


SENATE

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Senate Bill No. 2894

RECEIVED BY: 

Prepared jointly by the Committees on Local Government; Peace, Unification and Reconciliation; and Constitutional Amendments and Revision of Codes, with Senators Franklin M. Drilon, Vicente C. Sotto III, Loren Legarda, Ralph G. Recto, Maria Lourdes Nancy S. Binay, Francis G. Escudero, Paolo Benigno "Bam" Aquino IV, Sonny Angara, Pia S. Cayetano, Gregorio B. Honasan II, and Teofisto "TG" Guingona III, Ferdinand R. Marcos, Jr. and Miriam Defensor Santiago, as authors.

"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"

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

ARTICLE I

NAME AND PURPOSE

1 **SEC. 1. Short Title.**— This law shall be known and cited as the "**Basic Law for the**
2 **Bangsamoro Autonomous Region**".

3 **SEC. 2. Name.** — The name of the political subdivision under this Basic Law shall be
4 the *Bangsamoro Autonomous Region*.

5 As used in this law, the "Bangsamoro Autonomous Region" is the political subdivision
6 created by the Bangsamoro Basic Law which is an Autonomous Region as provided

1 in Sec. 15, Article X of the 1987 Philippine Constitution, with the powers and
2 functions as provided under this law and other related laws. The Bangsamoro
3 Autonomous Region forms an inalienable part of the Philippines.

4 **SEC. 3. Purpose.** – The purpose of this Basic Law is to establish the Bangsamoro
5 Autonomous Region in accordance with the provisions of the 1987 Philippine
6 Constitution and the aspirations of the Muslim Filipinos and all indigenous cultural
7 communities for local self-governance.

8 **ARTICLE II**

9 **BANGSAMORO IDENTITY**

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

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

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

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

11 **ARTICLE III**

12 **GEOGRAPHICAL AREA OF THE**
13 **BANGSAMORO AUTONOMOUS REGION**

14 **SEC. 8.** *Definition of Geographical Area of the Bangsamoro Autonomous Region* –
15 Geographical area refers to the land mass as well as the waters over which the
16 Bangsamoro Autonomous Region has jurisdiction. The area of the Bangsamoro
17 Autonomous Region shall remain a part of the Philippines.

18 **SEC. 9.** *Geographical Area Of The Bangsamoro Autonomous Region* – The
19 geographical area of the Bangsamoro Autonomous Region shall be composed of:

20 a. the present geographical area of the Autonomous Region In Muslim Mindanao
21 (ARMM);

22 b. the cities of Cotabato and Isabela; and

1 c. any province or city which are contiguous and outside the geographical area of
2 the present ARMM where there is resolution of the local government unit or a
3 petition of at least ten percent (10%) of the registered voters in the area asking
4 for their inclusion at least two months prior to the conduct of a plebiscite of the
5 Basic Law for the Bangsamoro Autonomous Region and the process of
6 delimitation of the Bangsamoro geographical area.

7 In order to ensure the widest acceptability of the Basic Law of Bangsamoro
8 Autonomous Region in the geographical areas above-mentioned, a plebiscite shall
9 be conducted for this purpose in the political subdivision directly affected.

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

18 Where a constituent local government unit of the Bangsamoro Autonomous Region
19 and an adjoining local government unit are so situated on the opposite shores such
20 that there is thirty (30) kilometers of waters or less between them, a line equally
21 distant from the opposite shores shall be drawn to demarcate the Bangsamoro
22 Autonomous Region waters and the municipal waters of the adjoining local
23 government unit.

24 Should they be so situated that there is more than thirty (30) kilometers but less than
25 37 kilometers of waters between them, a line shall be drawn at the edge of the 15

1 kilometers municipal waters of the adjoining local government unit to demarcate it
2 from the Bangsamoro Autonomous Region waters.

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

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

9 **ARTICLE IV**

10 **GENERAL PRINCIPLES AND POLICIES**

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

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

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

1 **SEC. 15. *Promotion Of Unity.*** The Bangsamoro Regional Government shall
2 promote unity, peace, justice, and goodwill among all peoples, as well as encourage
3 a just and peaceful settlement of disputes.

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

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

12 **SEC. 17. *International Treaties And Agreements.*** - The Bangsamoro Regional
13 Government shall respect and adhere to all international treaties and agreements
14 binding upon the National Government.

15 **SEC. 18. *Declaration On the Rights Of Non-Moro Indigenous Peoples*** – The
16 Bangsamoro Regional Government recognizes and promotes the rights of Non-Moro
17 indigenous peoples within the framework of the 1987 Philippine Constitution and
18 national laws.

19 **ARTICLE V**

20 **POWERS OF GOVERNMENT**

21 **SEC. 19. *Reserved Powers.*** – Reserved powers are matters over which authority
22 and jurisdiction are retained by the National Government. The National Government
23 shall exercise the following reserved powers:

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

26 **SEC. 20. Concurrent Powers.** - Concurrent powers shall refer to the powers shared
27 between the National Government and the Bangsamoro Regional Government within
28 the Bangsamoro Autonomous Region, as provided in this Basic Law.

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

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

6 1. *Social security and pensions.* – The Bangsamoro Regional Government may
7 organize its own social security and pension systems alongside the existing
8 National Government social security and pension systems.

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

14 2. *Quarantine.* – There is hereby created an office for quarantine services in
15 the Bangsamoro Autonomous Region. It shall coordinate with and assist the
16 National Government.

17 3. *Pollution control* - The Bangsamoro Regional Government shall coordinate
18 with and assist the National Government on matters of pollution control and
19 ecological and environmental preservation.

20 4. *Human rights and humanitarian protection and promotion.* – Subject to the
21 provisions of the 1987 Philippine Constitution, the Bangsamoro Regional
22 Government may organize its own bodies for human rights and humanitarian

1 protection and promotion that will coordinate with and assist relevant national
2 institutions.

3 *5. Auditing.* –The Commission on Audit (COA) shall establish an auditing unit in
4 the Bangsamoro Autonomous Region which shall examine, audit and settle all
5 accounts pertaining to the revenue and receipts of, and expenditures or uses of
6 funds and property, owned or held in trust by, or pertaining to the Bangsamoro
7 Regional Government. The Bangsamoro Regional Government shall ensure
8 transparency and accountability mechanisms consistent with open government
9 auditing practices and generally accepted financial management principles.

10 *6. Civil service.* – The Bangsamoro Regional Government shall design and
11 implement its own organizational structure and staffing pattern, taking into
12 consideration its service requirements and financial capability, subject to the
13 minimum standards and guidelines prescribed by the Civil Service Commission
14 (CSC). The CSC shall create a Bangsamoro Autonomous Regional Civil
15 Service Office (BARCSO) and such field offices as may be needed in the
16 Bangsamoro Autonomous Region that shall administer a professional civil
17 service corps.

18 *7. Coastguard.* –the National Government shall have primary responsibility
19 over coastguard matters. The Bangsamoro Regional Government shall
20 coordinate with and assist the National Government on all coastguard matters.

21 *8. Customs and tariff.* – The Bangsamoro Regional Government shall exercise
22 its powers on the regulations and monitoring of the barter trade and
23 countertrade in the Bangsamoro Autonomous Region.

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

7 *9. Administration of justice.* – Subject to the provisions of the 1987 Philippine
8 Constitution and national laws, the administration of justice in the Bangsamoro
9 Autonomous Region shall be in accordance with the relevant provisions of this
10 Basic Law and with due regard to the powers of the Supreme Court and the
11 competence of the Bangsamoro Regional Government over *Shari'ah* courts
12 and the *Shari'ah* justice system in the Bangsamoro Autonomous Region. The
13 supremacy of *Shari'ah* and its application shall only pertain to Muslims.

14 *10. Funding for the maintenance of national roads, bridges, and irrigation*
15 *systems.* – The National Government shall be responsible for the funding,
16 construction and maintenance of national roads, bridges and irrigation systems
17 in the Bangsamoro Regional Government and shall include in the national road
18 network information system all national roads and bridges in the Bangsamoro
19 Autonomous Region.

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

1 *11. Disaster risk reduction and management.* – There is hereby created a
2 Bangsamoro Autonomous Regional Disaster Risk Reduction and Management
3 Council (BARDRRMC), with powers and functions that shall be defined by the
4 Bangsamoro Parliament in a law on disaster preparedness and response. The
5 BARDRRMC shall formulate the Bangsamoro Autonomous Regional Disaster
6 Risk Reduction and Management Plan, which shall complement and be aligned
7 with the national disaster risk reduction and management framework and plan
8 of the National Government. Additionally, the BARDRRMC, through its chair,
9 the Chief Minister, may recommend to the President the mobilization of
10 resources of national defense in times of disasters in the Bangsamoro
11 Autonomous Region.

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

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

1 The Bangsamoro Regional Government and the National Government shall
2 coordinate through existing national laws, such as RA 8371 or the IPRA of
3 1997, to create policies for the identification, delineation and titling of ancestral
4 domains/ancestral lands.

