with the provisions of the 1987 Philippine Constitution
and the aspirations of the Muslim Filipinos and all indigenous cultural communities for
local self-governance.

**ARTICLE II
BANGSAMORO IDENTITY**

Sec. 4. *Bangsamoro People.*—Those who at the time of conquest and colonization of
the Philippines by the Spaniards considered themselves natives or original inhabitants of
Mindanao, whether of mixed or of full blood: Provided, That the foregoing profess the faith of
Islam shall have the right to identify themselves as Bangsamoro. Spouses and their
descendants, at their option, shall also be part of Bangsamoro Autonomous Region. This
provisional shall not in any way derogate from the provisions of the Article IV of the 1987

Philippine Constitution.

Sec.5. ***Non-Moro Indigenous Cultural Communities.*** – The rights of Non-Moro Indigenous Cultural Communities as provided for in the Republic Act (RA) No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997 and other related laws shall in no way be impaired, diluted or diminished, even when such Non-Moro Indigenous Cultural Communities are situated within the confines of the Bangsamoro Autonomous Region.

Sec. 6. ***Bangsamoro Symbol*** – The Bangsamoro Parliament shall adopt the official flag, emblem, administrative seal, and anthem of the Bangsamoro Autonomous Region.

Sec. 7. ***Traditional Islamic Institutions*** - The prerogatives enjoyed by traditional Islamic institutions such as the sultanates shall be maintained; the lawful representatives of such institutions shall be consulted by the legislature and the executive in matters relating to the enactment and the implementation of law for the Bangsamoro Autonomous Region; such institutions shall, without need of invitation or request or summons, have the right to submit position papers, memoranda and proposals to Congress and to the Executive.

ARTICLE III GEOGRAPHICAL AREA OF THE BANGSAMORO AUTONOMOUS REGION

Sec. 8. ***Definition of Geographical Area of the Bangsamoro Autonomous Region.*** - Geographical area refers to the land mass as well as the waters over which the Bangsamoro Autonomous Region has jurisdiction. The area of the Bangsamoro Autonomous Region shall remain part of the Philippines.

Sec. 9. ***Geographical Area of the Bangsamoro Autonomous Region.***—The geographical area of the Bangsamoro Autonomous Region shall composed of

- a. The present geographical area of the Autonomous Region in Muslim Mindanao (ARMM)
- b. The cities of Cotabato and Isabela; and
- c. Any province or city are contiguous and outside the geographical area of the present ARMM where there is resolution of the local government unit or a petition of at least ten percent (10%) of the registered voters in the area asking for their inclusion at least two months prior to the conduct of a plebiscite of the Basic Act for the Bangsamoro Autonomous Region and the process of delimitation of the Bangsamoro geographical area.

Sec.10. ***Bangsamoro Autonomous Region Waters***—The Bangsamoro Autonomous Region Waters shall extend up to 22.224 kilometers (12 nautical miles) from the low-water mark of the coasts that are part of the Bangsamoro geographical area. Nothing in this Section shall diminish the powers, functions, rights and privileges already enjoyed by the municipalities over their municipal waters as provided under RA No. 7160 also known as the Local Government Code of 1991, and RA No. 8550, otherwise known as the Philippine Fisheries Code of the Philippines.

Where a constituent local government unit of the Bangsamoro Autonomous Region and an adjoining local government unit are so situated on the opposite shores such that there is thirty (30) kilometers of waters or less between them, a line equally distant from the

opposite shores shall be drawn to demarcate the Bangsamoro Autonomous Region waters and the municipal waters of the adjoining local government unit.

Should they be so situated that there is more than thirty (30) kilometers but less than 37 kilometers of waters between them, a line shall be drawn at the edge of the 15 kilometers municipal waters of the adjoining local government unit to demarcate it from the Bangsamoro Autonomous Region waters.

Ten (10) years after the passage of this Basic Act, the National Government and the Bangsamoro Regional Government and the Bangsamoro Regional Government shall discuss the improvement of the Bangsamoro Autonomous Region waters through the necessary processes and modalities.

Sec. 11. **Constituent Units** – The provinces, cities, municipalities and barangays shall be the constituent units of the Bangsamoro Regional Government.

ARTICLE IV GENERAL PRINCIPLES AND POLICIES

Sec. 12. **Self Governance.** – Within its territorial geographical area and subject to the provisions of the 1987 Philippine Constitution and national laws, the Bangsamoro Regional Government in the exercise of its right to self-governance is free to pursue its economic, social and cultural development.

Sec. 13. **Democratic Political System.** – The Bangsamoro Regional Government shall be Parliamentary. Its political system is democratic, allowing its people to freely participate in the political processes within its geographical area.

Sec. 14. **Electoral System.** – The Bangsamoro Regional Government shall adopt an electoral system suitable to a Parliamentary form of government, which shall allow democratic participation, encourage formation of genuinely principled political parties and ensure accountability.

Sec. 15. **Promotion of Unity.** – The Bangsamoro Regional Government shall promote unity, peace, justice, and goodwill among all people, as well as encourage a just and peaceful settlement of disputes.

The Bangsamoro Regional Government renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

Sec. 16. **Social Justice.** – The Bangsamoro Regional Government shall enact measures that protect and enhance the right of all people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good for its constituents.

Sec. 17. **International Treaties and Agreements.** – The Bangsamoro Regional Government shall respect and adhere to all international treaties and agreements binding upon the National Government.

Sec. 18. **Declaration on the Rights of Non-Moro Indigenous Peoples.** – The Bangsamoro Regional Government recognizes and promotes the rights of Non-Moro indigenous peoples within the framework of the 1987 Philippine Constitution and national

laws.

ARTICLE V POWERS OF GOVERNMENT

Sec. 19. **Reserved Powers.**— Reserved powers are matters over which authority and jurisdiction are retained by the National Government. The National Government shall exercise the following reserved powers:

- 1) National defense, and internal and external security;
- 2) Foreign affairs;
- 3) Currency and policy direction in the areas of money, credit and banking;
- 4) Postal service;
- 5) Citizenship and naturalization;
- 6) Immigration and deportation;
- 7) Customs and tariff laws as qualified by Sec. 20 (8), Article V of this Basic Act;
- 8) Common market and global trade: *Provided,* That the power to enter into economic agreements given to the ARMM under RA No. 9054 is hereby transferred to the Bangsamoro Regional Government as provided in Article XI, Section 146 of this Basic Act;
- 9) Intellectual property rights;
- 10) Supervision over banks and non-banks financial institutions under the jurisdiction of the Bangko Sentral ng Pilipinas (BSP);
- 11) Free ports – The Bangsamoro Regional Government may establish free ports in the Bangsamoro Autonomous Region. The Bangsamoro Autonomous Regional Government shall coordinate with and assist the National Government on customs, immigration, quarantine service, and international commitments. Business and other enterprises operating within the Bangsamoro Autonomous Region free ports shall be entitled to the fiscal incentives and other benefits provided by the National Government to special economic zones. The free ports within the Bangsamoro Autonomous Region shall be contiguous/adjacent to seaport or airport; and
- 12) All the powers, functions and responsibilities not granted by the 1987 Philippine Constitution or by law to the autonomous regions

Sec. 20. **Concurrent Powers.**— Concurrent powers shall refer to the powers shared between the National Government and the Bangsamoro Regional Government within the Bangsamoro Autonomous Region, as provided in this Basic Act.

Concurrent powers enumerated hereunder shall be exercised through a system of consultation, coordination and cooperation between the National Government and Bangsamoro Regional Governments.

The National Government and the Bangsamoro Regional Government shall exercise shared powers within the Bangsamoro Autonomous Region on the following matters:

- 1) Social security and pensions. – The Bangsamoro Regional Government may organize its own social security and pension systems alongside the existing National Government social security and pension systems;

The Bangsamoro Regional Government and the National Government through consultative processes shall, among others, ensure that the investment of the contributions from the members from the Bangsamoro Regional Government in the National Government social security and pensions is responsive to their cultural and religious sensitivities;

- 2) Quarantine. – There is hereby created an office for quarantine services in the Bangsamoro Autonomous Region. It shall coordinate with and assist the National Government;
- 3) Pollution control. – The Bangsamoro Regional Government shall coordinate with and assist the National Government on matters of pollution control and ecological and environmental preservation;
- 4) Human rights and humanitarian protection and promotion. – Subject to the provisions of the 1987 Philippine Constitution, the Bangsamoro Regional Government may organize its own bodies for human rights and humanitarian protection and promotion that will coordinate with and assist relevant national institutions;
- 5) Auditing. – The Commission on Audit (COA) shall establish an auditing unit in the Bangsamoro Autonomous Region which shall examine, audit and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to the Bangsamoro Regional Government. The Bangsamoro Regional Government shall ensure transparency and accountability mechanisms consistent with open government auditing practices and generally accepted financial management principles;
- 6) Civil service. – The Bangsamoro Regional Government shall design and implement its own organizational structure and staffing pattern, taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission (CSC). The CSC shall create a Bangsamoro Autonomous Regional Civil Service Office (BARCSO) and such field offices as may be needed in the Bangsamoro Autonomous Region that shall administer a professional civil service corps;
- 7) Coastguard. – The National Government shall have primary responsibility over coastguard matters. The Bangsamoro Regional Government shall coordinate with and assist the National Government on all coastguard matters;
- 8) Customs and tariff. – The Bangsamoro Regional Government shall exercise its power on the regulations and monitoring of the barter trade and countertrade in the Bangsamoro Autonomous Region;

The Bangsamoro Regional Government shall assist the National Government with regard to the enforcement of customs and tariff laws and regulations and to ensure the effective exercise of the powers of the Bangsamoro Regional Government on barter trade and countertrade with Indonesia, Malaysia or Brunei as well as the regulation of the entry of *haram* goods into the Bangsamoro Autonomous Region;

- 9) Administration of justice. – Subject to the provisions of the 1987 Philippine Constitution and national laws, the administration of justice in the Bangsamoro Autonomous Region shall be in accordance with the relevant provisions of this

Basic Act and with due regard to the powers of the Supreme Court and the competence of the Bangsamoro Autonomous Region over *Shari'ah* courts and the *Shari'ah* justice system in the Bangsamoro Autonomous Region. The supremacy of *Shari'ah* and its application shall only pertain to Muslims;

- 10)Funding for the maintenance of national roads, bridges, and irrigation systems. – The National Government shall be responsible for the funding, construction and maintenance of national roads, bridges and irrigation systems in the Bangsamoro Regional Government and shall include in the national road network information system all national roads and bridges in the Bangsamoro Autonomous Region.

The Bangsamoro Regional Government shall submit proposals to the Department of Public Works and Highways (DPWH) and National Irrigation Administration (NIA) for the inclusion of the cost of such maintenance in the latter's budget that shall be submitted to Congress for possible inclusion in the General Appropriations Act (GAA). Funding for national roads, bridges and irrigations systems shall be regularly released to the relevant departments of the National Government;

- 11)Disaster risk reduction and management. – There is hereby created a Bangsamoro Autonomous Regional Disaster Risk Reduction and Management Council (BARDRMC), with powers and functions that shall be defined by the Bangsamoro Parliament in a law on disaster preparedness and response. The BARDRMC shall formulate the Bangsamoro Autonomous Regional Disaster Risk Reduction and Management Plan, which shall complement and be aligned with the national disaster risk reduction and management framework and plan of the National Government. Additionally, the BARDRMC, through its chair, the Chief Minister, may recommend to the President the mobilization of resource of national defense in times of disasters in the Bangsamoro Autonomous Region;

- 12)Public order and safety. – The Philippine National Police (PNP) shall have primary responsibility over public order and safety within the Bangsamoro Autonomous Region;

- 13)Non-Moro ancestral domains/ancestral lands of the Non-Moro indigenous peoples. – The Bangsamoro Regional Government, in coordination with the National Government, shall protect the rights and interests of Non-Moro indigenous peoples over their ancestral domains/ancestral lands. For this purpose, there is hereby created the Ministry for Non-Moro Indigenous Peoples, which shall be part of the Bangsamoro Cabinet. The Ministry for Non-Moro Indigenous Peoples shall have the primary responsibility to formulate and implement policies, plans, programs to promote and protect the rights and well-being of Non-Moro indigenous peoples, and the recognition of their ancestral domains/ancestral lands as well as the rights thereto. Towards this end, the Ministry shall ensure that the Non-Moro indigenous peoples shall have a meaningful participation in all activities pertinent thereto in accordance with their own indigenous decision-making institutions.

The Bangsamoro Regional Government and the National Government shall coordinate through existing national laws, such as RA 8371 or the IPRA of 1997, to create policies for the identification, delineation and titling of ancestral domains/ancestral lands;

- 14)Islamic banking. – The Bangsamoro Regional Government, in coordination with Bangko Sentral ng Pilipinas (BSP), the Department of Finance (DOF), and Anti-Money Laundering Council (AMLC) and the National Commission on Muslim Filipinos (NCMF) shall jointly promote the development of the Islamic banking system, to include among others the establishment of a *Shari'ah* supervisory board;

- 15) Health – The National Government and the Bangsamoro Regional Government shall coordinate with and assist each other in the the prevention and control of all diseases including communicable, non-communicable, endemic, epidemic and emerging diseases;
- 16) Science and technology;
- 17) Research councils and scholarships;
- 18) Libraries, museums, historical, cultural and archaeological sites. – The Bangsamoro Regional Government shall have the power to establish its own libraries and museums, and declare historical and cultural sites. With regard to archaeological sites, the Bangsamoro Regional Government shall coordinate with relevant agencies of the National Government on the regulation, excavation, preservation, and exportation of cultural properties, as well as on the recovery of lost historical and cultural artifacts;
- 19) Cadastral land survey. – The Bangsamoro Regional Government shall have the authority to conduct cadastral surveys, lot surveys, and isolated and special surveys in the Bangsamoro Autonomous Region. The Bangsamoro Regional Government shall furnish the results of these surveys to, and coordinate with, relevant National Government agencies to effect inclusion into national cadastral survey;
- 20) Environment, parks, forest management, wildlife, nature reserves and conservation. – The Bangsamoro Regional Government shall have the authority to protect and manage the environment. It shall have the power to declare nature reserves and aquatic parks, forests and watershed reservations, and other protected areas in the Bangsamoro Autonomous Region; and
- 21) Special development programs and laws for women, the youth, the elderly, labor, the differently-abled, and indigenous cultural communities.

