

1 blood, shall have the right to identify themselves as Bangsamoro by ascription or self-
2 ascription. Spouses and their descendants are classified as Bangsamoro.
3

4 **Sec. 2. Freedom of Choice.** – The freedom of choice of other indigenous peoples
5 shall be respected. There shall be no discrimination on the basis of identity, religion, and
6 ethnicity.
7

8 **Sec. 3. Bangsamoro Symbol.** – The Bangsamoro Parliament shall adopt the
9 official flag, emblem, and hymn of the Bangsamoro.
10

11 **Article III**

12 **TERRITORY**

13
14

15 **Sec. 1. Definition of Territory.** - Territory refers to the land mass as well as the
16 maritime, terrestrial, fluvial and alluvial domains, and the aerial domain above it. The
17 Bangsamoro territory shall remain a part of the Philippines.
18

19 **Sec. 2. Core Territory.** – The core territory of the Bangsamoro shall be
20 composed of:
21

- 22 a. the present geographical area of the Autonomous Region in Muslim Mindanao
23 (ARMM);
24
- 25 b. the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal
26 in the province of Lanao del Norte that voted for inclusion in the ARMM during
27 the 2001 plebiscite, which are hereby declared as geographic areas pursuant
28 to Section 15, Article X of the 1987 Constitution;
29
- 30 c. the following thirty-nine (39) barangays in the municipalities of Kabacan,
31 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in the province of North
32 Cotabato that voted for inclusion in the ARMM during the 2001 plebiscite,
33 which are hereby declared as geographic areas pursuant to Section 15,
34 Article X of the 1987 Constitution:
35

- i. Dungan, Lower Mingading, and Tapodoc in the municipality of Aleosan (3);
- ii. Manarapan and Nasapian in the municipality of Carmen (2)
- iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of Kabacan (3);
- iv. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central Labas, Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, and Tugal in the municipality of Midsayap (12);
- v. Lower Baguer, Balacayon, Buricain, Datu Binasing, Kadingilan, Matilac, Patot, and Lower Pangangkalan in the municipality of Pigkawayan (8);
- vi. Bagoinged, Balatican, S. Balong, S. Balongis, Batulawan, Buliok, Gokotan, Kabasalan, Lagunde, Macabual, and Macasendeg, in the municipality of Pikit (11);

d. the cities of Cotabato and Isabela;

e. all other contiguous areas where there is a resolution of the local government unit or a petition of at least twenty percent (20%) of the registered voters in the area asking for their inclusion at least two months prior to the conduct of the ratification of this Basic Law and the process of delimitation of the Bangsamoro: *Provided*, That in the conduct of the plebiscite, a majority vote in the mother province or city to which it belongs is obtained, except in the case where Congress has identified and declared the concerned local government unit as geographic area.

In order to ensure the widest acceptability of this Basic Law in the core areas abovementioned, a popular ratification shall be conducted among all the Bangsamoro within the areas for their adoption.

Sec. 3. Contiguous Territory. – Contiguous provinces, cities, municipalities, barangays, and geographic areas, other than those mentioned in the preceding section, that obtain majority of the qualified votes cast in the periodic plebiscites, as provided under Section 4, Article XV of this Basic Law shall become part of the Bangsamoro.

1 **Sec. 2. Democratic Political System.** – The Bangsamoro Government shall be
2 parliamentary. Its political system is democratic, allowing its people to freely participate
3 in the political processes within its territory.

4
5 **Sec. 3. Electoral System.** - The Bangsamoro Government, consistent and
6 suitable to its parliamentary form of government, shall adopt an electoral system which
7 shall allow democratic participation, encourage formation of genuinely principled political
8 parties, and ensure accountability.

9 **Sec. 4. Civilian Government.** - Governance in the Bangsamoro is the
10 responsibility of the duly elected civilian government. Civilian authority is, at all times,
11 supreme over the military.

12
13 **Sec. 5. Promotion of Unity.** - The Bangsamoro Government shall promote unity,
14 peace, justice, and goodwill among all peoples, as well as encourage a just and peaceful
15 settlement of disputes.

16
17 The Bangsamoro abides by the principle that the country renounces war as an
18 instrument of national policy, adopts the generally accepted principles of international
19 law as part of the law of the land, and adheres to the policy of peace, equality, justice,
20 freedom, cooperation, and amity with all nations.

21
22 **Sec. 6. Promotion of Right.** - The Bangsamoro shall adhere to the principle of
23 enjoining what is right and forbidding what is wrong.

24
25 **Sec. 7. Social Justice.** - The Bangsamoro shall establish a government that
26 ensures that every citizen in the Bangsamoro is provided the basic necessities and equal
27 opportunities in life. Social Justice shall be promoted in all phases of development and
28 facets of life within the Bangsamoro.

29
30 **Sec. 8. International Treaties and Agreements.** - The Bangsamoro
31 Government shall respect and adhere to all international treaties and agreements
32 entered into by the Government of the Republic of the Philippines and are beneficial to
33 the Bangsamoro Government.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

ARTICLE V

POWERS OF GOVERNMENT

Sec. 1. Reserved Powers. – Reserved powers are matters over which authority and jurisdiction are retained by the Central Government. The Central Government shall exercise the following reserved powers:

- a. Defense and external security;
- b. Foreign policy;
- c. Coinage and Monetary Policy;
- d. Financial and banking system;
- e. Postal service;
- f. Citizenship and naturalization;
- g. Immigration;
- h. Customs and tariff as qualified by Section 2(k), Article V of this Basic Law;
- i. Common market and global trade: *Provided*, That the power to enter into economic agreements given to the ARMM under R.A. 9054 is hereby transferred to the Bangsamoro Government as provided in Section 29, Article XII of this Basic Law; and
- j. Intellectual property rights.

Sec. 2. Concurrent Powers. - Concurrent powers shall refer to the powers shared between the Central Government and the Bangsamoro Government within the Bangsamoro, as provided in this Basic Law.

The Central Government and the Bangsamoro Government shall exercise shared powers within the Bangsamoro on the following matters:

- a. Social security and pensions. – The Bangsamoro Government may organize its own social security and pension systems alongside the existing Central Government social security and pension systems.

The Bangsamoro Government and the Central Government, through the intergovernmental relations mechanism and other consultative processes shall, among others, ensure that the investment of the contributions from the members from the Bangsamoro in the Central Government social security and pensions is responsive to their cultural and religious sensitivities.

1
2
3 The future relationship of the Central Government system with
4 the Bangsamoro Government system with respect to new
5 government employees and other qualified individuals in the
6 Bangsamoro shall be further provided for in law duly enacted for this
7 purpose.

- 8 b. Quarantine. – There is hereby created an office for quarantine
9 services in the Bangsamoro. It shall cooperate and coordinate with
10 its counterpart offices in the Central Government.
11
- 12 c. Land Registration. – The Bangsamoro Government, in accordance
13 with the land registration system of the Central Government, shall
14 administer land registration in the Bangsamoro territory through an
15 office it shall create for this purpose. The Bangsamoro Government
16 shall furnish copies of the titles, deeds, and other instruments to the
17 relevant Central Government agencies. The Bangsamoro
18 Government can act on *consultas*.
- 19 The Bangsamoro Government may institute processes to promote
20 more efficient registration of lands within the Bangsamoro.
- 21 d. Pollution control. – The Central Government and the Bangsamoro
22 Government agencies shall cooperate and coordinate through the
23 intergovernmental relations mechanism on pollution control matters.
24
- 25 e. Human rights and humanitarian protection and promotion. – The
26 Bangsamoro Government may organize its own bodies for human
27 rights and humanitarian protection and promotion that will work
28 cooperatively with relevant national institutions.
29
- 30 f. Penology and penitentiary. – The Central Government and the
31 Bangsamoro Government institutions shall cooperate and coordinate
32 through the intergovernmental relations mechanism on the matter
33 of granting parole and recommending to the President the grant of
34 executive clemency. The Bangsamoro Government shall create an
35 office that shall administer the parole system and recommend the
36 grant of executive clemency to the Office of the President.

1
2 The Bangsamoro Government may create and manage jails,
3 penal colonies, and other facilities. It shall ensure the compatibility
4 of these facilities with the national jail management and penitentiary
5 system, through the intergovernmental relations mechanism. These
6 facilities are understood to be part of the country's administration of
7 justice.
8

9 g. Auditing. – The Bangsamoro auditing body shall have auditing
10 responsibility over public funds utilized by the Bangsamoro, without
11 prejudice to the power, authority, and duty of the national
12 Commission on Audit (COA). The Bangsamoro Government shall
13 ensure transparency mechanisms consistent with open government
14 practice.
15

16 h. Civil Service. – The Bangsamoro Government shall develop and
17 administer a professional civil service corps, to include the powers
18 and privileges on civil service matters provided in R.A. No. 9054, and
19 without prejudice to the power, authority, and duty of the national
20 Civil Service Commission.
21

22 There is hereby created a Bangsamoro Civil Service Commission which
23 shall be part of the national Civil Service Commission (CSC) and shall be
24 under its direct control and supervision. Upon consultation with the CSC,
25 the Bangsamoro Government shall enact a civil service law, which shall be
26 consistent with the provisions of Article IX (B) of the 1987 Constitution.
27 This law shall govern the conduct of civil servants and qualifications for
28 non-elective positions, adopt the merit and fitness system, and protect civil
29 service eligibles in various government positions, including government-
30 owned and/or controlled corporations with original charters in the
31 Bangsamoro: *Provided*, That in the case of teachers of the Arabic language
32 and/or Islamic values, as well as foreign-educated teachers, who may not
33 be able to comply with existing civil service standards of the national Civil
34 Service Commission, special consideration shall be accorded to them:
35 *Provided further*, That the Bangsamoro Civil Service Commission may
36 promulgate rules and regulations to implement this provision.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

- i. Accountability of Public Officers and Employees. - The Bangsamoro Government shall have primary disciplinary authority over its own officials and employees, without prejudice to the power and authority of the Ombudsman over public officers and employees.

- j. Coastguard. – The Central Government shall have primary responsibility over coastguard matters. The Central Government and the Bangsamoro Government shall cooperate and coordinate through the intergovernmental relations mechanism.

- k. Customs and Tariff. – The Bangsamoro Government and the Central Government shall cooperate and coordinate through the intergovernmental relations mechanism with regard to the enforcement of customs and tariff laws and regulations to ensure the effective exercise of its powers on barter trade and countertrade with member countries of the Association of Southeast Asian Nations (ASEAN), as well as the regulation of the entry of *haram* goods in the Bangsamoro territorial jurisdiction.

- l. Administration of Justice. – Administration of justice shall be in accordance with the relevant provisions of this Basic Law and with due regard to the powers of the Supreme Court and the competence of the Bangsamoro Government over *Shari'ah* courts and the *Shari'ah* justice system in the Bangsamoro. The supremacy of *Shari'ah* and its application shall only be to Muslims.

- m. Funding for the Maintenance of Airports, Wharves, National Roads, Bridges, and Irrigation Systems. – The Central Government shall be responsible for the funding, construction, and maintenance of national roads, bridges, and irrigation systems in the Bangsamoro, and shall include in the National Road Network Information System all national roads and bridges in the Bangsamoro. There shall be coordination through the intergovernmental relations mechanism between the relevant Central Government and Bangsamoro

1 Government agencies on the matter of national roads, bridges, and
2 irrigation systems within the Bangsamoro.
3

4 The Bangsamoro Government shall submit proposals to the
5 appropriate national government agency for the inclusion of the cost
6 of such maintenance in the latter's budget that shall be submitted to
7 Congress for inclusion in the General Appropriations Act. Funding for
8 national roads, bridges, and irrigation systems shall be regularly
9 released to the relevant department of the Central Government.
10

- 11 n. Disaster Risk Reduction and Management. – The Bangsamoro
12 Government shall have primary responsibility over disaster risk
13 reduction and management within the Bangsamoro. There shall be
14 cooperation and coordination among relevant Central Government
15 and Bangsamoro Government agencies on disaster risk reduction
16 and management. There is hereby created a Bangsamoro Disaster
17 Risk Reduction and Management Council (BDRRMC), with powers
18 and functions that shall be defined by the Bangsamoro Parliament in
19 a law on disaster preparedness and response. The BDRRMC shall
20 formulate the Bangsamoro Disaster Risk Reduction and Management
21 Plan, which shall complement the National Disaster Risk Reduction
22 and Management Framework and Plan of the Central Government.
23 Additionally, the BDRRMC, through its Chair, the Chief Minister, may
24 recommend to the President the mobilization of resources of national
25 defense in times of disasters in the Bangsamoro.
26
- 27 o. Public Order and Safety. – The Bangsamoro Government shall have
28 primary responsibility over public order and safety within the
29 Bangsamoro. It shall have powers over public order and safety
30 including those related to jail management, fire prevention, and
31 trainings on public safety. The Central Government and the
32 Bangsamoro Government shall cooperate and coordinate through
33 the intergovernmental relations mechanism.

34 **Sec. 3. Exclusive Powers.** - Exclusive powers are matters over which authority
35 and jurisdiction shall pertain to the Bangsamoro Government. The Bangsamoro

1 Government shall exercise these powers over the following matters within the
2 Bangsamoro:

3

4 a. Agriculture, livestock, and food security;

5

6 b. Economic and cultural exchange;

7

8 c. Contract loans, credits, and other forms of indebtedness with any government or
9 private bank and other lending institutions, except those requiring sovereign
10 guaranty, which require Central Government approval;

11

12 d. Trade, industry, investment, enterprises, and regulation of businesses taking into
13 consideration relevant laws;

14

15 e. Labor, employment, and occupation;

16

17 f. Registration of business names, with the Bangsamoro Government listing these in
18 the Philippine Business Registry for business names;

19

20 g. Barter Trade and Countertrade with ASEAN countries;

21

22 h. Economic zones and industrial centers;

23

24 i. Free Ports. – The Bangsamoro Government may establish free ports in the
25 Bangsamoro. The Bangsamoro Government shall cooperate with the Central
26 Government through the intergovernmental relations mechanism on customs,
27 immigration, quarantine service, and international commitments. Business and
28 other enterprises operating within the Bangsamoro free ports shall be entitled to
29 the fiscal incentives and other benefits provided by the Central Government to
30 special economic zones. Bangsamoro free ports shall be contiguous or adjacent to
31 a seaport or airport within the Bangsamoro;

32

33 j. Tourism;

34

35 k. Creation of sources of revenue;

36

1 I. Budgeting;

2
3 m. Islamic Financial and Banking System. – This is without prejudice to the power of
4 supervision of the Bangko Sentral ng Pilipinas (BSP) and provided further that the
5 Bangsamoro Government, the BSP, the Department of Finance (DOF), and the
6 National Commission on Muslim Filipinos (NCMF) shall jointly promote the
7 development of the Islamic banking system, to include among others the
8 establishment of a *Shari'ah* supervisory board;

9
10 n. Establishment of Government-Owned and/or -Controlled Corporations (GOCCS)
11 and Financial Institutions. – The Bangsamoro Government shall legislate and
12 implement the creation of its own GOCCs in the pursuit of the common good, and
13 subject to economic viability. The GOCCs shall be registered with the Securities
14 and Exchange Commission (SEC) or shall be established under legislative charter
15 by the Bangsamoro Government;

16
17 o. The Bangsamoro Government shall have authority to regulate power generation,
18 transmission, and distribution operating exclusively in the Bangsamoro and not
19 connected to the National Transmission Grid. It shall promote investments,
20 domestic and international, in the power sector industry in the Bangsamoro.
21 Power plants and distribution networks in the Bangsamoro shall be able to
22 interconnect and sell power over the National Transmission Grid to electric
23 consumers. The Bangsamoro Government may assist electric cooperatives in
24 accessing funds and technology to ensure their financial and operational viability.
25 When power generation, transmission, and distribution facilities are connected to
26 the National Transmission Grid, the Central Government and the Bangsamoro
27 Government shall cooperate and coordinate through the intergovernmental
28 relations mechanism. All these will be subject to Section 34, Article XIII of this
29 Basic Law;

30
31 p. Public Utilities Operations in the Bangsamoro. – In case of inter-regional utilities,
32 there shall be cooperation and coordination among the relevant government
33 agencies;

34
35 q. Receive grants and donations;

36

- 1 r. Education and skills training;
2
3
- 4 s. Science and technology;
5
- 6 t. Research councils and scholarships;
7
- 8 u. Culture and language;
9
- 10 v. Sports and recreation;
11
- 12 w. Regulation of games and amusement operations within the Bangsamoro;
13
- 14 x. Libraries, Museums, Historical, Cultural and Archaeological Sites. – The
15 Bangsamoro Government shall have the power to establish its own libraries and
16 museums and declare historical and cultural sites. The Central Government shall
17 transfer the management of such sites currently under the jurisdiction of the
18 National Museum, National Historical Commission, and other agencies of the
19 Central Government, to the Bangsamoro Government or local governments
20 therein, following certain processes through the intergovernmental relations
21 mechanism. With regard to archaeological sites, the Bangsamoro Government
22 shall coordinate with relevant agencies of the Central Government on the
23 regulation, excavation, preservation, and exportation of cultural properties, as well
24 as on the recovery of lost historical and cultural artifacts;
25
- 26 y. Regulations on manufacture and distribution of foods, drinks, drugs, and tobacco
27 for the welfare of the Bangsamoro;
28
- 29 z. Hajj and Umrah. – The Bangsamoro Government shall have primary jurisdiction
30 over Hajj and Umrah matters affecting pilgrims from within the Bangsamoro. The
31 Central Government shall have competence over Hajj and Umrah matters affecting
32 pilgrims coming from outside the Bangsamoro. There is hereby created a
33 Bangsamoro pilgrimage authority that shall act in close coordination with the
34 Central Government on Hajj and Umrah matters involving offices and agencies
35 outside the Bangsamoro;
36