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

11 *15. Health* - The National Government and the Bangsamoro Regional
12 Government shall coordinate with and assist each other in the prevention and
13 control of all diseases including communicable, non-communicable, endemic,
14 epidemic and emerging diseases;

15 *16. Science and technology*;

16 *17. Research councils and scholarships*;

17 *18. Libraries, museums, historical, cultural and archaeological sites.* – The
18 Bangsamoro Regional Government shall have the power to establish its own
19 libraries and museums, and declare historical and cultural sites. With regard to
20 archaeological sites, the Bangsamoro Regional Government shall coordinate
21 with relevant agencies of the National Government on the regulation,
22 excavation, preservation, and exportation of cultural properties, as well as on
23 the recovery of lost historical and cultural artifacts;

1 *19. Cadastral land survey.* – The Bangsamoro Regional Government shall
2 have the authority to conduct cadastral surveys, lot surveys, and isolated and
3 special surveys in the Bangsamoro Autonomous Region. The Bangsamoro
4 Regional Government shall furnish the results of these surveys to, and
5 coordinate with, relevant National Government agencies to effect inclusion into
6 national cadastral survey;

7 *20. Environment, parks, forest management, wildlife, nature reserves and*
8 *conservation.* – The Bangsamoro Regional Government shall have the
9 authority to protect and manage the environment. It shall have the power to
10 declare nature reserves and aquatic parks, forests, and watershed
11 reservations, and other protected areas in the Bangsamoro Autonomous
12 Region;

13 *21. Special development programs and laws for women, the youth, the elderly,*
14 *labor, the differently-abled, and indigenous cultural communities;*

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

- 21 1. agriculture, livestock and food security;
- 22 2. economic and cultural exchange;
- 23 3. *trade, industry, investment, enterprises and regulation of businesses taking*
24 into consideration relevant laws;
- 25 4. labor, employment, and occupation;

- 1 5. The Bangsamoro Regional Government shall register business names in the
2 National Registration of Business Names: *Provided*, That the Bangsamoro
3 Regional Government shall ensure that the proposed name is not identical to
4 those already registered by aforementioned agencies and that the name is
5 not deceptively or confusingly similar to that of any existing or to any name
6 already protected by law or that the same is not patently deceptive, confusing
7 or contrary to existing law;
- 8 6. barter trade and countertrade with Indonesia, Malaysia or Brunei, subject to
9 existing laws;
- 10 7. economic zones and industrial centers;
- 11 8. tourism;
- 12 9. creation of sources of revenue;
- 13 10. budgeting;
- 14 11. The Bangsamoro Regional Government shall have authority to regulate
15 power generation, the island-grid, and distribution operating exclusively in the
16 Bangsamoro Autonomous Region and not connected to the national
17 transmission grid: *Provided*, That any connection to the national grid shall
18 subject the power generation, island-grid and distribution to national laws and
19 regulations: *Provided*, Further, that the currently existing Agus Hydro Power
20 Complex remain to be regulated by the National Government: *Provided*,
21 Finally, that the Bangsamoro Regional Government, in the exercise of its
22 jurisdiction , may not in any way, impair the operations and productions of the
23 existing Agus Hydro Power Complex and/or any power generation utilities
24 that may hereafter be established.
- 25 12. Public utilities operations in the Bangsamoro Autonomous Region - In case of
26 inter-regional utilities, the Bangsamoro Regional Government shall coordinate
27 with and assist relevant government agencies; public utilities operating solely
28 within the Bangsamoro Autonomous Region shall be subject to the regulatory

- 1 authority of the Bangsamoro Regional Government; on the other hand, public
2 utilities national in scope shall be subject to the national laws.
- 3 13. receive grants and donations;
- 4 14. education and skills training;
- 5 15. culture and language;
- 6 16. sports and recreation;
- 7 17. Regulation of games and amusement operations within the Bangsamoro
8 Autonomous Region excluding prohibited games of chance;
- 9 18. regulations on manufacture and distribution of foods, drinks, drugs and
10 tobacco for the welfare of the inhabitants in the Bangsamoro Autonomous
11 Region;
- 12 19. *hajj and umrah*. – The Bangsamoro Regional Government shall have primary
13 jurisdiction over *hajj* and *umrah* matters affecting pilgrims from within the
14 Bangsamoro Autonomous Region. The National Government shall have
15 competence over *hajj* and *umrah* matters affecting pilgrims coming from
16 outside the Bangsamoro Autonomous Region. There is hereby created a
17 Bangsamoro Pilgrimage Authority that shall act in close coordination with
18 National Government on *hajj* and *umrah* matters involving offices and
19 agencies outside the Bangsamoro Autonomous Region;
- 20 20. customary laws;
- 21 21. declaration of Bangsamoro holidays;
- 22 22. ancestral domain and natural resources;
- 23 23. expropriation and eminent domain, without prejudice to the right of
24 expropriation and eminent domain granted by Congress under any national
25 franchise;
- 26 24. inland waterways for navigation;
- 27 25. management, regulation and conservation of all fishery, marine and aquatic
28 resources within the Bangsamoro Autonomous Region; The powers,
29 functions, rights and privileges already enjoyed by the municipalities over

- 1 their municipal waters as provided under RA No. 7160 also known as the
2 Local Government Code of 1991, and RA No. 8550, otherwise known as the
3 Philippine Fisheries Code of the Philippines shall not, in any manner, be
4 prejudiced nor diminished;
- 5 26. Bangsamoro settlements;
- 6 27. customary justice;
- 7 28. *Shari'ah* courts and *Shari'ah* justice system, subject to the administrative
8 supervision of the Supreme Court;
- 9 29. public administration and bureaucracy for the Bangsamoro Regional
10 Government;
- 11 30. social services, social welfare and charities;
- 12 31. waste management;
- 13 32. establishment and supervision of humanitarian services and institutions;
- 14 33. identification, generation and mobilization of international human resources
15 for capacity-building and other activities involving the same within the
16 Bangsamoro Autonomous Region. The Bangsamoro Regional Government
17 shall cooperate with and assist the National Government towards ensuring
18 access to such relevant human resources;
- 19 34. establishment of *awqaf* (endowment) and charitable trusts;
- 20 35. *hisbah* office for accountability as part of the *Shari'ah* justice system;
- 21 36. housing and human settlements;
- 22 37. development planning;
- 23 38. urban and rural development;
- 24 39. public works and highways within the Bangsamoro Autonomous Region;
- 25 40. establishment of appropriate mechanisms for consultations for women and
26 marginalized sectors;
- 27 41. *local administration, municipal corporations and other local authorities*
28 *including the creation of local governments.* – The Bangsamoro Regional

1 Government shall manage and build its own bureaucracy and administrative
2 organization, in accordance with the Parliamentary form of government;

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

7 42. establishment or creation of other institutions, policies and laws for the
8 general welfare of the inhabitants in the Bangsamoro Autonomous Region

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

13 a. Subject to the provisions of the 1987 Philippine Constitution and existing
14 laws, to regulate and exercise authority over foreign investments within its
15 geographical area. The National Government shall intervene on matters
16 involving national security and public safety;

17 b. To proclaim a state of calamity over its geographical area or parts thereof
18 whenever typhoons, flash floods, earthquakes, tsunamis, or other natural and
19 man-made calamities cause widespread damage or destruction to life or
20 property in the region. The state of calamity proclaimed by the Chief Minister
21 shall only be for the purpose of maximizing the efforts to rescue imperiled
22 persons and property and the expeditious rehabilitation of the damaged area;

23 c. The Bangsamoro Parliament shall have the following powers:

1 1. To enact legislation on the rights of the people of the Bangsamoro
2 Autonomous Region to initiate measures for the passage, amendment or
3 repeal of regional or local legislation; to be consulted on matters that
4 affect their environment; to call for a referendum on important issues
5 affecting their lives; and, to recall regional or local officials;

6 2. To conduct inquiries or public consultations in aid of legislation in
7 accordance with its rules. In connection therewith, it shall have the power
8 to issue *subpoena* or *subpoena duces tecum* to compel the attendance of
9 witnesses and the production of papers, documents, or things by
10 witnesses or persons under investigation by the Parliament, itself, or by
11 any of its committees. It shall also have the right to cite witnesses or
12 persons under investigation for contempt for refusal to testify before it or
13 before any of its committees or to produce papers, documents or things
14 required by the Parliament or any of its committees. The rights of persons
15 appearing in or affected by such inquiries shall be respected;

16 3. To enact a law that shall regulate the grant of franchises and
17 concessions, and empower the Chief Minister to grant leases, permits,
18 and licenses over agricultural lands and for forest management, subject to
19 the provisions of the 1987 Philippine Constitution and national laws.

20 d. To create pioneering firms and other business entities needed to boost
21 economic development in the Bangsamoro Autonomous Region;

22 e. To establish and operate pioneering public utilities in the interest of regional
23 welfare and security.

- 1 f. To support and encourage the building up of entrepreneurial capability in the
2 Bangsamoro Autonomous Region and to recognize, promote, and protect
3 cooperatives;
- 4 g. Subject to the provisions of the 1987 Philippine Constitution and national
5 laws, to supervise and regulate private schools in the Bangsamoro
6 Autonomous Region and allow the participation of three (3) representatives
7 of private schools in the deliberations of the appropriate Bangsamoro
8 Regional Government's ministry or office on matters dealing with private
9 schools;
- 10 h. To be represented in the board of the State Universities and Colleges (SUCs)
11 in the Bangsamoro Autonomous Region by the chair of the appropriate
12 committee of the Bangsamoro Parliament, either as co-chair or co-vice chair.
13 The SUCs within the Bangsamoro Autonomous Region shall be considered
14 part of the Bangsamoro educational system. This notwithstanding, these
15 SUCs shall enjoy academic freedom and fiscal autonomy and shall continue
16 to be governed by their respective charters;
- 17 i. To supervise, through the appropriate ministry, the accredited *madaris* in the
18 Bangsamoro Autonomous Region;
- 19 j. To conduct periodic competitive qualifying examinations of *madaris* teachers
20 for permanent appointments to the Bangsamoro education system;
- 21 k. To adopt measures to protect and promote the rights of people's
22 organizations and other collective organizations;
- 23 l. To adopt measures for the protection and empowerment of the youth in the
24 Bangsamoro Autonomous Region and the promotion of their welfare, and to

1 create the appropriate office and other mechanisms for the implementation of
2 such measures;

3 m. To enforce the policy against the appointment or designation of any member
4 of the *Armed Forces of the Philippines (AFP)* in the active service to a civilian
5 position in the Bangsamoro Regional Government, including government-
6 owned and/or -controlled corporations, or in any of their subsidiaries or
7 instrumentalities within the Bangsamoro Autonomous Region.

8 ARTICLE VI

9 NATIONAL GOVERNMENT AND

10 BANGSAMORO REGIONAL GOVERNMENT RELATIONS

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

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

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

21 **SEC. 24. *Parity Of Esteem.*** – The National Government and the Bangsamoro
22 Regional Government shall be guided by the principles of accepted norms of good
23 governance and parity of esteem. In exercising its sovereignty, the National

1 Government shall give due consideration to the distinctive historical and cultural
2 heritage, economic and social structures of all the inhabitants in the Bangsamoro
3 Autonomous Region.

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

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

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

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

22 The intergovernmental relations body shall exhaust all means to resolve all issues
23 brought before it. Unresolved issues shall be elevated to the President, through the

1 Chief Minister. The President's decision on any unresolved issue shall be final and
2 executory.

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

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

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

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

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

7 **SEC. 31.** *Assistance To Other Bangsamoro Communities.* – The National
8 Government shall ensure the protection of the rights of the Bangsamoro residing
9 outside the geographical area of the Bangsamoro Autonomous Region and
10 undertake programs for the rehabilitation and development of their communities.