Sec 21. *Exclusive or Devolved Powers.* – Within its geographical area and subject to the provisions of the 1987 Philippine Constitution and national laws, exclusive powers are powers devolved to the Bangsamoro Regional Government, without prejudice to the general supervision of the President. The Bangsamoro Regional Government shall exercise these powers over the following matters within the Bangsamoro Autonomous Region:

- 1) Agriculture, livestock and food security;
- 2) Economic and cultural exchange;
- 3) Trade, industry, investment, enterprises and regulation of businesses taking into consideration relevant laws;
- 4) Labor, employment and occupation;
- 5) The Bangsamoro Regional Government shall register business names in the National Registration of Business Names: *Provided*, That the Bangsamoro Regional Government shall ensure that the proposed name is not identical to those already registered by aforementioned agencies and that the name is not deceptively or confusingly similar to that of any existing or to any name already protected by law or that the same is not patently deceptive, confusing or contrary to existing law;
- 6) Barter trade and countertrade with Indonesia, Malaysia or Brunei, subject to

existing laws;

7) Economic zones and industrial centers;

8) Tourism;

9) Creation of sources of revenue;

10) Budgeting;

11) The Bangsamoro Regional Government shall have authority to regulate power generation, the island-grid, and distribution operating exclusively in the Bangsamoro Autonomous Region and not connected to the national transmission grid: *Provided*, That any connection to the national grid shall subject the power generation, island-grid and distribution to national laws and regulations; *Provided*, Further, that the currently existing Agus Hydro Power Complex remain to be regulated by the National Government: *Provided*, Finally, that the Bangsamoro Regional Government, in the exercise of its jurisdiction, may not in any way, impair the operations and productions of the existing Agus Hydro Power Complex and/or any power generation utilities that may hereafter be established;

12) Public utilities operations in the Bangsamoro Autonomous Region – In case of inter-regional utilities, the Bangsamoro Regional Government shall coordinate with and assist relevant government agencies; public utilities operating solely within the Bangsamoro Autonomous Region shall be subject to the regulatory authority of the Bangsamoro Regional Government; on the other hand, public utilities national in scope shall be subject to the national laws;

13) Receive grants and donations;

14) Education and skills training;

15) Culture and language;

16) Sports and recreation;

17) Regulation of games and amusement operations within the Bangsamoro Autonomous Region excluding prohibited games of chance;

18) Regulations on manufacture and distribution of foods, drinks, drugs and tobacco for the welfare of the inhabitants in the Bangsamoro Autonomous Region;

19) *Hajj and umrah* – The Bangsamoro Regional Government shall have primary jurisdiction over *hajj and umrah* matters affecting pilgrims from within the Bangsamoro Autonomous Region. The National Government shall have competence over *hajj and umrah* matters affecting pilgrims coming from outside the Bangsamoro Autonomous Region. There is hereby created a Bangsamoro Pilgrimage Authority that shall act in close coordination with National Government on *hajj and umrah* matters involving offices and agencies outside the Bangsamoro Autonomous Region;

20) Customary laws;

21) Declaration of Bangsamoro holidays;

22) Ancestral domain and natural resources;

- 23) Expropriation and eminent domain, without prejudice to the right of expropriation and eminent domain granted by Congress under any national franchise;
- 24) Inland waterways for navigation;
- 25) Management, regulation and conservation of all fishery, marine and aquatic resources within the Bangsamoro Autonomous Region; The powers, functions, rights and privileges already enjoyed by the municipalities over their municipal waters as provided under RA No. 7160 also known as the Local Government Code of 1991, and RA. No. 8550, otherwise known as the Philippine Fisheries Code of the Philippines shall not, in any manner, be prejudiced nor diminished;
- 26) Bangsamoro settlements;
- 27) Customary justice;
- 28) *Shari'ah* courts and *Shari'ah* justice system, subject to the administrative supervision of the Supreme Court;
- 29) Public administration and bureaucracy for the Bangsamoro Regional Government;
- 30) Social services, social welfare and charities;
- 31) Waste management;
- 32) Establishment and supervision of humanitarian services and institutions;
- 33) Identification, generation and mobilization of international human resources for capacity-building and other activities involving the same within the Bangsamoro Autonomous Region. The Bangsamoro Regional Government shall cooperate with and assist the National Government towards ensuring access to such relevant human resources;
- 34) Establishment of *awqaf* (endowment) and charitable trusts;
- 35) *Hisbah* office for accountability as part of the *Shari'ah* justice system;
- 36) Housing and human settlements;
- 37) Development planning;
- 38) Urban and rural development;
- 39) Public works and highways within the Bangsamoro Autonomous Region;
- 40) Establishment of appropriate mechanisms for consultations for women and marginalized sectors;
- 41) *Local administration, municipal corporations and other local authorities including the creation of local governments.* – The Bangsamoro Regional Government shall manage and build its own bureaucracy and administrative organization, in accordance with the Parliamentary form of government;

The Bangsamoro Parliament may create, divide, merge, abolish or substantially alter boundaries of barangays in accordance with a law enacted by the Bangsamoro Parliament, and subject to the approval by a majority of the votes cast in a plebiscite in the political units directly affected.

- 42) Establishment or creation of other institutions, policies and laws for the general welfare of the inhabitants in the Bangsamoro Autonomous Region.

Sec. 22. **Other Exclusive Powers.** – The following powers and competencies previously granted to the ARMM under RA 6734, as amended by RA 9054, are hereby transferred to the Bangsamoro Regional Government as part of its exclusive powers:

- a. Subject to the provisions of the 1987 Philippine Constitution and existing laws, to regulate and exercise authority over foreign investments within its geographical area. The National Government shall intervene on matters involving national security and public safety;
- b. To proclaim a state of calamity over its geographical area or parts thereof whenever typhoons, flash floods, earthquakes, tsunamis, or other natural and man-made calamities cause widespread damage or destruction to life or property in the region. The state of calamity proclaimed by the Chief Minister shall only be for the purpose of maximizing the efforts to rescue imperiled persons and property and the expeditious rehabilitation of the damaged area;
- c. The Bangsamoro Parliament shall have the following powers:
 1. To enact legislation on the rights of the people of the Bangsamoro Autonomous Region to initiate measures for the passage, amendment or repeal of regional or local legislation; to be consulted on matters that affect their environment; to call for a referendum on important issues affecting their lives; and, to recall regional or local officials;
 2. To conduct inquiries or public consultations in aid of legislation in accordance with its rules. In connection therewith, it shall have the power to issue *subpoena* or *subpoena duces tecum* to compel the attendance of witnesses and the production of papers, documents, or things by witnesses or persons under investigation by the Parliament, itself, or by any of its committees. It shall also have the right to cite witnesses or persons under investigation for contempt for refusal to testify before it or before any of its committees or to produce papers, documents or things required by the Parliament or any of its committees. The rights of persons appearing in or affected by such inquiries shall be respected;
 3. To enact a law that shall regulate the grant of franchises and concessions, and empower the Chief Minister to grant leases, permits, and licenses over agricultural lands and for forest management, subject to the provisions of the 1987 Philippine Constitution and national laws.
- d. To create pioneering firms and other business entities needed to boost economic development in the Bangsamoro Autonomous Region;
- e. To establish and operate pioneering public utilities in the interest of regional welfare and security;
- f. To support and encourage the building up of entrepreneurial capability in the Bangsamoro Autonomous Region and to recognize, promote, and protect cooperatives;
- g. Subject to the provisions of the 1987 Philippine Constitution and national laws, to supervise and regulate private schools in the Bangsamoro Autonomous Region and allow the participation of three (3) representatives of private schools in the deliberations of the appropriate Bangsamoro Regional Government's ministry or

office on matters dealing with private schools;

- h. To be represented in the board of the State Universities and Colleges (SUCs) in the Bangsamoro Autonomous Region by the chair of the appropriate committee of the Bangsamoro Parliament, either as co-chair or co-vice chair. The SUCs within the Bangsamoro Autonomous Region shall be considered part of the Bangsamoro educational system. This notwithstanding, these SUCs shall enjoy academic freedom and fiscal autonomy and shall continue to be governed by their respective charters;
- i. To supervise, through the appropriate ministry, the accredited *madaris* in the Bangsamoro Autonomous Region;
- j. To conduct periodic competitive qualifying examinations of *madaris* teachers for permanent appointments to the Bangsamoro education system;
- k. To adopt measures to protect and promote the rights of people's organizations and other collective organizations;
- l. To adopt measures for the protection and empowerment of the youth in the Bangsamoro Autonomous Region and the promotion of their welfare, and to create the appropriate office and other mechanisms for the implementation of such measures;
- m. To enforce the policy against the appointment or designation of any member of the Armed Forces of the Philippines (AFP) in the active service to a civilian position in the Bangsamoro Regional Government, including government-owned and/or controlled corporations, or in any of their subsidiaries or instrumentalities within the Bangsamoro Autonomous Region.

ARTICLE VI NATIONAL GOVERNMENT AND BANGSAMORO REGIONAL GOVERNMENT RELATIONS

Sec. 23. ***Asymmetric Relationship.*** – The relationship between the National Government and the Bangsamoro Regional Government shall be asymmetric.

This is a recognition of the Bangsamoro diverse culture and identity, and their aspiration for self-governance that makes it distinct from other regions and other local government units.

The asymmetric relationship refers to the relationship between the National Government and the Bangsamoro Regional Government as an Autonomous Region, as provided under Sec. 15, Article X of the 1987 Philippine Constitution, where the autonomous regions are granted more powers, and with less intervention from the National Government as compared to other territorial and political subdivisions.

Sec. 24. ***Parity of Esteem.*** – The National Government and the Bangsamoro Regional Government shall be guided by the principles of accepted norms of good governance and parity of esteem. In exercising its sovereignty, the National Government shall give due consideration to the distinctive historical and cultural heritage, economic and social structures of all the inhabitants in the Bangsamoro Autonomous Region.

The Bangsamoro Regional Government shall respect the exercise of the concurrent and reserved powers by the National Government.

The National Government's powers shall respect the exercise, with rigorous impartiality, of the exclusive and devolved powers of the Bangsamoro Regional Government.

Sec. 25. **General Supervision.** – Consistent with the provisions of the 1987 Philippine Constitution, principle of autonomy and the asymmetric relation of the National Government and the Bangsamoro Regional Government, the President shall exercise general supervision over the Bangsamoro Regional Government to ensure that laws are faithfully executed.

Sec. 26. **National Government and Bangsamoro Regional Governments Relations Mechanism.** – The National Government and the Bangsamoro Regional Government shall establish a mechanism at the highest levels that shall coordinate and harmonize their relationships. For this purpose, a primary mechanism shall be a National Government – Bangsamoro Regional Government intergovernmental relations body to resolve issues on intergovernmental relations. All disputes and issues relating to these intergovernmental relations shall be resolved through regular consultations in a non-adversarial manner.

The intergovernmental relations body shall exhaust all means to resolve all issues brought before it. Unresolved issues shall be elevated to the President, through the Chief Minister. The President's decision on any unresolved issue shall be final and executory.

The National Government shall appoint a head to represent the National Government. The Bangsamoro Regional Government shall have a minister who shall sit in this body, representing the Bangsamoro Regional Government. The body shall be supported by a joint secretariat.

Sec. 27. **Council of Leaders.** – The Bangsamoro Council of Leaders shall consist of the Chief Minister, Provincial Governors, Mayors of chartered cities within the Bangsamoro Autonomous Region, and representatives from the Non-Moro indigenous communities, women, settler communities, sultanates and other sectors. The Bangsamoro Council of Leaders shall be chaired by the Chief Minister. The Council shall advise the Chief Minister on matters of governance in the Bangsamoro Autonomous Region. The representation of the Non-Moro indigenous communities shall be pursuant to their customary laws and indigenous processes.

Sec. 28. **Principles of Devolution, Subsidiarity and Solidarity.** – The National Government and the Bangsamoro Regional Government accept the concept of devolution as inspired by the principles of subsidiarity and solidarity. Decisions are to be made at the appropriate level to ensure public accountability and transparency, and in consideration of good governance and the general welfare.

Sec. 29. **Bangsamoro Regional Government and its Constituent Local Government Units.** – The provinces, cities, municipalities and barangays within its geographical area shall be the constituent units of the Bangsamoro Autonomous Region. The powers, privileges and functions already exercised and enjoyed by the local government units under existing laws shall not in any way be diminished.

Sec. 30. **Bangsamoro Participation in National Government.** – As far as practicable, the National Government may appoint competent and qualified inhabitants of the Bangsamoro Autonomous Region in the following offices in the National Government: at least one (1) cabinet secretary; at least one (1) in each of the other departments, offices and bureaus, holding executive, primarily confidential, highly technical, policy-determining positions.

Sec.31. ***Assistance to Other Bangsamoro Communities.*** – The National Government shall ensure the protection of the rights of the Bangsamoro residing outside the geographical area of the Bangsamoro Autonomous Region and undertake programs for the rehabilitation and development of their communities.

ARTICLE VII THE BANGSAMORO REGIONAL GOVERNMENT

Sec. 32. ***Powers of the Bangsamoro Regional Government.*** – The powers of the Bangsamoro Regional Government shall be vested in the Bangsamoro Parliament, which shall exercise those powers and functions expressly granted to it in this Basic Act, and those necessary or incidental to the proper governance and development of the Bangsamoro Autonomous Region. It shall set policies, legislate on matters within its authority, and elect a Chief Minister, who shall exercise executive authority in its behalf.

Sec. 33. ***Legislative Authority.*** – Within its geographical area and subject to the provisions of the Philippine Constitution, the Bangsamoro Parliament shall have the authority to enact laws on matters that are within the powers and competencies of the Bangsamoro Regional Government.

Sec. 34. ***Executive Authority.*** – The executive function and authority shall be exercised by the cabinet, which shall be headed by a Chief Minister. The Chief Minister who heads the Parliamentary government of the Bangsamoro Regional Government shall be elected by a majority vote of the Members of the Parliament.

The Chief Minister shall appoint the Deputy Chief Minister from among the members of Parliament, and the members of the cabinet, majority of whom shall also come from the Parliament.

BANGSAMORO PARLIAMENT

Sec. 35. ***Composition.*** – The Parliament shall be composed of at least sixty (60) members, unless otherwise provided by the Parliament, who are representatives of political parties elected through a system of proportional representation, those elected from single member districts and to reserved seats to represent key sectors including women, indigenous people, labor sector, youth, sultanates in the Bangsamoro Regional Government, except otherwise provided under this Article.

Sec. 36. ***Classification and Allocation of Seats.*** – The seats in the Bangsamoro Parliament shall be classified and allocated as follows:

- 1) *District seats.* – Forty (40) members of the Parliament shall be elected from Parliamentary districts apportioned for the areas.

The district representatives shall be elected through direct, plurality vote by the registered voters in the Parliamentary districts.

- 2) *Party representatives.* – Eight (8) members of the Parliament shall be representatives of political parties who win seats through a system of proportional representation based on the whole Bangsamoro geographical area. Parties shall submit their respective list of approved candidates prior to the election.
- 3) *Reserved seats; sectoral representatives.* – Sectoral representatives shall include at least two (2) reserved seats each for Non-Moro indigenous communities and settler communities. Women, youth, sultanates, and representative from labor sector shall also have a reserved seat.