- 1 aa. Customary laws;
2
- 3 bb. Declaration of Bangsamoro holidays;
4
- 5 cc. Ancestral domain and natural resources;
6
- 7 dd. Protection of the rights of the indigenous people in the Bangsamoro in accordance
8 with the United Nations Declaration on the Rights of Indigenous Peoples, and
9 taking into account in addition to economic and geographical criteria, their
10 individual and communal property rights, cultural integrity, customary beliefs, and
11 historical and community traditions. The Bangsamoro Parliament shall create an
12 appropriate office or ministry for the indigenous peoples, which shall be part of
13 the Bangsamoro Cabinet, to develop and implement the Bangsamoro programs for
14 the indigenous peoples in accordance with a law passed by the Bangsamoro
15 Parliament;
16
- 17 ee. Land Management, Land Distribution, and Agricultural Land Use Reclassification.
18 – The classification of public lands into alienable and disposable lands shall be
19 initiated and recommended by the Bangsamoro Government to the President for
20 the timely implementation of Bangsamoro development plans and targets;
21
- 22 ff. Cadastral Land Survey. – The Bangsamoro Government shall have the authority to
23 conduct cadastral surveys, lot surveys, and isolated and special surveys in the
24 Bangsamoro. The Bangsamoro Government shall furnish the results of these
25 surveys to, and coordinate with, relevant Central Government agencies to effect
26 inclusion into national cadastral survey;
27
- 28 gg. Expropriation and eminent domain;
29
- 30 hh. Environment, Parks, Forest Management, Wildlife, Nature Reserves and
31 Conservation. – The Bangsamoro Government shall have the authority to protect
32 and manage the environment. It shall have the power to declare nature reserves
33 and aquatic parks, forests, watershed reservations, and other protected areas in
34 the Bangsamoro;
35
- 36 ii. Inland waterways for navigation;

- 1
2 jj. Inland waters;
3
4 kk. Management, regulation, and conservation of all fishery, marine and aquatic
5 resources within the Bangsamoro territorial jurisdiction;
6
7 ll. Bangsamoro settlements;
8
9 mm. Customary justice;
10
11 nn. *Shari'ah* courts and *Shari'ah* justice system;
12
13 oo. Public administration and bureaucracy for the Bangsamoro;
14
15 pp. Health, provided that the Central Government and the Bangsamoro Government
16 shall cooperate with and assist each other in the prevention and control of
17 epidemic and other communicable diseases;
18
19 qq. Social services, social welfare and charities;
20
21 rr. Waste Management;
22
23 ss. Establishment and supervision of humanitarian services and institutions;
24
25 tt. Identification, generation, and mobilization of international human resources for
26 capacity building and other activities involving the same within the Bangsamoro.
27 The Central Government shall cooperate with and assist the Bangsamoro
28 Government towards ensuring access to such relevant human resources through
29 the intergovernmental relations mechanism;
30
31 uu. Establishment of Awqaf (endowment) and charitable trusts;
32
33 vv. Hisbah office for accountability as part of the *Shari'ah* justice system;
34
35
36 ww. Registration of births, marriages, and deaths, copies of which shall be
37 forwarded to the Philippine Statistics Authority;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

xx. Housing and human settlements;

yy. Development planning;

zz. Urban and rural development;

aaa. Water supplies and services, flood control, and irrigation systems in the Bangsamoro:
Provided, That with regard to water supplies and services, flood control, and irrigation systems that connect to or from facilities outside the Bangsamoro, there shall be cooperation and coordination between the Bangsamoro Government and the appropriate Central or local government bodies;

bbb. Public works and highways within the Bangsamoro;

ccc. Establishment of appropriate mechanisms for consultations for women and marginalized sectors;

ddd. Special development programs and laws for women, labor, the youth, the elderly, the differently-abled, and indigenous peoples;

eee. Local Administration, Municipal Corporations and Other Local Authorities Including the Creation of Local Governments. – The Bangsamoro Government shall manage and build its own bureaucracy and administrative organization, in accordance with the ministerial form of government;

The Bangsamoro Parliament may create, divide, merge, abolish, or substantially alter boundaries of provinces, cities, municipalities, or barangays in accordance with a law enacted by the Bangsamoro Parliament and shall be entitled to their appropriate share in the national taxes or Internal Revenue Allotment, provided that the criteria laid down in Republic Act No. 7160 or the Local Government Code of 1991 are satisfied, and

1 subject to the approval by a majority of the votes cast in a plebiscite in the political units
2 directly affected.

3 In the event the Bangsamoro Parliament will create, divide, merge, abolish, or
4 substantially alter boundaries of provinces, cities, municipalities, or barangays that will
5 not be compliant with the criteria laid down in R.A. No. 7160 the share of the concerned
6 local government unit in the Internal Revenue Allotment shall come from the Bangsamoro
7 Government. Subject to the criteria provided in said law, the Bangsamoro Parliament
8 may likewise create appropriate local government units in the areas inhabited
9 predominantly by indigenous peoples.

10 However, when such acts require the creation of a congressional district, the
11 Bangsamoro Government shall cooperate and coordinate with the Central Government
12 through the Philippine Congress – Bangsamoro Parliament Forum to prioritize the
13 deliberations on the creation of the congressional district; and

14
15 fff. Establishment or creation of other institutions, policies, and laws for the general
16 welfare of the people in the Bangsamoro.

17
18 **Sec. 4. Other Exclusive Powers.** – The following vested powers and
19 competencies previously granted to the ARMM under R.A. No. 6734 as amended by R.A.
20 No. 9054, are hereby transferred to the Bangsamoro Government as part of its exclusive
21 powers:

22
23 a. To regulate and exercise authority over foreign investments within
24 its jurisdiction. The Central Government may intervene in such matters only if
25 national security is involved;

26
27 b. To proclaim a state of calamity over its territorial jurisdiction or parts
28 thereof whenever typhoons, flash floods, earthquakes, tsunamis, or other
29 natural calamities cause widespread damage or destruction to life or property
30 in the region. The state of calamity proclaimed by the Chief Minister shall only
31 be for the purpose of maximizing the efforts to rescue imperiled persons and
32 property and the expeditious rehabilitation of the damaged area;

1
2 c. To temporarily take over or direct operation of any privately-owned
3 public utility or business affected with public interest operating exclusively in
4 the Bangsamoro in times of state of calamity declared by the Chief Minister,
5 when the public interest so requires, and under such reasonable terms and
6 safeguards as may be prescribed by the Bangsamoro Parliament. The public
7 utility or business concerned may contest the take-over of its operations by
8 the Bangsamoro Government by filing a proper case or petition with the Court
9 of Appeals;

10
11 d. To recognize constructive or traditional possession of lands and
12 resources by indigenous peoples subject to judicial affirmation, when the
13 petition for such is instituted within a period of ten (10) years from the
14 effectivity of this Basic Law. The procedure for judicial affirmation of imperfect
15 titles under existing laws shall, as far as practicable, apply to the judicial
16 affirmation of titles to ancestral lands;

17
18 e. To adopt and implement a comprehensive urban land reform and
19 land use program to ensure the just utilization of lands within its jurisdiction;

20
21 f. The Bangsamoro Parliament shall have the following powers:

22
23 i. To enact legislation on the rights of the people
24 of the Bangsamoro to initiate measures for the passage, amendment, or
25 repeal of regional or local legislation; to be consulted on matters that
26 affect their environment; to call for a referendum on important issues
27 affecting their lives; and on initiatives;

28
29 ii. To conduct inquiries or public consultations in
30 aid of legislation in accordance with its rules. In connection therewith, it
31 shall have the power to issue subpoena or subpoena *duces tecum* to
32 compel the attendance of witnesses and the production of papers,

1 documents, or things by witnesses or persons under investigation by the
2 Parliament itself, or by any of its committees. It shall also have the right
3 to cite witnesses or persons under investigation for contempt for refusal
4 to testify before it or before any of its committees, or to produce papers,
5 documents, or things required by the Parliament or any of its committees.
6 The rights of persons appearing in or affected by such inquiries shall be
7 respected;

8
9 iii. To enact a law that would allow the Chief
10 Minister, Speaker of the Parliament, and the Presiding Justice of the
11 Bangsamoro *Shari'ah* High Court to augment any item in the Bangsamoro
12 General Appropriations Law for their respective offices from savings in
13 other items of their respective appropriations;

14
15 iv. Within the competencies of the Bangsamoro
16 Government, to enact a law that shall regulate the grant of franchises
17 and concessions, and empower the Chief Minister to grant leases,
18 permits, and licenses over agricultural lands and for forest management;

19
20 g. To create pioneering firms and other business entities needed to
21 boost economic development in the Bangsamoro;

22
23 h. To establish and operate pioneering public utilities in the interest of
24 regional welfare and security. Upon payment of just compensation, it may
25 cause the transfer of the ownership of such utilities to cooperatives or other
26 collective organizations;

27
28 i. To support and encourage the building up of entrepreneurial
29 capability in the Bangsamoro and to recognize, promote, and protect
30 cooperatives;

1 j. To supervise and regulate private schools in the Bangsamoro and to
2 allow the participation of three (3) representatives of private schools in the
3 deliberations of the appropriate Bangsamoro Government's ministry,
4 Commission on Higher Education (CHED), Technical Education and Skills
5 Development Authority (TESDA), and other government agencies on matters
6 dealing with private schools;

7
8 k. To be represented in the board of the state universities and colleges
9 in the Bangsamoro by the Chair of the appropriate committee of the
10 Bangsamoro Parliament as member. The state universities and colleges within
11 the Bangsamoro shall be considered part of the Bangsamoro educational
12 system. This notwithstanding, these state universities and colleges shall enjoy
13 academic freedom and fiscal autonomy and shall continue to be governed by
14 their respective charters;

15
16 l. To supervise, through the appropriate ministry, the accredited
17 *Madaris* in the Bangsamoro;

18
19 m. To conduct periodic competitive qualifying examinations of *Madaris*
20 teachers for permanent appointments to the Bangsamoro education system;

21
22 n. To adopt measures to protect and promote the rights of people's
23 organizations and other collective organizations;

24
25 o. To adopt measures for the protection of the youth in the Bangsamoro
26 and the promotion of their welfare, and to create the appropriate office and
27 other mechanisms for the implementation of such measures;

28
29 p. To enforce the policy against the appointment or designation of any
30 member of the Armed Forces of the Philippines in the active service to a civilian
31 position in the Bangsamoro Government, including GOCCs, or in any of their
32 subsidiaries or instrumentalities within the Bangsamoro.

1
2
3 **ARTICLE VI**

4 **INTERGOVERNMENTAL RELATIONS**

5 **Sec. 1. Asymmetric Relationship.** – The relationship between the Central
6 Government and the Bangsamoro Government shall be asymmetric. This is reflective of
7 the recognition of their Bangsamoro identity and their aspiration for self-governance.
8 This makes it distinct from other regions and other local governments.

9 **Sec. 2. Parity of Esteem.** – The Central Government and the Bangsamoro
10 Government shall be guided by the principles of parity of esteem and accepted norms
11 of good governance. The Central Government shall respect the exercise of competencies
12 and exclusive powers of the Bangsamoro Government. The Bangsamoro Government
13 shall respect the exercise of the competencies and reserved powers of the Central
14 Government.

15 **Sec. 3. General Supervision.** – Consistent with the principle of autonomy and
16 the asymmetric relation of the Central Government and the Bangsamoro Government,
17 the President shall exercise general supervision over the Bangsamoro Government to
18 ensure that laws are faithfully executed.

19 **Sec. 4. Intergovernmental Relations Mechanism.** – The Central Government
20 and the Bangsamoro Government shall establish a mechanism at the highest levels that
21 will coordinate and harmonize their relationships. For this purpose, the primary
22 mechanism shall be the Central Government – Bangsamoro Government
23 Intergovernmental Relations Body to resolve issues on intergovernmental relations. All
24 disputes and issues relating to these intergovernmental relations shall be resolved
25 through regular consultations and continuing negotiations in a non-adversarial manner.

26 The Central Government - Bangsamoro Government Intergovernmental
27 Relations Body shall exhaust all means to resolve all issues brought before it. Unresolved
28 issues shall be elevated to the President through the Chief Minister.

29 The Central Government and the Bangsamoro Government shall each
30 appoint a representative in the Intergovernmental Relations Body. Both representatives
31 shall have authority to make decisions. The body shall be supported by a joint
32 secretariat.

1 The Central Government - Bangsamoro Government Intergovernmental Relations
2 Body is hereby authorized to create other intergovernmental bodies or boards other
3 than those specified in this Basic Law or as may be necessary: *Provided*, That these
4 bodies or boards, as well as all others already created in this Basic Law shall be under
5 the supervision and oversight of the Central Government – Bangsamoro Government
6 Intergovernmental Relations Body: *Provided further*, That these bodies or boards shall
7 not encroach upon the exercise of the exclusive powers of the Bangsamoro Government.

8 **Sec. 5. Philippine Congress - Bangsamoro Parliament Forum.** – There shall
9 be a Philippine Congress-Bangsamoro Parliament Forum for purposes of cooperation and
10 coordination of legislative initiatives.

11 **Sec. 6. Intergovernmental Fiscal Policy Board.** – There is hereby created an
12 Intergovernmental Fiscal Policy Board (IGFPB) that shall address revenue imbalances
13 and fluctuations in regional financial needs and revenue-raising capacity of the
14 Bangsamoro, whose functions and composition are provided for in Article XII of this
15 Basic Law.

16 **Sec. 7. Joint Body for the Zones of Joint Cooperation.** - There is hereby
17 created a Joint Body for the Zones of Joint Cooperation, which shall be responsible for
18 formulating policies relating to the Zones of Joint Cooperation in the Sulu Sea and Moro
19 Gulf, whose functions and composition are provided for in Section 20, Article XIII of this
20 Basic Law.

21 **Sec. 8. Intergovernmental Infrastructure Development Board.** - There is
22 hereby created an Intergovernmental Infrastructure Development Board, which shall be
23 responsible for coordinating and synchronizing national and Bangsamoro infrastructure
24 development plans including those provided under Section 2 of Article V, Section 25 of
25 Article XII, Section 1 of Article XIV, and Section 15 of Article VI of this Basic Law.

26 The Board shall be composed of the heads and/or representatives of the
27 appropriate ministries and offices in the Bangsamoro Government. The Central
28 Government shall likewise be represented in the Board by the Secretary of Public Works
29 and Highways and such other officials as may be necessary to be designated by the
30 Secretary of Public Works and Highways.

31 **Sec. 9. Intergovernmental Energy Board.** - There is hereby created an
32 Intergovernmental Energy Board. It shall resolve all matters specified in Section 34,
33 Article XIII of this Basic Law and other energy issues referred to it by the Central
34 Government - Bangsamoro Government Intergovernmental Relations Body. It shall be

1 composed of the representatives of both governments coming from their respective
2 Departments of Energy, Regulatory Commissions, and Electrification Administrations.

3
4 **Sec. 10. Bangsamoro Sustainable Development Board.** - The Bangsamoro
5 Parliament shall create a Bangsamoro Sustainable Development Board (BSDB), an
6 intergovernmental body composed of representatives from the Bangsamoro Government
7 and the Central Government. The Board shall ensure the harmonization of environmental
8 and developmental plans, as well as formulate common environmental objectives.

9
10 **Sec. 11. Council of Leaders.** – The Bangsamoro Council of Leaders shall consist
11 of the Chief Minister, provincial governors, mayors of chartered cities, and
12 representatives of traditional leaders, non-Moro indigenous communities, women, settler
13 communities, *Ulama*, youth, Bangsamoro communities outside of the Bangsamoro
14 territory, and other sectors. The Bangsamoro Council of Leaders shall be chaired by the
15 Chief Minister. The Council shall advise the Chief Minister on matters of governance in
16 the Bangsamoro. The representation of the non-Moro indigenous communities shall be
17 pursuant to their customary laws and indigenous processes.

18 The mechanism of representation and number of representatives shall be
19 determined by the Bangsamoro Parliament.

20
21 **Sec. 12. Devolution and Subsidiarity.** – The Central Government and the
22 Bangsamoro Government accept the concept of devolution as inspired by the principles
23 of subsidiarity. Decisions are to be made at the appropriate level to ensure public
24 accountability and transparency, and in consideration of good governance and the
25 general welfare.

26
27 **Sec. 13. Bangsamoro Government and its Constituent Local Government**
28 **Units.** – The provinces, cities, municipalities, barangays, and geographic areas within
29 its territory shall be the constituent units of the Bangsamoro. The authority to regulate
30 on its own responsibility the affairs of the local government units is guaranteed within
31 the limits of this Basic Law. The local government units shall continue to exercise the
32 powers granted to them by law. For good governance, the Bangsamoro Parliament may
33 enact a Local Government Code.

1 on matters within its authority, and elect a Chief Minister who shall exercise executive
2 authority on its behalf.

3 **Sec. 3. Legislative Authority.** – The Bangsamoro Parliament shall have the
4 authority to enact laws on matters that are within the powers and competencies of the
5 Bangsamoro Government.

6 **Sec. 4. Executive Authority.** - The executive function and authority shall be
7 exercised by the Cabinet, which shall be headed by a Chief Minister. The Chief Minister
8 who heads the parliamentary government of the Bangsamoro shall be elected by a
9 majority vote of the Parliament from among its members.

10 The Chief Minister shall appoint two (2) Deputy Chief Ministers, as provided
11 under Section 36, Article VII and the members of the Cabinet, majority of whom shall
12 also come from the Bangsamoro Parliament.

13 **Bangsamoro Parliament**

14 **Sec. 5. Composition.** – The Parliament shall be composed of at least eighty (80)
15 members, unless otherwise provided by the Parliament, who are representatives of
16 political parties elected through a system of proportional representation, those elected
17 from single member districts, and to reserved seats to represent key sectors in the
18 Bangsamoro, except as otherwise provided under this Article.

19
20 **Sec. 6. Classification and Allocation of Seats.** – The seats in the Bangsamoro
21 Parliament shall be classified and allocated as follows:

- 22
23 a. District Seats. – Forty percent (40%) of the members of Parliament shall
24 be elected from single member parliamentary districts apportioned for the
25 areas and in the manner provided in the Appendix of this Basic Law.

26
27 The Bangsamoro Parliament may, by law, undertake new redistricting in
28 order to ensure a more equitable representation of the constituencies in the
29 Bangsamoro Parliament.