11 **ARTICLE VII**

12 **THE BANGSAMORO REGIONAL GOVERNMENT**

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

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

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

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

8 **BANGSAMORO PARLIAMENT**

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

15 **SEC. 36. *Classification And Allocation Of Seats.*** – The seats in the Bangsamoro
16 Parliament shall be classified and allocated as follows:

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

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

21 2. *Party representatives.* – Eight (8) members of Parliament shall be
22 representatives of political parties who win seats through a system of

1 proportional representation based on the whole Bangsamoro geographical
2 area. Parties shall submit their respective list of approved candidates prior
3 to the election.

4 3. *Reserved seats; sectoral representatives.* – Sectoral representatives shall
5 include at least two (2) reserved seats each for Non-Moro indigenous
6 communities and settler communities. Women, youth, sultanates, and
7 representative from labor sector shall also have a reserved seat.

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

10

11 **SEC. 37.** *Election For Reserved Seats For Non-Moro Indigenous Peoples.* –

12 Notwithstanding the immediately preceding section, reserved seats for the Non-Moro
13 Indigenous Peoples, such as, Teduray, Lambangian, Dulangan Manobo, B'laan and
14 Higaonon, shall be pursuant to their customary laws and indigenous processes
15 based on the following:

- 16 a. primacy of customary laws and practices;
17 b. primacy of consensus building;
18 c. acceptability of the community;
19 d. inclusivity and full participation;
20 e. representation of the collective interests and aspirations of Non-Moro
21 indigenous peoples;
22 f. sustainability and strengthening of indigenous political structures;
23 g. track record and capability; and
24 h. gender equity.

25 The two reserved seats shall have the same rights and privileges as that of the

1 regular Members of the Parliament. In the same manner, the Bangsamoro Regional
2 Government shall provide at least one (1) mandatory representation in all policy
3 making bodies and in local legislative councils.

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

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

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

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

19 **SEC. 40.** *Budget For The BAREO.* – The budget for the BAREO shall be included
20 in the appropriations of the COMELEC.

21 **SEC. 41.** *Term Of Office.* - The term of office of members of Parliament shall be
22 three (3) years. No member shall serve for more than three (3) consecutive terms.

1 **SEC. 42. *Qualifications.*** - No person shall be a member of Parliament unless he or
2 she is a natural-born citizen of the Philippines, at least twenty-five (25) years of age
3 on the day of the election, able to read and write, a registered voter in the
4 Bangsamoro Autonomous Region, and a resident thereof for a period of not less than
5 three years immediately preceding the day of the election. For district
6 representatives, he or she must be a registered voter of the district in which he or she
7 is a candidate on the day he or she files his or her certificate of candidacy, and has
8 resided in said district for at least three (3) years immediately preceding the day of
9 the election.

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

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

21

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

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

6 **SEC. 46.** *Forfeiture Of Seat.* - A member of Parliament shall forfeit his or her seat
7 if:

8 a. He/she resigns voluntarily in the form of either a written or oral declaration in
9 the Parliament;

10 b. He/she is convicted of a grave offense as stipulated in the house rules that the
11 Bangsamoro Parliament will promulgate pursuant to Art VII Sec. 48 of this
12 Basic Law, or treason, high crimes, heinous crimes, crimes against morality or
13 other crimes punishable by more than six (6) years;

14 c. He/she becomes permanently physically or mentally incapacitated and is
15 unable to discharge his/her duties as member of Parliament or dies while in
16 office;

17 d. He/she, having been elected under the proportional representation system, is
18 replaced by the party to which he/she belongs with another member of said
19 party; and

20 e. He/she, having been elected under the proportional representation system,
21 transfers to another party during his/her incumbency as member of Parliament;

1 **SEC. 47.** *Filling Of Vacancy.* – In case of a vacancy of a proportional
2 representation seat, the party to which that seat belongs shall fill the vacancy.

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

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

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

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

19 **SEC. 50.** *Officers Of The Bangsamoro Parliament.* – On the first session following
20 their election, the members of the Bangsamoro Parliament shall, in open session,
21 elect by a simple majority vote from all its members the Speaker, a Deputy Speaker,
22 and the other officers of the Bangsamoro Parliament as the house rules of the
23 Bangsamoro Parliament may provide.

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

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

- 6 a. be independent;
- 7 b. *serve to secure the honor and dignity* of the Bangsamoro Parliament;
- 8 c. be responsible for ensuring – (i) the rights and privileges of all members; and
9 (ii) public access to the proceeding of the Bangsamoro Parliament and its
10 committees;
- 11 d. have the authority and moral ascendancy to maintain order and decorum in the
12 Bangsamoro Parliament, in accordance with its house rules; and
- 13 e. act impartially, and without fear, favor and prejudice.

14 **SEC. 52. *Rules Of Procedure.*** – The Bangsamoro Parliament shall adopt its house
15 rules for the conduct of its business.

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

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

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

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

11 **SEC. 57.** *Reenacted Budget.* - If, by the end of a fiscal year, the Bangsamoro
12 Parliament shall have failed to pass the Bangsamoro Regional Government
13 appropriations bill for the ensuing fiscal year, the Bangsamoro Appropriations Act for
14 the preceding year shall be deemed automatically reenacted and shall remain in
15 force and effect until a new Bangsamoro Appropriations Law is enacted by
16 Parliament.

17 **EXECUTIVE OFFICERS**

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

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

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

9 **SEC. 60. *Powers, Duties And Functions Of The Chief Minister.*** - Unless otherwise
10 provided by law, the Chief Minister shall exercise the following powers, duties and
11 functions:

- 12 a. head the Bangsamoro Regional Government;
- 13 b. appoint heads of ministries, agencies, bureaus, offices of the Bangsamoro
14 Regional Government;
- 15 c. appoint other officers in the Bangsamoro Regional Government, as may be
16 provided by the Parliament;
- 17 d. formulate platform of government subject to approval by the Parliament;
- 18 e. issue executive orders and other policies of the Bangsamoro Regional
19 Government;
- 20 f. represent the government of the Bangsamoro in affairs outside the
21 Bangsamoro Autonomous Region; and

1 g. exercise such other powers and functions inherent to the position.

2 **SEC. 61.** *Administration of Oath Of The Chief Minister.* The President of the
3 Republic of the Philippines shall administer the oath of office of all the members of
4 Parliament, including the Chief Minister upon his/her election.

5 **SEC. 62.** *Ex-officio Membership.* - The Chief Minister shall be an ex-officio
6 member of the National Security Council (NSC) and National Economic and
7 Development Authority Board (NEDA), on matters concerning the Bangsamoro
8 Autonomous Region.

9 **SEC. 63.** *The Deputy Chief Minister.* - The Deputy Chief Minister shall be
10 appointed by the Chief Minister from among the Members of the Parliament and may
11 hold a cabinet position.

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

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

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

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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.

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

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

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

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

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

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

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

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

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

1 **SEC. 72.** *Bangsamoro Autonomous Regional Human Rights Office (BARHRO) –*
2 The Commission on Human Rights (CHR) shall create a Bangsamoro Autonomous
3 Regional Human Rights Office under the direct control and supervision of the
4 Commission.

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

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

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

17 **SOCIAL JUSTICE**

18 **SEC. 73.** *Delivery of Basic Services.* – The Bangsamoro Regional Government shall
19 provide, maintain, and ensure the delivery of, among other things, basic and
20 responsive health programs, quality education, appropriate services, livelihood
21 opportunities, affordable and progressive housing projects, and water resource
22 development to the inhabitants in the Bangsamoro Autonomous Region. It shall
23 maintain appropriate disaster-preparedness units for immediate and effective relief

1 services to victims of natural and man-made calamities. It shall also ensure the
2 rehabilitation of calamity areas and victims of calamities.

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

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

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

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

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

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

19 **SEC. 75. *Protection of Women and Children.*** – The Bangsamoro Regional
20 Government shall uphold and protect the fundamental rights of women and children
21 including the right of women to engage in lawful employment. Women and children
22 especially orphans of tender age, shall be protected from exploitation, abuse or

1 discrimination and from all forms of sexual and gender-based violence, especially in
2 times of disaster, calamities and other crisis situations. Furthermore, there shall be
3 mechanisms within the Bangsamoro Autonomous Region regarding the handling,
4 investigating and prosecuting cases of exploitation, abuse or discrimination against
5 women and children.

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

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

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

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

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

22 In no case shall children be recruited and used as soldiers and combatants. In case
23 of conflict situation, children should be provided with alternative family care or

1 placement for their continuous care, nurturance and guidance in the absence or
2 incapacity of their parents. There should be mechanisms to address violations
3 committed against children in armed conflict.

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

7 **RIGHT TO EDUCATION**

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

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

19 **RIGHT TO HEALTH**

20 **SEC. 80.** *Comprehensive And Integrated Health Service Delivery.* – The
21 Bangsamoro Regional Government shall adopt a policy on health that provides for a
22 comprehensive and integrated health service delivery for its constituents. The
23 Bangsamoro Regional Government shall, by law, establish a general hospital system

1 to serve the health requirements of its people, to ensure that the individual basic right
2 to life shall be attainable through the prompt intervention of excellent and affordable
3 medical services. The Bangsamoro Regional Government shall also uphold the
4 people's right to have access to essential goods, health and other social services that
5 would promote and protect their well-being.

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

11 **ARTS AND SPORTS**

12 **SEC. 82.** *Physical Education And Sports Development.* – The Bangsamoro
13 Autonomous Region educational system shall develop and maintain an integrated
14 and comprehensive physical education program. It shall develop healthy, disciplined
15 innovative and productive individuals, and promote good sportsmanship, cooperation
16 and teamwork.

17 **SEC. 83.** *Sports Programs.* – The Bangsamoro Autonomous Region education
18 system shall encourage and support sports programs, league competitions,
19 indigenous games, martial arts, and amateur sports including training for regional,
20 national and international competitions.

21 **CULTURE**

22 **SEC. 84.** *Preservation Of Bangsamoro Autonomous Region Cultural Heritage.* – To
23 preserve the history, culture, arts, tradition and the rich cultural heritage of the

1 sultanates, such as the sultanates of Sulu, Maguindanao, And Buayan, and the
2 Royal Houses of the Maranaos and the indigenous peoples of the Bangsamoro
3 Autonomous Region, there shall be created a Bangsamoro Autonomous Region
4 Commission for the Preservation of Cultural Heritage.