The Bangsamoro Parliament shall determine the manner of election of sectoral and other representation in the Parliament.

Sec. 37. *Election for Reserved Seats for Non-Moro Indigenous Peoples.* – Notwithstanding the immediately preceding section, reserved seats for the Non-Moro Indigenous Peoples, such as, Teduray, Lambangian, Dulangan Manobo, B'laan and Higaonon, shall be pursuant to their customary laws and indigenous processes based on the following:

- a) Primacy of customary laws and practices;
- b) Primacy of consensus building;
- c) Acceptability of the community;
- d) Inclusivity and full participation;
- e) Representation of the collective interests and aspirations of Non-Moro indigenous peoples;
- f) Sustainability and strengthening of indigenous political structures;
- g) Track record and capability; and
- h) Gender equality.

The two reserved seats shall have the same rights and privileges as that of the regular Members of the Parliament. In the same manner, the Bangsamoro Regional Government shall provide at least one (1) mandatory representation in all policy making bodies and in local legislative councils.

Sec. 38. *Regional Parties.* – A free and open regional party system shall be allowed to evolve according to the free choice of the people. Towards this end, only regional political parties duly accredited by the Bangsamoro Autonomous Regional Electoral Office (BAREO) may participate in the Parliamentary elections in the Bangsamoro Autonomous Region.

Sec. 39. *Bangsamoro Autonomous Regional Electoral Office (BAREO).* – There is hereby created a Bangsamoro Autonomous Regional Electoral Office (BAREO) which shall be a part of the Commission on Elections (COMELEC), and which shall be under the control and supervision of COMELEC.

The BAREO shall be headed by the Regional Election Director and assisted by the Assistant Regional Director and such other subordinate officers or employees as the Commission may appoint.

The Commission may delegate its power and functions or order the implementation or enforcement of its orders, rulings, or decisions through the heads of its field offices.

Sec. 40. *Budget for the BAREO.* – The budget for the BAREO shall be included in the appropriations of the COMELEC.

Sec. 41. *Term of Office.* – The term of office of members of Parliament shall be three (3) years. No member shall serve for more than three (3) consecutive terms.

Sec. 42. *Qualifications.* – No person shall be a member of Parliament unless he or she is a natural-born citizen of the Philippines, at least twenty-five (25) years of age on the

day of the election, able to read and write, a registered voter in the Bangsamoro Autonomous Region, and a resident thereof for a period of not less than three years immediately preceding the day of the election. For district representatives, he or she must be a registered voter of the district in which he or she is a candidate on the day he or she files his or her certificate of candidacy, and has resided in said district for at least three (3) years immediately preceding the day of the election.

Sec. 43. *Salaries of Parliament Members.* – A member of the Parliament shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27) as prescribed under RA No. 6758 or the Salary Standardization Law and the implementing guidelines issued pursuant thereto. No increase in said compensation shall take effect until after the expiration of the full term of all the members of the Bangsamoro Parliament approving such increase.

Sec 44. *Disclosure.* – Members of the Bangsamoro Parliament shall, upon their assumption to office, make full disclosure of their financial and business interests, including those of their spouses and children. They shall notify the Bangsamoro Parliament of any potential conflict of interest that may arise from the filing of bills or resolutions of which they are authors.

Any member found guilty of non-disclosure of financial and business interest as required under this Section may be subject to disciplinary action by the Bangsamoro Parliament in accordance with its rules and without prejudice to his/her other liabilities under the existing laws.

Sec. 45. *Prohibition Against Conflict of Interest.* – The Chief Minister, Deputy Chief Minister and all the members of the Bangsamoro Parliament, during their term, shall not engage, directly or indirectly, in any business or commercial enterprise where there may be a conflict of interest in the exercise of the functions of their respective offices.

Sec. 46. *Forfeiture of Seat.* – A member of Parliament shall forfeit his or her seat if:

- a) He/she resigns voluntarily in the form of either a written or oral declaration in the Parliament;
- b) He/she is convicted of a grave offense as stipulated in the house rules that the Bangsamoro Parliament will promulgate pursuant to Art VII Sec. 48 of this Basic Act, or treason, high crimes, heinous crimes, crimes, crimes against morality or other crimes punishable by more than six (6) years;
- c) He/she becomes permanently physically or mentally incapacitated and is unable to discharge his/her duties as member of Parliament or dies while in office;
- d) He/she having been elected under the proportional representation system, is replaced by a party to which he/she belongs with another member of said party; and
- e) He/she, having been elected under the proportional representation system, transfers to another party during his/her incumbency as member of Parliament.

Sec. 47. *Filing of Vacancy.* – In case of a vacancy of a proportional representation seat, the party to which that seat belongs shall fill the vacancy.

In case of a vacancy in the seat occupied by an unaffiliated member of Parliament, a special election may be called to fill such vacancy in the manner prescribed by law enacted by Parliament.

The appointee or elected member of Parliament, as the case may be, shall serve the unexpired term of vacated office.

Sec. 48. **Privileges and Immunities.** – No member of the Bangsamoro Parliament may be arrested while the Bangsamoro Parliament is in session, except for crimes punishable by more than six (6) years of imprisonment. The members of the Bangsamoro Parliament may not be questioned in any other place or held liable for any speech or debate delivered in the Bangsamoro Parliament sessions or meetings of its committees.

Sec. 49. **Sessions of the Bangsamoro Parliament.** – The Bangsamoro Parliament shall conduct its regular session once every year starting on the 15th of June up to thirty (30) days before the opening of its next regular session. A special or emergency session may be called by the Speaker, upon the request of the Chief Minister or by a majority of the members of the Bangsamoro Parliament.

Sec. 50. **Officers of the Bangsamoro Parliament.** – On the first session following their election, the member of the Bangsamoro Parliament shall, in open session, elect by a simple majority vote from all its members the Speaker, a Deputy Speaker, and all the other officers of the Bangsamoro Parliament as the house rules of the Bangsamoro Parliament may provide.

In case of death, removal, resignation, or permanent disability or legal incapacity of the speaker, the deputy speakers shall act as speaker until a new speaker shall have been elected by the Bangsamoro Parliament.

Sec. 51. **Presiding Officer.** – The speaker, deputy speaker, or any other person presiding over the Bangsamoro Parliament shall:

- a) Be independent;
- b) Serve to secure the honor and dignity of the Bangsamoro Parliament;
- c) Be responsible for ensuring – (i) the rights and privileges of all members; and (ii) public access to the proceeding of the Bangsamoro Parliament and its committees;
- d) Have the authority and moral ascendancy to maintain order and decorum in the Bangsamoro Parliament, in accordance with its house rules; and
- e) Act impartially, and without fear, favor and prejudice.

Sec 52. **Rules of Procedure.** – The Bangsamoro Parliament shall adopt its house rules for the conduct of its business.

Sec. 53. **Proceedings.** – A majority of all the members of the Bangsamoro Parliament shall constitute a quorum to do business. The legislative proceedings in the Bangsamoro Parliament shall be recorded in its original form and translated in the Filipino, Arabic and English languages. Unless otherwise provided by law or the house rules of the Bangsamoro Parliament, the members of the Bangsamoro Parliament may use any of the commonly understandable native dialect during the legislative deliberations.

Sec. 54. **General Welfare.** – The Bangsamoro Parliament shall pass laws that promote the general welfare of the inhabitants in the Bangsamoro Autonomous Region.

Sec. 55. **Appropriations.** – No public money shall be spent without an appropriations Act clearly defining the purpose of which it is intended. The Bangsamoro Parliament shall pass an Annual Appropriations Law.

Sec. 56. **Budget.** – The form, content, and manner of preparation of the Bangsamoro Regional Government budget shall be prescribed by law enacted by the Bangsamoro Parliament. Pending the enactment of such law, the budgeting process shall be governed by existing laws, rules, and regulations on budget.

Sec. 57. **Reenacted Budget.** – If, by the end of a fiscal year, the Bangsamoro Parliament shall have failed to pass the Bangsamoro Regional Government appropriations bill for the ensuing fiscal year, the Bangsamoro Appropriations Act for the preceding year shall be deemed automatically reenacted and shall remain in force and effect until a new Bangsamoro Appropriations Act is enacted by Parliament.

EXECUTIVE OFFICERS

Sec. 58. **Qualifications of the Chief Minister.** – No person shall be elected as the Chief Minister unless he/she is a natural born citizen of the Philippines, is at least twenty-five (25) years of age at the time of the election, a *bona fide* resident of the Bangsamoro Autonomous Region for three (3) years immediately preceding the day of the elections, registered voter, able to read and write and with proven competence and probity, mentally fit, and known for his/her integrity and high moral standards.

Sec. 59. **Election of the Chief Minister.** – On the inaugural session of the Bangsamoro Parliament following their elections, the Members of the Parliament shall, in open session, elect the Chief Minister by a majority vote of all its members.

If no member of Bangsamoro Parliament obtains the majority vote necessary to be elected Chief Minister in the first round of voting, a runoff election shall be conducted. In such case, the members of Bangsamoro Parliament shall elect the Chief Minister from the two (2) candidates who obtained the highest number of votes cast in the first round. There shall be no abstentions allowed in the runoff election.

Sec. 60. **Powers, Duties and Functions of the Chief Minister.** – Unless otherwise provided by law, the Chief Minister shall exercise the following powers, duties and functions:

- a) Head the Bangsamoro Regional Government;
- b) Appoint heads of ministries, agencies, bureaus, offices of the Bangsamoro Regional Government;
- c) Appoint other officers in the Bangsamoro Regional Government, as may be provided by the Parliament;
- d) Formulate platform of government subject to approval by the Parliament;
- e) Issue executive orders and other policies of the Bangsamoro Regional Government;
- f) Represent the government of the Bangsamoro in affairs outside the Bangsamoro Autonomous Region; and
- g) Exercise such other powers and functions inherent to the position.

Sec. 61. **Administration of Oath of the Chief Minister.** – The President of the Republic of the Philippines shall administer the oath of office of all the members of Parliament, including the Chief Minister upon his/her election.

Sec. 62. **Ex-officio Membership.** – The Chief Minister shall be an ex-officio member of the National Security Council (NSC) and National Economic and Development Authority

Board (NEDA), on matters concerning the Bangsamoro Autonomous Region.

Sec. 63. ***The Deputy Chief Minister.*** – The Deputy Chief Minister shall be appointed by the Chief Minister from among the Members of the Parliament and may hold a cabinet position.

In case of death permanent disability, removal or resignation or incapacity of the Chief Minister, the Deputy Chief Minister shall temporarily act as the Chief Minister until the Parliament shall have elected a new Chief Minister. Said election shall be held within thirty (30) days from the occurrence of the vacancy.

Sec. 64. ***Election of a New Chief Minister.*** – Upon a two-thirds (2/3) vote of no confidence of all members of Parliament against the government of the day, the position of Chief Minister shall be considered vacant, and the members of the Parliament shall elect a new Chief Minister by a majority vote of all its members, in accordance with the procedure in Sec. 58.

The incumbent members of the Cabinet shall continue to conduct the affairs of the Bangsamoro Regional Government until a new Chief Minister is elected and has qualified, and has appointed members of the cabinet.

ARTICLE VIII BASIC RIGHTS

Sec. 65. ***Basic Rights in the Bangsamoro Autonomous Region.*** – In addition to the basic rights already enjoyed by the inhabitants residing in the Bangsamoro Autonomous Region, the Bangsamoro Regional Government shall guarantee the following enforceable rights:

- a) Right to life and to inviolability of one's person and dignity;
- b) Right to freedom and expression of religion and beliefs;
- c) Right to privacy;
- d) Right to freedom of speech;
- e) Right to express political opinion and pursue democratically political aspirations;
- f) Right to seek constitutional change by peaceful and legitimate means;
- g) Right of women to meaningful political participation and protection from all forms of violence;
- h) Right to freely choose one's place of residence and the inviolability of the home;
- i) Right to equal opportunity and non-discrimination in social and economic activity and the public service, regardless of class, creed, disability, gender and ethnicity;
- j) Right to establish cultural and religious associations;
- k) Right to freedom from religious, ethnic and sectarian harassment;
- l) Right to redress of grievances and due process of law; and
- m) Right to free public education in the elementary and high school levels;

The Bangsamoro Parliament may pass laws for the promotion and protection of the above-enumerated rights.

Sec. 66. **Human Rights.** – All laws and policies, including customary laws, shall conform to international human rights and humanitarian standards. The rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and other international human rights instruments shall be guaranteed by the Bangsamoro Regional Government.

Sec. 67. **Vested Property Rights.** – Titles secured under the torrens system, and rights already vested under the provisions of existing laws shall be respected.

With respect to legitimate grievances of the inhabitants in the Bangsamoro Autonomous Region arising from any unjust dispossession of their territorial and proprietary rights, customary land tenure or their marginalization shall be acknowledged. The National Government and Bangsamoro Regional Government shall take effective measures for adequate reparation of the loss in such quality, quantity and status collectively beneficial to the inhabitants in the Bangsamoro Autonomous Region, and to be determined pursuant to the 1987 Philippine Constitution and existing laws.

Sec. 68. **Transitional Justice.** – The National Government with the Bangsamoro Regional Government shall create a transitional justice mechanism to address the legitimate grievances of the inhabitants in the Bangsamoro Autonomous Region, such as historical injustices, human rights violations, marginalization through unjust dispossession of their territorial, sacred places and proprietary rights and customary land tenure.

Sec. 69. **Indigenous People's Rights.** – The Bangsamoro Regional Government recognizes the rights of the indigenous peoples and other Non-Moro inhabitants and shall adopt measures for the promotion and protection of their rights, respect for their identity, the right to basic services, the right to internal self-determination, the right to their native titles and/or *fusaka inged*, indigenous customs and traditions, justice systems and indigenous political structures, the right to an equitable share in revenues from the utilization of resources in their ancestral lands, the right to free and prior informed consent. They shall have the right to political participation in the Bangsamoro Regional Government including reserved seats for the indigenous peoples in the Bangsamoro Parliament.

Sec. 70. **Sultanate's Rights.** – The Bangsamoro Regional Government recognizes the rights of sultanates, especially in areas where sultans are accredited and recognized by their Tarib, Igma and Customary laws. It shall adopt measures for the promotion and protection of the sultanates' rights, including their right to their traditional native title of sultanhip, their right to political participation in the Bangsamoro Regional Government, including reserved seats in the Parliament.

Sec. 71. **Customary Rights and Traditions.** – The customs, beliefs and traditions of the people in the Bangsamoro Autonomous Region are hereby recognized, protected and guaranteed.

The Bangsamoro Parliament shall adopt measures to ensure mutual respect and protection of the distinct beliefs, customs and traditions of the inhabitants in the Bangsamoro Autonomous Region.