30

1 The District Representatives shall be elected through direct, plurality vote
2 by the registered voters in the parliamentary districts.

3
4 b. Party Representatives. – Fifty percent (50%) of the members of Parliament
5 shall be representatives of political parties who win seats through a system
6 of proportional representation based on the whole Bangsamoro territory.
7 Parties shall submit their respective list of approved candidates prior to the
8 election.

9
10
11 c. Reserved Seats; Sectoral Representatives. – Sectoral Representatives,
12 constituting ten percent (10%) of the members of Parliament, including
13 two (2) reserved seats each for non-Moro indigenous peoples and settler
14 communities. Women, youth, traditional leaders, and the *Ulama* shall also
15 have one (1) reserved seat each.

16
17 The Parliament shall have the power to determine the manner of
18 election of its sectoral and other representatives.

19
20 **Sec. 7. Election for Reserved Seats for Non-Moro Indigenous Peoples. –**
21 Notwithstanding the immediately preceding sections, reserved seats for the non-Moro
22 indigenous peoples, such as but not limited to, Teduray, Lambangian, Dulangan Manobo,
23 B'laan, and Higaonon, shall be pursuant to their customary laws and indigenous
24 processes based on the following:

25
26 a. Primacy of customary laws and practices;

27 b. Primacy of consensus building;

28 c. Acceptability of the community;

29 d. Inclusivity and full participation;

30 e. Representation of the collective interests and aspirations of non-Moro indigenous
31 peoples;

1 f. Sustainability and strengthening of Indigenous Political Structures;

2 g. Track record and capability; and

3 h. Gender equity.

4
5 **Sec. 8. Election of the Representatives of the Settlers, Women, Youth, and**
6 **Traditional Leaders.** - The Bangsamoro Transition Authority (BTA) shall enact the law
7 defining the manner of election for the representatives of the settlers, women, youth,
8 and traditional leaders.

9
10 **Sec. 9. Regional Parties.** – A free and open regional party system shall be allowed
11 to evolve according to the free choice of the people. Towards this end, only regional
12 political parties duly accredited by the Bangsamoro Electoral Office, as approved by the
13 Commission on Election (COMELEC), may participate in the parliamentary elections in
14 the Bangsamoro.

15
16 **Sec. 10. Redistricting.** – The Parliament shall have the power to reconstitute, by
17 law, the parliamentary districts apportioned among the provinces, cities, municipalities,
18 and geographic areas of the Bangsamoro to ensure equitable representation in the
19 Parliament. The redistricting, merging, or creation of parliamentary districts shall be
20 based on the number of inhabitants and additional provinces, cities, municipalities, and
21 geographic areas, which shall become part of the territory of the Bangsamoro
22 Government.

23 For the purpose of redistricting, parliamentary districts shall be apportioned based
24 on population and geographical area: *Provided*, That each district shall comprise, as far
25 as practicable, contiguous, compact, and adjacent territory, and should have at least a
26 population of one hundred thousand (100,000).

27
28 **Sec. 11. Bangsamoro Electoral Code.** – The BTA shall enact the Bangsamoro
29 Electoral Code, which shall be correlated to national election laws, insofar as these are
30 consistent with this Basic Law. The electoral system shall allow democratic participation,
31 ensure accountability of public officers primarily to their constituents, and encourage
32 formation of genuinely principled political parties.

1 There is hereby created a Bangsamoro Electoral Office which shall be a part
2 of the COMELEC and shall be under its direct control and supervision. The Bangsamoro
3 Electoral Office shall perform the functions of the COMELEC in the Bangsamoro.

4 The Bangsamoro Electoral Office shall be headed by the COMELEC
5 Commissioner-in-Charge for the Bangsamoro. In addition to enforcing national election
6 laws in the Bangsamoro, the Bangsamoro Electoral Office shall likewise implement the
7 Bangsamoro Electoral Code enacted by Parliament, and shall perform the following
8 functions:

- 9 a. Register and accredit regional political parties;
- 10 b. In relation to plebiscite for joining the Bangsamoro, receive petitions/resolutions
11 to join from geographic areas;
- 12 c. Schedule plebiscites for expansion; and
- 13 d. Prepare rules and regulations for Bangsamoro elections and plebiscites for the
14 promulgation of the COMELEC. All rules and regulations governing Bangsamoro
15 elections and plebiscites shall emanate from the Bangsamoro Electoral Office.

16
17 **Sec. 12. Budget for the Bangsamoro Electoral Office.** – The budget of the
18 Electoral Office shall be submitted by the Bangsamoro Electoral Office to be part of the
19 annual budget of the COMELEC.

20
21 **Sec. 13. Term of Office.** The initial term of office of the members of the
22 Parliament shall be three (3) years, without prejudice to the power of the BTA to include
23 in the Election Code a new term of office.

24
25 **Sec. 14. Qualifications.** - No person shall be a member of Parliament unless he
26 or she is a citizen of the Philippines, at least twenty-five (25) years of age on the day of
27 the election, able to read and write, and a registered voter in the Bangsamoro.

28 The Youth representative shall not be less than eighteen (18) years and not more
29 than forty (40) years of age at the time of his/her election.

1 For District Representatives, he or she must be a registered voter of the district for
2 which he or she files his or her certificate of candidacy, and has resided in said district
3 for at least three (3) years immediately preceding the day of the election.

4 For the first regular election immediately following the enactment of this Basic Law,
5 the abovementioned residency requirement shall be reduced to one (1) year immediately
6 preceding the day of the election.

7
8 **Sec. 15. Prohibition.** - No Party Representative should be related within the
9 second (2nd) civil degree of consanguinity or affinity to a District Representative or
10 another Party Representative in the same Parliament.

11
12 **Sec. 16. Salaries of Parliament Members.** – The Parliament shall determine the
13 salaries and emoluments of its members: *Provided*, That the salaries and emoluments
14 of the members of the Parliament shall not be higher than the salaries and emoluments
15 of the Chief Minister or the members of the Philippine Congress. No increase in said
16 compensation shall take effect until after the expiration of the full term of all the
17 members of the Parliament approving such increase.

18 For the first Parliament, salaries and emoluments of its members shall be
19 determined by a law passed by the BTA.

20 Members of the Parliament shall not receive during their tenure other salary and
21 emoluments from the Bangsamoro Government or from the Central Government, except
22 as provided by law or regulations from the Parliament.

23
24 **Sec. 17. Disclosure.** – Members of the Parliament shall, upon their assumption
25 to office, make full disclosure of their financial and business interests, including those of
26 their spouses and children. They shall notify the Parliament of any potential conflict of
27 interest that may arise from the filing of bills or resolutions of which they are authors.

28
29 **Sec. 18. Prohibition Against Conflict of Interest.** – The Chief Minister, Deputy
30 Chief Ministers, and all the members of the Parliament, during their term, shall not
31 engage, directly or indirectly, in any business or commercial enterprise where there may
32 be a conflict of interest in the exercise of the functions of their respective offices.

1 No member of the Parliament may personally appear as counsel before courts of
2 justice or quasi-judicial and other administrative bodies. Neither shall the member,
3 directly or indirectly, be financially interested in any contract with, or in any franchise or
4 special privilege granted by the Central Government or by the Bangsamoro Government,
5 or any subdivision, agency, or instrumentality thereof, including any GOCCs or its
6 subsidiary, during his or her term of office. The member shall not intervene in any
7 manner before any office of the government for his or her pecuniary benefit or where
8 he or she may be called upon to act on account of his or her office.

9
10 **Sec. 19. Forfeiture of Seat.** - A member of Parliament shall forfeit his or her seat
11 if:

- 12
- 13 a. He/she resigns voluntarily in the form of either a written or oral declaration in
14 the Parliament;
 - 15 b. He/she is convicted of a grave offense by a regular court or found guilty of grave
16 offense as defined by the Rules of the Parliament, e.g. treason, high crimes,
17 heinous crimes, crimes against morality, or other crimes punishable by
18 imprisonment of more than six (6) years. He/she may be expelled by the
19 Parliament through its Ethics Committee;
 - 20 c. He/she becomes permanently, physically, or mentally incapacitated and is
21 unable to discharge his/her duties as member of Parliament or dies while in
22 office;
 - 23 d. He/she, having been elected under the proportional representation system, is
24 replaced by the party to which he/she belongs with another member of said
25 party;
 - 26 e. He/she, having been elected under the proportional representation system,
27 transfers to another party during his/her incumbency as member of Parliament;
28 and
 - 29 f. Such other grounds as may be provided in the Bangsamoro Electoral Code as
30 provided under Section 11, Article VII of this Basic Law.
- 31

32 **Sec. 20. Filling of Vacancy.** - In case of a vacancy of a proportional
33 representation seat, the party to which that seat belongs shall fill the vacancy.

1 In case of a vacancy of a district seat by an affiliated member of Parliament, his/her
2 party shall nominate a replacement within thirty (30) days from the occurrence of such
3 vacancy, and the said nominee shall be appointed by the Chief Minister.

4 In case of a vacancy in the seat occupied by an unaffiliated member of Parliament,
5 occurring at least one (1) year before the expiration of the term of office, a special
6 election may be called to fill such vacancy in the manner prescribed by law enacted by
7 Parliament.

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

10
11 **Sec. 21. Privileges and Immunities.** – No member of the Parliament may be
12 arrested while the Parliament is in session, except for crimes punishable by imprisonment
13 of more than six (6) years. The members of Parliament may not be questioned in any
14 other place or held liable for any speech or debate delivered in the Parliament sessions
15 or meetings of its committees.

16
17 **Sec. 22. Sessions of the Bangsamoro Parliament.** – The Parliament shall
18 conduct its regular session forty-five (45) days after the election of the Parliament up to
19 thirty (30) days before the opening of its next regular session, unless earlier dissolved by
20 a vote of no confidence. A special or emergency session may be called by the Speaker,
21 upon the request of the Chief Minister or by a majority of the members of the Bangsamoro
22 Parliament.

23
24 **Sec. 23. Officers of the Bangsamoro Parliament.** – On the first session
25 following their election, the members of Parliament shall, in open session, elect by a
26 simple majority vote from all its members the Speaker, a Deputy Speaker, and the other
27 officers of the Parliament, as the Rules of the Parliament may provide.

28 In case of death, removal, resignation, or permanent disability or legal incapacity of
29 the Speaker, the Deputy Speaker shall act as Speaker until a new Speaker shall have
30 been elected by the Parliament.

31

1 **Sec. 24. Presiding Officer.** – The Speaker, Deputy Speaker, or any other person
2 presiding over the Parliament shall:

- 3 a. Serve to secure the honor and dignity of the Parliament;
4 b. Be responsible for ensuring the rights and privileges of all members and public
5 access to the proceedings of the Parliament and its committees;
6 c. Have the authority and moral ascendancy to maintain order and decorum in the
7 Parliament, in accordance with its Rules; and
8 d. Act impartially, and without fear, favor, and prejudice.
9

10 **Sec. 25. Rules of Parliament.** – The Parliament shall adopt its own Rules for the
11 conduct of its business.
12

13 **Sec. 26. Proceedings.** – A majority of all the members of the Parliament shall
14 constitute a quorum to do business. The legislative proceedings in the Parliament shall
15 be recorded in its original form and translated in the Filipino, Arabic, and English
16 languages. Unless otherwise provided by law or the Rules of the Parliament, the members
17 of Parliament may use any of the commonly understandable native languages during
18 legislative deliberations.
19

20 **Sec. 27. General Welfare.** – The Parliament shall pass laws that promote the
21 general welfare of the people in the Bangsamoro.
22

23 **Sec. 28. Appropriations.** – No public money may be spent without an
24 appropriations act clearly defining the purpose for which it is intended. The Parliament
25 shall pass an annual appropriations law.
26

27 **Sec. 29. Budget.** – The form, content, and manner of preparation of the
28 Bangsamoro budget shall be prescribed by law enacted by the Parliament. Pending the
29 enactment of such law, the budgeting process shall be governed by existing laws, rules,
30 and regulations on budget. For this purpose, the Parliament shall create a Bangsamoro
31 Budget Office.
32

- 1 c. Appoints other officers in the Bangsamoro Government, as may be provided by
2 the Bangsamoro Parliament;
- 3 d. Formulates platform of government subject to approval by the Bangsamoro
4 Parliament;
- 5 e. Issues executive orders and other policies of the Bangsamoro Government;
- 6 f. Represents the government of the Bangsamoro in affairs outside the
7 Bangsamoro; and
- 8 g. Exercises such other powers and functions inherent to the position.
- 9

10 **Sec. 34. Administration of Oath of the Chief Minister.** – The *Wali* shall
11 administer the oath of office of all the members of Parliament, including the Chief Minister
12 upon his/her election.

13

14 **Sec. 35. Ex officio Membership.** - The Chief Minister shall be a member of the
15 National Security Council (NSC) on matters concerning the Bangsamoro, the National
16 Economic and Development Authority (NEDA) Board, the Mindanao Development
17 Authority (MinDA) Board, and the Bangsamoro Police Board.

18

19 **Sec. 36. Deputy Chief Ministers.** – There shall be two (2) Deputy Chief Ministers
20 to be appointed by the Chief Minister, as nominated by members of Parliament from
21 among themselves.

22 For the purpose of shared leadership, the Bangsamoro shall have three (3) sub-
23 regions, namely, south western Mindanao, north central Mindanao, and south central
24 Mindanao, all within the Bangsamoro. To ensure representation of all the sub-regions,
25 the two (2) Deputy Chief Ministers shall come from the other two (2) sub-regions
26 different from that of the Chief Minister.

27 The coverage of each sub-region, for purposes of this provision, shall be determined
28 by the Bangsamoro Parliament and shall be adjusted accordingly to include other areas
29 based on results of the periodic plebiscite.

30 The Deputy Chief Ministers may each hold a cabinet position.

31 In case of death, removal, resignation, or incapacity of the Chief Minister, the
32 Deputy Chief Minister, more senior in age, shall temporarily act as the Chief Minister

1 until the Bangsamoro Parliament shall have elected a new Chief Minister. Said election
2 shall be held within thirty (30) days from the occurrence of the vacancy.

3
4 **Sec. 37. Call for a New Bangsamoro Parliament Election.** – Within seventy-
5 two (72) hours upon a two-thirds (2/3) vote of no confidence of all members of
6 Parliament against the government of the day, the Chief Minister shall advise the *Wali*
7 to dissolve the Parliament and call for a new parliamentary election. In no case shall the
8 *Wali* countermand the advice of the Chief Minister.

9 The *Wali* shall call for election of a new Bangsamoro Parliament on a date not later
10 than one hundred twenty (120) days from the date of dissolution.

11 In case of dissolution, an Officer-in-Charge shall be selected from among the Deputy
12 Chief Ministers by the Cabinet. The Officer-in-Charge and the Cabinet shall continue to
13 conduct the affairs of the Bangsamoro Government until a new Parliament is convened
14 and a Chief Minister is elected and has qualified. The term of office of the new members
15 of Parliament shall be three (3) years, subject to the provisions of Section 13 of this
16 Article.

17
18 **Sec. 38. Prohibitions During Holdover.** - After a vote of no confidence against
19 the government of the day shall have been obtained, and before a new government is
20 formed, the Officer-in-Charge and the Cabinet shall not contract loans, approve new
21 contracts, or disburse public funds except those for payment of salaries and wages and
22 expenses for the regular operation of the government.

23 The Officer-in-Charge and the Cabinet, during the holdover period, shall not make
24 appointments, except temporary appointments to positions when continued vacancies
25 therein will prejudice public service or endanger public safety.

26 27 **ARTICLE VIII**

28 **WALI**

29 **Sec. 1. Appointment of *Wali*.** - Consistent with the parliamentary form of
30 government, there shall be a *Wali* who shall serve as the ceremonial head of the
31 Bangsamoro Government.

1 The Bangsamoro Parliament shall issue a resolution reflecting its consensus on the
2 selection of the *Wali* from a list of names of eminent residents of the Bangsamoro
3 submitted by the Council of Leaders.

4
5 **Sec. 2. Qualifications of *Wali*.** - The *Wali* must possess the following
6 qualifications at the time of his nomination:

- 7 a. Citizen of the Republic of the Philippines;
8 b. Able to read and write in English or Arabic;
9 c. At least 40 years old;
10 d. A resident of the Bangsamoro for at least 15 years;
11 e. Respected in the community;
12 f. Reputable and of unquestionable integrity and moral ascendancy; and
13 g. No prior conviction for any criminal or administrative offense by any court or
14 quasi-judicial body.
15

16 **Sec. 3. Ceremonial Duties of *Wali*.** - The *Wali* shall only take on ceremonial
17 functions, such as attending public ceremonies, opening the session of Parliament,
18 administering the oath of officers of Parliament, dissolving the Parliament, and calling
19 for the election of a new Parliament as provided for in Section 37, Article VII of this Basic
20 Law.
21

22 **Sec. 4. Term of Office of *Wali*.** - The first *Wali*, who shall hold office for three
23 (3) years, shall be appointed by the BTA through a resolution reflecting its consensus.
24 Each succeeding *Wali* shall hold office for a term of six (6) years.
25

26 **Sec. 5. Allowances of the *Wali*.** - The first *Wali* shall receive allowances in such
27 amount as may be determined by the BTA. The allowances of the *Wali* subsequently
28 chosen shall be determined by the Bangsamoro Parliament.

29 Such allowances shall be sourced from the funds of the Bangsamoro Government
30 and shall be provided for in its annual appropriations law: *Provided*, That the appointed
31 *Wali* shall continue until such time that the succeeding *Wali* is appointed and has
32 assumed office.
33

1 **Sec. 2. Vested Property Rights.** – Vested property rights shall be recognized and
2 respected: *Provided*, That legitimate grievances of the Bangsamoro people arising from
3 any unjust dispossession of their territorial and proprietary rights, customary land
4 tenure, or their marginalization shall be duly acknowledged and given due course:
5 *Provided further*, That whenever restoration is no longer possible, the Central
6 Government and Bangsamoro Government shall take effective measures for adequate
7 reparation of the loss in such quality, quantity, and status collectively beneficial to the
8 Bangsamoro people, and to be determined mutually by both Governments.