5 **SEC. 85.** *Primary Responsibility Of The Commission.* – The Bangsamoro
6 Autonomous Region in coordination with the National Historical Commission of the
7 Philippines (NHCP) for the preservation of cultural heritage shall have the primary
8 responsibility to write the history of all the inhabitants in the Bangsamoro
9 Autonomous Region and to establish and sustain the cultural institutions, programs
10 and projects in the Bangsamoro Autonomous Region. The Commission shall
11 establish its own libraries and museums, declare and restore historical shrines and
12 cultural sites to preserve in the Bangsamoro Autonomous Region heritage for
13 posterity.

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

22 ARTICLE XI

23 BANGSAMORO JUSTICE SYSTEM

24 **SEC. 87.** *Justice System In The Bangsamoro Autonomous Region.* - The justice
25 system in the Bangsamoro Autonomous Region shall consist of *Shari'ah* law which

1 shall have supremacy and application over Muslims only; the traditional or tribal
2 justice system, for the indigenous peoples in the Bangsamoro Autonomous Region;
3 the local courts; and alternative dispute resolution systems.

4 For Muslims, the justice system in the Bangsamoro Autonomous Region shall give
5 primary consideration to *Shari'ah*, and customary rights and traditions of the
6 indigenous peoples in the Bangsamoro Autonomous Region.

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

9 **SHARI'AH JUSTICE SYSTEM**

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

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

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

18 **SEC. 90.** *Sources Of Shari'ah Law* – The following are the sources of *Shari'ah* law,
19 among others:

- 20 a. *al-qur'an* (the koran);
21 b. *al-sunnah* (prophetic traditions);

- 1 c. *al-qiyas* (analogy); and
- 2 d. *al-ijima* (consensus).

3 **SEC. 91. *Shari'ah Circuit Courts.*** – The *Shari'ah* Circuit Court in the Bangsamoro
4 Autonomous Region shall exercise exclusive original jurisdiction over the following
5 matters:

6 a. all cases involving offenses defined and punished under Presidential Decree
7 (PD) No. 1083, where the act or omission has been committed in the
8 Bangsamoro Autonomous Region;

9 b. all civil actions and proceedings between parties residing in the Bangsamoro
10 Autonomous Region, and who are Muslims or have been married in
11 accordance with Article 13 of PD 1083 involving disputes relating to:

- 12 i. marriage;
- 13 ii. divorce recognized under PD 1083;
- 14 iii. betrothal or breach of contract to marry;
- 15 iv. customary dower (*mahr*);
- 16 v. disposition and distribution of property upon divorce;
- 17 vi. *maintenance and support, and consolatory gifts*;
- 18 vii. restitution of marital rights.

19 c. all cases involving disputes relative to communal properties; and

20 d. all civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament,
21 involving real property in the Bangsamoro Autonomous Region, where the
22 assessed value of the property does not exceed four hundred thousand
23 pesos (p400,000.00);

1 **SEC. 92. *Shari'ah District Courts.*** – The *Shari'ah* District Court in the Bangsamoro
2 Autonomous Region shall exercise exclusive original jurisdiction over the following
3 matters:

4 a. all cases involving custody, guardianship, legitimacy, paternity and filiation
5 arising under PD 1083;

6 b. all cases involving disposition, distribution and settlement of the estate of
7 deceased Muslims that are inhabitants of the Bangsamoro Autonomous
8 Region, probate of wills, issuance of letters of administration or appointment of
9 administrators or executors regardless of the nature or the aggregate value of
10 the property;

11 c. *petitions for the declaration of absence and death for the cancellation or*
12 *correction of entries in the Muslim registries mentioned in Title VI of Book Two*
13 *of PD 1083;*

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

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

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

21 g. all other personal and real actions not falling under the jurisdiction of the
22 *Shari'ah* circuit courts wherein the parties involved are Muslims, except those

1 for forcible entry and unlawful detainer, which shall fall under the exclusive
2 original jurisdiction of the municipal circuit court;

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

7 i. all civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament,
8 involving real property in the Bangsamoro Autonomous Region, where the
9 assessed value of the property exceeds four hundred thousand pesos
10 (p400,000.00);

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

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

18 **SEC. 94.** *Qualifications Of Shari'ah Judges.* –

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

1 to special membership in the Philippine Bar to practice in the *Shari'ah* courts;

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

11 **SEC. 95. *Shari'ah Rules Of Court.*** The rules of court for the *Shari'ah* courts in the
12 Bangsamoro Autonomous Region shall be promulgated by the Supreme Court. The
13 Philippine Judicial Academy shall convene all the shari'a judges for the purpose of
14 drawing up the rules of court for shari'a courts that shall be proposed to the Supreme
15 Court for approval and for promulgation. In the meantime, the special rules of court
16 for *Shari'ah* courts, as promulgated by the Supreme Court, shall continue to be in
17 force.

18 **SEC. 96. *Special Bar Examinations For Shari'ah.*** - The Supreme Court shall
19 continue to administer *Shari'ah* bar examinations for admission of applicants to the
20 Philippine Bar as special members thereof, with due consideration for the special
21 nature of the *shari'ah* system.

22 **SEC. 97. *Compensation.*** - Judges of the *Shari'ah* circuit court in the Bangsamoro
23 Autonomous Region are entitled to the same compensation and enjoy the same
24 privileges as judges of municipal circuit trial courts.

1 Judges of the *Shari'ah* district court in the Bangsamoro Autonomous Region are
2 entitled to the same compensation and enjoy the same privileges as the judges of
3 regional trial courts.

4 **SEC. 98.** *Appointment And Discipline Of Shari'ah Court Personnel.* -- The
5 Supreme Court shall appoint the *Shari'ah* court personnel, and shall have the power
6 of discipline over them.

7 **SEC. 99.** *Shari'ah Public Assistance Office.* To provide free legal assistance to
8 indigent party litigants, the Bangsamoro Parliament shall create a *Shari'ah* Public
9 Assistance Office for the different *Shari'ah* courts in the Bangsamoro Autonomous
10 Region.

11 **SEC. 100.** *Shari'ah Special Prosecution Service.* - There shall be created a *Shari'ah*
12 Special Prosecution Service for *Shari'ah* administration of justice in the Bangsamoro
13 Autonomous Region. The *Shari'ah* Special Prosecution Service shall be attached to
14 the national prosecutorial service of the National Government. The Bangsamoro
15 Regional Government shall recommend the qualified applicants for the position of the
16 *Shari'ah* prosecutors and personnel of the *Shari'ah* special prosecution service to the
17 Secretary of Justice.

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

1 **SEC. 102.** *Office Of Jurisconsult In Islamic Law.* – There is hereby created an Office
2 of Jurisconsult of Islamic Law in the Bangsamoro Autonomous Region. The
3 Parliament shall define the powers and functions of this Office.

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

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

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

16 **TRIBAL JUSTICE SYSTEMS**

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

1

2 **SEC. 105.** *Office For Tribal Justice* – There is hereby created a Bangsamoro
3 Autonomous Region Office for Tribal Justice (BAROTJ) responsible in overseeing the
4 study, preservation and development of the Tribal Justice system within the
5 Bangsamoro Autonomous Region. The powers and functions of the BAROTJ shall
6 be defined by the Bangsamoro Parliament.

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

11

LOCAL COURTS

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

16

ALTERNATIVE DISPUTE RESOLUTION SYSTEM

17 **SEC. 107.** *Alternative Dispute Resolution* - The Bangsamoro Regional Government
18 shall provide for the institution of alternative dispute resolution system in the
19 Bangsamoro Autonomous Region. The Parliament shall enact the necessary
20 legislation for the operationalization of alternative dispute resolution.

21 The Bangsamoro Regional Government shall adopt the principles of conciliation and
22 mediation in settling disputes. The Bangsamoro Parliament may provide for prior
23 recourse to alternative dispute resolution before the filing of cases in *Shari'ah* courts

1 in the Bangsamoro Autonomous Region or any Bangsamoro Regional Government
2 offices.

3 **JUSTICES FROM THE BANGSAMORO**

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

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

21 **ARTICLE X**
22 **PUBLIC ORDER AND SAFETY**

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

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

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

13 **SEC. 112.** *Powers And Functions Of The Bangsamoro Autonomous Regional*
14 *Police.* – The BARP shall exercise within the Bangsamoro Autonomous Region the
15 following powers and functions:

16 a. enforce laws enacted by the Congress and by the Bangsamoro Parliament
17 relative to the protection of lives and properties of the people;

18 b. maintain law and order and ensure public safety;

19 c. investigate and prevent crimes, arrest criminal offenders, bring criminal
20 suspects to justice, and assist in their prosecution;

21 d. conduct searches and seizures in accordance with pertinent laws;

- 1 e. detain persons for a period not exceeding what is prescribed by law, inform
2 the person so detained of all the rights under the 1987 Philippine
3 Constitution and the Basic Law, and observe and respect human rights;
4 Process and facilitate applications for the registration of firearms and the
5 issuance of licenses and permits for approval by the proper official of the
6 PNP;
- 7 f. initiate drives for the registration or surrender of unregistered firearms;
8 confiscate unregistered firearms after such drives are over; to file cases or
9 recommend to the President the grant of amnesty or pardon to possessors of
10 unregistered firearms who surrender them; and
- 11 g. perform such other duties and exercise all other functions as may be provided
12 by law enacted by Congress or by the Bangsamoro Parliament.

13 **SEC. 113.** *Bangsamoro Autonomous Regional Police Organization.* – The
14 structural organization of the BARP shall be as follows:

- 15 a. It shall be headed by a Bangsamoro Autonomous Regional Police Director,
16 who shall be assisted by at least two (2) deputies. The Bangsamoro
17 Autonomous Region police director and his deputies shall come from the
18 ranks of the professional police force, preferably from any province, city, or
19 municipality of the Bangsamoro Autonomous Region.
- 20 b. It shall have regional, provincial, and city or municipal offices;
- 21 c. The provincial office shall be headed by a provincial director, who shall be
22 a professional police officer with the rank of, at least, police superintendent;
23 and

1 d. The city or municipal office or station shall be headed by a chief of police,
2 who shall be a professional police officer with the rank of, at least, police
3 superintendent for the city and police inspector for the municipality.