No person in the Bangsamoro Autonomous Region shall be subjected to any form of discrimination on account of creed, religion, ethnic origin, parentage, or sex.

Sec. 72. **Bangsamoro Autonomous Regional Human Rights Office (BARHRO).** – The Commission on Human Rights (CHR) shall create a Bangsamoro Autonomous

Regional Human Rights Office under the direct control and supervision of the Commission.

The BARHRO shall be independent and impartial to ensure the promotion and protection of human rights in the Bangsamoro Autonomous Region. In the performance of its mandate, the BARHRO shall have the powers to compel attendance of witnesses and the production of evidence.

The BARHRO shall submit a report on its activities and performance at least once a year to the Bangsamoro Parliament. Other state instrumentalities in the Bangsamoro Autonomous Region shall assist the BARHRO and ensure its independence, impartiality, dignity and effectiveness. The BARHRO shall have a coordinative and complementary relationship with the CHR in carrying out its mandate.

Details pertaining to the establishment of the BARHRO, such as membership, terms of office, and competencies and responsibilities, shall be provided by the Bangsamoro Parliament consistent with the provisions of this Basic Act.

SOCIAL JUSTICE

Sec. 73. *Delivery of Basic Services.* – The Bangsamoro Regional Government shall provide, maintain, and ensure the delivery of, among other things, basic and responsive health programs, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, and water resource development to the inhabitants in the Bangsamoro Autonomous Region. It shall maintain appropriate disaster-preparedness units for immediate and effective relief services to victims of natural and man-made calamities. It shall also ensure the rehabilitation of calamity areas and victims of calamities.

Sec. 74. *Rights of Labor.* – Pursuant to the provisions of the 1987 Philippine Constitution, the Bangsamoro Regional Government shall guarantee all fundamental rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike. In this regard, the right of workers, whether publicly or privately employed, to form unions, associations or federations for purposes not contrary to law shall not be abridged.

The workers shall participate in policy and decision-making processes affecting their rights and benefits.

The rights of workers to security of tenure, humane conditions of work, and a living wage shall be guaranteed.

The Bangsamoro Regional Government shall also ensure that workers have access to employment and social protection.

No trafficking in persons and engagement of minors in any hazardous or deleterious forms of employment shall be tolerated.

These rights shall be provided for in a law to be passed by the Bangsamoro Parliament.

Sec. 75. *Protection of Women and Children.* – The Bangsamoro Regional Government shall uphold and protect the fundamental rights of women and children including the right of women to engage in lawful employment. Women and children especially orphans of tender age, shall be protected from exploitation, abuse or discrimination and from all forms of sexual and gender-based violence, especially in times of disaster, calamities and other crisis situations. Furthermore, there shall be mechanisms within the Bangsamoro Autonomous Region regarding the handling, investigating and

prosecuting cases of exploitation, abuse or discrimination against women and children.

The economic, social and cultural rights, and the right to health and education of women shall also be recognized.

The Bangsamoro Parliament shall enact the necessary laws for the implementation of this Section.

Sec. 76. *Participation of Women in the Bangsamoro Regional Government.* – Aside from the reserved seat for women in the Parliament, there shall be at least one (1) qualified woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro Parliament shall enact laws that gives recognition to the important roles of women in nation-building and regional development, and ensures representation of women in other decision-making and policy-determining bodies of the Bangsamoro Regional Government.

Sec. 77. *Rights of Children.* – The Bangsamoro Regional Government shall respect, protect, and promote the rights of the children.

Bangsamoro policies and programs must take into utmost consideration the best interest of the child, non-discrimination of children, survival and development, protection and participation and rights of children, youth and adolescents.

In no case shall children be recruited and used as soldiers and combatants. In case of conflict situation, children should be provided with alternative family care or placement for their continuous care, nurturance and guidance in the absence or incapacity of their parents. There should be mechanisms to address violations committed against children in armed conflict.

The Bangsamoro Regional Government and constituent local government units shall provide for adequate funding and effective mechanisms for implementation of this policy.

RIGHT TO EDUCATION

Sec. 78. *Integrated System of Quality Education.* – Consistent with the basic state policy in education, the Bangsamoro Regional Government shall establish, maintain, and support, as a top priority, a complete and integrated system of quality education and adopt an educational framework that is relevant, and responsive to the needs, ideas, and aspirations of the inhabitants in the Bangsamoro Autonomous Region.

Sec. 79. *Tribal University System.* – The Bangsamoro Parliament shall create a Tribal University System within the Bangsamoro Autonomous Region to address the higher educational needs of the indigenous cultural communities in the Bangsamoro Autonomous Region. An institute for a culture-based research, training and development to preserve and develop the indigenous knowledge, systems and practices of Non-Moro indigenous peoples shall likewise be established.

RIGHT TO HEALTH

Sec. 80. *Comprehensive And Integrated Health Service Delivery.* – the Bangsamoro Regional Government shall adopt a policy on health that provides for a comprehensive and integrated health service delivery for its constituents. The Bangsamoro Regional Government shall by law, establish a general hospital system to serve the health requirements of its people, to ensure that the individual basic right to life shall be attainable through the prompt intervention of excellent and affordable medical services. The

Bangsamoro Regional Government shall also uphold the people's right to have access to essential goods, health and other social services that would promote and protect their well-being.

Sec. 81. ***Support For Persons With Disabilities.*** – The Bangsamoro Regional Government shall established a special agency and support care facilities for persons with disabilities and other disadvantaged persons for their rehabilitation, and livelihood or skills training to encourage their productive integration into mainstream.

ARTS AND SPORTS

Sec. 82. ***Physical Education and Sports Development.*** - The Bangsamoro Autonomous Region educational system shall develop and maintain an integrated and comprehensive physical education program. It shall develop healthy, disciplined innovative and productive individuals, and promote good sportsmanship, cooperation and teamwork.

Sec. 83. ***Sports Programs.*** - The Bangsamoro Autonomous Region education system shall encourage and support sports programs, league competitions, indigenous games, martial arts, and amateur sports including training for regional, national and international competitions.

CULTURE

Sec. 84. ***Preservation of Bangsamoro Autonomous Region Culture Heritage.*** – To preserve the history, culture, arts, tradition, and the rich culture heritage of the sultanates, such as the sultanates of Sulu, Maguindanao, and Buayan, and the Royal Houses of the Maranaos and the indigenous peoples of the bangsamoro Autonomous Region, there shall be created a Abngsamoro Autonomous Region Commission for the Preservation of Culture Heritage.

Sec. 85. ***Primary of the Commission.*** - The Bangsamoro Autonomous Region in coordination with the National Historical Commission of the Philippines (NHCP) for the preservation of cultural heritage shall have the primary responsibility to write the history of all the inhabitants in the Bangsamoro Autonomous Region and to establish and sustain the cultural institutions, programs and projects in the Bangsamoro Autonomous Region. The Commission shall establish its own libraries and museums, declare and restore historical shrines and cultural sites to preserve in the Bangsamoro Autonomous Region heritage for posterity.

Sec. 86. ***Management of Bangsamoro Autonomous Region Historical And Cultural Sites.*** – The national Government shall transfer the management of Bangsamoro historical and cultural sites currently under the jurisdiction of the National Museum, NHCP or other agencies of the National Government to the Bangsamoro Autonomous Regional Office for the Preservation of Cultural Heritage (BAROPCH). The BAROPCH shall coordinate with relevant agencies of the National Government on the regulation, excavation and preservation of cultural artifacts and on the recovery of lost historical and cultural heritage.

ARTICLE XI

BANGSAMORO JUSTICE SYSTEM

Sec. 87. ***Justice System in the Bangsamoro Autonomous Region.*** – The justice system in the Bangsamoro Autonomous Region. – The justice system in the Bangsamoro Autonomous Region shall consist of Shari'ah law which shall have supremacy and application over Muslims only; the traditional or tribal justice system, for the indigenous peoples in the Bangsamoro Autonomous Region; the local courts; and alternative dispute resolution systems.

For Muslims, the justice system in the Bangsamoro Autonomous Region.

Nothing herein shall be construed to operate to the prejudice of non-Muslims and non-indigenous peoples.

SHARI'AH JUSTICE SYSTEM

Sec. 88. ***Shari'ah Justice System.*** - The Shari'ah courts in the Bangsamoro Autonomous Region shall have jurisdiction over Shari'ah law enacted by the Bangsamoro Parliament pertaining to persons and family relations.

There shall be cooperation and coordination with National Government regarding the Shari'ah justice system, through the different mechanisms as herein provided.

Sec. 89. ***Laws on Shari'ah.*** – The Bangsamoro Parliament shall enact laws pertaining to persons and family relations. These laws on Shari'ah shall only be applicable to Muslims.

Sec. 90. ***Sources of Shari'ah Law.***- The following are the sources of Shari'ah law, among others;

- a. al-qur'an (the koran)
- b. al-sunnah (prophetic traditions)

Sec. 92. ***Shari'ah District Courts.*** - The Shari'ah District Court in the Bangsamoro Autonomous Region shall exercise exclusive original jurisdiction over the following matters;

- a. all cases involving custody, guardianship, legitimacy, paternity and filiation arising under PD 1083;
- b. all cases involving disposition, distribution and settlement of the estate of deceased Muslims that are inhabitants of the Bangsamoro Autonomous Region, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- c. petitions for the declaration of absence and death for the cancellation or correction of entries in the Muslim registries mentioned in Title VI of Book Two PD 1083;

d. all actions arising from customary and Shari'ah compliant contracts in which the parties are Muslims, if they have not specified which law shall govern their relations;

e. all petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction;

f. petitions by Muslims for the constitution of a family home, change of name and commitment of an insane person to an asylum;

g. all other personal and real actions not falling under the jurisdiction of the Shari'ah circuit courts wherein the parties involved are Muslims, except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the municipal court;

h. all special civil actions for interpleader or declaratory relief wherein the parties are Muslims residing in the Bangsamoro Autonomous Region or the property involved belongs exclusively to Muslims and is located in the Bangsamoro Autonomous Region; and

i. all civil actions, under Shari'ah law enacted by the Bangsamoro Parliament, involving real property in the Bangsamoro Autonomous Region, where the assessed value of the property exceeds four hundred thousand pesos (P400,000.00);

The Shari'ah district court in the Bangsamoro Autonomous Region shall exercise appellate jurisdiction over all cases decided upon by the Shari'ah circuit courts within its territorial jurisdiction, as provided under Article 144 of PD 1083.

Sec. 93. *Additional Shari'ah Courts.* – Upon the recommendation of the Bangsamoro Regional Government, Congress may create additional Shari'ah courts in the Bangsamoro Autonomous Region and apportion the jurisdiction of each of the Shari'ah circuit and district courts.

Sec. 94. *Qualifications of Shari'ah Judges.* –

a. Shari'ah circuit court. – No person shall be appointed judge of the Shari'ah circuit court unless he/she is a subject of the Shari'ah court system, citizen of the Philippines, at least twenty-five (25) years of age, a graduate of a four-year course on Shari'ah or Islamic jurisprudence, and has passed an examination in the Shari'ah to be given by the Supreme Court for admission to special membership in the Philippine Bar practice in the Shari'ah courts;

b. Shari'ah district court.- no person shall be appointed judge of the Shari'ah district court unless he/she is subject of the Shari'ah court system, citizen of the Philippines at least thirty-five (35) years of age, a graduate of a four-year course on Shari'ah or Islamic jurisprudence, and has passed an examination in the Shariah to be given by the Supreme Court fro admission to special membership in the Philippine Bar to practice in Shari'ah courts. Furthermore, such person should have been engaged in the practice of Shari'ah law in the Philippines for at least five (5) years prior to his appointment;

Sec. 95. **Shari'ah Rule of Court.** The rules of court for the Shari'ah courts in the Bangsamoro Autonomous Region shall be promulgated by the Supreme Court. The Philippine Judicial Academy shall convene all the shari'a judges for the purpose of drawing up the rules of court for Shari'ah courts that shall proposed to the Supreme Court for approval and for promulgation. In the meantime, the special rules of court for Shari'ah courts, as promulgated by the Supreme Court, shall continue to be in force.

Sec. 96. **Special Bar Examination for Shari'ah.** – The Supreme Court shall continue to administer Shari'ah bar examinations for admission of applicants to the Philippine bar as special member thereof, with due consideration for the special nature of the shari'ah system.

Sec. 97. **Composition.** – Judges of the Shari'ah circuit court in the Bangsamoro Autonomous Region are entitled to the same compensation and enjoy the same privileges as judges of municipal circuit trial courts. Judge of Shari'ah district court in the Bangsamoro Autonomous Region are entitled to the same compensation and enjoy the same privileges as the judges of regional trial courts.

Sec. 98. **Appointment and Discipline of Shari'ah Court Personnel.**– the Supreme Court shall appoint the Shari'ah court personnel, and shall have the power of discipline over them.

Sec. 99. **Shari'ah Public Assistance Office.** - To provide free legal assistance to indigent party litigants, the Bangsamoro parliament shall create a Shari'ah Public Assistance Office for the different Shari'ah courts in the Bangsamoro Autonomous Region.

Sec. 100. **Shari'ah Special Prosecution Service.** – There shall be created a Shari'ah Special Prosecution Service for Shari'ah administration of justice in the bangsamoro Autonomous Region. The Shari'ah Special Prosecution Service shall be attached to the national prosecutorial service of the National government. The Bangsamoro Regional Government shall recommend the qualified applicants for the position of the Shari'ah prosecutors and personnel of the Shari'ah special prosecution service to the Secretary of Justice.

Sec. 101. **Shari'ah Academy.** – There is hereby created a Shari'ah Academy, the primary function of which is to conduct courses and trainings on the practice of Shari'ah law in the Bangsamoro Autonomous Region, accredit Shari'ah courses and degrees obtained by Bangsamoro from schools and universities abroad, and develop the curriculum of schools and universities in the Bangsamoro Automous Region. The Bangsamoro Parliament shall define its powers and additional functions and appropriate funds therefor. The Shari'ah Academy may coordinate with the NCNF whenever necessary.

Sec. 102. **Office of Jurisconsult in Islamic Law.** – There is hereby created an Office of Jurisconsult of Islamic Law in the Bangsamoro Autonomous Region. The Parliament shall define the powers and functions of this Office.

The Office of Jurisconsult shall be a collegial body composed of the Jurisconsult and three (3) deputies who shall be appointed by the Chief Minister upon recommendation of the Parliament, taking into consideration the various ethnic groups in the Bangsamoro Autonomous Region.

The Jurisconsult and his deputies shall be members of the Philippine Shari'ah Bar or the Integrated Bar of the Philippines (IBP), Bangsamoro who are subjects of the Shari'ah court system, holders of bachelor degree in Islamic law and jurisprudence, must uphold Islamic injunctions, be of proven competence and probity, mentally fit, and be known for integrity and high moral standards.