9
10 **Sec. 3. Transitional Justice.** – There shall be created a transitional justice
11 mechanism to address the legitimate grievances of the Bangsamoro people including the
12 indigenous peoples, such as historical injustices, human rights violations, marginalization
13 through unjust dispossession of their territorial and proprietary rights, and customary
14 land tenure.

15 The report of the Transitional Justice and Reconciliation Commission (TJRC) shall
16 be taken into consideration in the creation of said mechanism.

17
18 **Sec. 4. Indigenous Peoples' Rights.** – The Bangsamoro Government recognizes
19 the rights of the indigenous peoples and shall adopt measures for the promotion and
20 protection of their rights, the right to their native titles and/or *fusaka inged*, indigenous
21 customs and traditions, justice systems and indigenous political structures, the right to
22 an equitable share in revenues from the utilization of resources in their ancestral lands,
23 the right to free and prior informed consent, the right to political participation in the
24 Bangsamoro Government including reserved seats for the non-Moro indigenous peoples
25 in the Bangsamoro Parliament, the right to basic services, and the right to freedom of
26 choice as to their identity consistent with the United Nations Declaration of the Rights
27 of Indigenous Peoples and the United Nations Declaration on Human Rights and
28 subsisting laws on indigenous peoples in the Bangsamoro.

29
30 **Sec. 5. Customary Rights and Traditions.** – The customs, beliefs, and traditions
31 of the people in the Bangsamoro are hereby recognized, protected, and guaranteed.

1 The Bangsamoro Parliament shall adopt measures to ensure mutual respect and
2 protection of the distinct beliefs, customs, and traditions of the Bangsamoro people and
3 the other inhabitants in the Bangsamoro.

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

6
7 **Sec. 6. Human Rights.** – The Bangsamoro Government guarantees full respect
8 for human rights.

9 All laws and policies, including customary laws, shall conform to international human
10 rights and humanitarian standards. The rights under the International Covenant on
11 Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and
12 Political Rights (ICCPR), and other international human rights instruments shall be
13 guaranteed by the Central Government and the Bangsamoro Government.

14 **Sec. 7. Bangsamoro Human Rights Commission.** – There is hereby created an
15 office called the Bangsamoro Human Rights Commission, which shall be an independent
16 and impartial office within the Bangsamoro. It shall have the same powers and functions
17 as the national Commission on Human Rights and as may be provided for by the
18 Bangsamoro Parliament to ensure the protection and promotion of the human rights of
19 all the Bangsamoro inhabitants.

20 There shall be five (5) members of the Commission, including the Chairperson, who
21 shall all be appointed by the President upon the recommendation of the Chief Minister.
22 The composition of the Commission shall reflect the ethnic distribution of the population
23 of the Bangsamoro. The Chairperson shall be a lawyer and majority of the members of
24 the Commission shall, preferably, be members of the Philippine Bar or Counselors-at-
25 Law. The terms of office and other qualifications and disqualifications of the members
26 of the Commission shall be provided by the Bangsamoro Parliament.

27 The Commission shall submit a report on its activities and performance at least
28 every quarter to the Bangsamoro Parliament. Other state instrumentalities in the
29 Bangsamoro shall assist the Commission and ensure impartiality, dignity, and
30 effectiveness. The Commission shall have a coordinative and complementary relationship
31 with the national Commission on Human Rights in carrying out its mandate.

32
33 **Social Justice**

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

Sec. 8. Delivery of Basic Services. – The Bangsamoro Government shall provide, maintain, and ensure the delivery of, among other things, basic and responsive health programs, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, power and electricity, and water supply to the Bangsamoro people and other inhabitants of the Bangsamoro. It shall maintain appropriate disaster-preparedness units for immediate and effective relief services to victims of natural and man-made calamities. It shall also ensure the rehabilitation of calamity-affected areas and victims of calamities.

Sec. 9. Housing and Human Settlements. – The Bangsamoro Parliament shall pass a law creating a housing and human settlements agency to address the lack of shelters, settlements, and livelihood for the disadvantaged and homeless Bangsamoro and non-Moro indigenous peoples, especially those victims of war and atrocities. Such agency may directly solicit and receive assistance, donations, aids, and grants from donors for its housing, settlements, and livelihood programs and development.

The Bangsamoro Government, in cooperation with the private sector, shall develop its own housing and human settlement programs.

Sec. 10. Rights of Labor. - The Bangsamoro Government shall guarantee all fundamental rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike, in accordance with a law to be passed by Bangsamoro Parliament. In this regard, the right of workers, whether publicly or privately employed, to form unions, associations, or federations shall not be abridged.

The workers shall participate in policy and decision-making processes affecting their rights and benefits, as may be provided by law, to be enacted by the Bangsamoro Parliament.

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

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

1 The Bangsamoro Parliament may pass labor laws that expand, improve upon, or
2 enhance the rights stated herein.

3
4 **Sec. 11. Participation of Women in the Bangsamoro Government.** – Aside
5 from the reserved seat for women in the Bangsamoro Parliament, there shall be at least
6 one (1) woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro Parliament
7 shall enact a law that gives recognition to the important role of women in nation-building
8 and regional development, and ensures representation of women in other decision-
9 making and policy-determining bodies of the Bangsamoro Government.

10 The Bangsamoro Parliament shall, by law, create the Bangsamoro Women
11 Commission and shall define its powers, functions, and composition.

12
13 **Sec. 12. Rights of the Youth.** – The Bangsamoro Government recognizes the
14 vital role of the youth in nation-building and shall promote and protect their physical,
15 moral, spiritual, intellectual, and social well-being. It shall inculcate patriotism and
16 nationalism, encourage involvement in public and civic affairs, and promote mental and
17 physical fitness through sports.

18 The Bangsamoro Government shall, by law, create the Commission on Youth
19 Affairs and shall define its powers, functions, and composition.

20
21 **Sec. 13. Protection of Women.** – The Bangsamoro Government shall uphold
22 and protect the fundamental rights of women including the right to engage in lawful
23 employment and to be protected from exploitation, abuse, or discrimination, as
24 embodied in the Convention on the Elimination of all Forms of Discrimination Against
25 Women (CEDAW).

26 The Bangsamoro Parliament shall enact the necessary laws for the implementation
27 of this section.

28
29 **Sec. 14. Rights of Children.** – The Bangsamoro Government shall respect,
30 protect, and promote the rights of children, especially orphans of tender age. They shall
31 be protected from exploitation, abuse, or discrimination. Their education and
32 development, both physical and mental, shall be fully addressed.

1 institutions, programs, and projects in the Bangsamoro component areas. The
2 Commission shall establish its own libraries and museums, and declare and restore
3 historical shrines and cultural sites to preserve the Bangsamoro heritage for posterity.

4

5 **Sec. 25. Management of Bangsamoro Historical and Cultural Sites.** – The
6 Central Government shall transfer the management of Bangsamoro historical and cultural
7 sites currently under the jurisdiction of the National Museum, National Historical
8 Commission, or other agencies of the Central Government to the Bangsamoro
9 Commission for the preservation of cultural heritage, through the intergovernmental
10 relations mechanism. The Bangsamoro Commission for the Preservation of Cultural
11 Heritage shall coordinate with relevant agencies of the Central Government on the
12 regulation, excavation, and preservation of cultural artifacts and on the recovery of lost
13 historical and cultural heritage.

14

15

ARTICLE X

16

BANGSAMORO JUSTICE SYSTEM

17 **Sec. 1. Justice System in the Bangsamoro.** – The justice system in the
18 Bangsamoro shall consist of *Shari'ah* law, which shall have supremacy and application
19 over Muslims only; the traditional or tribal justice system, for the indigenous peoples in
20 the Bangsamoro; the local courts; and alternative dispute resolution systems.

21 For Muslims, the justice system in the Bangsamoro shall give primary consideration
22 to *Shari'ah* and customary rights and traditions of the indigenous peoples in the
23 Bangsamoro.

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

26

27

Shari'ah Judicial System

28

29 **Sec. 2. *Shari'ah* Judicial System.** – The judicial authority shall be vested in
30 the Bangsamoro *Shari'ah* judiciary, in accordance with the power of the Supreme Court,
31 particularly on the Bangsamoro *Shari'ah* High Court, *Shari'ah* District and Circuit courts,
32 and other subordinate courts which the Congress of the Philippines may create, upon

1 the recommendation of the Bangsamoro *Shari'ah* High Court through the Supreme
2 Court. This notwithstanding, Congress, upon the recommendation of the Supreme Court,
3 may likewise create *Shari'ah* courts outside of the territorial jurisdiction of the
4 Bangsamoro government in areas where a considerable number of Muslims reside. The
5 Supreme Court shall station these courts.

6
7 **Sec. 3. *Shari'ah*.** - *Shari'ah*, which is the law forming part of the Islamic tradition
8 derived from religious precepts of Islam, particularly the *Qur'an* and *Hadith*, shall be
9 distinctively applied as the underlying basis of the Bangsamoro *Shari'ah* judicial system
10 exclusively over Muslims or persons who voluntarily submit to the jurisdiction of the
11 *Shari'ah* Court.

12
13 **Sec. 4. Jurisdiction of *Shari'ah* Courts.** - The Bangsamoro Parliament shall
14 enact laws on persons and family relations, other civil actions, commercial actions, and
15 criminal cases. The Congress of the Philippines, through this Basic Law, confers
16 jurisdiction over commercial actions, minor criminal offenses as provided hereunder, and
17 other civil actions not provided for under Presidential Decree No. 1083 or the Code of
18 Muslim Personal Laws.

19 Under *Shari'ah*, the penalties for *Hudud* (capital crime), which are seen as crimes
20 against *Allah*, and *Qisas*, which are crimes against persons, are imposed in the *Qur'an*.

21 *Ta'zir* (discretionary punishment) are minor offenses which shall be defined by the
22 Bangsamoro Parliament, the penalties for which shall be equivalent to *arresto menor*
23 and/or fine. Criminal jurisdiction over *Ta'zir* is hereby conferred on *Shari'ah* Circuit Courts.

24
25 **Sec. 5. Sources of *Shari'ah*.** – The following are the sources of *Shari'ah*:

26 Principal Sources:

- 27 a. *Al-Qur'an* (The Koran);
28 b. *Al-Sunnah* (Traditions of Prophet Muhammad SAW);

29
30 Secondary Sources:

- 31 c. *Al-Ijma* (Consensus); and

1 d. *Al-Qiyas* (Analogy).
2

3 **Sec. 6. *Shari'ah* Circuit Courts.** - The *Shari'ah* Circuit Court in the Bangsamoro
4 shall exercise exclusive original jurisdiction over the following:

5 a. All cases involving offenses defined and punished under P.D. No. 1083,
6 where the act or omission has been committed in the Bangsamoro;

7 b. All civil actions and proceedings between parties residing in the Bangsamoro
8 who are Muslims or have been married in accordance with Article 13 of P.D. No.
9 1083, involving disputes relating to:

10 i. Marriage;

11 ii. Divorce;

12 iii. Betrothal or breach of contract to marry;

13 iv. Customary dower (*mahr*);

14 v. Disposition and distribution of property upon divorce;

15 vi. Maintenance and support, and consolatory gifts;

16 vii. Restitution of marital rights.
17

18 c. All cases involving disputes relative to communal properties;

19 d. All cases involving *Ta'zir* offenses defined and punishable under *Shari'ah*
20 law enacted by the Bangsamoro Parliament punishable by *arresto menor* and/or
21 fine;

22 e. All civil actions, under *Shari'ah* law enacted by the Bangsamoro
23 Government, involving real property in the Bangsamoro, where the assessed value
24 of the property does not exceed Four Hundred Thousand Pesos (P400,000); and

25 f. All civil actions in which the parties are Muslims, or where all litigants have
26 voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit Courts, if
27 they have not specified in an agreement which law shall govern their relations where
28 the demand or claim does not exceed Two Hundred Thousand Pesos (P200,000).
29

30 **Sec. 7. *Shari'ah* District Courts.** - The *Shari'ah* District Court in the Bangsamoro
31 shall exercise exclusive original jurisdiction over the following:

- 1
- 2 a. All cases involving custody, guardianship, legitimacy, and paternity and filiation
- 3 arising under P.D. No. 1083;
- 4 b. All cases involving disposition, distribution, and settlement of the estate of
- 5 deceased Muslims who were residents of the Bangsamoro, probate of wills,
- 6 issuance of letters of administration, or appointment of administrators or
- 7 executors regardless of the nature or the aggregate value of the property;
- 8 c. Petitions for the declaration of absence and death for the cancellation or
- 9 correction of entries in the Muslim Registries mentioned in Title VI of Book Two
- 10 of P.D. No. 1083;
- 11 d. All actions arising from customary and *Shari'ah* compliant contracts in which the
- 12 parties are Muslims, if they have not specified which law shall govern their
- 13 relations;
- 14 e. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas corpus*,
- 15 and all other auxiliary writs and processes in aid of its appellate jurisdiction;
- 16 f. Petitions by Muslims for the constitution of a family home, change of name, and
- 17 commitment of an insane person to an asylum;
- 18 g. All other personal and real actions not falling under the jurisdiction of the
- 19 *Shari'ah* Circuit Courts wherein the parties involved are Muslims, except those
- 20 for forcible entry and unlawful detainer, which shall fall under the exclusive
- 21 original jurisdiction of the Municipal Circuit Court;
- 22 h. All special civil actions for interpleader or declaratory relief wherein the parties
- 23 are Muslims residing in the Bangsamoro or the property involved belongs
- 24 exclusively to Muslims and is located in the Bangsamoro;
- 25 i. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament,
- 26 involving real property in the Bangsamoro, where the assessed value of the
- 27 property exceeds Four Hundred Thousand Pesos (P400,000); and
- 28 j. All civil actions in which the parties are Muslims, or where all litigants have
- 29 voluntarily submitted themselves to the jurisdiction of the *Shar'iah* Circuit Court,
- 30 if they have not specified in an agreement which law shall govern their relations
- 31 where the demand or claim exceeds Two Hundred Thousand Pesos (P200,000).

32 The *Shari'ah* District Court in the Bangsamoro shall exercise appellate

33 jurisdiction over all cases decided upon by the *Shari'ah* Circuit Courts in the Bangsamoro

34 within its territorial jurisdiction, as provided under Article 144 of P.D. No. 1083.

1 **Sec. 8. Bangsamoro *Shari'ah* High Court.** - There is hereby created a
2 Bangsamoro *Shari'ah* High Court. The Bangsamoro *Shari'ah* High Court shall exercise
3 exclusive original jurisdiction over:

4
5 a. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas*
6 *corpus*, and all other auxiliary writs and processes, in aid of its appellate jurisdiction;
7 and

8 b. All actions for annulment of judgments of *Shari'ah* District Courts.

9 The Bangsamoro *Shari'ah* High Court shall exercise exclusive appellate jurisdiction
10 over cases under the jurisdiction of the *Shari'ah* District Courts in the Bangsamoro.

11 The decisions of the Bangsamoro *Shari'ah* High Court shall be final and executory
12 except on issues of procedure or when there is manifest grave abuse of discretion
13 amounting to lack or excess of jurisdiction.

14
15 **Sec. 9. Qualifications of *Shari'ah* Judges. –**

16
17 a. *Shari'ah* Circuit Court. – No person shall be appointed judge of the *Shari'ah*
18 Circuit Court unless he/she is a Muslim, citizen of the Philippines, at least thirty (30)
19 years of age, of proven competence and probity, mentally and physically fit, known
20 for his/her integrity and high moral standards, and a member of the Philippine Bar
21 or a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

22 For *Shari'ah* Counselors-at-Law, he/she must be a graduate of a four-year course
23 on *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice
24 of *Shari'ah* law in the Philippines for at least three (3) years.

25 For a regular member of the Philippine Bar, he/she must have finished at least
26 two (2) years of *Shari'ah* or Islamic Jurisprudence and must have been engaged in
27 the practice of law for at least three (3) years.

28
29 b. *Shari'ah* District Court. – No person shall be appointed judge of the *Shari'ah*
30 District Court unless he/she is a Muslim, citizen of the Philippines, at least thirty-five
31 (35) years of age, of proven competence and probity, mentally and physically fit,

1 known for his/her integrity and high moral standards, and a member of the Philippine
2 Bar or a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

3 For *Shari'ah* Counselors-at-Law, he/she must be a graduate of a four-year course
4 on *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice
5 of *Shari'ah* law in the Philippines for at least five (5) years.

6 For a regular member of the Philippine Bar, he/she must have finished at least
7 two (2) years in *Shari'ah* or Islamic Jurisprudence and must have been engaged in
8 the practice of law for at least five (5) years.

9
10 c. Bangsamoro *Shari'ah* High Court. — No person shall be appointed Justice of
11 the Bangsamoro *Shari'ah* High Court unless he/she is a Muslim, natural-born citizen
12 of the Philippines, at least forty (40) years of age, of proven competence and probity,
13 mentally and physically fit, known for his/her integrity and high moral standards,
14 and a member of the Philippine Bar or a special member of the Philippine Bar allowed
15 to practice in *Shari'ah* Courts.

16
17 For *Shari'ah* Counselors-at-Law, he/she must be a graduate of a four-year
18 course on *Shari'ah* or Islamic jurisprudence, and must have been engaged in the
19 practice of *Shari'ah* law in the Philippines for at least ten (10) years prior to his/her
20 appointment.

21 For a regular member of the Philippine Bar, he/she must have finished at
22 least two (2) years of *Shari'ah* or Islamic Jurisprudence and must have engaged in
23 the practice of law for at least ten (10) years before *Shari'ah* Courts.

24
25 **Sec. 10. Composition and Stations of Bangsamoro *Shari'ah* High Court. —**

26 The Bangsamoro *Shari'ah* High Court shall be composed of nine (9) Justices, including
27 the Presiding Justice. It may exercise its powers, functions, and duties through three (3)
28 divisions, each composed of three (3) members. It may sit *en banc* only for the purpose
29 of exercising administrative or ceremonial functions. The Bangsamoro *Shari'ah* High Court
30 shall hold sessions *en banc* at its main office at the capital of the Bangsamoro
31 Government. The stations of the three divisions shall be Cotabato City, Marawi City, and
32 Jolo, Sulu.