4 **SEC. 114.** *Bangsamoro Autonomous Regional Police Board (BARPB).* – There is
5 hereby created a Bangsamoro Autonomous Regional Police Board (BARPB), which
6 shall perform the functions of the National Police Commission (NAPOLCOM) in the
7 Bangsamoro Autonomous Region. The BARPB shall be under the administration and
8 control of the NAPOLCOM. The NAPOLCOM shall ensure that the BARPB performs
9 its powers and functions within the bounds of its authority. In addition, the BARP shall
10 perform the following functions:

11 a. to set the *policing objectives and priorities in the Bangsamoro Autonomous*
12 *Region;*

13 b. to monitor the performance of the BARP against policing objectives and
14 priorities;

15 c. to monitor crime trends and patterns as well as performance in areas of human
16 rights, crime reduction, and crime prevention, recruiting patterns and
17 employment opportunities *in the Bangsamoro Autonomous Region;*

18 d. to provide information and guidance to the Bangsamoro Regional Government
19 and the PNP on the annual budgetary requirement of the BARP;

20 e. to monitor police performance as against the budget allocation for the BARP;
21 and

1 f. to make recommendations to the BARP director on the appointments of the
2 deputies, the provincial directors, and city and municipal chiefs of the BARP.

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

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

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

19 **SEC. 117.** *Powers Of The Chief Minister Over The BARP.* - The Chief Minister shall
20 have the following powers over the BARP:

21 A. to act as ex officio chair of the Bangsamoro Autonomous Region Police
22 Board and as Deputy of the NAPOLCOM in the Bangsamoro Autonomous
23 Region on matters dealing with the Bangsamoro Autonomous Region
24 Police;

1 B. to oversee the preparation and implementation of the integrated
2 Bangsamoro Autonomous Region public safety plan;

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

8

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

12 **SEC. 118. *Staffing Level.*** - The average staffing level of the Bangsamoro
13 Autonomous Region Police shall be approximately in accordance with the police-to-
14 population of one (1) police officer for every five hundred (500) persons. The actual
15 strength by cities and municipalities shall depend on the state of peace and order,
16 population density and actual demands of service in the particular area: *Provided,*
17 That the minimum police to population ratio shall not be less than one (1) police
18 officer for every one thousand (1,000) persons: *Provided,* Further that urban areas
19 shall have a higher minimum police to population ratio as may be prescribed by
20 regulations.

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

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

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

9 **SEC. 121.** *Calling Upon The Armed Forces.* - The provisions of the preceding
10 section notwithstanding, the Chief Minister may request the President to call upon the
11 AFP:

12 a. to prevent or suppress lawless violence, invasion, or rebellion, when the
13 public safety so requires, in the Bangsamoro Autonomous Region;

14 b. to suppress the danger to or breach of peace in the Bangsamoro
15 Autonomous Region, when the Bangsamoro Autonomous Region police is
16 not able to do so; or

17 c. to avert any imminent danger to public order and security in the
18 Bangsamoro Autonomous Region.

19 **SEC. 122.** *Indigenous Structure.* - The Bangsamoro Regional Government shall
20 recognize indigenous structures or systems which promote peace, and law and
21 order. The Bangsamoro Parliament shall provide institutional support to these

1 structures and systems to enhance peace and security in the Bangsamoro
2 Autonomous Region.

3 **ARTICLE XI**

4 **FISCAL AUTONOMY**

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

13 **SEC. 124.** *Local Government Finance.* – The Bangsamoro Regional Government
14 shall create a mechanism for coordinating, assisting, and monitoring the finances of
15 the constituent local government units in pursuance of good governance and local
16 autonomy.

17 **SEC. 125.** *National Government Assistance.* – The National Government shall
18 extend assistance to the Bangsamoro Regional Government in the matter of tax
19 administration and fiscal management. This assistance shall include capacity building
20 and training programs, in accordance with a needs assessment and capacity building
21 plan developed by the Bangsamoro Regional Government in consultation with the
22 National Government.

1 **SEC. 126.** *Assistance To Other Regions.* – The Bangsamoro Regional Government
2 may also assist the development efforts of other regions once the Bangsamoro
3 Autonomous Region has attained financial self-sustainability.

4 **SOURCES OF REVENUE**

5 **SEC. 127.** *Revenue Sources.* – The Bangsamoro Regional Government shall have
6 the power to create its own sources of revenues and to levy taxes, fees, and
7 charges, subject to the provisions of this Basic Law and consistent with the principles
8 of devolution of powers, equalization, equity, accountability, administrative simplicity,
9 harmonization, and economic efficiency, and fiscal autonomy. Such taxes, fees, and
10 charges shall accrue exclusively to the Bangsamoro Regional Government. The
11 National Government shall continue to levy national taxes in the Bangsamoro
12 Autonomous Region.

13 The sources of revenue of the Bangsamoro Regional Government shall include,
14 among others, the following:

- 15 a. taxes;
- 16 b. fees and charges;
- 17 c. annual block grant coming from National Government;
- 18 d. revenues from the exploration, development and utilization of natural resources
19 derived from areas/territories, land or water, covered by and within the
20 jurisdiction of the Bangsamoro Autonomous Region;
- 21 e. grants from economic agreements entered into by the Bangsamoro Regional
22 Government and conventions to which the National Government is a party;
- 23 f. grants and donations; and
- 24 g. loans and overseas development assistance (ODA).

1 **SEC. 128.** *Taxation.* – The Bangsamoro Regional Government shall exercise the
2 power to levy taxes, fees or charges that were already given to the ARMM or allowed
3 under RA 6734 and RA 9054, and other legislations, as well as those that are
4 provided herein.

5 In enacting revenue-raising measures, the Bangsamoro Regional Government shall
6 observe the principles of uniformity and equity in taxation. Revenues shall inure
7 solely to the benefit of, and be subject to the disposition by, the Bangsamoro
8 Regional Government.

9 Taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory or
10 contrary to public policy. The collection of Bangsamoro Autonomous Region taxes,
11 fees, charges and other impositions shall not be let to any private person.

12 Entities with franchises, licenses, and permits granted by Congress of the Philippines
13 which are already taxed by the National Government and granted exemption
14 pursuant to their franchises, licenses and permits are excluded from the taxing power
15 of the Bangsamoro Regional Government.

16 The power to impose a tax under this Basic Law shall be exercised by the
17 Bangsamoro Parliament, through an appropriate legislation, which shall not be
18 enacted without any prior public hearing conducted for the purpose. The
19 Bangsamoro Regional Government shall, as far as practicable, evolve a progressive
20 system of taxation.

21 **SEC. 129.** *Tax Incentives.* – To encourage investments and other economic
22 activities, the Bangsamoro Regional Government shall have the power to grant tax
23 exemptions, rebates, tax holidays and other incentives from the taxes imposed by it
24 including those granted to the regional board of investment of the ARMM: *Provided*

1 That any grant of exemption in the form of rebate or refund shall be funded from the
2 Bangsamoro Autonomous Region funds or budget. As part of incentives to investors,
3 the Bangsamoro Autonomous Region may opt instead to impose a flat rate lump sum
4 tax on small and medium enterprises.

5 **SEC. 130.** *Taxing powers.* The following taxes in the Bangsamoro Autonomous
6 Region shall be levied by the Bangsamoro Regional Government.

7 a. *capital gains tax.* – tax imposed on the gains presumed to have been realized
8 by the seller from the sale, exchange, or other disposition of capital assets,
9 including *pacto de retro* sales and other forms of conditional sale,

10 b. *documentary stamp tax.* – tax on documents, instruments, loan agreements
11 and papers evidencing the acceptance, assignment, sale or transfer of an
12 obligation rights or property incident thereto;

13 c. *donor's tax.* – tax on a donation or gift, and is imposed on the gratuitous
14 transfer of property between two or more persons who are living at the time of
15 the transfer. It shall apply whether the transfer is in trust or otherwise, whether
16 the gift is direct or indirect and whether the property is real or personal, tangible
17 or intangible;

18 d. *estate tax.* – tax on the right of the deceased person to transmit his/her estate
19 to his/her lawful heirs and beneficiaries at the time of death and on certain
20 transfers, which are made by law as equivalent to testamentary disposition;

21 e. income tax levied on banks and other financial institutions;

- 1 f. registration fees of vessels which are registered by their owners with the
2 Bangsamoro Regional Government and wharfage on wharves constructed and
3 maintained by the Bangsamoro Regional Government or the local government
4 unit concerned;
- 5 g. tolls on bridges or roads constructed and maintained by the provinces, cities,
6 municipalities, or barangays concerned or by the Bangsamoro Regional
7 Government;
- 8 h. taxes, fees, or charges on agricultural and aquatic products, except when sold
9 by marginal farmers or fisherfolk;
- 10 i. excise taxes on articles that are not enumerated under the national internal
11 revenue code;
- 12 j. taxes, fees, or charges on countryside, barangay enterprises and cooperatives
13 not registered under RA 6810, the "Magna Carta for Countryside and Barangay
14 Business Enterprises" and RA 6938, the "Cooperatives Code of the
15 Philippines," respectively; and
- 16 k. such other taxes that were allowed to be levied by the government of the
17 ARMM under RA 6734, RA 9054, and other legislations and executive
18 issuances.

19 Where all taxable elements are within the Bangsamoro Autonomous Region, taxes
20 under letters (a) to (d) above shall no longer be imposed by the Bureau of Internal
21 Revenue (BIR) of the National Government.

1 **SEC. 131.** *Share In Taxes Of The National Government.* – National Government
2 taxes, fees, and charges collected in the Bangsamoro Autonomous Region, other
3 than tariff and customs duties, shall be shared as follows:

4 a. twenty-five percent (25%) to the National Government; and

5 b. seventy-five percent (75%) to the Bangsamoro Autonomous Region, including
6 the shares of the local government units.

7 Corporations, partnerships, or firms directly engaged in business in the Bangsamoro
8 Autonomous Region shall pay their corresponding taxes, fess, and charges in the
9 province or city, where the corporations, partnership, or firm is doing business.

10 Corporations, partnership, or firms whose central, main, or head offices are located
11 outside the Bangsamoro Autonomous Region but which are doing business within its
12 territorial jurisdiction by farming, developing, or utilizing the land, aquatic, or natural
13 resources therein, shall pay the income taxes corresponding to the income realized
14 from their business operations in the Bangsamoro Autonomous Region to the city, or
15 municipality where their branch offices or business operations or activities are
16 located.

17 The share in taxes, fees, and charges provided under this Section are separate and
18 distinct from the annual block grant that is appropriated to the Bangsamoro Regional
19 Government under Section 135 of this Article.