Sec. 103. ***Jurisconsult Under Existing Law.*** - Notwithstanding the preceding Section the office of the Jurisconsult under PD 1083 shall be strengthened by being provided with salary, rank and privileges of a justice of the Court of Appeals (CA).

TRIBAL JUSTICE SYSTEMS

Sec. 104. ***Tribal Justice Systems.*** - The Bangsamoro Parliament shall enact laws to promote and support the tribal justice systems that are appropriate for the indigenous peoples, as defined by them. The tribal justice systems are the mechanisms to determine, settle, and decide controversies and enforce decisions involving disputes between members of the indigenous peoples concerned in accordance with the customary laws, institutional structures, juridical systems, traditions and practices of the different Non-Moro indigenous peoples.

Sec. 105. ***Office for the Tribal Justice.***- There is hereby created a Bangsamoro Autonomous Region Office for tribal Justice (BAROTJ) responsible in overseeing the study, preservation and development of the Tribal Justice system within the Bangsamoro Autonomous Region. The powers and functions of the BAROTJ shall be defined by the Bangsamoro Parliament.

The BAROTJ shall ensure the full participation of indigenous peoples in the formulation, implementation and evaluation of policies related to the strengthening of tribal justice system; ensuring further that such systems maintain their indigenous character in accordance with the respective practices of each tribe.

LOCAL COURTS

Sec. 106. ***Local Courts.*** - Local courts in the Bangsamoro Autonomous Region shall continue to exercise their judicial functions, as provided by law. The Bangsamoro Regional Government may undertake measures to improve their workings condition, consistent with the powers of powers of the Supreme Court.

ALTERNATIVE DISPUTE RESOLUTION SYSTEM

Sec. 107. ***Alternative Dispute Resolution.***- The Bangsamoro Regional Government shall provide for the institution of alternative dispute resolution system in the Bangsamoro

Autonomous Region. The Parliament shall enact the necessary legislation for the operationalization of alternative dispute resolution.

The Bangsamoro Regional Government shall adopt the principles of conciliation and mediation in setting disputes. The Bangsamoro Parliament may provide for prior recourse to alternative dispute resolution before the filing of cases in Shari'ah courts in the Bangsamoro Autonomous Region or any Bangsamoro Regional Government offices.

JUSTICES FROM THE BANGSAMORO

Sec. 108. ***Justices from Bangsamoro.*** - It shall be the policy of the National Government that, whenever feasible at least one (1) justice in the Supreme Court and two (2) justices in the Court of Appeals at any one time who shall be qualified jurist of the Bangsamoro Autonomous Region. For this purpose, the Chief Minister may, after consultations with the Bangsamoro Parliament, submit the names of qualified nominees to the Judicial and Bar Council (JBC) for its consideration. The appointments of those recommended by the Chief Minister to the judicial positions mentioned above are without prejudice to appointments that may be extended to other qualified inhabitants of the Bangsamoro Autonomous Region to other positions in the Judiciary.

Sec. 109. ***Deputy Court Administrator for Bangsamoro Autonomous Region.***- The Office of the Deputy Court Administrator for the Bangsamoro Autonomous Region is hereby created. The Deputy Court Administrator for the Bangsamoro Autonomous Region shall be appointed by the Chief Justice of the Supreme Court from among three (3) recommendees submitted by the Chief Minister upon previous consultation with the Bangsamoro Parliament and with the concerned sectors of the Bangsamoro Autonomous Region.

ARTICLE X PUBLIC ORDER AND SAFETY

Sec. 110. ***Public Order and Safety.*** - The Bangsamoro Regional Government shall have joint responsibility with the National Government over public order and safety within the Bangsamoro Autonomous Region.

Sec. 111. ***Bangsamoro Autonomous Regional Police (BARP).*** - There is hereby created a Bangsamoro Autonomous Regional Police, which is an integral part of the PNP. The preservation of peace and order within the Bangsamoro Autonomous Region shall be the responsibility of the BARP which shall be organized, maintained, supervised, and utilized, unless otherwise provided in this Act, in accordance with RA No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990" as amended by RA No. 8551 or the "Philippine National Police Reform and Reorganization Act of 1998".

The BARP shall be initially composed of existing PNP personnel in the ARMM. In the recruitment of members of the BARP, priority shall be given to the inhabitants of the Bangsamoro Autonomous Region, subject to existing laws, rules and regulations on recruitment and training.

Sec. 112. ***Powers and Functions of the Bangsamoro Autonomous Regional Police.*** - The BARP shall exercise within the Bangsamoro Autonomous Region the following powers and functions:

- a. enforce laws enacted by the Congress and by the Bangsamoro parliament relative to the protection of lives and properties of the people;
- b. maintain law and ensure public safety;
- c. investigate and prevent crimes, arrest criminal offenders, bring criminal suspects to justice, and assist in their prosecution;
- d. conduct searches and seizures in accordance with pertinent laws;
- e. detain persons for a period not exceeding what is prescribed by law, inform the person so detained of all the rights under the 1987 Philippine Constitution and the Basic Act. And observe and respect human rights; Process and facilitate applications for the registration of firearms and the issuance of license and permits for approval by the proper official of the PNP;
- f. initiate drives for the registration or surrender of unregistered firearms; confiscate unregistered firearms after such drives are over; to file cases or recommend to President the grant of amnesty or pardon to possessors of unregistered firearms who surrender them; and
- g. perform such other duties and exercise all other functions as may be provided by law enacted by Congress or by the Bangsamoro Parliament.

Sec. 113. ***Bangsamoro Autonomous Regional Police Organization.*** - The structural organization of the BARP shall be as follows:

- a. It shall be headed by a Bangsamoro Autonomous Regional Police Director, who shall be assisted by at least two (2) DEPUTIES. The Bangsamoro Autonomous Region police director and his deputies shall come from the ranks of the professional police force, preferably from any province, city or municipality of the Bangsamoro Autonomous Region.
- b. It shall have regional, provincial, and city or municipal offices;
- c. The provincial office shall be headed by a provincial director, who shall be a professional police officer with the rank of, at least, police superintendent; and
- d. The city or municipal office or station shall be headed by a chief of police, who shall be a professional police officer with the rank of, at least, police superintendent for the city and police inspector for the municipality.

Sec. 114. ***Bangsamoro Autonomous Regional Police Board (BARPB).*** - There is hereby created a Bangsamoro Autonomous Regional Police Board (BARPB), which shall perform the functions of the National Police Commission (NAPOLCOM) in the Bangsamoro Autonomous Region. The BARPB shall be under the administration and

control of the NAPOLCOM. The NAPOLCOM shall ensure that the BARPB performs its powers and functions within the bounds of its authority. In addition, the BARP shall perform the following functions:

- a. to set the policing objectives and priorities in the Bangsamoro Autonomous Region;
- b. to monitor the performance of the BARP against policing objectives and priorities;
- c. to monitor crime trends and patterns as well as performance in areas of human rights, crime reduction, and crime prevention, recruiting patterns and employment opportunities in the Bangsamoro Autonomous Region;
- d. to provide information and guidance to the Bangsamoro Regional Government and the PNP on the annual budgetary requirement of the BARP;
- e. to monitor police performance as against the budget allocation for the BARP; and
- f. to make recommendations to the BARP director on the appointments of the deputies, the provincial directors, and city and municipal chiefs of the BARP.

The BARPB shall have the power to investigate complaints against the BARP. Appeals from its decision may be lodged with the National Police Commission. Pending resolution of the appeal, its decisions may be executed. The rules and regulations governing the investigation of the members of the PNP shall be followed by the BARPB.

Sec. 115. *Composition of the Board.* - The BARPD shall be composed of eleven (11) members who must be a resident of the Bangsamoro Autonomous Region, holder of a college degree and with known integrity and civic mindedness in the Bangsamoro Autonomous Region. All the members thereof shall be appointed by the Chief Minister in accordance with the rules promulgated by the Bangsamoro Parliament for this purpose.

Sec. 116. *Terms of Office.* - The members of the BARPB shall hold office for a period of three (3) years: *Provided*, That of those first appointed four (4) shall hold office for three (3) years, another four (4) shall hold office for (2) years, and three (3) shall hold office for one (1) year. Appointment for any vacancy shall only be for the unexpired term of the predecessor.

Sec. 117. *Powers of the Chief Minister Over the BARPB.* - The Chief Minister shall have the following powers over the BARP:

- A. to act as ex officio chair of the Bangsamoro Autonomous Region Police Board and as Deputy of the NAPOLCOM in the Bangsamoro Autonomous Region on matters dealing with the Bangsamoro Autonomous Region Police;
- B. to oversee the preparation and implementation of the integrated Bangsamoro Autonomous Region public safety plan;

C. to impose, after due notice and summary hearings of the citizen's complaints, administrative penalties on personnel of the Bangsamoro Autonomous Region police except those appointed by the President, such power shall be exercised by the Chief Minister through the creation of a People's Law Enforcement Board in accordance with RA 8551.

D. do everything necessary to promote widespread support for the Bangsamoro Autonomous Region Police by inhabitants of the Bangsamoro Autonomous Region.

Sec. 118. **Staffing Level.** - The average staffing level of the Bangsamoro Autonomous Region Police shall be approximately in accordance with the police-to-population of one (1) police officer for every five hundred (500) persons. The actual strength by cities and municipalities shall depend on the state of peace and order, population density and actual demands of service in the particular area: Provided, That the minimum police to population ratio shall not be less than one (1) police officer for every one thousand (1000) persons: provided, Further that urban areas shall have a higher minimum police to population ratio as may be prescribed by regulations.

There shall be a program in the police force that will address gender-based violence. The Bangsamoro Autonomous Region police shall prioritize the recruitment and training of women who shall serve in women's desks. Pursuant to this requirement, ten percent (10%) of the Bangsamoro Autonomous Region police annual recruitment, training, and education quota shall be reserved for women.

Sec. 119. **Community Police.** - The Bangsamoro Autonomous Region police shall adopt community policing as an essential mechanism in maintaining peace and order.

Sec. 120. **Defense and Security.** - The defense and security of the Bangsamoro Autonomous Region shall be the responsibility of the National Government. Qualified inhabitants of the Bangsamoro Autonomous Region shall be given preference for assignments in the unit or units of the Armed Forces of the Philippines (AFP) in the area.

Sec. 121. **Calling Upon the Armed Forces.** - The Provisions of the preceding section notwithstanding, the Chief Minister may request the President to call upon the AFP:

- a. to prevent or suppress lawless violence, invasion, or rebellion, when the public safety so requires, in the Bangsamoro Autonomous Region;
- b. to suppress the danger to or breach of peace in the Bangsamoro Autonomous Region, when the Bangsamoro Autonomous Region policies not able to do so; or
- c. to avert any imminent danger to public order and security in the Bangsamoro Autonomous Region.

Sec. 122. **Indigenous Structure.** - The Bangsamoro Regional Government shall recognize indigenous structures or systems which promote peace, and law and order. The Bangsamoro Parliament shall provide institutional support to these structures and systems to enhance peace and security in the Bangsamoro Autonomous Region.

ARTICLE XI FISCAL AUTONOMY

Sec. 123. ***Fiscal Autonomy.*** – The Bangsamoro Autonomous Region shall enjoy fiscal autonomy with the end in view of attaining the highest form of economic self-sufficiency and genuine development. It shall be entitled to all fund sources enumerated herein, and shall have the power to create its sources of revenues as provided in Basic Act. It shall prepare its budget and shall allocate funds in accordance with an annual appropriations law passed by the Bangsamoro Parliament. The form, content, and manner of preparation of the budget shall be prescribed by the law enacted by the Bangsamoro Parliament.

Sec. 124. ***Local Government Finance.*** - The Bangsamoro Regional Government shall create a mechanism for coordinating, assisting, and monitoring the fiancés of the constituent local government units in pursuance of good governance and local autonomy.

Sec. 125. ***National Government Assistance.*** - The National Government shall extend assistance to the Bangsamoro Regional Government in the manner of tax administration and fiscal management. This assistance shall include capacity building and training programs, in accordance with a needs assessment and capacity building plan developed by the Bangsamoro Regional Government in consultation with the National Government.

Until such time that the BARTO is established, the collection of Bangsamoro Autonomous Region taxes shall be done by the BIR. The share of the Bangsamoro Regional Government shall be directly remitted to it.

Sec. 133. ***Share of the Constituent Local Government Units in Taxes Within the Bangsamoro Autonomous Region.*** – The Bangsamoro Parliament shall enact a law detailing the shares of constituent local government units in the seventy five percent (75%) share of the Bangsamoro Regional Government in the taxes, fees and charges collected in their jurisdiction by the National Government in the Bangsamoro Autonomous Region.

Sec. 134. ***Bangsamoro Autonomous Region Taxes and Revenue Code.*** - The Bangsamoro parliament shall enact a Bangsamoro Autonomous Region Tax Code, which covers the taxing powers of the Bangsamoro Regional Government.

Sec. 135. ***Fees and Charges.*** - The Bangsamoro Regional Government shall exercise the power to levy fees and charges pursuant to the powers and functions that it shall exercise in accordance with this Basic Act, including the powers already granted under RA 6734, RA 9054 and other executive issuances, and memoranda of agreement.

BLOCK GRANT

Sec. 136. ***Annual Block Grant.*** - The National Government shall provide an annual block grant which shall be the share of the Bangsamoro Regional Government in the national internal revenue. The amount shall be sufficient for the exercise of the powers

and functions of the Bangsamoro Regional Government under this Basic Act which in case to be less than the last budget received by the ARMM immediately before the establishment of the Bangsamoro Transition Authority.

Sec. 137. **Formula of the Block Grant** – For the budget year immediately following the year this act takes effect, the amount of the block grant shall be equivalent to four percent (4%) of the net national internal revenue collection of the Bureau of Internal Revenue less the internal revenue allotment of local government units. For purposes of this Section, the net national internal revenue tax collections during the base year less the amount released during the same year for tax refunds, payments for informer's reward, and any portion of internal revenue tax collections which are presently set aside, or hereafter earmarked under special laws for payment to third persons.

Provided, that the computation shall be based on collections from the third fiscal year preceding the current fiscal year;

Provided, Furthermore, that in the event that the National Government incurs an unmanageable public sector deficit, the President of the Philippines, with prior consultation with the Chief Minister of the Bangsamoro Parliament may adjust the annual block grant of the Bangsamoro Autonomous Region.

Provided, Finally, that this adjustment shall be during the duration of the unmanageable public sector deficit only.

Sec. 138. **Automatic Appropriation**. – The annual block grant shall be automatically appropriated to the Bangsamoro Regional Government and reflected in the GAA. The Bangsamoro Parliament shall pass an annual appropriations law that allocates the block grant to various agencies and programs, according to the powers and functions of the Bangsamoro Regional Government giving highest priority to education. The Bangsamoro Autonomous Region annual appropriations law shall also include performance standards and targets for each sector.