1 **Sec. 11. Compensation, benefits, tenure, and privileges.** – Justices of the
2 Bangsamoro *Shari'ah* High Courts shall have the same rank, prerogatives, salaries,
3 allowances, benefits, tenure, and privileges as the Justices of the Court of Appeals.

4 Judges of the *Shari'ah* District Court shall have the same rank, prerogatives, salaries,
5 allowances, benefits, tenure, and privileges as judges of the Regional Trial Court.

6 Judges of the *Shari'ah* Circuit Court shall have the same rank, prerogatives, salaries,
7 allowances, benefits, tenure, and privileges as judges of the Metropolitan Trial Court.

8 **Sec. 12. *Shari'ah* Judicial and Bar Council.** - The *Shari'ah* Judicial and Bar
9 Council is hereby created which shall be under the supervision of the Bangsamoro
10 *Shari'ah* High Court. It shall recommend to the Judicial and Bar Council applicants for
11 the positions of judges and Justices in the *Shari'ah* Courts for appointment by the
12 President. The President shall issue the appointment within ninety (90) days from the
13 submission of nominations by the Judicial and Bar Council. The recommendation of the
14 *Shari'ah* Judicial and Bar Council shall be given utmost consideration by the Judicial and
15 Bar Council: *Provided*, That the establishment of the *Shari'ah* Judicial and Bar Council
16 shall not be contrary to nor diminish the principal function of the Judicial and Bar Council.

17
18 **Sec. 13. Composition of the *Shari'ah* Judicial and Bar Council.** – The *Shari'ah*
19 Judicial and Bar Council shall be composed of five (5) members: a senior member of the
20 Bangsamoro *Shari'ah* High Court, as *ex officio* Chair, the Head of the *Shari'ah* Academy,
21 and one (1) representative from the Bangsamoro Parliament, as *ex officio* member. The
22 regular members of the Council shall be one (1) representative each from the accredited
23 organization of *Shari'ah* lawyers, and the accredited *Ulama* organization in the
24 Bangsamoro.

25 The regular members of the Council shall be appointed by the Chief Minister with a
26 term of five (5) years without reappointment.

27
28 **Sec. 14. Functions of the *Shari'ah* Judicial and Bar Council.** The *Shari'ah*
29 Judicial and Bar Council shall have the following functions:

- 30
31 a. Recommend nominees to the *Shari'ah* Courts in the Bangsamoro which shall be
32 submitted to the Judicial and Bar Council; and

1 b. Conduct investigations of erring members of the *Shari'ah* Bar and of judges and
2 personnel of the *Shari'ah* Courts in the Bangsamoro and submit the results of such
3 investigation to the Supreme Court for the latter's action.

4
5 **Sec. 15. *Shari'ah* Rules of Court.** – The Rules of Court for the *Shari'ah* courts in
6 the Bangsamoro shall be promulgated by the Supreme Court, giving utmost
7 consideration to the recommendations of the Bangsamoro *Shari'ah* High Court. Pending
8 the promulgation of the Rules of Court of the *Shari'ah* Courts in the Bangsamoro, the
9 special rules of court for *Shari'ah* courts, as promulgated by the Supreme Court, shall
10 continue to be in force.

11 **Sec. 16. Special Bar Examinations for *Shari'ah*.** – The Bangsamoro *Shari'ah*
12 High Court, under the strict supervision of the Supreme Court, shall administer *Shari'ah*
13 Special Bar Examinations for admission of applicants to the Philippine Bar as special
14 members thereof. A successful examinee who has qualified for special membership in the
15 Philippine Bar shall be duly conferred the title of Counselor-at-Law.

16
17 **Sec. 17. Practice of Law Before *Shari'ah* Courts.** - The following are eligible to
18 practice before *Shari'ah* courts:

19
20 a. A *Shari'ah* Counselor-at-Law;

21 b. A regular member of the Philippine Bar;

22 c. A Muslim who acts as counsel on his behalf; and

23 d. A non-Muslim who submits to the jurisdiction of the *Shari'ah* court and chooses
24 to act as counsel on his behalf.

25
26 **Sec. 18. Appointment and Discipline of *Shari'ah* Court Personnel.** The
27 Supreme Court shall appoint the *Shari'ah* court personnel and shall have the power of
28 discipline over them. The *Shari'ah* Judicial and Bar Council shall conduct investigations
29 over erring personnel of the *Shari'ah* courts and submit the results of such investigations
30 to the Supreme Court for the latter's action.

31

1 **Sec. 19. Bangsamoro *Shari'ah* Integrated Bar.** - The Bangsamoro Parliament
2 shall pass a law creating the Bangsamoro *Shari'ah* Integrated Bar as the official
3 organization for the legal profession in the Bangsamoro, which shall be compulsory in
4 membership for all *Shari'ah* lawyers. The Supreme Court shall adopt the rules for the
5 integration of the *Shari'ah* Bar which shall be under the supervision of the Bangsamoro
6 *Shari'ah* High Court in accordance with the powers and authority of the Supreme Court.
7

8 **Sec. 20. *Shari'ah* Public Assistance Office.** – There is hereby created a *Shari'ah*
9 Public Assistance Office which shall be part of the Public Assistance Office. The office
10 shall be staffed by a Director and two Deputies who shall all be Counselors-at-Law. The
11 Bangsamoro Parliament may determine the additional staff complement for the said
12 office. The *Shari'ah* Public Assistance Office shall provide free legal assistance to indigent
13 party litigants with cases pending before *Shari'ah* courts in the Bangsamoro.
14

15 **Sec. 21. *Shari'ah* Special Prosecution Service.** – There shall be created a
16 *Shari'ah* Special Prosecution Service in charge of the prosecution of criminal complaints
17 before the *Shari'ah* courts which shall be headed by a *Shari'ah* General Prosecutor. The
18 *Shari'ah* Counselors-at-Law employed in the office shall be called *Shari'ah* prosecutors.
19 The *Shari'ah* Special Prosecution Service shall be attached to the National Prosecutorial
20 Service of the Central Government. The Bangsamoro Government shall recommend the
21 qualified applicants for the position of the *Shari'ah* prosecutors and personnel of the
22 *Shari'ah* Special Prosecution Service to the Secretary of Justice.
23

24 **Sec. 22. *Shari'ah* Academy.** – There is hereby created a *Shari'ah* Academy, the
25 primary function of which is to conduct courses in *Shari'ah* and *Fiqh*, civil law, commercial
26 law, and criminal law, and trainings on the practice of *Shari'ah* law in the Bangsamoro,
27 accredit *Shari'ah* courses and degrees obtained from schools and universities abroad,
28 and develop the curricula, textbooks, and learning materials of schools and universities
29 in the Bangsamoro. The Bangsamoro Parliament shall define its powers and additional
30 functions and appropriate funds therefor. The *Shari'ah* Academy may coordinate with
31 the National Commission on Muslim Filipinos (NCMF) whenever necessary.
32

1 **Sec. 23. Bangsamoro Jurisconsult in Islamic Law.** – There is hereby created
2 an office of Jurisconsult of Islamic law in the Bangsamoro. The Bangsamoro Parliament
3 shall define the powers and functions of this office, including the rank, salary, privileges,
4 and benefits of the Jurisconsult and its subordinate personnel.

5 The office of the Jurisconsult shall be a collegial body composed of the Jurisconsult
6 and five (5) Deputies who shall be appointed by the Chief Minister upon recommendation
7 of the Bangsamoro Parliament, taking into consideration ethnic balance in the
8 appointment.

9 The Jurisconsult must be a Muslim, at least forty (40) years of age, must have
10 obtained a Bachelor's Degree in Islamic Law and Jurisprudence or the equivalent of such
11 degree, and a member of the Philippine *Shari'ah* Bar or the Integrated Bar of the
12 Philippines. In addition, he/she must be an eminent scholar of Islamic Law and
13 Jurisprudence, and fluent in the Arabic language. He/she must be of proven competence
14 and probity, mentally and physically fit, and known for his/her integrity and high moral
15 standards.

16
17 The Deputies must be Muslims, at least thirty-five (35) years of age, holders of a
18 Bachelor's Degree in Islamic Law and Jurisprudence, and members of the Philippine
19 *Shari'ah* Bar or the Integrated Bar of the Philippines. Each Deputy must be of proven
20 competence and probity, mentally and physically fit, and known for his/her integrity and
21 high moral standards.

22 The term of office of the Jurisconsult and his/her Deputies shall be five (5) years,
23 without prejudice to reappointment.

24
25 **Sec. 24. Jurisconsult Under Existing Law.** – Notwithstanding the preceding
26 section, the Office of the Jurisconsult under P.D. No. 1083 shall be strengthened by
27 providing that the salary, rank, benefits, and privileges of the Jurisconsult shall be
28 equivalent to that of Justices of the Court of Appeals.

29
30 **Sec. 25. Justices from the Bangsamoro.** – It shall be the policy of the Central
31 Government that at least one (1) Justice in the Supreme Court and two (2) Justices in
32 the Court of Appeals, at any one time, shall be qualified individuals of the Bangsamoro.
33 For this purpose, the Chief Minister may, after consultations with the Bangsamoro

1 Parliament and the *Shari'ah* Judicial and Bar Council, submit the names of qualified
2 persons to the Judicial and Bar Council for its consideration.

3 The appointments of those recommended by the Chief Minister to the judicial
4 positions mentioned above are without prejudice to appointments that may be extended
5 to other qualified inhabitants of the Bangsamoro to other positions in the Judiciary.

6 **Sec. 26. Deputy Court Administrator for the Bangsamoro.** – The Office of the
7 Deputy Court Administrator for the Bangsamoro is hereby created. The Deputy Court
8 Administrator for the Bangsamoro shall be appointed by the Chief Justice of the Supreme
9 Court from among three (3) recommendees submitted by the Chief Minister upon
10 previous consultations with the speaker of the Bangsamoro Parliament, the presiding
11 Justice of the Bangsamoro *Shari'ah* High Court, the representative of the *Shari'ah*
12 Integrated Bar, and representative of the Integrated Bar of the Philippines in the
13 Bangsamoro area.

14 15 **Traditional or Tribal Justice Systems**

16
17 **Sec. 27. Traditional or Tribal Justice Systems.** – The Bangsamoro Parliament
18 shall enact laws to promote and support the traditional or tribal justice systems that are
19 appropriate for the indigenous peoples, as they may define. The traditional justice
20 systems are the mechanisms to determine, settle, and decide controversies and enforce
21 decisions involving disputes between members of the indigenous peoples concerned in
22 accordance with the customary laws of these communities.

23
24 **Sec. 28. Office for Traditional or Tribal Justice System.** – There is hereby
25 created an Office for Tribal Justice System responsible in overseeing the study,
26 preservation, and development of the tribal justice system within the Bangsamoro. The
27 powers and functions of the Office shall be defined by the Bangsamoro Parliament.

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

1 **Regular Courts in the Bangsamoro**

2

3 **Sec. 29. Regular Courts.** Regular courts in the Bangsamoro shall continue to
4 exercise their judicial functions, as provided by law. The Bangsamoro Government shall
5 undertake measures to support the regular courts in the Bangsamoro consistent with
6 the powers of the Supreme Court.

7

8 **Alternative Dispute Resolution**

9

10 **Sec. 30. Alternative Dispute Resolution.** The Bangsamoro Government shall
11 adopt the principles of conciliation and mediation in settling disputes and, through
12 Parliament, shall pass the necessary legislation to institute the mechanism for alternative
13 dispute resolution. The *Shari'ah* courts and the traditional and tribal adjudicatory tribunal
14 may utilize this mode of settlement and resolution of cases which may be feasible and
15 useful.

16

17 **ARTICLE XI**

18 **PUBLIC ORDER AND SAFETY**

19

20 **Sec. 1. Public Order and Safety.** – The Bangsamoro Government shall have
21 primary responsibility over public order and safety within the Bangsamoro. There shall be
22 cooperation and coordination between the Central Government and the Bangsamoro
23 Government through the intergovernmental relations mechanism.

24

25 **Sec. 2. Bangsamoro Police.** – There is hereby created a Bangsamoro Police
26 which shall be organized, maintained, supervised, and utilized for the primary purpose
27 of law enforcement and maintenance of peace and order in the Bangsamoro. It shall be
28 part of the Philippine National Police.

29 The Bangsamoro Police shall be professional, civilian in character, regional in
30 scope, effective and efficient in law enforcement, fair and impartial, free from partisan
31 political control, and accountable under the law for its actions. It shall be responsible

1 both to the Central Government and the Bangsamoro Government, and to the
2 communities it serves.

3
4 **Sec. 3. Powers and Functions of the Bangsamoro Police.** – The Bangsamoro
5 Police shall exercise within the Bangsamoro the following powers and functions:

- 6 a. Enforce laws enacted by the Congress and by the Bangsamoro Parliament relative
7 to the protection of lives and properties of the people;
- 8 b. Maintain law and order and ensure public safety;
- 9 c. Investigate and prevent crimes, arrest criminal offenders, bring criminal suspects
10 to justice, and assist in their prosecution;
- 11 d. Conduct searches and seizures in accordance with pertinent laws;
- 12 e. Detain persons for a period not exceeding what is prescribed by law, inform the
13 person so detained of all his/her rights under the 1987 Constitution and this Basic
14 Law, and observe the human rights of all people in the Bangsamoro;
- 15 f. Process and facilitate applications for the registration of firearms and the issuance
16 of licenses and permits for approval by the proper official of the Philippine National
17 Police;
- 18 g. Initiate drives for the registration or surrender of unregistered firearms, confiscate
19 unregistered firearms after such drives are over, prosecute or recommend to the
20 President the grant of amnesty or pardon to possessors of unregistered firearms
21 who surrender them; and
- 22 h. Perform such other duties and exercise all other functions as may be provided by
23 law enacted by Congress or by the Bangsamoro Parliament.

24
25 **Sec. 4. Bangsamoro Police Organization.** – The structural organization of the
26 Bangsamoro Police shall be as follows:

- 27 a. It shall be headed by a Bangsamoro Police Director, who shall be assisted by at
28 least two (2) Deputies. They shall be professional police officers with the rank of
29 at least Police Chief Superintendent. For a period of ten (10) years immediately
30 following the enactment of this Basic Law, the head of the Bangsamoro Police and
31 his Deputies may be selected from a list of Bangsamoro Police officers with the
32 rank of Police Senior Superintendent;
- 33 b. It shall have regional, provincial, and city or municipal offices;

- 1 c. The provincial office shall be headed by a Provincial Director, who shall be a
2 professional police officer with the rank of at least Police Superintendent; and
- 3 d. The city or municipal office or station shall be headed by a Chief of Police, who
4 shall be a professional police officer with the rank of at least Police Superintendent
5 for the city and Police Inspector for the municipality.

6

7 **Sec. 5. Bangsamoro Police Board.** – There is hereby created a Bangsamoro Police
8 Board, which shall perform the functions of the National Police Commission (NAPOLCOM)
9 in the Bangsamoro Government. The Board shall be part of the NAPOLCOM. The
10 NAPOLCOM shall ensure that the Bangsamoro Police Board performs its powers and
11 functions within the bounds of its authority. The Board shall perform the following
12 functions:

- 13 a. Set the policing objectives and priorities in the Bangsamoro;
- 14 b. Monitor the performance of the Bangsamoro Police against policing objectives and
15 priorities;
- 16 c. Monitor crime trends and patterns as well as performance in areas of human
17 rights, crime reduction, and crime prevention, recruiting patterns, and
18 employment opportunities in the Bangsamoro;
- 19 d. Provide information and guidance to the Bangsamoro Government and the
20 Philippine National Police on the annual budgetary requirement of the
21 Bangsamoro Police;
- 22 e. Monitor police performance as against the budget allocation for the Bangsamoro
23 Police; and
- 24 f. Recommend the Bangsamoro Police Director and his Deputies, the Provincial
25 Directors, and city and municipal chiefs of the Bangsamoro Police.

26 The Bangsamoro Police Board shall have the power to investigate complaints
27 against members of the Bangsamoro Police, conduct summary hearing, and adjudicate
28 administrative cases *en banc*. Appeals from its decision may be lodged with the National
29 Appellate Board. Pending resolution of the appeal, its decisions may be executed. The
30 existing rules and regulations governing the investigation and disposition of cases
31 involving members of the Philippine National Police shall be followed by the Bangsamoro
32 Police Board in the absence of law enacted by the Bangsamoro Parliament

1 **Sec. 6. Composition of the Board.** – The Board shall be composed of eleven
2 (11) members. Six (6) members of the Board shall come from the Bangsamoro
3 Parliament and five (5) from various sectors. The six (6) members of the Board coming
4 from the Bangsamoro Parliament shall not hold any other post. All the members thereof
5 shall be appointed by the Chief Minister in accordance with the rules promulgated by the
6 Bangsamoro Parliament for this purpose.

7 The Chief Minister shall act as *ex officio* Chairperson of the Bangsamoro Police
8 Board.

9
10 **Sec. 7. Terms of Office.** – The Sectoral Representatives to the Board shall hold
11 office for a period of three (3) years: *Provided*, That of those first appointed as Sectoral
12 Representatives, two (2) will sit for three (3) years, another two (2) will sit for two (2)
13 years, and the last will sit for one (1) year. Appointment to any vacancy shall only be for
14 the unexpired term of the predecessor.

15 The members of Parliament who are likewise members of the Board shall hold
16 office for the duration of their elective terms.

17
18 **Sec. 8. Powers of the Chief Minister Over the Bangsamoro Police.** – The
19 Chief Minister shall have the following powers over the Bangsamoro Police:

- 20 a. To act as *ex officio* member of the NAPOLCOM and as *ex officio* Chairperson of
21 the Bangsamoro Police Board;
- 22 b. To select the head of the Bangsamoro Police and his Deputies;
- 23 c. To exercise operational control and supervision and disciplinary powers over the
24 Bangsamoro Police;
- 25 d. To employ or deploy the elements of and assign or reassign the Bangsamoro
26 Police through the Bangsamoro Police Director. The Bangsamoro Police Director shall
27 not countermand the order of the Chief Minister unless it is in violation of the law;
- 28 e. To oversee the preparation and implementation of the Integrated Bangsamoro
29 Public Safety Plan;
- 30 f. To impose, after due notice and summary hearings of the citizen's complaints,
31 administrative penalties on personnel of the Bangsamoro Police, except those
32 appointed by the President; and

1 g. To do everything necessary to promote widespread support for the Bangsamoro
2 Police by residents of the Bangsamoro.