20 **SEC. 132.** *Assessment And Collection Of Taxes.* – The Bangsamoro Parliament
21 shall, by law, establish the Bangsamoro Autonomous Regional Tax Office (BARTO)
22 within the Bangsamoro Autonomous Region for the purpose of assessing and
23 collecting Bangsamoro Autonomous Region taxes.

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

4 **SEC. 133.** *Share Of The Constituent Local Government Units In Taxes Within The*
5 *Bangsamoro Autonomous Region.* – The Bangsamoro Parliament shall enact a law
6 detailing the shares of constituent local government units in the seventy five percent
7 (75%) share of the Bangsamoro Regional Government in the taxes, fees and
8 charges collected in their jurisdiction by the National Government in the Bangsamoro
9 Autonomous Region.

10 **SEC. 134.** *Bangsamoro Autonomous Region Taxes and Revenue Code.* – The
11 Bangsamoro Parliament shall enact a Bangsamoro Autonomous Region Tax Code,
12 which covers the taxing powers of the Bangsamoro Regional Government.

13 **SEC. 135.** *Fees And Charges.* – The Bangsamoro Regional Government shall
14 exercise the power to levy fees and charges pursuant to the powers and functions
15 that it shall exercise in accordance with this Basic Law, including the powers already
16 granted under RA 6734, RA 9054 and other executive issuances, and memoranda of
17 agreement.

18 **BLOCK GRANT**

19 **SEC. 136.** *Annual Block Grant.* – The National Government shall provide an annual
20 block grant which shall be the share of the Bangsamoro Regional Government in the
21 national internal revenue. The amount shall be sufficient for the exercise of the
22 powers and functions of the Bangsamoro Regional Government under this Basic Law

1 which in no case to be less than the last budget received by the ARMM immediately
2 before the establishment of the Bangsamoro Transition Authority.

3 **SEC. 137.** *Formula Of The Block Grant.* – For the budget year immediately
4 following the year this act takes effect, the amount of the block grant shall be
5 equivalent to four per cent (4%) of the net national internal revenue collection of the
6 Bureau of Internal Revenue less the internal revenue allotment of local government
7 units. For purposes of this Section, the net national internal revenue collection of the
8 Bureau of Internal Revenue is understood to be the sum of all internal revenue tax
9 collections during the base year less the amount released during the same year for
10 tax refunds, payments for informer's reward, and any portion of internal revenue tax
11 collections which are presently set aside, or hereafter earmarked under special laws
12 for payment to third persons.

13 *Provided, That the computation shall be based on collections from the third fiscal*
14 *year preceding the current fiscal year;*

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

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

21 **SEC. 138.** *Automatic Appropriation.* – The annual block grant shall be automatically
22 appropriated to the Bangsamoro Regional Government and reflected in the GAA.
23 The Bangsamoro Parliament shall pass an annual appropriations law that allocates
24 the block grant to various agencies and programs, according to the powers and

1 functions of the Bangsamoro Regional Government giving highest priority to
2 education. The Bangsamoro Autonomous Region annual appropriations law shall
3 also include performance standards and targets for each sector.

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

8 **SEC. 140.** *Deductions From The Block Grant; Exceptions.* – Four years from the
9 operationalization of the regular Bangsamoro Regional Government the following
10 shall be deducted from the block grants:

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

13 b. share of the Bangsamoro Regional Government in the income derived from
14 the exploration, development and utilization of natural resources, as provided
15 in Section 149 below, including those that had been collected three (3) years
16 before.

17 *Provided,* That the amount allocated for the operation of the Bangsamoro
18 Autonomous Region Sustainable Development Board, as provided in Section 161,
19 Article XII shall not be included in the amount herein to be deducted from the block
20 grant: *Provided,* Further, that the abovementioned deduction shall not include the
21 shares of constituent local government units and of indigenous communities in
22 government income derived from the exploration, development and utilization of
23 natural resources, under Sections 150 and 151, respectively, of this Article.

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

8 **SEC. 142.** *Development Programs And Projects.* - Immediately after the ratification
9 of this Basic Law, and for another five (5) years thereafter, the National Government
10 shall provide for additional funds that would subsidize expenditure for development
11 projects and infrastructure in the Bangsamoro Autonomous Region, including
12 national roads and bridges, taking into consideration a development plan formulated
13 by the Bangsamoro Regional Government.

14 **LOANS**

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

20 Subject to acceptable credit worthiness and compliance with the 1987 Philippine
21 Constitution, relevant laws and regulations, such loans may be secured from
22 domestic and foreign lending institutions: *Provided,* That any loan secured from
23 *foreign lending institution shall require the prior concurrence of the monetary board.*
24 *Provided,* Further that any loan that will require sovereign guarantee, whether explicit
25 or implicit, shall need the approval of the National Government. The Bangsamoro

1 Parliament may authorize the Chief Minister to contract such domestic or foreign
2 loans. The loans so contracted may take effect upon approval by a majority of all the
3 members of the Bangsamoro Parliament.

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

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

17 *(c) payment of loans and indebtedness.* – the Bangsamoro Regional Government
18 shall appropriate in its annual budget such amounts as are sufficient to pay their
19 loans and their indebtedness incurred: *Provided,* That failure to provide the
20 appropriations herein required shall render their annual budgets inoperative.

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

1

GRANTS AND DONATIONS

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

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

9

ECONOMIC AGREEMENTS AND CONVENTIONS

10 **SEC. 146.** *Economic Agreements.* – The Bangsamoro Regional Government may
11 enter into economic agreements and receive benefits and grants derived therefrom
12 subject to the approval of the National Government.

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

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

1 **SHARING IN THE EXPLORATION, DEVELOPMENT AND**
2 **UTILIZATION OF NATURAL RESOURCES**

3 **SEC. 149.** *Sharing In Exploration, Development And Utilization Of Natural*
4 *Resources.* – National Government income from taxes derived from the exploration,
5 development and utilization of all natural resources within the Bangsamoro
6 Autonomous Region shall be allocated as follows.

7 a. for non-metallic minerals (sand, gravel, and quarry resources), such revenues
8 shall pertain fully to its local government units pursuant to Section 138 of RA
9 7160, as amended;

10 b. for metallic minerals, seventy-five percent (75%) shall pertain to the
11 Bangsamoro Regional Government and its constituent local government units;

12
13 c. for fossil fuels (petroleum, natural gas, and coal) and uranium, the same shall
14 be shared equally between the National Government and Bangsamoro
15 Regional Government and its constituent local government units.

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

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

1 **SEC. 151.** *Share of indigenous communities.* – Indigenous peoples shall have an
2 equitable share from the share of the Bangsamoro Regional Government from the
3 exploration, development and utilization of natural resources that are found within the
4 territories covered by a native title in their favor, pursuant to RA No. 8371 or the IPRA
5 of 1997.

6 **THE BANGSAMORO AUTONOMOUS REGION FISCAL POLICY BOARD**

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

12 **SEC. 153.** *Functions.* – The BARFPB shall undertake the following functions:

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

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

20 (c) make recommendations on the participation of the Bangsamoro Regional
21 Government in the ownership and management of Al-Amanah Islamic Investment
22 Bank of the Philippines and the southern Philippines Development Authority (SPDA);
23 and

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

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

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

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

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

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

23

ARTICLE XII

1

ECONOMY AND PATRIMONY

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

7

SUSTAINABLE DEVELOPMENT

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

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

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

19 **SEC. 160.** *Comprehensive Framework For Sustainable Development.* – The
20 Bangsamoro Regional Government shall develop a comprehensive framework for
21 sustainable development through the proper conservation, utilization and
22 development of natural resources. Such framework shall guide the Bangsamoro
23 Regional Government in adopting programs and policies and establishing

1 mechanisms that focus on the environment dimensions of social and economic
2 interventions. It shall include measures for the reduction of vulnerability of women
3 and marginalized groups to climate change and variability.

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

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

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

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

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

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

5 **SEC. 163.** *Gender And Development.* – The Bangsamoro Regional Government
6 recognizes the role of women in governance and shall ensure the fundamental
7 equality before the law of women and men It shall guarantee full and direct
8 participation of women in governance and in the development process and shall,
9 further, ensure that women shall have equal access to land ownership and shall
10 benefit equally in the implementation of development programs and projects.

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

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

23 **SEC. 164.** Participation Of The Bangsamoro In National Development Planning. –
24 The preceding Section notwithstanding, and in order to ensure that the Bangsamoro

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

5 **NATURAL RESOURCES**

6 **SEC. 165.** *Natural Resources* – The Bangsamoro Regional Government shall have
7 the authority, power, and right to control and supervision over the exploration,
8 utilization, development, and protection of the mines and minerals and other natural
9 resources within the Bangsamoro Autonomous Region in accordance with
10 responsible mining policies, the Philippine Constitution, and the pertinent provisions
11 of this Basic Law.

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

17 **SEC. 166.** *Preferential Rights Of Bona Fide Inhabitants Of The Bangsamoro*
18 *Autonomous Region.* – Qualified inhabitants who are *bona fide* inhabitants of the
19 Bangsamoro Autonomous Region shall have preferential rights over the exploration,
20 development, and utilization of natural resources, including fossil fuels (petroleum,
21 natural gas, and coal) and uranium, within the Bangsamoro Autonomous Region.
22 Existing rights over the exploration, development and utilization of natural resources
23 shall be respected until the expiration of the corresponding leases, permits,
24 franchises or concessions, unless legally terminated.

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

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

11 **SEC. 168.** *Financial and Technical Assistance Agreements.* – The applications for
12 Financial and Technical Assistance Agreements (FTAAS) covering mineral
13 resources within the Bangsamoro Autonomous Region shall be filed with the
14 Bangsamoro Regional Government which shall make recommendations to the
15 President.

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

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

1 **SEC. 170.** *Legislating Benefits, Compensation For Victims And Communities*
2 *Adversely Affected By Mining And Other Activities That Harness Natural Resources.*

3 - The Bangsamoro Parliament shall enact laws for the benefit and welfare of the
4 inhabitants injured, harmed or adversely affected by the harnessing of natural and
5 mineral resources in the Bangsamoro Autonomous Region. Such laws may include
6 payment of just compensation to and relocation of the people and rehabilitation of
7 the areas adversely affected by the harnessing of natural and mineral resources
8 mentioned above.