Sec. 139. **Regular Release**. – The block grant shall be released, without need of any further action, directly and comprehensively to the Bangsamoro Regional Government, and which shall not be subject to any lien or holdback that may be imposed by the National Government for whatever purpose.

Sec. 140. **Deductions from the Block Grant, Exceptions** – Four from the operationalization of the regular Bangsamoro Regional Government, the following shall be deducted from the block grants:

a.) revenues from the additional taxes beyond those already devolved to the ARMM, including those that had been collected three (3) years before; and

b.) share of the Bangsamoro Regional Government in the income derived from the exploration, development and utilization of natural resources, as provided in Section 149 below, including those that had been collected three (3) years before, Provided, that the amount allocated for the operation of Bangsamoro Autonomous Region Sustainable Development Board, as provided in Section 161, Article XII shall not be included in the amount herein to be deducted from the block grant; Provided,

Further, that the above-mentioned deduction shall not include the shares of constituent local government units and of indigenous communities in government income derived from the exploration, development and utilization of natural resources, under Sections 150 and 151, respectively, of this Article.

Sec. 141. *Review of the Block Grant Formula.* – The formula for the block grant, as provided above, shall be reviewed by the Bangsamoro Autonomous Region Fiscal Policy Board (BARFPB) four (4) years after its effectivity and every five (5) years thereafter. The review that shall be undertaken shall consider, among others the fiscal needs of the Bangsamoro Autonomous Region and the actual revenues it is able to generate. The result of the review shall be forwarded to Congress for its consideration and possible enactment into law.

Sec. 142. *Development Programs and Projects* – Immediately after the ratification of this Basic Act, and for another five (5) years thereafter, the National Government shall provide for additional funds that would subsidized expenditure for development projects and infrastructure in the Bangsamoro Autonomous Region, including national roads and bridges, taking into consideration a development plan formulated by the Bangsamoro Regional Government.

LOANS

Sec. 143. *Foreign and Domestic Loans, Bills, Bonds, Notes and Obligations.* – (a) loans, credits, and other forms of indebtedness. – The contracting of loans, credits, and other forms of indebtedness by the Bangsamoro Regional Government shall be for the development and welfare of the people of the Bangsamoro Autonomous Region.

Subject to acceptable credit worthiness and compliance with the 1987 Philippine Constitution, relevant laws and regulations, such loans may be secured from domestic and foreign lending institutions: Provided, That any loan secured from foreign domestic and foreign lending institution shall require sovereign guarantee, whether explicit or implicit, shall need the approval of the National Government. The Bangsamoro Parliament may authorize the Chief Minister to contract such domestic or foreign loans. The loans so contracted may take effect upon approval by a majority of all the members of the Bangsamoro Parliament.

The National Government shall assist the Bangsamoro Regional Government in complying with the requirements in securing foreign loans to finance local infrastructure and other socio-economic development projects in accordance with the Bangsamoro Autonomous Region development plan.

(b) bills, bonds, notes, debentures and obligations. – subject to the rules and regulations of the Bangko Sentral (BSP) and the Securities and Exchange Commission (SEC) the Bangsamoro Regional Government is also authorized to issue treasury bills, bonds, debentures, securities, collaterals, notes, obligations, and other debt papers or documents, as well as redeem or retire the same, pursuant to law enacted by the Bangsamoro Parliament. The authority may be exercised to finance self-liquidating, income producing development or livelihood projects pursuant to the priorities established in the aforementioned development plan.

(c) payment of loans and indebtedness. – the Bangsamoro Regional Government shall appropriate

In its annual budget such amounts as are sufficient to pay their loans and their indebtedness incurred: Provided, That failure to provide the appropriations herein required shall render their annual budget such amounts inoperative.

Sec. 144. ***Overseas Development Assistance (ODA)***. - In its efforts to achieve inclusive growth and poverty reduction, through the implementation of priority development projects, the Bangsamoro Regional Government may avail international assistance in accordance with the ODA law.

GRANTS AND DONATIONS

Sec. 145. ***Grants and Donations***. – Grants and donations from foreign and domestic donors received by the Bangsamoro Regional Government for the development and welfare of the people in the Bangsamoro Autonomous Region shall be used solely for the purpose for which they were given.

Donations and grants that are used exclusively to finance projects for education, health, youth and culture, and economic development, may be deducted in full from the taxable income of the donor or grantor.

ECONOMIC AGREEMENTS AND CONVENTIONS

Sec 146. ***Economic Agreements***. - The Bangsamoro Regional Government may enter into economic agreements and received benefits and grants derived therefrom subject to the approval of the National Government.

Sec. 147. ***Cultural Exchange, Economic and Technical Cooperation***. - The Bangsamoro Regional Government may establish linkages for cultural exchange, economic and technical cooperation with countries with diplomatic relations with the Philippines, with assistance of Philippine embassies or consulates, or through some other arrangements with National Government supporting such undertakings.

Sec. 148. ***Benefits from Conventions***. – The Bangsamoro Regional Government shall be entitled to benefits resulting from conventions to which the National Government is a party, such benefits shall be equitable and shall consider the available human and material resources and comparative advantage of the Bangsamoro Autonomous Region, as well as its socio-economic conditions and needs.

SHARING IN THE EXPLORATION, DEVELOPMENT AND UTILIZATION OF NATURAL RESOURCES

Sec. 149. ***Sharing in Exploration, Development Utilization of Natural Resources.*** – National Government income from taxed derived from the exploration, development and utilization of all natural resources with the Bangsamoro Region shall be allocated as follow:

- a.) for non-metallic minerals (sand, gravel, and quarry resources), such revenues shall pertain fully to its local government units pursuant to Section 138 of RA 7160, as amended;
- b.) for metallised minerals, seventy five (75%) shall pertain to the Bangsamoro Regional Government and its constituent local government units;
- c.) for fossil fuels (petroleum, natural gas, and coal) and uranium, the same shall be share equally between the National Government and Bangsamoro Regional Government and its constituent local government units.

The sharing scheme shall be applicable to the natural resources found in the Bangsamoro Autonomous Region.

Sec. 150. ***Share of the Constituent Local Government Units.*** – The share of the Bangsamoro Regional Government in the revenues referred to in the immediately preceding Section shall include those for its constituent local government units under Section 290 of RA 7160, as amended. Such share of the local government units shall not be diminished and shall be directly remitted to them.

Sec. 151. ***Share of Indigenous Communities.*** – Indigenous peoples shall have an equitable share from the share of Bangsamoro Regional Government from the exploration, development and utilization of natural resources that are found within the territories covered by a native title in their favour, pursuant to RA No 8371 or the IPRA of 1997.

THE BANGSAMORO AUTONOMOUS REGION FISCAL POLICY BOARD

Sec. 152. ***The Bangsamoro Autonomous Region Fiscal Policy Board (BARFPB)*** – There is hereby created a Bangsamoro Autonomous Region Fiscal Policy Board (BARFPB) that shall address revenue imbalances and fluctuations in regional financial needs and revenue-raising capacity of the Bangsamoro Regional Government.

Sec. 153. ***Functions.*** - The BARFPB shall undertake the following functions:

- a) recommend the necessary fiscal policy adjustments by undertaking a periodic review of the taxing powers, tax base and rates of the Bangsamoro Regional Government, wealth sharing arrangements, sources of revenues vis-à-vis the development need of the Bangsamoro Autonomous Region;

b.) make recommendations to settle all concerns of Bangsamoro Regional Government involving the collection of capital gains tax, documentary stamp tax, donor's tax and estate tax in the Bangsamoro Autonomous Region;

c.) make recommendations on the participation of Bangsamoro Regional Government in the ownership and management of Al-Amanah Islamic Investment Bank of the Philippines and the Southern Philippines Development Authority (SPDA); and

d.) recommend the exercise by the Bangsamoro Regional Government of additional fiscal powers in order to attain the highest form of fiscal autonomy.

Sec. 154. **Composition** – The BARFPB shall be composed of the heads or representatives of the appropriate ministries and offices in the Bangsamoro Regional Government. The National Government shall likewise be represented in the BARFPB by the Secretary of Finance and such other officials as may be necessary.

Sec. 155. **Meetings and Annual Report** – The BARFPB shall meet at least once in every six (6) months and shall adopt its own rules of procedure for the conduct of its meetings.

An annual report shall be submitted by the BARFPB to the National Government and Bangsamoro Regional Government.

Sec. 156. **Full Disclosure Policy** - The Bangsamoro Regional Government hereby adopts a policy of full disclosure of its budget and finances, and bids and public offerings and shall provide protocols for the guidance of local authorities in the implementation of said policy, which shall include, among others the posting of the summary of income and expenditures. The same policy shall apply to its constituent local government units, as may be provided in a law to be enacted by the Bangsamoro Parliament.

Sec. 157. **Additional Fiscal Powers** – The BARFPB shall recommend the exercise by the Bangsamoro Regional Government of additional fiscal powers in order to reach full fiscal autonomy. Such recommendations shall be proposed to Congress for its consideration.

ARTICLE XII ECONOMY AND PATRIMONY

Sec. 158. **Bangsamoro Autonomous Region's Economy and Social Justice** - The Bangsamoro Regional Government's economic policies and programs shall be based on the principle of social justice. Pursuant to this principle, the Bangsamoro Parliament shall legislate laws pertaining to the Bangsamoro Autonomous Region's economy and patrimony that are responsive to the needs of its people.

SUSTAINABLE DEVELOPMENT

Sec. 159. ***Equitable and Sustainable Development*** – In order to protect and improve the quality of life of the inhabitants of the Bangsamoro Autonomous Region, development in the Bangsamoro Autonomous Region shall be carefully planned, taking into consideration the natural resources that are available for its use and for the use of future generations.

The Bangsamoro Regional Government shall promote the effective use of economic resources and endeavour to attain economic development that shall facilitate growth and full employment, human development, and social justice.

The Bangsamoro Regional Government shall also provide equitable opportunities for the development of constituent local government units and shall strengthen governance systems to ensure people's participation.

Sec. 160. ***Comprehensive Framework for Sustainable Development***. – The Bangsamoro Regional Government shall develop a comprehensive framework for sustainable development through the proper conservation, utilization and development of natural resources. Such framework shall guide the Bangsamoro Regional Government in adopting programs and policies and establishing mechanisms that focus on the environment dimensions of social and economic interventions. It shall include measures for the reduction of vulnerability of women and marginalized groups to climate change and variability.

Sec. 161. ***Bangsamoro Autonomous Region Sustainable Development Board (BARSDB)***. – The Bangsamoro Parliament shall create a Bangsamoro Autonomous Region Sustainable Development Board (BARSDB), an intergovernmental body composed of representatives from the Bangsamoro Regional Government and the National Government. The Bangsamoro Autonomous Region Sustainable Development Board shall ensure the harmonization of environmental and developmental plans, as well as formulate common environmental objectives.

Funding support for the BARSDB shall be included in the annual budget of the Bangsamoro Regional Government. However, if there are revenues collected from the exploration, development and utilization of all natural resources within the Bangsamoro Autonomous Region, a certain percentage of such revenues shall be allocated for the operation of the board, as may be provided in law to be passed by the Bangsamoro Parliament

Sec. 162. ***Bangsamoro Autonomous Region Development Plan*** – the Bangsamoro Regional Government shall formulate its development plans taking into consideration the Bangsamoro and the Non-Moro inhabitants in the Bangsamoro Autonomous Region's unique needs and aspirations and consistent with national development goals. The Bangsamoro Autonomous Region Development Plan shall also consider the revenue generation efforts needed for the post-conflict rehabilitation, reconstruction and development of its geographical area.

The Bangsamoro Autonomous Region Development Plan shall include the promotion of growth and full employment, human development, and address social and

economic inequities that have resulted from decades of neglect, historical injustice, poverty and inequality.

For this purpose, the Bangsamoro Parliament shall create an economic planning office.

Sec. 163. ***Gender and Development.*** - The recognizes the role of women in governance and shall ensure the fundamental equality before the law of women and men it shall guarantee full and direct participation of women in governance and in the development process and shall, further, ensure that women shall have equal access to land ownership and shall benefit equally in the implementation of development programs and projects.

In the utilization of public funds, the Bangsamoro Regional Government shall ensure that the needs of women and men are adequately addressed. For this purpose, at least five percent (5) of the total budget appropriation of each ministry and office of the Bangsamoro Regional Government shall be set aside for gender-responsive programs, in accordance with a Gender and Development (GAD) plan. In the same manner, at least five percent (5%) up to thirty percent (30%) of the official development funds received by the Bangsamoro Autonomous Region shall be set aside to complement said GAD budget allocation.

The Bangsamoro Regional Government shall establish a mechanism for consultation with women and local communities to further ensure the allocation and proper utilization of said funds. It shall identify and implement special development programs and laws for women.

Sec. 164. ***Participation of the Bangsamoro in National Development Planning.*** - Autonomous Region development plans are reflected in the national development plans, the Bangsamoro Regional Government shall participate in national development planning. The Chief Minister shall be a full-fledged member of the board of the National Economic and Development Authority (NEDA).

NATURAL RESOURCES

Sec. 165. ***Natural Resources.*** - The Bangsamoro Regional Government shall have the authority, power, and right to control and supervision over the exploration, utilization, development, and protection of the mines and minerals and other natural resources within the Bangsamoro Autonomous Region in accordance with responsible mining policies, the Philippine Constitution, and the pertinent provisions of this Basic Act.

Provided, that the strategic minerals such as uranium, petroleum, and other fossil fuels, mineral oils and all sources of potential energy shall remain under the control and supervision of the National Government; provided further that in the utilization and exploration of strategic minerals, the Bangsamoro Regional Government shall be consulted.

Sec. 166. ***Preferential Rights of Bona Fide Inhabitants of the Bangsamoro Autonomous Region.*** - Qualified inhabitants who are bona fide inhabitants of the Bangsamoro Autonomous Region shall have preferential rights over the exploration,

development, and utilization of natural resources, including fossil fuels (petroleum, natural gas, and coal) and uranium,, within the Bangsamoro Autonomous Region. Existing rights over the exploration, development and utilization of natural resources shall be respected until the expiration of the corresponding leases, permits, franchises or concessions, unless legally terminated.

Sec. 167. ***Rights of Indigenous Peoples Over Natural Resources*** – The Bangsamoro Parliament shall enact a law recognizing the rights if indigenous peoples in the Bangsamoro Autonomous Region in relation to natural resources within the territories covered by a native title, including their share in revenues, as provided in this Basic Act, and preferential rights in the exploration, development and utilization of such natural resources within their area.

No ancestral domains and lands shall be opened for exploration or extraction nor any policies, projects, programs, research or plans be implemented without the free and prior informed consent of the indigenous people concerned, pursuant to RA No. 8371 of the IPRA of 1997.