3
4 **Sec. 9. Manning Level.** – The average manning level of the Bangsamoro Police
5 shall be approximately in accordance with the police-to-population ratio of one (1) police
6 officer for every five hundred (500) persons. The actual strength by cities and
7 municipalities shall depend on the state of peace and order, population density, and
8 actual demands of service in the particular area: *Provided*, That the minimum police-to-
9 population ratio shall not be less than one (1) police officer for every one thousand
10 (1,000) persons: *Provided further*, That urban areas shall have a higher minimum police-
11 to-population ratio as may be prescribed by regulations.

12
13 **Sec. 10. Appointment of Officers and Members of the Bangsamoro**
14 **Police.** – The appointment of the officers and members of the Bangsamoro Police shall
15 be effected in the following manner:

16 a. Police Officer I to Senior Police Officer IV. – Appointed by the head of the
17 Bangsamoro Police, subject to the confirmation of the Bangsamoro Police Board,
18 and attested by the Civil Service Commission.

19 Other personnel of the Bangsamoro Police shall also be appointed by its
20 head.

21 b. Inspector to Superintendent. – Appointed by the Chief of the Philippine National
22 Police, as recommended by the head of the Bangsamoro Police and the Chief
23 Minister, and attested by the Civil Service Commission; and

24 c. Senior Superintendent and higher. – Appointed by the President upon
25 recommendation of the Chief of the Philippine National Police, with proper
26 endorsement by the Chief Minister and the Civil Service Commission.

27 *Provided*, That in the selection of police officers for the Bangsamoro Police, applicants
28 must comply with all the requirements set forth in R.A. No. 8551 or the Philippine National
29 Police Reform and Reorganization Act of 1998: *Provided further*, That the NAPOLCOM
30 may, upon the recommendation of the Regional Police Board, allow the waiver of some
31 of the requirements in the appointment of Bangsamoro Police personnel.

32

1 **Sec. 11. Community Policing.** – The Bangsamoro Police shall adopt community
2 policing as an essential mechanism in maintaining peace and order. It shall promote
3 organization strategies that support the systematic use of partnerships and problem
4 solving techniques to immediately address public safety issues such as crimes and social
5 disorder.

6 To this effect, the Bangsamoro Police and Community Relations Agency is hereby
7 created. Its organization shall be drawn up by the Bangsamoro Parliament.

8
9 **Sec. 12. Law Governing the Bangsamoro Police.** – The Bangsamoro
10 Parliament is hereby authorized to enact laws to govern the Bangsamoro Police consistent
11 with this Basic Law.

12
13 **Sec. 13. Transitional Arrangements.** – Upon the establishment of the BTA and
14 pending the organization of the Bangsamoro Police, the BTA shall have substantial
15 participation in choosing the head and in the employment and the deployment of existing
16 PNP in the Bangsamoro. The head of the Bangsamoro Police will be selected from a list
17 of three (3) eligible officers recommended by the PNP. Members of the PNP who are
18 residents of the Bangsamoro currently assigned in the ARMM shall continue in their
19 assignments until the finality of the organization of the Bangsamoro Police.

20
21 **Sec. 14. National Support Services.** – The relationship between the
22 Bangsamoro Police and the national support services of the PNP shall be determined by
23 the Intergovernmental Relations Body.

24
25 **Sec. 15. Jail Management, Penology, and Fire Protection.** –The following
26 agencies are hereby created:

27
28 a. Bureau of Jail Management and Penology. – The Bangsamoro Bureau of Jail
29 Management and Penology is hereby created to render support to the Bangsamoro
30 Police, with the following major programs, among others: livelihood projects,
31 educational and vocation training, recreation and sports, and religious and spiritual
32 activities.

1 b. Bureau of Fire Protection. – The Bangsamoro Bureau of Fire Protection is hereby
2 created. It shall be responsible for the prevention and suppression of destructive
3 fires in the Bangsamoro.

4
5 The organization, composition, and functions of these agencies shall be
6 contained in the enacting laws which the Bangsamoro Parliament shall pass.

7
8 **Sec. 16. Defense of the Bangsamoro.** – The defense of the Bangsamoro shall
9 be the responsibility of the Central Government. The Central Government shall create a
10 Bangsamoro military command of the Armed Forces of the Philippines (AFP) for the
11 Bangsamoro, which shall be organized, maintained, and utilized in accordance with
12 national laws. Qualified inhabitants of the Bangsamoro territory shall be given preference
13 in the leadership of command for assignments in the said Bangsamoro military command.

14
15 **Sec. 17. Auxiliary Contingent.** - A Bangsamoro auxiliary contingent attached
16 to the Bangsamoro military command shall be organized and deployed or stationed in
17 the Bangsamoro. It shall provide support services such as administrative, medical,
18 nutritional, recreational, and spiritual support to the Bangsamoro military command.

19 The members of the contingent shall have the necessary qualifications and shall
20 have undergone training relative to their chosen assignments, developed skills and/or
21 special training, as nursing aides, nutritionists, physical therapists, or religious
22 personalities (*Ulama*).

23 At least fifty percent (50%) of the auxiliary contingent shall be women.

24
25 **Sec. 18. Calling Upon the Armed Forces of the Philippines.** – Notwithstanding
26 the provisions of the preceding sections, the Chief Minister may request the President to
27 call upon the AFP:

28 a. To prevent or suppress lawless violence, invasion, or rebellion, when the public
29 safety so requires, in the Bangsamoro;

30 b. To suppress the danger to or breach of peace in the Bangsamoro, when the
31 Bangsamoro Police is not able to do so; or

1 c. To avert any imminent danger to public order and security in the area of the
2 Bangsamoro.

3
4 **Sec. 19. Coordination.** – The Central Government and the Bangsamoro
5 Government shall establish coordination protocols, which shall govern the movement of
6 the AFP in the Bangsamoro territory.

7
8 **Sec. 20. Indigenous Structure.** – The Bangsamoro Government shall recognize
9 indigenous structures or systems which promote peace and law and order. The
10 Bangsamoro Parliament shall provide institutional support to these structures and
11 systems to enhance peace and security in the Bangsamoro.

12
13
14 **ARTICLE XII**

15 **FISCAL AUTONOMY**

16 **Sec. 1. Fiscal Autonomy.** – The Bangsamoro shall enjoy the maximum form of
17 fiscal autonomy with the end in view of attaining economic self-sufficiency and genuine
18 development. It shall be entitled to all fund sources enumerated herein and shall have
19 the power to create its sources of revenues as provided in this Basic law. It shall prepare
20 its budget and allocate funds in accordance with an annual appropriations law passed
21 by the Bangsamoro Parliament. The form, content, and manner of preparation of the
22 budget shall be prescribed by a law enacted by the Bangsamoro Parliament.

23
24 **Sec. 2. Auditing.** – All public funds of the Bangsamoro are subject to auditing.
25 For this purpose, a Bangsamoro Auditing Office (BAO) is hereby created. It shall have
26 the primary power, authority, and duty to examine, audit, and settle all accounts
27 pertaining to the revenue and receipts of, and expenditures or uses of funds and property
28 owned or held in trust by or pertaining to the public funds utilized by the Bangsamoro
29 Government. The utilization of the revenue generated by the Bangsamoro Government
30 and block grants or subsidies from foreign or domestic donors shall be subject to the
31 auditing rules and regulations of the Bangsamoro Government. The BAO shall formulate
32 auditing rules and regulations, which may include pre-audit and post-audit mechanisms.

1 The BAO's power, authority, and duty shall be without prejudice to the power,
2 authority, and duty of the Commission on Audit to examine, audit, and settle all accounts
3 pertaining to the revenues and the use of funds and property owned and held in trust
4 by any government instrumentality including GOCCs. For this purpose, the Commission
5 on Audit shall continue to maintain a regional office in the Bangsamoro. In case of
6 conflict, the findings of the national Commission on Audit shall prevail.

7 With due regard to the BAO's responsibility to ensure the judicious use of funds
8 within the Bangsamoro, disbursement vouchers of the Bangsamoro Government shall be
9 submitted immediately to the BAO.

10
11 **Sec. 3. Local Government Finance.** – The Bangsamoro Government shall
12 create a mechanism for coordinating, assisting, and monitoring the finances of the
13 constituent local government units in pursuance of good governance and local
14 autonomy.

15 There is hereby created a Bureau of Local Government Finance under the Ministry
16 of Finance to direct and supervise the local government treasuries within the
17 Bangsamoro. Upon the recommendation of the Bangsamoro Government, the Secretary
18 of Finance shall appoint the treasurers of the local government units within the
19 Bangsamoro, who shall all be inhabitants thereof.

20
21 **Sec. 4. Central Government Assistance.** – The Central Government shall
22 extend assistance to the Bangsamoro Government in the matter of tax administration and
23 fiscal management. This assistance shall include capacity building and training programs,
24 in accordance with a needs assessment and capacity building plan developed by the
25 Bangsamoro Government in consultation with the Central Government.

26
27 ***Sources of Revenue***

28
29 **Sec. 6. Revenue Sources.** – The Bangsamoro Government shall have the power
30 to create its own sources of revenues and to levy taxes, fees, and charges, subject to
31 the provisions of this law and consistent with the principles of equalization, equity,
32 accountability, administrative simplicity, harmonization and economic efficiency, and

1 fiscal autonomy. Such taxes, fees, and charges shall accrue exclusively to the
2 Bangsamoro Government.

3 The sources of revenue of the Bangsamoro Government shall include, among
4 others, the following:

- 5 a. Taxes;
- 6 b. Fees and charges;
- 7 c. Annual block grant coming from Central Government;
- 8 d. Revenues from the exploration, development, and utilization of natural
9 resources derived from areas/territories, land or water, covered by and within
10 the jurisdiction of the Bangsamoro;
- 11 e. Share in the government revenues derived from the exploration, development,
12 and utilization of natural resources within the Bangsamoro;
- 13
- 14
- 15 f. Share in the Central Government taxes, fees, and charges collected in the
16 Bangsamoro;
- 17 g. Revenues from Bangsamoro GOCCs, financial institutions, and other
18 corporations, and shares from the revenues of national GOCCs and its
19 subsidiaries operating in the Bangsamoro as may be determined by the IGFPB;
- 20 h. Grants from economic agreements entered into by the Bangsamoro Government
21 and conventions to which the Central Government is a party;
- 22 i. Grants and donations; and
- 23 j. Loans and Overseas Development Assistance (ODA).

24 All powers over revenue generation already granted to the ARMM under R.A. No.
25 6734 as amended by R.A. No. 9054 and other legislations and executive issuances, are
26 transferred to the Bangsamoro.

27
28 **Sec. 7. Baitalmal, Awqaf, and Zakat Regulation.** - The Bangsamoro Parliament
29 may enact legislation on the regulation of *baitalmal*, *awqaf*, and *zakat*.

30 *Baitalmal* or "House of Wealth" is a financial institution responsible for the
31 administration of funds, including zakat and endowments for proper administration and
32 utilization.

1
2 **Sec. 10. Taxing - Powers.** The following taxes in the Bangsamoro shall be levied
3 by the Bangsamoro Government:

4 a. Capital Gains Tax. – Tax imposed on the gains presumed to have been realized
5 by the seller from the sale, exchange, or other disposition of capital assets, including
6 *pacto de retro* sales and other forms of conditional sale;

7 b. Documentary Stamp Tax. – Tax on documents, instruments, loan agreements,
8 and papers evidencing the acceptance, assignment, sale, or transfer of an obligation
9 rights or property incident thereto;

10 c. Donor’s Tax. – Tax on a donation or gift, and is imposed on the gratuitous
11 transfer of property between two or more persons who are living at the time of the
12 transfer. It shall apply whether the transfer is in trust or otherwise, whether the gift
13 is direct or indirect, and whether the property is real or personal, tangible or
14 intangible;

15 d. Estate Tax. – Tax on the right of the deceased person to transmit his/her estate
16 to his/her lawful heirs and beneficiaries at the time of death and on certain transfers,
17 which are made by law as equivalent to testamentary disposition;

18 e. Tax on banks, non-bank intermediaries, and other financial institutions operating
19 in the Bangsamoro;

20 f. Registration fees of vessels which are registered by their owners with the
21 Bangsamoro Government and wharfage on wharves constructed and maintained by
22 the Bangsamoro Government or the local government unit concerned;

23 g. Tolls on bridges or roads constructed and maintained by the provinces, cities,
24 municipalities, or barangays concerned or by the Bangsamoro Government;

25 h. Taxes, fees, or charges on agricultural and aquatic products, except when sold
26 by marginal farmers or fisherfolks;

27 i. Excise taxes on articles that are not enumerated under the National Internal
28 Revenue Code;

29 j. Taxes, fees, and charges for passengers travelling to and from the Bangsamoro;

30 k. Taxes, fees, or charges on countryside, barangay enterprises, and cooperatives
31 not registered under R.A. No. 6810 or the Magna Carta for Countryside and Barangay

1 Business Enterprises and R.A. No. 9520 or the Philippine Cooperative Code of 2008,
2 respectively; and

3 I. Such other taxes that were allowed to be levied by the ARMM Government under
4 R.A. No. 6734 as amended by R.A. No. 9054, Muslim Mindanao Autonomy Act No.
5 49 or the Revenue Code of the Autonomous Region in Muslim Mindanao, and other
6 legislations and executive issuances.

7 Where all taxable elements are within the Bangsamoro territory, taxes under letters
8 (a) to (d) above shall no longer be imposed by the Bureau of Internal Revenue (BIR) of
9 the Central Government. The IGFPB shall promulgate rules on the determination of
10 taxable elements in relation to taxes (a) to (d) above and on the sharing of revenues
11 from the collection of such taxes where the taxable elements are found within and outside
12 of the Bangsamoro territory. Any dispute between the Bangsamoro Government and the
13 Central Government arising from the imposition of the above taxes shall be addressed by
14 the IGFPB.

15
16 **Sec. 11. Share in Taxes of the Central Government.** – Central Government
17 taxes, fees, and charges collected in the Bangsamoro, other than tariff and customs
18 duties, shall be shared as follows:

19 a. Twenty-five percent (25%) to the Central Government; and

20 b. Seventy-five percent (75%) to the Bangsamoro, including the shares of the local
21 government units.

22 The aforementioned twenty-five percent (25%) share of the Central Government
23 shall, for a period of ten (10) years, be retained by the Bangsamoro Government. The
24 period for retention may be extended upon mutual agreement between the Central
25 Government and the Bangsamoro Government.

26 The shares in taxes, fees, and charges provided under this Section shall be an
27 amount separate and distinct from the annual block grant appropriated to the
28 Bangsamoro under Section 18 of this Article.

29
30 **Sec. 12. Assessment and Collection of Taxes; Bangsamoro Revenue**
31 **Office.** – The Bangsamoro Parliament shall, by law, establish the Bangsamoro Revenue
32 Office within the Bangsamoro for the purpose of assessing and collecting Bangsamoro
33 taxes as well as all other collectible taxes in the Bangsamoro.

1 The Bangsamoro Revenue Office shall collect such taxes and remit the share of
2 the Central Government through a duly accredited depository bank.

3 Until such time that the Bangsamoro Revenue Office is established, the collection
4 shall be done by the BIR. The share of the Bangsamoro Government shall be retained
5 by the Central Government collecting agencies and shall be remitted or released to the
6 Bangsamoro in lump sum without need for an appropriations law.

7 When the Bangsamoro Revenue Office is established, and collection of the above
8 taxes is undertaken by said Office, the cost of administering the tax collection shall be
9 co-shared between the Central Government and the Bangsamoro Government.

10
11 **Sec. 13. Bangsamoro Treasury Office.** – There is hereby created a
12 Bangsamoro Treasury Office whose primary function is to receive and safeguard all the
13 revenues generated and collected by the Bangsamoro Government. The Office shall be
14 headed by a Regional Treasurer who shall be appointed by the Chief Minister and whose
15 term shall be determined by a law to be passed by the Bangsamoro Parliament.

16
17 **Sec. 14. Payment of Taxes by Corporations, Partnerships, or Firms.** -
18 Corporations, partnerships, or firms directly engaged in business in the Bangsamoro shall
19 pay their corresponding taxes, fees, and charges in the province or city where the
20 corporation, partnership, or firm is doing business.

21 Corporations, partnerships, or firms whose central, main, or head offices are
22 located outside the Bangsamoro but which are doing business within its territorial
23 jurisdiction shall pay the income taxes for income derived from their business operations
24 in the Bangsamoro to the city or municipality where their branch offices or business
25 operations or activities are located. The BIR and the Bangsamoro Revenue Office shall
26 agree on modalities for the filing of income tax returns through the IGFPB.

27
28 **Sec. 15. Share of the Constituent Local Government Units in Taxes within**
29 **the Bangsamoro.** – The Bangsamoro Parliament shall enact a law detailing the shares
30 of constituent local government units in the seventy-five percent (75%) share of the
31 Bangsamoro Government in the taxes, fees, and charges collected in their jurisdiction for
32 the Central Government in the Bangsamoro.

33

1 *Provided further,* That the above formula shall be adjusted if, after the effectivity
2 of this Basic Law, there occurs a change in the total land area of the Bangsamoro.

3
4 **Sec. 20. Automatic Appropriation.** – The annual block grant shall be
5 automatically appropriated to the Bangsamoro Government and reflected in the General
6 Appropriations Act.

7
8 **Sec. 21. Allocation of the Block Grant.** - The Bangsamoro Parliament shall
9 pass an annual appropriations law that allocates the block grant to various agencies and
10 programs according to the powers and functions of the Bangsamoro Government. The
11 Bangsamoro Parliament shall assign the highest budgetary priority to education, health,
12 and social services as may be provided in its appropriations law.