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

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

16 **SEC. 172.** *Agriculture, Fisheries, And Aquatic Resources.* – The Bangsamoro
17 Regional Government’s policies and laws on agriculture, fisheries, and aquatic
18 resources shall advance agriculture as a key development strategy, promote
19 productivity measures, and provide support for farmers and fishers especially small
20 landholders and marginal fishers.

21 **TRADE AND INDUSTRY**

22 **SEC. 173.** *Trade and Industry In The Bangsamoro Autonomous Region.* – The
23 Bangsamoro Regional Government recognizes the private sector as a mover of
24 trade, commerce, and industry. It shall encourage and support the building up of

1 entrepreneurial capability in the Bangsamoro Autonomous Region and shall
2 recognize, promote, and protect cooperatives.

3 The Bangsamoro Regional Government shall promote trade and industry in the
4 *Bangsamoro Autonomous Region* by providing avenues through which other
5 countries can learn about its unique industries, economic opportunities and culture
6 through participation in trade missions, trade fairs, and other promotional activities. It
7 may also organize trade missions to other countries observing the necessary
8 coordination with the relevant government agencies.

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

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

22 **SEC. 174.** *Traditional Barter Trade And Countertrade* – The Bangsamoro Regional
23 Government shall regulate traditional barter trade and counter-trade with Indonesia,
24 Malaysia or Brunei. The goods or items that are traded with the said countries shall
25 not be sold elsewhere in the country without payment of appropriate customs or

1 import duties. The Bangsamoro Regional Government shall ensure compliance with
2 national standards and safety product standards requirements. The Department of
3 Finance (DOF) shall, in consultation with the Bangsamoro Regional Government,
4 promulgate the rules to govern traditional barter trade and counter-trade within six (6)
5 months from the approval of this Basic Law.

6 **SEC. 175. *Economic Zones, Industrial Estates And Free Ports.*** – The Bangsamoro
7 Regional Government may apply with the Philippine Economic Zone Authority
8 (PEZA) for the establishment of economic zones, industrial estates and free ports in
9 the Bangsamoro Autonomous Region in accordance with the standards under
10 existing national laws. The Bangsamoro Regional Government and the National
11 Government shall cooperate on customs, immigration, quarantine service including
12 the attendant international commitments thereto, to implement and make fully
13 operational such economic zones, industrial estates, and free ports within one (1)
14 year from their establishment. Business and other enterprises operating within the
15 Bangsamoro Autonomous Region economic zones, industrial estates and free ports
16 shall be entitled to the fiscal incentives and other benefits provided by the National
17 Government to special economic zones. The Bangsamoro Regional Government
18 shall implement the fiscal incentives and other benefits to investors in economic
19 zones, industrial estates and free ports. Bangsamoro Autonomous Region free ports
20 shall be contiguous/adjacent to a seaport or airport. the area of coverage of a free
21 port may be so much as may be necessary of that portion of the constituent local
22 government unit/s of the Bangsamoro Autonomous Region, subject to such
23 additional criteria as the Bangsamoro Parliament may provide in law for that
24 purpose. Existing free ports in the ARMM are hereby transferred to the Bangsamoro
25 Regional Government.

26 **SEC. 176. *Prohibition Against Toxic Or Hazardous Substances.*** – The Bangsamoro
27 Regional Government shall assist the National Government in regulating, restricting

1 or prohibiting the use, importation, transit, transport, deposit, disposal, and dumping
2 of toxic or hazardous substances within the Bangsamoro Autonomous Region. It
3 shall, in the same manner, assist the National Government in regulating activities
4 that may adversely impact the environment and may be harmful to health, safety and
5 welfare of the Bangsamoro Autonomous Region

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

10 **BANKING AND FINANCE**

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

15 **SEC. 179.** *Islamic Banking And Finance.* – The Bangsamoro Regional Government,
16 the BSP, DOF and the NCMF shall jointly promote the development of an Islamic
17 banking and finance system, to include among others the establishment of a *Shari'ah*
18 supervisory board.

19 To facilitate the establishment of an Islamic banking and finance system, the National
20 Government and the Bangsamoro Regional Governments shall review existing
21 market environment and policies and adopt measures to enhance the
22 competitiveness of Islamic finance products and that Islamic financial players shall
23 not be prohibited from introducing Islamic finance products. It shall further promote
24 investor awareness and acceptance in order to build a broader customer and asset

1 base. Towards this end, the appropriate agencies of the National Government shall
2 be authorized to issue rules and regulations to achieve the said objectives.

3 Islamic bank may be established as may be authorized by the BSP. The BSP may
4 also authorize banks primarily engaged in conventional banking to engage in
5 Islamic banking arrangements, including structures, transactions and practices,
6 through Islamic banking windows, each Islamic bank and conventional bank with
7 Islamic banking windows may establish branches or other offices at such places in
8 the Philippines or abroad subject to applicable laws, rules and regulations of the BSP.
9 The BSP shall have supervision over the operations of and exercise regulatory
10 powers over Islamic bank and conventional banks engaging in Islamic finance
11 through Islamic banking windows. For the purposes provided in this paragraph, the
12 BSP shall issue the implementing rules and regulations.

13 **TRANSPORTATION AND COMMUNICATIONS**

14 **SEC. 180.** *Transportation And Communications.* – The Bangsamoro Regional
15 Government shall continue to exercise such powers, functions and responsibilities
16 that have been devolved or decentralized to the ARMM.

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

20 **ARTICLE XIII**

21 **NORMALIZATION, REHABILITATION AND DEVELOPMENT**

22 **SEC. 181.** *Policy.* – The Bangsamoro Regional Government shall promote and
23 pursue a permanent, continuing and intensive policy and program of normalization of

1 its communities, and a perpetual commitment to the utilization of peaceful and
2 orderly, inclusive and democratic means and methods in order to achieve the
3 development objectives of the Bangsamoro Regional Government and of the people,
4 consistent with Article XII of this Basic Law.

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

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

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

21 a) Disarmament - The collection, documentation, control and disposal of small arms,
22 ammunition, explosives and light and heavy weapons of combatants and often also
23 of the civilian population. Disarmament also includes the development of responsible
24 arms management programs.

1 b) Demobilization - The formal and controlled discharge of active combatants from
2 armed forces or other armed groups. The first stage of demobilization may extend
3 from the processing of individual combatants in temporary centres to the massing of
4 troops in camps designated for this purpose (cantonment sites, encampments,
5 assembly areas or barracks). The second stage of demobilization encompasses the
6 support package provided to the demobilized, which is called reinsertion.

7 c) Reinsertion - The assistance offered to ex-combatants during demobilization but
8 prior to the longer-term process of reintegration. Reinsertion is a form of transitional
9 assistance to help cover the basic needs of ex-combatants and their families and can
10 include transitional safety allowances, food, clothes, shelter, medical services, short-
11 term education, training, employment and tools. While reintegration is a long-term,
12 continuous social and economic process of development, reinsertion is short-term
13 material and/or financial assistance to meet immediate needs, and can last up to one
14 year.

15 d) Reintegration - The process by which ex-combatants acquire civilian status and
16 gain sustainable employment and income. Reintegration is essentially a social and
17 economic process with an open timeframe, primarily taking place in communities at
18 the local level. It is part of the general development of the country and a national
19 responsibility, and often necessitates long-term external assistance.

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

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

6 1) In coordination with the Joint Coordinating Committees on Cessation of
7 Hostilities (JCCCH), the Ad Hoc Joint Action Group (AHJAG) and the International
8 Monitoring Team (IMT), visit and conduct ocular inspections of combatants' camps,
9 to obtain essential information and to verify, among others, the inventory of MILF
10 combatants, weapons and camps;

11 2) To obtain from the AFP its inventory of MILF combatants, weapons and camps
12 based upon their latest intelligence;

13 3) Submit to the President and Congress quarterly reports on the progress of the
14 decommissioning process, as well as a final report upon completion and
15 accomplishment of its tasks and responsibilities;

16 4) Develop and implement, when necessary, a revised schedule to accelerate the
17 process of decommissioning of forces consistent with the provisions of this Basic
18 Law;

19 5) Evaluate and recommend to the President ex-combatants qualified for amnesty,
20 subject to the concurrence of Congress;

21 6) Coordinate and request assistance from National Government agencies and local
22 government units; and

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

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

9 **SEC. 184.** *Rehabilitation And Development.* – Without prejudice to Article XI,
10 Section 142 of this Basic Law, the Bangsamoro Regional Government shall, as part
11 of the normalization process, pursue an intensive program of rehabilitation,
12 reconstruction and development of the Bangsamoro Autonomous Region, with
13 sufficient funding support from the National Government. In accordance with Article
14 XII, Section 161 hereof, the Bangsamoro Regional Government shall formulate and
15 implement a comprehensive plan and program for rehabilitation and development
16 that will holistically address the needs and uplift the welfare of all the inhabitants in
17 the Bangsamoro Autonomous Region, including those of the combatants, auxiliary
18 forces, including civilian armed groups, their families, and internally displaced
19 persons.

20

ARTICLE XIV

21

PLEBISCITE

22 **SEC. 185.** *Establishment Of The Bangsamoro Autonomous Region.* – The
23 establishment of the Bangsamoro Autonomous Region and the determination of the
24 Bangsamoro geographical area shall take effect upon ratification of this Basic Law by

1 majority of the votes cast in the following provinces and cities in a plebiscite
2 conducted for the purpose.

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

6 **SEC. 186.** *Date Of Plebiscite* - The plebiscite shall be conducted, as far as
7 practicable, within one hundred eighty (180) days from the effectivity of this Basic
8 Law.

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

11 **SEC. 187.** *Results Of The Plebiscite.* – (a) For the present geographic area of the
12 ARMM: If the majority of the registered voters in each province and city vote in favor
13 of the Bangsamoro Basic Law, the respective provinces and cities shall be included
14 in the Bangsamoro Autonomous Region.

15 (b) For the cities of Cotabato and Isabela: If the majority of the registered voters in
16 each of these cities vote in favor of the Basic Law for the Bangsamoro Autonomous
17 Region, the respective cities shall be included in the Bangsamoro Autonomous
18 Region.

19 (c) For all other contiguous provinces or cities outside the present ARMM, where
20 there is a resolution of the province or city or a petition of at least ten percent (10%)
21 of the registered voters in the said local government unit asking for their inclusion at
22 least two months prior to the conduct of the ratification of the Bangsamoro Basic
23 Law: If the majority of the registered voters in each of these provinces or cities vote

1 in favor of the Bangsamoro Basic Law for the Bangsamoro Autonomous Region, the
2 respective province or city shall be included in the Bangsamoro Autonomous Region.