Sec. 168. ***Financial and Technical Assistance Agreements*** - The applications for Financial and Technical Assistance Agreements (FTAAS) covering mineral resources within the Bangsamoro Autonomous Region shall be filed with the Bangsamoro Regional Government which shall make recommendations to the President.

The manner by which the Bangsamoro Regional Government shall make the recommendation shall be in accordance with the mining policy that shall be adopted by the Bangsamoro Parliament.

Sec. 169. ***Regulation of Small-Scale Mining*** – Small-scale mining shall be regulated by the Bangsamoro Regional Government to the end that the ecological balance, safety and health, and the interests of the affected communities, the miners, the indigenous peoples and the local government units if the place where such operations are conducted are duly protected and safeguarded.

Sec. 170. ***Legislating Benefits, Compensation For Victims For Victims and Communities Adversely Affected by Mining And Other Activities That Harness Natural Resources.*** - The Bangsamoro Parliament shall enact laws for the benefit and welfare of the inhabitants injured, harmed or adversely affected by the harnessing of natural and mineral resources in the Bangsamoro Autonomous Region. Such laws may include payment of just compensation to and relocation of the people and rehabilitation of the areas adversely affected by the harnessing of natural and mineral resources mentioned above.

The Bangsamoro Parliament may, by law, require the persons, natural or juridical, responsible for causing the harm or injury mentioned above to bear the costs of compensation, relocation and rehabilitation mentioned above wholly or partially.

Sec. 171. ***Bangsamoro Small Scale Mining Policy*** - Policies on small scale shall be drawn up by the Bangsamoro Parliament in accordance with its comprehensive sustainable Bangsamoro Autonomous Region development plan, as well as, over-all medium-term and long-term Bangsamoro Autonomous Region development plan.

Sec. 172. ***Agriculture, Fisheries, and Aquatic Resources*** – The Bangsamoro Regional Government's policies and laws on agriculture, fisheries, and aquatic resources

shall advance agriculture as a key development strategy, promote productivity measures, and provide support for farmers and fishers especially small landholders and marginal fishers.

TRADE AND INDUSTRY

Sec. 173. ***Trade and Industry in the Bangsamoro Autonomous Region.*** – The Bangsamoro Regional Government recognizes the private sector as a mover of trade, commerce and industry. It shall encourage and support the building up of entrepreneurial capacity in the Bangsamoro Autonomous Region and shall recognize, promote, and protect cooperatives.

The Bangsamoro Regional Government shall promote trade and industry in the Bangsamoro Autonomous Region by providing avenues through which other countries can learn about its unique industries, economic opportunities and culture through participation in trade missions to other countries observing the necessary coordination with the relevant government agencies.

The Bangsamoro Regional Government shall also promote domestic trade preference for goods produced and materials sourced from the from within the Bangsamoro Autonomous Region and adopt measures to increase their competitiveness. The Bangsamoro Regional Government shall also ensure that Bangsamoro Autonomous Region's products and services gain considerable access to the markets of its trading partners, and particular attention should also be given to the markets of its trading partners who have historic and cultural ties to the Bangsamoro Autonomous Region.

The Bangsamoro Regional Government shall provide technical and skills training programs, create livelihood and job opportunities, and allocate equitable preferential rights to its inhabitants. In this regard, the Bangsamoro Parliament shall adopt laws that will safeguard the rights of workers; Provided, that these laws shall expand, improve or enhance these right provided herein.

Sec. 174. ***Traditional Barter Trade and Countertrade*** – The Bangsamoro Regional Government shall regulate traditional barter trade and counter-trade with Indonesia, Malaysia or Brunei. The goods or items that are traded with the said countries shall not be sold elsewhere in the country without payment of appropriate customs or import duties. The Bangsamoro Regional Government shall ensure compliance with national standards and safely product standards requirements. The Department of Finance (DOF) shall, in consultation with the Bangsamoro Regional Government, promulgate the rules to govern traditional barter trade and counter-trade within six (6) months from the approval of this Basic Act.

Sec. 175. ***Economic Zones, Industrial Estates and Free Ports*** - The Bangsamoro Regional Government may apply with the Philippine Economic Zone Authority (PEZA) for the establishment of economic zones, industrial estates and free ports in the Bangsamoro Autonomous Region in accordance with the standards under existing national laws. The Bangsamoro Regional Government and the National Government shall cooperate on customs, immigration, quarantine and service including the attendant international commitments thereto, to implement and make fully operational such economic zones, industrial estates, and free ports within one (1) year from their establishment. Business

and other benefits provided by the National Government to special to special economic zones. The Bangsamoro Regional Government shall implement the fiscal incentives and other benefits to investors in economic zones, industrial estates and free ports. Bangsamoro Autonomous Region free ports shall be contiguous/adjacent to a seaport or airport, the area of coverage of a Freeport may be so much as may be necessary of that portion of the constituent local government unit/s of the Bangsamoro Autonomous Region, subject to such additional criteria as the Bangsamoro Parliament may provide in law for that purpose. Existing free ports in the ARMM are hereby transferred to the Bangsamoro Regional Government.

Sec. 176. ***Prohibition Against Toxic or Hazardous Substances.*** - The Bangsamoro Regional Government shall assist the National Government in regulating, restricting or prohibiting the use, importation, transit, transport, deposit, disposal, and dumping of toxic or hazardous substances within the Bangsamoro Autonomous Region. It shall, in the same manner, assist the National Government in regulating activities that may adversely impact the environment and may be harmful to health, safety and welfare of the Bangsamoro Autonomous Region.

Sec. 177. ***Halal-Certifying Body: Halal Campaign Program.*** - The Bangsamoro Regional Government shall have the power to accredit one (1) halal-certifying body in the Bangsamoro Autonomous Region. It shall promote awareness through the development and implementation of a halal campaign program.

BANKING AND FINANCE

Sec. 178. ***Banks and Financial Institutions.*** - The Bangsamoro Regional Government shall encourage the establishment of: a.) banks and financial institutions and their branches; and (b) off-shore banking units of foreign banks within the Bangsamoro Autonomous Region, and principles of the Islamic banking system.

Sec. 179. ***Islamic Banking and Finance*** - The Bangsamoro Regional Government, the BSP, DOF and the NCMF shall jointly promote the development of an Islamic banking and finance system, to include among others the establishment if a Shari'ah supervisory board.

To facilitate the establishment of a n Islamic banking and finance system, the National Government and the Bangsamoro Regional Governments shall review existing market environment and policies and adopt measures to enhance the competitiveness of Islamic finance products and that Islamic financial players shall not be prohibited from introducing Islamic finance products. It shall further promote investor awareness an acceptance in order to build a broader customer and asset base. Towards this end, the appropriate agencies of the National Government shall be authorized to issue rules and regulations to achieve the said objectives.

Islamic bank may be established as may be authorized by the BSP. The BSP may also authorize banks primarily engaged in conventional banking to engage in Islamic banking arrangements, including structures, transactions and practices, through Islamic banking windows, each Islamic bank and conventional bank with Islamic banking windows may establish branches or other offices at such places in the Philippines or abroad subject to applicable laws, rules and regulations of the BSP. The BSP shall have supervision over the operations of an exercise regulatory powers over Islamic bank and

conventional banks engaging in Islamic finance through Islamic banking windows. For the purposes provided in this paragraph, the BSP shall issue the implementing rules and regulations.

TRANSPORTATION AND COMMUNICATIONS

Sec. 180. ***Transportation and Communications.*** - The Bangsamoro Regional Government shall continue to exercise such powers, functions and responsibilities that have been devolved or decentralized to the ARMM.

The Bangsamoro Regional Government shall give priority to the establishment of transportation and communications facilities to expedite the economic development in the Bangsamoro Autonomous Region.

ARTICLE XIII

NORMALIZATION, REHABILITATION AND DEVELOPMENT

Sec. 181. ***Policy.*** - The Bangsamoro Regional Government shall promote and pursue a permanent, continuing and intensive policy and program of normalization of its communities, and a perpetual commitment to the utilization of peaceful and orderly, inclusive and democratic means and methods in order to achieve the development objectives of the Bangsamoro Regional Government and of the people, consistent with Article XII of this Basic Act.

Sec. 182. ***Normalization of Communities.*** - Normalization shall mean a process whereby communities within the Bangsamoro can achieve their desired quality of life, which includes the pursuit of sustainable livelihood and political participation within a peaceful deliberate society. It aims to insure human security in the Bangsamoro, and helps build a society that is committed to basic human rights where individuals are free from fear of violence or crime and where long-held traditions and values continue to be honored.

Normalization shall be the joint responsibility of the National Government and the Bangsamoro Regional Government.

Sec. 183. ***Decommissioning of Forces.*** - Decommissioning of forces, both of the combatants and civilians, is an indispensable component of normalization, which is an integrated process that includes activities aimed at achieving a smooth transition towards productive civilian life. Thus, it shall necessarily embrace the internationally accepted principles and process of disarmament, demobilization, reinsertion and reintegration, in accordance with the standards developed by the United Nations, as follows:

- a.) Disarmament – The collection, documentation, control and disposal of small arms, ammunitions, explosives and light and heavy weapons of combatants and often also the civilian population. Disarmament also includes the development of responsible arms management programs.
- b.) Demobilization – The formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or

barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion.

- c.) Reinsertion – The assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short term education, training, employment and tools. While re-integration is a long-term, continuous social and economic process of development, reinsertion is short-term material and/or financial assistance to meet immediate needs, and can last up to one year.
- d.) Reintegration – The process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. It is part of the general development of the country and a national responsibility, and often necessitates long-term external assistance.

Decommissioning of forces shall be implemented and supervised by the presently constituted Independent Decommissioning Body (IDB), which shall continue to perform its mandate and functions pursuant to the Annex on Normalization, the Program for Normalization, and the IDB's Terms of Reference, in so far as may be consistent with the provisions of this Basic Act.

The IDB shall convene at least once every quarter to the purpose of monitoring the progress of the decommissioning process, and of assessing and evaluating changes in the circumstances, with a view to ensure the completion and accomplishment of all the phases thereof. In addition, the IDB shall perform the following duties and functions:

- 1.) In coordination with the Joint Coordinating Committees on Cessation of Hostilities (JCCCH), the Ad Hoc Joint Action Group (AHJAG) and the International Monitoring Team (IMT), visit and conduct ocular inspections of combatants' camps, to obtain essential information and verify, among others, the inventory of MILF combatants, weapons and camps;
- 2.) To obtain from the AFP its inventory of MILF combatants, weapons and camps based upon their latest intelligence;
- 3.) Submit to the President and Congress quarterly reports on the progress of the decommissioning process, as well as final report upon completion and accomplishment of its tasks and responsibilities;
- 4.) Develop and implement, when necessary, a revised schedule to accelerate the process of decommissioning of forces consistent with the provisions of this Basic Act;
- 5.) Evaluate and recommend to the President ex-combatants qualified for amnesty, subject to the concurrence of Congress;
- 6.) Coordinate and request assistance from National Government agencies and local government units; and

- 7.) Perform such other functions as are vital and necessary to complete and accomplish all its tasks in the decommissioning of forces.

In order to ensure the effective discharge by the IDB of its mandate and functions and to facilitate the accomplishment of all its objectives, the Government of the Philippines (GPH) and MIFF panels, the JCCCH, the AHJAG and the IMT shall coordinate with and assist one another to provide the IDB unrestricted access to MILF and other combatant' camps an premises, and other essential and material information.

Sec. 184. **Rehabilitation and Development** – Without to Article XI, Section 142 of this Basic Act, the Bangsamoro Regional Government shall as part of the normalization process, pursue and intensive program of rehabilitation, reconstruction and development of the Bangsamoro Autonomous Region, with sufficient funding support from the National Government, in accordance with Article XII, Section 161 hereof, the Bangsamoro Regional Government shall formulate and implement a comprehensive plan and program for rehabilitation and development that will holistically address the needs and uplift the welfare of all the inhabitants in the Bangsamoro Autonomous Region, including those of the combatants, auxiliary forces, including civilian and armed groups, their families, and internally displaced person.

Article XIV

PLEBISCITE

Sec. 185. **Establishment of the Bangsamoro Autonomous Region** – The establishment of the Bangsamoro Autonomous Region and the determination of the Bangsamoro geographical area shall take upon ratification of this Basic Act by majority of the votes cast in the following provinces and cities in a plebiscite conducted for the purpose.

- a.) the present geographical area of the ARMM;
- b.) the cities of Cotabato and Isabela; and
- c.) those qualified for inclusion in the plebiscite, by way of resolution or petition.

Sec. 186. **Date of Plebiscite.** – The plebiscite shall be conducted, as far as practicable, within one hundred eighty (180) days from the effectivity of this Basic Act.

For this purpose, the COMELEC shall undertake the necessary steps to enable the holding of the plebiscite within the said period.

Sec. 187. **Results of the Plebiscite.** – a.) For the present geographic area of the ARMM. If the majority of the registered voters in each province and city vote in favor the Bangsamoro Basic Act, the respective provinces and cities shall be included in the Bangsamoro Autonomous Region.

b.) for the cities of Cotabato and Isabela. If the majority of he registered voters in each of these cities vote in favor of the Basic Act for the Bangsamoro Autonomous Region, the respective cities shall be included in the Bangsamoro Autonomous Region.

c.) For all other contiguous provinces or cities outside the present ARMM, where there is a resolution of the province or city or a petition of least ten percent (10%) of the registered voters in the said local government unit asking for their inclusion at least two months prior to the conduct of the ratification of the Bangsamoro Basic Act; If the majority of the registered voters in each of these provinces or cities vote in favor of the Bangsamoro Basic Act of the Bangsamoro Autonomous Region, the respective province or city shall be included in the Bangsamoro Autonomous Region.

Sec. 188. **Plebiscite Question** – The question to be asked of the voters in the plebiscite shall be as follows: "Do you approve of the Basic Act for the Bangsamoro Autonomous Region?"

Sec. 189. **Plebiscite Monitoring.** – The COMELEC shall also provide for the accreditation of plebiscite monitors, including the international-domestic monitoring body created by the GPH and the MILF negotiating panels. In accordance with established international standards on election monitoring. The monitoring body shall have access to all operations related to the plebiscite and be able to conduct regular and random checks. The reports of the monitoring body shall be made available to the panels for their disposition.

Sec. 190. **Registered Voters.** - All registered voters in the provinces and cities mentioned in Section 184 hereof shall be qualified to participate in the plebiscite on the establishment of the Bangsamoro Autonomous Region. Notwithstanding laws, rules and regulations on overseas and local absentee voters, the COMELEC shall ensure that qualified voters for the plebiscite who are located outside the Bangsamoro Autonomous Region on the date of the plebiscite shall be given the opportunity to vote. Voters who are currently registered outside the areas specified but are otherwise qualified to be registered voters of the areas and are likewise compliant with the residency requirements under law, shall be given the opportunity to transfer their accordingly, in time for the conduct of the plebiscite.