13 The Bangsamoro annual appropriations law may also include performance
14 standards and targets for each sector. Any unspent amount in the current year's block
15 grant shall revert to the Bangsamoro under a Special Fund for re-appropriation.

16
17 **Sec. 22. Regular Release.** – The block grant shall be released without need of
18 any further action, directly and comprehensively, to the Bangsamoro Government, and
19 shall not be subject to any lien or holdback that may be imposed by the Central
20 Government for whatever purpose.

21
22 **Sec. 23. Deductions from the Block Grant; Exceptions.** – Ten (10) years
23 from the operationalization of the regular Bangsamoro Government, the following shall
24 be deducted from the block grants:

- 25 a. Revenues from the following taxes collected three (3) years prior;
- 26 i. Capital Gains Tax
- 27 ii. Documentary Stamp Tax
- 28 iii. Donor's Tax
- 29 iv. Estate Tax

1 b. Share of the Bangsamoro in the government income derived from the
2 exploration, development, and utilization of natural resources, as provided under
3 Section 36, Article XII, collected three (3) years prior.

4 *Provided*, That the amount allocated for the operation of the Bangsamoro
5 Sustainable Development Board, as provided in Section 4, Article XIII shall not be
6 included in the amount herein to be deducted from the block grant: *Provided further*,
7 That the abovementioned deduction shall not include the shares of constituent local
8 government units and of indigenous communities in government income derived from
9 the exploration, development, and utilization of natural resources under Sections 37 and
10 38 of Article XII, respectively.

11
12 **Sec. 24. Review of the Block Grant Formula.** – The formula of the Block Grant,
13 as provided above, shall be reviewed by the IGFPB five (5) years after its effectivity, and
14 every five years thereafter. The review that shall be undertaken shall consider, among
15 others, the fiscal needs of the Bangsamoro and the actual revenues it is able to generate.
16 Should the Central Government no longer have any representative in the said Board, the
17 review shall be undertaken by the Central Government - Bangsamoro Government
18 Intergovernmental Relations Body.

19
20 **Sec. 25. Development Programs and Projects.** – The Central Government shall
21 provide for additional funds that would subsidize expenditure for development projects
22 and infrastructure in the Bangsamoro, including provincial and municipal roads, in
23 accordance with a development plan formulated by the Bangsamoro Government. The
24 Central Government and the Bangsamoro Government shall agree on the amount through
25 the Intergovernmental Infrastructure Development Board as well as the manner of
26 release of said amount to the Bangsamoro Government.

27 28 **Loans**

29
30 **Sec. 26. Foreign and Domestic Loans; Bills, Bonds, Notes, and**
31 **Obligations.** –

32 a. Loans, Credits, and Other Forms of Indebtedness. – The Bangsamoro
33 Government may contract loans, credits, and other forms of indebtedness in

1 order to finance the construction, installation, improvement, expansion, operation
2 or maintenance of public facilities, infrastructure facilities, housing projects, the
3 acquisition of real property, and the implementation of other capital investment
4 projects, as well as for the development and welfare of the people of the
5 Bangsamoro.

6 Subject to acceptable credit worthiness, such loans may be secured from
7 domestic and foreign lending institutions, except foreign and domestic loans
8 requiring sovereign guaranty, whether explicit or implicit, which would require
9 the approval of the Central Government. The Bangsamoro Parliament may
10 authorize the Chief Minister to contract such domestic or foreign loans. The loans
11 so contracted may take effect upon approval by a majority of all the members of
12 the Bangsamoro Parliament.

13 The Central Government shall assist the Bangsamoro Government in
14 complying with the requirements for a speedy issuance of the sovereign guaranty
15 to finance local infrastructure and other socio-economic development projects in
16 accordance with the Bangsamoro Development Plan.

17 Within thirty (30) days from the submission of the Bangsamoro Government
18 of its application for sovereign guaranty, the Bangsamoro Government shall be
19 informed by the Central Government on the actions taken on the application. The
20 application shall be resolved with dispatch.

21 b. Bills, Bonds, Notes, Debentures, and Obligations. – The Bangsamoro Government
22 is also authorized to issue treasury bills, bonds, debentures, securities, collaterals,
23 notes, obligations, and other debt papers or documents, as well as redeem or
24 retire the same, pursuant to law enacted by the Bangsamoro Parliament. Said
25 authority may be exercised in order to finance self-liquidating, income-producing
26 development or livelihood projects pursuant to the priorities established in the
27 aforementioned development plan.

28 c. Payment of Loans and Indebtedness. – The Bangsamoro Government shall
29 appropriate in its annual budget such amounts as are sufficient to pay their loans
30 and their indebtedness incurred. The amount of appropriations for debt servicing
31 shall not exceed twenty percent (20%) of the regular sources of revenue but
32 excluding those coming from grants, donations, loans, and ODA of the
33 Bangsamoro.

34 d. Publication. - All loans, whether domestic- or foreign-assisted and the purpose for
35 which it was entered into shall be published once every two (2) weeks in at least
36 one (1) local newspaper which is circulated in the Bangsamoro.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Sec. 27. Overseas Development Assistance. – In its efforts to achieve inclusive growth and poverty reduction through the implementation of priority development projects, the Bangsamoro Government may avail directly of ODA. The Bangsamoro Parliament may enact legislation governing ODA.

Grants and Donations

Sec. 28. Grants and Donations. – Grants and donations from foreign and domestic donors received by the Bangsamoro Government for the development and welfare of the people in the Bangsamoro shall be used solely for the purpose for which they were received.

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

Economic Agreements and Conventions

Sec. 29. Economic Agreements. –The Bangsamoro Government may enter into economic agreements and receive benefits and grants derived therefrom as provided in Section 1, Article V of this Basic Law.

Sec. 30. Cultural Exchange, Economic, and Technical Cooperation. – Consistent with the reserved powers of the Central Government and whenever necessary, the Central Government shall appoint recommendees of the Bangsamoro Government to Philippine embassies, consulates, and international delegations. The Bangsamoro Government may establish linkages for cultural exchange, economic, and technical cooperation with countries with diplomatic relations with the Philippines, with the assistance of Philippine embassies or consulates, or through some other arrangements with the Central Government supporting such undertakings.

1 that operate a substantial portion of their businesses directly or through their subsidiaries
2 in the Bangsamoro or where the Bangsamoro has a substantial interest. The IGFPB shall
3 determine the extent of their participation. In no case shall the Bangsamoro have less
4 than one (1) seat in the governing board of such entities.

5 The share of the Bangsamoro Government from the results of operations of GOCCs
6 and subsidiaries operating in the Bangsamoro shall be based on a formula determined by
7 the IGFPB under Section 39 of this Article.

8
9 ***Sharing in the Exploration, Development, and Utilization of Natural Resources***

10
11 **Sec. 36. Sharing in Exploration, Development, and Utilization of Natural**
12 **Resources.** – Government revenues generated from the exploration, development, and
13 utilization of all natural resources in the Bangsamoro, inclusive of mines and minerals,
14 shall pertain fully to the Bangsamoro Government. In the case of fossil fuels (petroleum,
15 natural gas, and coal) and uranium, the same shall be co-managed and the revenues
16 shared equally between the Central Government and the Bangsamoro Government.

17 The sharing schemes set forth in the paragraph above shall be applicable to all
18 natural resources found in the Bangsamoro territory, both the land mass and the waters
19 under its territorial jurisdiction.

20
21 **Sec. 37. Share of the Constituent Local Government Units.** – The share of
22 the Bangsamoro Government in the revenues referred to in the immediately preceding
23 section shall include those for its constituent local government units. The Bangsamoro
24 Parliament shall enact a law detailing the shares of such local government units.

25
26 **Sec. 38. Share of Indigenous Communities.** – Indigenous peoples shall have
27 an equitable share from the revenues generated from the exploration, development, and
28 utilization of natural resources that are found within the territories covered by a native,
29 traditional, or customary title in their favor. The share shall be provided for in a law to
30 be passed by the Bangsamoro Parliament.

1 The Bangsamoro Parliament shall enact a law that shall provide in detail said
2 sharing system, including the percentage of the shares of the indigenous peoples and
3 communities, and the mechanisms therefor.

4
5 **Sec. 39. Functions of the Intergovernmental Fiscal Policy Board.** – The
6 IGFPB created under Section 6, Article VI shall have the following functions:

- 7 a. Recommend the necessary fiscal policy adjustments by undertaking a periodic
8 review of the taxing powers, tax base and rates of the Bangsamoro Government,
9 wealth sharing arrangements, and sources of revenues vis-à-vis the development
10 needs of the Bangsamoro;
- 11 b. Address disputes between the Central Government and the Bangsamoro
12 Government involving the collection of capital gains tax, documentary stamp tax,
13 donor's tax, and estate tax in the Bangsamoro;
- 14 c. Determine the extent of participation of the Bangsamoro Government in the
15 Board of Directors or the policy-making bodies of GOCCs that operate a
16 substantial portion of their businesses directly or through their subsidiaries in the
17 Bangsamoro or where the Bangsamoro has a substantial interest;
- 18 d. Determine the participation of the Bangsamoro Government in the results of
19 operations of GOCCs and its subsidiaries operating in the Bangsamoro. The Board
20 shall also determine a formula for the share of the Bangsamoro Government from
21 the results of said operations;
- 22 e. Determine the participation of the Bangsamoro in the ownership and
23 management of *Al-Amanah* Islamic Investment Bank of the Philippines and the
24 SPDA;
- 25 f. Recommend the exercise by the Bangsamoro Government of additional fiscal
26 powers in order to attain the highest form of fiscal autonomy; and
- 27 g. Define the modalities for the filing of income tax returns for corporation or firms
28 whose central, main, or head offices are located outside the Bangsamoro but are
29 doing business within its territorial jurisdiction so that income realized from such
30 operations in the Bangsamoro shall be attributed as income derived therein and
31 subject to the sharing scheme between the Central Government and the
32 Bangsamoro Government.

33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Sec. 1. Social Justice and the Bangsamoro Economic System. - The Bangsamoro shall establish an economic system based on the principle of social justice. Pursuant to this principle, the Bangsamoro Parliament shall legislate laws pertaining to the Bangsamoro economy and patrimony that are responsive to the needs of its people.

Sustainable Development

Sec. 2. Equitable and Sustainable Development. – In order to protect and improve the quality of life of the inhabitants of the Bangsamoro, development in the Bangsamoro shall be carefully planned, taking into consideration the ecological balance and the natural resources that are available for its use and for the use of future generations.

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

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

Sec. 3. Comprehensive Framework for Sustainable Development. – The Bangsamoro Government shall develop a comprehensive framework for sustainable development through the proper conservation, utilization, and development of natural resources. Such framework shall guide the Bangsamoro Government in adopting programs and policies and establishing mechanisms that focus on the environment dimensions of social and economic interventions. It shall include measures for environmental justice and governance, as well as for the reduction of vulnerability of women and marginalized groups to climate change and variability.

Sec. 4. Funding Support for the Bangsamoro Sustainable Development Board. – The funding support for the Board shall be included in the annual budget of

1 the Bangsamoro Government. However, if there are revenues collected from the
2 exploration, development, and utilization of all natural resources within the Bangsamoro,
3 a certain percentage of such revenues shall be allocated for the operation of the Board,
4 as may be provided in a law to be passed by the Bangsamoro Parliament.

5
6 **Sec. 5. Bangsamoro Development Plan.** – The Bangsamoro Government shall
7 formulate its development plans taking into consideration the Bangsamoro people’s
8 unique needs and aspirations and consistent with national development goals. The Plan
9 shall also consider the revenue generation efforts needed for the post-conflict
10 rehabilitation, reconstruction, and development of its territory.

11 The Plan shall include the promotion of growth and full employment, human
12 development, and address social and economic inequities that have resulted from
13 decades of neglect, historical injustice, poverty, and inequality.

14 For this purpose, the Bangsamoro Parliament shall create a Bangsamoro
15 Economic Planning, Research, and Development Office.

16
17 **Sec. 6. Gender and Development.** – The Bangsamoro Government recognizes
18 the role of women in governance and shall ensure the fundamental equality before the
19 law of women and men. It shall guarantee full and direct participation of women in
20 governance and in the development process and shall further ensure that women benefit
21 equally in the implementation of development programs and projects.

22 In the utilization of public funds, the Bangsamoro Government shall ensure that
23 the needs of women and men are adequately addressed. For this purpose, at least five
24 percent (5%) of the total budget appropriation of each ministry, office, and constituent
25 local government unit of the Bangsamoro shall be set aside for gender-responsive
26 programs, in accordance with a Gender and Development (GAD) Plan. In the same
27 manner, at least five percent (5%) up to thirty percent (30%) of the official development
28 funds received by the Bangsamoro shall be set aside to complement said GAD budget
29 allocation.

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

1 been defined by and under the authority of the Central Government shall be transferred
2 to the Bangsamoro Government.

3 Within three months from the establishment of the BTA, the Bangsamoro
4 Government and Department of Environment and Natural Resources (DENR), as well as
5 other relevant government agencies shall start the process of transferring these areas,
6 including the conduct of surveys of all affected areas and the planning and transition for
7 each and every protected area. Such process shall be completed within a period not
8 exceeding two (2) years.

9 **Section 10. Exploration, Development, and Utilization of Fossil Fuels and**
10 **Uranium.** - The Bangsamoro Government and the Central Government shall jointly
11 exercise the power to grant rights, privileges, and concessions over the exploration,
12 development, and utilization of fossil fuels (petroleum, natural gas, and coal) and
13 uranium in the Bangsamoro.

14 The Central Government, through the Department of Energy (DOE), and the
15 Bangsamoro Government shall adopt a competitive and transparent process for the
16 grant of rights, privileges, and concessions in the exploration, development, and
17 utilization of fossil fuels and uranium.

18 The DOE and the Bangsamoro Government will identify and select prospective
19 contract areas to be offered for exploration and development. A qualified Filipino citizen
20 who is a *bona fide* resident of the Bangsamoro will receive a rating higher than other
21 proponents during the evaluation process. The award of the service contract shall be
22 made jointly by the DOE and the Bangsamoro Government.

23
24 **Sec. 11. Preferential Rights of *Bona Fide* Inhabitants of the Bangsamoro.**
25 – Qualified citizens who are *bona fide* inhabitants of the Bangsamoro shall have
26 preferential rights over the exploration, development, and utilization of natural resources,
27 including fossil fuels (petroleum, natural gas, and coal) and uranium, within the
28 Bangsamoro territory. Existing rights over the exploration, development, and utilization
29 of natural resources shall be respected until the expiration of the corresponding leases,
30 permits, franchises, or concessions, unless legally terminated.

31
32 **Sec. 12. Rights of Indigenous Peoples Over Natural Resources.** – The
33 Bangsamoro Parliament shall enact a law recognizing the rights of indigenous peoples

1 in the Bangsamoro in relation to natural resources within the territories covered by a
2 native title, including their share in revenues as provided in this Basic Law, and priority
3 rights in the exploration, development, and utilization of such natural resources within
4 their area.

5 The right of indigenous peoples to free and prior informed consent in relation to
6 development initiatives shall be respected.

7
8 **Sec. 13. Mines and Mineral Resources.** – The Bangsamoro Government shall
9 have authority and jurisdiction over the exploration, development, and utilization of mines
10 and minerals in its territory, taking into consideration environmental protection and
11 ecological balance. Permits and licenses and the granting of contracts for this purpose
12 shall be within the powers of the Bangsamoro Government.

13
14 **Sec. 14. Financial and Technical Assistance Agreements.** – The applications
15 for financial and technical assistance agreements (FTAAs) covering mineral resources
16 within the Bangsamoro shall be commenced at and recommended by the Bangsamoro
17 Government to the President.

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

21
22 **Sec. 15. Regulation of Small-Scale Mining.** – Small-scale mining shall be
23 regulated by the Bangsamoro Government to the end that the ecological balance, safety
24 and health, and the interests of the affected communities, the miners, the indigenous
25 peoples, and the local government units of the place where such operations are
26 conducted are duly protected and safeguarded.

27
28 **Sec. 16. Legislating Benefits and Compensation for Victims and**
29 **Communities Adversely Affected by Mining and Other Activities that Harness**
30 **Natural Resources.** - The Bangsamoro Parliament shall enact laws for the benefit and
31 welfare of the inhabitants injured, harmed, or adversely affected by the harnessing of
32 natural and mineral resources in the Bangsamoro. Such laws may include payment of just

1 compensation to and relocation of the people and rehabilitation of the areas adversely
2 affected by the harnessing of natural and mineral resources mentioned above.

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

6

7 **Sec. 17. Bangsamoro Mining Policy.** - Policies on mining and other extractive
8 industries shall be drawn up by the Bangsamoro Parliament in accordance with its
9 Comprehensive Sustainable Development Plan, as well as its overall medium-term and
10 long-term Bangsamoro Development Plan.

11

12 **Sec. 18. Land Tenure and Conflicting Claims.** – In order to address
13 conflicting land claims, the Bangsamoro shall develop a land tenure improvement
14 program to be designed and implemented by the concerned ministries of the
15 Bangsamoro. Measures shall be undertaken to facilitate the identification of land
16 ownership and the generation of land titles. The plan may include measures that would
17 provide the necessary titling assistance for legitimate landowners and abbreviated
18 procedures for the registration of lands. For this purpose, the Bangsamoro Parliament
19 may enact a law and create the necessary office.

20

21 **Sec. 19. Zones of Joint Cooperation.** – Zones of Joint Cooperation in the Sulu
22 Sea and the Moro Gulf are hereby created, the coordinates of which shall be defined by
23 an *ad hoc* joint body composed of representatives from the DENR and the National
24 Mapping and Resource Information Authority (NAMRIA), and an equal number of
25 representatives from appropriate agencies of the Bangsamoro Government.

26 The Joint Body shall be convened within thirty (30) days after the ratification of
27 this Basic Law and shall cease to exist after it has established the coordinates of the
28 Bangsamoro territory, including the Bangsamoro Waters and the Zones of Joint
29 Cooperation. However, the said Joint Body shall be reconvened within thirty (30) days
30 after the conduct of a plebiscite for the inclusion of other territories as provided in this
31 Basic Law.