3 **SEC. 188.** *Plebiscite Question.* – The question to be asked of the voters in the
4 plebiscite shall be as follows: “Do you approve of the Basic Law for the Bangsamoro
5 *Autonomous Region?*”

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

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

23 The COMELEC shall promulgate rules necessary for the conduct of plebiscite,
24 including those for the accreditation of plebiscite monitors and voluntary inclusion in
25 the plebiscite as provided herein, within thirty (30) days from the effectivity of this

1 Basic Law, with the primary objective of optimizing the opportunity for participation in
2 the plebiscite of qualified voters in the areas specified for the creation of the
3 Bangsamoro Autonomous Region.

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

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

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

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

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

22 Public advocacy initiatives shall be conducted within the framework of solidarity,
23 cooperation, and unity among Moro, Non-Moro, indigenous, and settler communities.

1 Consultations shall give due respect to the roles of indigenous and Moro women,
2 and encourage their active participation.

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

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

12 **SEC. 194.** *Abolition Of The ARMM.* – Upon the ratification of this Basic Law, the
13 Bangsamoro Autonomous Region shall be deemed established, and the ARMM shall
14 be deemed abolished, in accordance with the provisions of the succeeding Article.

15 **ARTICLE XV**

16 **TRANSITION PERIOD**

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

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

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

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

6 The BTA shall be composed of sixty (60) members. The BTA shall be composed of
7 all the *incumbent members of the ARMM Regional Legislative Assembly* who shall
8 serve in the BTA until the expiration of their term. The rest of the BTA members shall
9 be appointed by the President from a list of nominees that shall be inclusive and
10 representative of other essential stakeholders in the Bangsamoro Autonomous
11 Region, such as but not limited to the Moro National Liberation Front (MNLF), Non-
12 Moro inhabitants, and other important sectors of the Bangsamoro Autonomous
13 Region, including women groups, settler communities and the like.

14 The MILF, being the principal party to the Comprehensive Agreement on the
15 Bangsamoro, shall enjoy preference in the appointment to the BTA, both in its
16 leadership and membership.

17 Immediately upon the ratification of this Basic Law, the names of the nominees to the
18 BTA shall be submitted to the Office of the President.

19 **SEC. 197.** *Powers And Authorities.* – Legislative and executive powers in the
20 Bangsamoro Regional Government during transition shall be vested in the BTA as
21 herein provided. Executive authority shall be exercised by the interim Chief Minister
22 to be appointed by the President from among the members of the BTA, while
23 legislative authority shall be exercised by the BTA.

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

4 **SEC. 198. *Functions And Priorities.*** – The BTA shall ensure the accomplishment of
5 the following priorities during the transition period:

6 a. Organization of the bureaucracy of the Bangsamoro Regional Government during
7 transition, including the approval and implementation of a transition plan, and the
8 institution of a placement process for hiring of personnel during transition. This shall
9 also include the setting up of offices and other institutions necessary for the
10 continued functioning of government and delivery of social services in the region, as
11 well as those necessary for the smooth operations of the first elected Bangsamoro
12 *Regional Government*;

13 b. Phase-out of the ARMM, transfer of powers and properties of the ARMM Regional
14 Government to the Bangsamoro Regional Government, and the disposition of
15 personnel, as provided in this Basic Law; and

16 c. Other matters that may be necessary for the transition from the ARMM Regional
17 Government to the Bangsamoro Regional Government, as provided in this Basic
18 Law.

19 **SEC. 199. *Transition Plan.*** – Within the first sixty (60) days of the transition period,
20 the interim Chief Minister shall submit to the BTA a transition plan that shall contain
21 the proposed organizational plan, the gradual phase-out of the ARMM, including the
22 schedules and timeline therefor. The proposed transition plan shall be approved by

1 the BTA within ten (10) days upon submission by the interim Chief Minister, and shall
2 be implemented within fifteen (15) days from its approval.

3 **SEC. 200.** *Interim Officers.* – The interim Chief Minister shall organize the interim
4 Cabinet and shall appoint an interim Deputy Chief Minister, who shall also be a
5 member of the BTA. The interim Chief Minister shall also appoint such other
6 ministers as may be necessary to perform the functions of government during
7 transition, a majority of whom shall be from among members of the BTA.

8 Members of the BTA who are appointed to cabinet positions shall serve their offices
9 concurrently: *Provided, That* no member of the BTA may be appointed or elected to,
10 or otherwise hold more than two (2) positions at the same time.

11 Any appointment made during the transition period shall be temporary and co-
12 terminus with the BTA.

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

15 a. Governance, in charge of budget and finance, accountability, and such similar
16 or related matters;

17 b. Social services, in charge of social welfare, and such similar or related matters;

18 c. Development, in charge of transportation and communications, regional
19 investments, trade and industry, agriculture, forestry and environment, urban
20 and rural development, and such similar or related matters;

21 d. Education;

- 1 e. Public order and safety;
- 2 f. Indigenous peoples affairs;
- 3 g. Health;
- 4 h. Public works;
- 5 i. Local government; and
- 6 j. Finance.

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

11 **SEC. 202.** *Organization Of The Bureaucracy.* – The authority of the BTA to create
12 offices and organize the bureaucracy during transition is without prejudice to the
13 authority of the Bangsamoro Regional Government to reorganize the bureaucracy
14 upon its constitution, or any time thereafter. In the exercise of this authority, the BTA
15 shall ensure the least possible disruption to the functioning of government and the
16 continuous delivery of services in the region, during and after the transition period.

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

20 **SEC. 203.** *Transfer Of Powers And Properties And Disposition Of Personnel.* – All
21 powers, functions, assets, capital, receivables, equipment and facilities of the ARMM
22 Regional Government at the time of the ratification of this Basic Law shall be
23 transferred to the Bangsamoro Regional Government.

1 However, all lands and permanent buildings or structures owned by or belonging to
2 the ARMM Regional Government located in the provinces and cities not forming part
3 of ARMM and not purchased by the National Government, as mandated by Article
4 XVIII, Section 1 of RA 9054, shall be turned over, delivered and entrusted by the
5 ARMM Regional Government to the National Government immediately upon
6 effectivity of this Basic Law. Within three (3) months thereafter, the National
7 Government shall acquire and pay for all of said properties, with the proceeds thereof
8 to be directly remitted to the Bangsamoro Regional Government upon ratification of
9 this Basic Law. The acquisition price shall be determined by a Special Valuation
10 Committee to be composed of: a) the Executive Secretary, as chairman; b) the
11 Secretary of Budget and Management; c) the ARMM Regional Governor; d) the
12 Chairman of the House Ad Hoc Committee on the Bangsamoro Basic Law; and e)
13 the Chairman of the Senate Committee on Local Government. Any dispute on the
14 price of the said properties may be elevated to the President of the Philippines, who
15 shall decide thereon with finality within three (3) months from receipt of the appeal.

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

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

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

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

7 An inventory will be conducted to ensure that the liabilities of the ARMM under law,
8 contracts or others will be settled prior to the turnover to the BTA.

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

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

23 **SEC. 205.** *Protection of Security Of Tenure As A Consequence Of Government*
24 *Reorganization* – The reorganization of the bureaucracy as a consequence of the

1 establishment of the Bangsamoro Regional Government and the consequent
2 disposition of the affected personnel of the National Government and the ARMM
3 Regional Government shall comply with the provisions of RA 6656, otherwise known
4 as the “Act to Protect the Security of Tenure of Civil Service Officers And Employees
5 in the Implementation of Government Reorganization”.

6 **SEC. 206.** *Interruption In Length Of Service.* – The gap in the length of service by
7 reason of involuntary separation of an employee as a consequence of the
8 reorganization of the Bangsamoro Regional Government shall not interrupt the
9 continuity of the employee’s service.

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

14 **SEC. 207.** *Dissolution Of The BTA.* – Immediately upon the qualification of the
15 elected Chief Minister under the first Bangsamoro Parliament, the BTA shall be
16 deemed dissolved.

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

21 **SEC. 208.** *First And Regular Elections.* – The first elections for the Bangsamoro
22 Regional Government under this Basic Law shall be held within one hundred eighty
23 (180) days after the ratification of the Bangsamoro Basic Law. The next regular
24 elections shall be held on the first Monday of May 2019, and every three years

1 thereafter. The elections shall be governed by the Omnibus Election Code of the
2 Philippines (Batas Pambansa Blg 881, as amended). The COMELEC, through the
3 Bangsamoro Autonomous Region Electoral Office, shall promulgate rules and
4 regulations as may be necessary for the conduct of said elections, and enforce and
5 administer the same, consistent with this Basic Law, the Omnibus Election Code, and
6 other relevant national laws.

7 **SEC. 209.** *Beginning Of Terms And Assumption Of Office.* – The terms of the
8 Members of the Parliament first elected under this Basic Law shall begin at noon of
9 the thirtieth (30th) day after the date of elections. The Members of the Parliament
10 elected in such first elections shall serve until noon of the thirtieth (30th) of June 2019.

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

13 **SEC. 210.** *Initial Funding For Transition.* – To carry out the requirements of
14 transition, including the organizational activities of the BTA, organization of the
15 bureaucracy, hiring of personnel, and the exercise of functions and powers of the
16 BTA, as provided in this Basic Law, the amount of One Billion Pesos
17 (1,000,000,000.00) is hereby appropriated for the BTA, charged against the general
18 funds of the National Government. In addition, the current year's appropriations for
19 the ARMM shall also be transferred to the BTA for this purpose

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

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

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ARTICLE XVI
AMENDMENTS AND REVISIONS

SEC. 211. *Amendments And Revisions.* – All proposals to amend or revise the provisions of this Basic Law 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 called 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 Law are deemed separate. If, for any reason, any section or provision of this Basic Law is declared unconstitutional, other sections or 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 issuances or parts thereof, which are inconsistent with this Basic Law, are hereby repealed or modified accordingly.

SEC. 214. *Subsisting Regional Laws* – All subsisting laws enacted by the Regional Legislative Assembly of the ARMM by virtue of authorities provided under RA 6734,

1 as amended by RA 9054, shall be deemed in effect, unless inconsistent with this
2 Basic Law or subsequently amended or repealed by laws passed by the Bangsamoro
3 Parliament.

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

8 Approved,