The COMELEC shall promulgate rules necessary for the conduct of plebiscite, including those for the accreditation of plebiscite monitors and voluntary inclusion in the plebiscite as provided herein, within thirty (30) days from the effectivity of this Basic Act, with the primary objective of optimizing the opportunity for participation in the plebiscite of qualified voters in the areas specified for the creation of the Bangsamoro Autonomous Region.

Sec. 191. **Information Campaigns.** – The COMELEC shall supervise the conduct of information campaigns on the plebiscite, including sector campaigns for indigenous communities, women, youth, religious, professionals and public and private sector employees, in every municipality, city and province where the plebiscite is held.

Public conferences, assemblies, or meetings on dates before the plebiscite day itself shall be held to inform the inhabitants thereof regarding the significance and meaning of the plebiscite and to help them to cast their votes intelligently. Free full, and constructive discussion and exchange of views on the issues shall be encouraged.

For this purpose, the assistance of persons of known probity and knowledge may be enlisted by the COMELEC, the local government units or interested parties to act as speakers or resource persons.

Such campaign shall be without prejudice to other information dissemination and public advocacy initiatives by the other government or non-government groups or individuals.

For information campaigns and other public advocacy initiatives with indigenous communities, local leaders shall be engaged to lead discussions in their respective communities.

Public advocacy initiatives shall be conducted within the framework of solidarity, cooperation, and unity among Moro, Non-Moro, indigenous, and settler communities. Consultation shall give due respect to the roles of indigenous and Moro women, and encourage their active participation.

Sec. 192. **Appropriation.** – A sufficient amount is hereby appropriated for the requirements of the conduct of the plebiscite, including the monitoring information campaign. The COMELEC shall determine the manner of campaigning and the deputization of government agencies for the purpose.

Sec. 193. **Ratification of Basic Act.** – The Basic Act of the Bangsamoro Autonomous Region shall be deemed ratified upon proclamation of the COMELEC or its duly authorized officers that a majority of the votes cast in the plebiscite in the constituent units are in favor of the creation of the Bangsamoro Autonomous Region. The fact of ratification shall be confirmed by the GPH and MILF negotiating panels.

Sec. 194. **Abolition of the ARMM.** – Upon the ratification of this Basic Act, the Bangsamoro Autonomous Region shall be deemed established, and the ARMM shall be deemed abolished, in accordance with the provisions of the succeeding Article.

ARTICLE XIV TRANSITION PERIOD

Sec. 195. **Transition Period.** – The transition or interim period for the establishment of the Bangsamoro Autonomous Region shall commence upon ratification of this Basic Act, and shall end upon the dissolution of the Bangsamoro Transition Authority (BTA), as provided under this Article.

The period of transition herein defined shall be without prejudice to the initiation or continuation of other measures that may be required by post-conflict transition and normalization even beyond the term of the BTA.

The council of Leaders as provided in Section 27 hereof shall also be organized during the transition period.

Sec. 196. **Bangsamoro Transition Authority.** – There is hereby created a Bangsamoro Transition Authority (BTA) which shall be the interim government or the governing body in the Bangsamoro Autonomous Region during the transition period.

The BTA shall be composed of sixty (60) members. The BTA shall be composed of all the incumbent members of the ARMM Regional Legislative Assembly who shall serve in the BTA until the expirations of their term. The rest of the BTA members shall be appointed of others essential stakeholders in the Bangsamoro Autonomous Region, such as but not limited to the Moro National Liberation Front (MNLF), Non-Moro inhabitants, and other important sectors of the Bangsamoro Autonomous Region, including women groups, settler communities and the like.

The MILF, being the principal party of the comprehensive agreement on the Bangsamoro, shall enjoy preference in the appointment to the BTA, both in its leadership and membership.

Immediately upon the ratification of this Basic Act, the names of the nominees to the BTA shall be submitted to the office of the president.

Sec. 198. **Powers and Authorities.** - Legislative and executive powers in the Bangsamoro Regional Government during transition shall be vested in the BTA as herein provided. Executive authority shall be exercised by the interim chief minister to be appointed by the president from among the members of the BTA, while legislative authority shall be exercised by the BTA

All devolved authorities shall be vested in the BTA during the transition period. The BTA shall be deemed as the Bangsamoro Regional Government for the duration of the transition.

Sec. 198. **Functions and Priorities.** - The BTA shall ensure the accomplishment of the following priorities during the transition period:

- a. Organization of the bureaucracy of the Bangsamoro Regional Government during transition, including the approval and implementation of a transition plan, and the institution of a placement process for hiring of personnel during transition. This shall continued functioning of government and delivery of social services in the region, as well as those necessary for the smooth operations of the elected Bangsamoro Regional Government
- b. Phase-out of the ARMM, transfer of powers and properties of the ARMM regional Government to the Bangsamoro Regional Government, and the disposition of personnel, as provided in this Basic Act; and
- c. Other matters that may be necessary for the transition from the ARMM Regional Government to the Bangsamoro Regional Government, as provided in this Basic Act.

Sec. 199. **Transition Plan.** - Within the first sixty (60) days of transition period, the interim chief minister shall submit to the BTA a transition plan that shall contain the proposed organization plan, the gradual phased-out of the ARMM, including the schedules and timeline therefor. The proposed transition plan shall be approved by the BTA within ten (10) days upon submission by the Interim Chief Minister, and shall be implemented within fifteen (15) days from its approval.

Sec. 200. **Interim Officers** - The interim chief minister shall organize the interim cabinet and shall appoint an interim deputy chief minister, who shall also be a member of the BTA. The interim chief minister shall also appoint such other minister as may be necessary to perform the functions of government during transition, a majority of whom shall be from among members of the BTA.

Members of the BTA who are appointer to cabinet positions shall serve their offices concurrently: Provided, that no matter of the BTA may be appointed or elected to, or otherwise hold more than two (2) positions at the same time.

Any appointed made during the transition period shall be temporary and conterminous with the BTA.

Sec. 201. **Interim Cabinet** – The interim Cabinet shall be composed of ten (10) primary offices with sub-offices for matters covered and priority ministries, namely:

- a. Governance, in charge of budget and finance, accountability and such similar or related matters;
- b. Social services, in charge of welfare and such similar or related matters;
- c. Development, in charge of transportation and communications, regional investments, trade and industry, agriculture, forestry and environment, urban and rural development, and such similar or related matters;
- d. Education;
- e. Public order and safety;
- f. Indigenous peoples affairs;
- g. Health;
- h. Public works;
- i. Local government; and
- j. Finance

The BTA may empower the interim Chief Minister to create other ministries and primary offices upon a determination of the majority of its members that the same is necessary for achieving the twin goals of continuity of social services and transitioning to the regular Bangsamoro Regional Government.

Sec. 202. **Organization of the Bureaucracy** – The authority of the BTA to create offices and organize the bureaucracy during transition is without prejudice to the authority of the Bangsamoro Regional Government to reorganize the bureaucracy upon its constitution, or any time disruption to the functioning of government and the continuous delivery of services in the region during and after the transition period.

All offices and institutions created by laws enacted by the ARMM Regional Legislative Assembly shall be deemed part of the ARMM Government and shall be subject to the phase-out plan that will be adopted by the BTA.

Sec. 203. **Transfer of Powers and Properties and Disposition of Personnel.** – All powers, functions, assets, capital, receivables, equipment and facilities of the ARMM Regional Government at the time of the ratification of this Basic Act shall be transferred to the Bangsamoro Regional Government.

However, all the lands and permanent buildings or structures owned by or belonging to the ARMM Regional Government located in the provinces and cities not forming part of ARMM and not purchased by the National Government, as mandated by Article XVIII, Section 1 of RA 9054, shall be turned over, delivered and entrusted by the ARMM Regional Government to the National Government immediately upon effectivity of this Basic Act. Within three (3) months thereafter, the National Government shall acquire and pay for all of said properties, with the proceed thereof to be directly remitted to the Bangsamoro Regional Government upon ratification of this Basic Act. The acquisition price shall be determined by a Special Valuation Committee to be composed of: a) the Executive Secretary, as chairman; b) the Secretary of Budget and Management; c) the ARMM Regional Governor; d) the chairman of the House Ad Hoc Committee on the Bangsamoro Basic Act; and e) the chairman of the Senate Committee on Local Government. Any dispute on the price of the said properties may be elevated to the

President of the Philippines, who shall decide thereon with finality within three (3) months from receipt of the appeal.

The National Government shall within three (3) months from its acquisition of said lands, buildings and structures sell, transfer and convey the said properties to the local government unit having territorial jurisdiction over the same and willing to purchase such properties or portions thereof, at a price to be agreed upon by the National Government and the local government unit concerned.

The BTA shall schedule the gradual phasing out of offices of the ARMM, which are deemed abolished upon the ratification of the Bangsamoro Basic Act. In consideration of public interest and the delivery of services, officials holding appointive positions shall continue to perform their functions in accordance with the schedule.

The National Government shall provide the necessary funds for the benefits and entitlements of the affected employees in the ARMM, as provided under Section 204 hereof.

The BTA shall institute an independent, strictly merit-based and credible placement and hiring process for all offices, agencies and institutions in the Bangsamoro Autonomous Region, and shall consider gender and ethnic balance.

An Inventory will be conducted to ensure that the liabilities of the ARMM under law, contracts or other will be settled prior to the turnover to the BTA.

For this purpose, the office of the Regional Governor of the ARMM shall turn over to the BTA upon the latter's creation a summary report on the status of the Regional Government as of the date of the ratification of this Basic Act, including information on the status of devolution, personnel, properties and assets of the Regional Government.

Sec 204. *Disposition of Personnel and Assets of National Government Agencies And Offices.* – In accordance with the subsequent section, the National Government shall provide for the disposition of personnel of National Government agencies and offices whose mandate and functions are transferred to or now vested in the Bangsamoro Regional Government by virtue of this Basic Act. Properties and assets shall be transferred to the Bangsamoro Regional Government within six (6) weeks from the organization of the BTA. The transfer of properties and assets is without prejudice to the power of the BTA to organize the bureaucracy during transition period.

Sec. 205. *Protection of Security of Tenure as a Consequence of Government Reorganization* – The reorganization of the bureaucracy as a consequence of the establishment of the Bangsamoro Regional Government and the consequent disposition of the affected personnel of the National Government and the ARMM Regional Government shall comply with the provisions of RA 6656, otherwise known as the "Act to Protect the Security of Tenure of Civil Service Officers And Employees in the Implementation of Government Reorganization".

Employees who were involuntarily separated as a consequence of the reorganization but who are subsequently absorbed or rehired by the regular Bangsamoro Regional Government shall retain their Seniority rights, compensation level, and other benefits.

Sec. 206. ***Interruption in Length of Service.*** – The gap in the length of service by reason of involuntary separation of an employee as a consequence of the reorganization of the Bangsamoro Regional Government shall not interrupt the continuity of the employee's service.

Employees who were involuntarily separated as a consequence of the reorganization but who are subsequently absorbed or rehired by the regular Bangsamoro Regional Government shall retain seniority rights, compensation levels, and other benefits.

Sec. 207. ***Dissolution of the BTA.*** – Immediately upon the qualification of the elected Chief Minister under the first Bangsamoro Parliament, the BTA shall be deemed dissolved.

The BTA shall submit its final report and recommendations to the Bangsamoro Parliament, as well as to the House of Representatives and the Senate, on the status of government during the transition period within sixty (60) days from the assumption into office of all Members of the first Parliament.

Sec. 208. ***First and Regular Elections.*** – The first election of the Bangsamoro Regional Government under this Basic Act shall be held between one hundred eighty (180) days after the ratification of the Bangsamoro Basic Act. The next regular election shall be held on the first Monday of May 2019, and every three years thereafter. The elections shall be governed by the Omnibus Election Code of the Philippines (Batas Pambansa Blg 881, as amended). The COMELEC, through the Bangsamoro Autonomous Region electoral Office, shall promulgate rules and administer the same, consistent with this Basic Act, the Omnibus election Code, and other relevant national laws.

Sec. 209. ***Beginning of Terms and Assumption of Office.*** – The terms of the Members of the Parliament first elected under this Basic Act shall begin at noon of the thirtieth (30th) day after the date of elections. The members of the Parliament elected in such first elections shall serve until noon of the thirtieth (30th) of June 2019.

In the subsequent regular elections, the elected Members of the Parliament shall begin their terms at noon of thirtieth (30th) of June following their election.

Sec. 210. ***Initial Funding For Transition.*** – To carry out the requirements of transition, including the organizational activities of the BTA, organization of the bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA, as provided in this Basic Act, the amount of One Billion Pesos (1,000,000,000.00) is hereby appropriated for the BTA, charged against the general funds of the national Government. In addition, the current year's appropriations for the ARMM shall be transferred to the BTA for this purpose.

This shall be without prejudice to any supplemental budget that may be appropriated by Congress to support the transition.

Government functions falling within the reserved powers of the National Government in the Bangsamoro Autonomous Region shall continue to be financed by the National Government.

ARTICLE XVI AMENDMENTS AND REVISIONS

Sec. 211. **Amendments and Revisions.** – All proposals to amend or revise the provisions of this Basic Act shall be endorsed by the Bangsamoro Parliament to Congress for prior hearings and due enactment into law.

Such amendment or revision, as enacted by Congress, shall become effective upon approval by a majority vote of qualified voters in the Bangsamoro Autonomous Region cast in a plebiscite call for the purpose.

The plebiscite shall be held not earlier than sixty (60) days or later than ninety (90) days after the approval of such amendment or revision.

ARTICLE XVII FINAL PROVISIONS

Sec. 212. **Separability Clause.** – The provisions of this Basic Act are Deemed separate. If, for any reason, any section or provision of this Basic Act is declared unconstitutional, other sections provisions, which are not affected by such declaration shall continue to be in full force and effect.

Sec. 213. **Repealing Clause.** – RA Nos 9054 and 6734, as well as all laws, decrees, orders, rules and regulations, and other issuance or parts thereof, which are inconsistent with this Basic Act, are hereby repealed or modified accordingly.

Sec. 214. **Subsisting Regional Laws** – All subsisting laws enacted by the Regional Legislative Assembled of the ARMM by virtue of authorities provided under RA 6734, as amended by RA 9054, shall be deemed in effect, unless inconsistent with this Basic Act or subsequently amended or repealed by laws passed by the Bangsamoro Parliament.

Sec. 215. **Effectivity Clause.** – This Basic Act shall take effect fifteen (15) days following its complete publication in at least two (2) national newspapers of general circulation and one (1) local newspaper of general circulation in the autonomous region.

Approved,