32

1 **Sec. 20. Joint Body for the Zones of Joint Cooperation.** – There shall be
2 created a Joint Body for the Zones of Joint Cooperation composed of a Bangsamoro
3 Minister as Chairperson, one (1) representative of a constituent province of the
4 Bangsamoro adjacent to the Sulu Sea, one (1) representative of a constituent province
5 of the Bangsamoro adjacent to the Moro Gulf, the Secretary of Environment and Natural
6 Resources, the Secretary of Agriculture, the Secretary of Transportation and the
7 Secretary of Information and Communication Technology of the Central Government, or
8 their authorized representatives, and their counterpart officials from the appropriate
9 Bangsamoro offices and/or agencies. There shall be one (1) representative from an
10 adjoining province that is not part of the Bangsamoro and adjacent to the Sulu Sea, and
11 one (1) representative from an adjoining province that is not part of the Bangsamoro
12 and adjacent to the Moro Gulf. The Joint Body shall be responsible for formulating
13 policies mentioned in the preceding Section as well as those necessarily related thereto.

14 The Joint Body may invite private sector representatives from the fishing and
15 transportation industries whenever necessary.

16 The Bangsamoro Government and the Central Government shall work together
17 to regulate the waters that comprise the Zones of Joint Cooperation in the Sulu Sea and
18 the Moro Gulf. Policies shall be jointly drawn up for the following purposes:

- 19 a. Protection of the traditional fishing grounds;
- 20 b. Benefitting from the resources therein;
- 21 c. Ensuring the interconnectivity of the islands and mainland parts of the
22 Bangsamoro so that they are parts of a cohesive Bangsamoro political entity;
23 and
- 24 d. Ensuring the exercise of the preferential rights of the Bangsamoro people, other
25 indigenous peoples in the adjoining provinces, and the resident fishers in the
26 Bangsamoro over fishery, aquamarine, and other living resources in the Zones
27 of Joint Cooperation. The Joint Body shall promulgate rules and regulations as
28 to the exercise of these preferential rights.

29 The Bangsamoro Government and the Central Government shall ensure that there
30 shall be free movement of vessels, goods, and people in these Zones of Joint Cooperation.

31
32 **Sec. 21. Exploration, Development, and Utilization of Non-living**
33 **Resources in the Zones of Joint Cooperation.** – The Joint Body for the Zones of

1 Joint Cooperation shall ensure the cooperation and coordination between the Central
2 Government and the Bangsamoro Government on the exploration, development, and
3 utilization of fossil fuels and other non-living resources in the Zones of Joint Cooperation
4 and determine the sharing of income and revenues derived therefrom.
5

6 **Sec. 22. Transportation in the Zones of Joint Cooperation.** – Transportation
7 plying direct routes connecting the islands in Sulu, Basilan, Tawi-Tawi, and/or the
8 mainland parts of the Bangsamoro and passing through the Zones of Joint Cooperation
9 shall be considered intra-regional routes.
10

11 **Sec. 23. Inland Waters.** – The Bangsamoro Government shall have exclusive
12 powers over inland water, including but not limited to lakes, marshes, rivers, and
13 tributaries: *Provided*, That these inland waters do not flow in and out of the Bangsamoro.
14 When the utilization, exploration, and development of waters inside or outside the
15 Bangsamoro shall affect the flow of the water going in or out of the Bangsamoro, the
16 Central Government and the Bangsamoro Government shall cooperate and coordinate
17 through the intergovernmental relations mechanism: *Provided further*, That it shall not
18 affect the exercise of exclusive power of the Bangsamoro over inland waters and natural
19 resources. The Bangsamoro Parliament shall enact laws on the regulation, conservation,
20 management, and protection of these resources, and may classify inland waters in the
21 Bangsamoro. It shall create a Bangsamoro office and authorities for specific inland
22 bodies of water that shall exercise management and regulation powers over these bodies
23 of water.

24 The Bangsamoro Government shall ensure that the utilization of these waters shall
25 primarily be for the benefit of the people in the Bangsamoro and shall ensure that host
26 communities shall be given equitable shares from the revenues generated from such
27 utilization.
28

29 **Sec. 24. Agriculture, Fisheries, and Aquatic Resources.** – The Bangsamoro
30 Government's policies and laws on agriculture, fisheries, and aquatic resources shall
31 advance agriculture as a key development strategy, promote productivity measures, and
32 provide support for farmers and fisherfolks, especially small landholders and marginal
33 fisherfolks: *Provided*, That in the Bangsamoro Regional Waters and Waters in the Zones
34 of Joint Cooperation, the Bangsamoro people, indigenous peoples, and resident small

1 fisherfolks shall have preferential rights to fish in those waters, without prejudice to the
2 rights of citizens of the Philippines, whether residents or non-residents of the
3 Bangsamoro, to fish in those waters.

4 5 *Trade and Industry* 6

7 **Sec. 25. Trade and Industry in the Bangsamoro.** – The Bangsamoro
8 Government recognizes the private sector as a mover of trade, commerce, and industry.
9 To achieve equity, social justice, and economic development, it shall encourage and
10 support the building up of entrepreneurial capability in the Bangsamoro and shall
11 recognize, promote, protect, and support the development of cooperatives and other
12 medium, small, and micro enterprises. It shall adopt and implement cooperative
13 development policies and programs through the enactment of a Bangsamoro
14 Cooperative Code.

15 The Bangsamoro Government shall promote trade and industry in the
16 Bangsamoro by providing avenues through which other countries can learn about its
17 unique industries, economic opportunities, and culture through participation in trade
18 missions, trade fairs, and other promotional activities. It can also organize trade missions
19 to other countries observing the necessary coordination with the relevant government
20 agencies.

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

27
28 **Sec. 26. Barter Trade and Countertrade with ASEAN Countries.** – The
29 Bangsamoro Government shall regulate traditional barter trade and countertrade with
30 ASEAN member countries. The goods or items that are traded with the said countries
31 shall not be sold elsewhere in the country without payment of appropriate customs or
32 import duties.

1 Traditional barter trade and countertrade refer to all cross-border trade of all goods
2 not otherwise considered illicit since time immemorial between the Bangsamoro areas
3 with ASEAN member countries. The Bangsamoro Government shall ensure compliance
4 with national standards and safety product standards requirements. Any dispute in
5 relation to compliance or non-compliance shall be brought to the intergovernmental
6 relations mechanism.

7
8 **Sec. 27. Economic Zones, Industrial Estates, and Free Ports.** – The
9 Bangsamoro Government may establish economic zones, industrial estates, and free
10 ports in the Bangsamoro. They may also establish a Bangsamoro Economic Zone
11 Authority which shall have similar powers as the Philippine Economic Zone Authority.
12 The Bangsamoro Parliament may provide such additional powers and functions to the
13 Bangsamoro Economic Zone Authority as may be necessary to meet the special
14 circumstances of the Bangsamoro.

15 Once the Bangsamoro Economic Zone Authority is created by the Bangsamoro
16 Parliament, the Philippine Export Zone Authority shall no longer authorize any other
17 economic zone within the Bangsamoro. Any corporation, firm, or entity established
18 within the Bangsamoro by authority of the Philippine Export Zone Authority shall be
19 placed under the jurisdiction of the Bangsamoro Economic Zone Authority and shall
20 continue to enjoy the benefits granted to it by the Philippine Export Zone Authority.

21 Through the intergovernmental relations mechanism, the Bangsamoro
22 Government and the Central Government shall cooperate on customs, immigration, and
23 quarantine service including the attendant international commitments thereto, in order
24 to implement and make fully operational such economic zones, industrial estates, and
25 free ports within one (1) year from their establishment. Business and other enterprises
26 operating within the Bangsamoro economic zones, industrial estates, and free ports shall
27 be entitled to the fiscal incentives and other benefits provided by the Central Government
28 to special economic zones. The Bangsamoro Government shall implement the fiscal
29 incentives and other benefits to investors in economic zones, industrial estates, and free
30 ports.

31 Bangsamoro free ports shall be contiguous or adjacent to a seaport or airport. The
32 area of coverage of a free port may be so much as may be necessary of that portion of
33 the constituent local government units of the Bangsamoro, subject to such criteria as the

1 To facilitate the establishment of an Islamic banking and finance system, the
2 Bangsamoro Government and the Central Government shall review existing market
3 environment and policies and adopt measures to enhance the competitiveness of Islamic
4 finance products and ensure that Islamic financial players are not inhibited from
5 introducing Islamic finance products. It shall further promote investor awareness and
6 acceptance in order to build a broader customer and asset base.

7
8 **Sec. 32. Islamic Banking Unit in the Bangko Sentral ng Pilipinas.** - An
9 Islamic Banking Unit shall be established in the BSP which shall be headed and staffed
10 by qualified Islamic banking experts, recommended by the Chief Minister of the
11 Bangsamoro Government. The head of the Islamic Banking Unit shall be chosen from
12 among at least three (3) qualified persons from the Bangsamoro nominated by the Chief
13 Minister.

14
15 **Sec. 33. Functions of the *Shari'ah* Supervisory Board and Qualifications
16 of its Members.** - Without prejudice to the crafting of the Bangsamoro Islamic banking
17 and finance framework by the Bangsamoro Parliament, the following are the functions
18 and qualifications of the *Shari'ah* Supervisory Board:

- 19 a. Functions. – The Shariah Supervisory Board shall be responsible for monitoring
20 the compliance of *Shari'ah* rules in banking and finance transactions and
21 issuance of *Shari'ah* products. Furthermore, as a representative of the various
22 *Ulama*, it shall have the authority to issue *fatwas* regarding the products and
23 practices employed by banks and other institutions.
- 24 b. Qualifications. – Subject to other qualifications that the Bangsamoro Parliament
25 may enact, the members of the Board shall have the necessary knowledge of
26 both Islamic jurisprudence and conventional banking and finance.

27
28 ***Public Utilities and Infrastructure***

29
30 **Sec. 34. Energy and Power Generation.** - The Bangsamoro Government shall
31 promote investments, domestic and international, in the power sector in the
32 Bangsamoro: *Provided*, That the Bangsamoro Government shall notify the Central
33 Government insofar as power generation investments are concerned.

- 1 a. Power Generation, Transmission, and Distribution Operating Exclusively in the
2 Bangsamoro. - The Bangsamoro Government shall have the authority to regulate
3 power generation, transmission, and distribution operating exclusively in the
4 Bangsamoro through a Ministry of Energy it shall create. It may likewise create its
5 own public utilities including power generation utilities: *Provided*, That the
6 Bangsamoro government shall divest its ownership of said utilities after twenty-
7 five (25) years from the creation of said utilities. It shall promote investments,
8 domestic and international, in the power sector industry in the Bangsamoro. Power
9 generation plants and distribution utilities operating exclusively in the Bangsamoro
10 shall be able to interconnect, sell, and buy power over the National Transmission
11 Grid. In the same way, transmission lines operating exclusively in the Bangsamoro
12 shall be able to interconnect to the National Transmission Grid. In this case, the
13 Central Government and the Bangsamoro Government shall cooperate and
14 coordinate through the Intergovernmental Energy Board. The Bangsamoro
15 Government may assist electric cooperatives operating exclusively in the
16 Bangsamoro in accessing funds and technology to ensure their financial and
17 operational viability. Assistance may be in the form of restructuring of debts, with
18 rehabilitation and efficiency improvement measures based on a set of clear time-
19 bound operational reform programs. Other measures may be brought to the
20 Intergovernmental Energy Board.
- 21 b. Power Generation Not Operating Exclusively in the Bangsamoro. – The
22 Bangsamoro Government shall have primary responsibility over the permits of
23 power generation plants located inside the Bangsamoro. However, for power
24 generation plants not operating exclusively in the Bangsamoro, the Central
25 Government and the Bangsamoro Government shall cooperate and coordinate
26 through the Intergovernmental Energy Board when it comes to regulation of the
27 physical structure of these power generation plants. However, for power
28 generation plants that do not operate exclusively in the Bangsamoro, the Central
29 Government shall maintain its regulatory powers over their power supply contracts
30 where power generation utilities sell power outside the Bangsamoro. Further, the
31 Central Government, in consultation with the Bangsamoro Government, shall
32 exercise regulatory powers over power supply contracts of power generation
33 utilities selling power inside the Bangsamoro.
- 34 c. Power Distribution Not Operating Exclusively in the Bangsamoro. – For private
35 distribution utilities and electric cooperatives not operating exclusively in the
36 Bangsamoro, the regulatory powers as specified under R.A. No. 9136 or the

1 Electric Power Industry Reform Act of 2001 shall fall under the government whose
2 territory has the majority of end-user connections. The Bangsamoro Electrification
3 Administration shall have all the powers, functions, and privileges of the National
4 Electrification Administration under R.A. No. 10531 or the National Electrification
5 Administration Reform Act of 2013 when it comes to the supervision of the
6 management and operations of electric cooperatives whose franchise areas are
7 exclusively in the Bangsamoro. The Central Government and the Bangsamoro
8 Government shall cooperate and coordinate through the Intergovernmental
9 Energy Board when it comes to different fees and charges specified in existing
10 laws and collected through private distribution utilities and electric cooperatives
11 that do not operate exclusively in the Bangsamoro, and for the settlement and/or
12 restructuring of debts to the Central Government of electric cooperatives whose
13 franchise areas are exclusively in the Bangsamoro.
14

- 15 d. National Transmission Grid. – The Central Government shall maintain its authority
16 to regulate the National Transmission Grid: *Provided*, That when power generation
17 utilities in the Bangsamoro connect to the National Transmission Grid, the
18 Bangsamoro Government and Central Government shall cooperate through the
19 Intergovernmental Energy Board.
- 20 e. Retail Competition and Open Access. – The Central Government shall maintain its
21 authority to regulate the implementation of retail competition and open access as
22 specified in R.A. No. 9136.
- 23 f. Agus Hyrdopower Complex. – In the event of the privatization of the Agus
24 Hydropower Complex, the Bangsamoro Government shall have the preferential
25 rights to acquire the hydroelectric plants situated within its territory. Nevertheless,
26 the Central Government and the Bangsamoro Government shall cooperate and
27 coordinate through the Intergovernmental Energy Board insofar as the utilization
28 of water from Lake Lanao for the Agus Hydropower Complex is concerned, subject
29 to fees that may be imposed by the Bangsamoro Government for such utilization:
30 *Provided*, That this is without prejudice to the payment of user fees to the
31 Bangsamoro Government. This is without prejudice to the payment of the
32 obligation of NAPOCOR/PSALM to the ARMM which now accrues to the
33 Bangsamoro Government.
34

35 **Sec. 35. Roads, Bridges, and Irrigation.** – The Bangsamoro Government shall be
36 responsible for the public works in the Bangsamoro. However, the Central Government

1 shall continue to fund the construction and maintenance of national roads and bridges
2 and national irrigation systems in the Bangsamoro. Central Government shall include in
3 the national Road Network Information System all national roads and bridges in the
4 Bangsamoro. Funding for national roads, bridges, and irrigation systems shall be
5 automatically provided and regularly released by the Central Government.
6

7 ***Transportation and Communications***

8

9 **Sec. 36. Reserved, Concurrent, and Exclusive Powers.** – The Central
10 Government and the Bangsamoro Government shall have reserved, concurrent, and
11 exclusive powers, based on the principles of subsidiarity, technical, and financial viability,
12 harmonization, compliance with international standards, treaties, and conventions,
13 mutual respect and recognition, and recognition of the aspiration of the Bangsamoro to
14 assume further powers as may be practically operational as its capacity develops. The
15 intergovernmental mechanism shall harmonize policies, programs, regulations and
16 standards, and resolve problems of implementation between the Central Government
17 and the Bangsamoro Government.
18

19 **Sec. 37. Reserved powers.** – The Central Government shall exercise reserved
20 powers over the airside operation of all existing airports within the Bangsamoro.
21

22 **Sec. 38. Concurrent Powers.** – The Central Government and Bangsamoro
23 Government shall have concurrent powers over the following:

- 24 a. The Bangsamoro Government and the Central Government shall exercise
25 concurrent powers in transportation and communications in the Zones of Joint
26 Cooperation;
- 27 b. The issuance of franchises, permits, and provisional authorities for inter-regional
28 operation of land, air, and water transportation, as well as telecommunications
29 facilities shall pertain to the Central Government, while the issuance of the same
30 for intra-regional operation shall be the authority of the Bangsamoro Government:
31 *Provided*, That this is without prejudice to the power of the Bangsamoro
32 Government to enter into a Memorandum of Agreement or similar arrangements
33 with any national government agencies issuing franchises, permits, and provisional
34 authorities for the operation of land, air, and water transportation, as well as
35 telecommunications facilities, which shall include existing Memoranda of

1 Agreement entered into by the ARMM which shall continue to remain valid and in
2 effect: *Provided further*, That the principle of mutual recognition pertaining to the
3 abovementioned franchises, permits, and provisional authorities is observed:
4 *Provided finally*, That powers granted to the ARMM under E.O. No. 435, s. 1997
5 and other issuances and Memoranda of Agreement shall continue to take effect
6 insofar as they are consistent with this Basic Law.

- 7 c. Establishment and regulation of inter-regional routes, zones, or areas of operation
8 that pass through, include, or involve the territory of the Bangsamoro: *Provided*,
9 That when the origin and the destination of a route are within the Bangsamoro
10 territory and it passes through the Zones of Joint Cooperation, it shall be
11 considered an intra-regional route;
- 12 d. Designation and establishment of inter-regional airways; and
- 13 e. Promulgation of rules and regulations to promote safety and security in the airside
14 operation of civil aviation in the Bangsamoro.

15
16 **Sec. 39. Exclusive Powers.** – The Bangsamoro Government shall have the
17 following exclusive powers:

- 18 a. Those granted under R.A. No. 6734 as amended by R.A. No. 9054 on
19 transportation and communications;
- 20 b. Regulation of the operation of land, air, and water transportation, as well as
21 telecommunication facilities in the Bangsamoro: *Provided*, That the Central
22 Government shall continue to fund the construction and maintenance of airports
23 and wharves;
- 24 c. Issuance of licenses, Certificates of Public Convenience (CPCs), special permits
25 (SPs), and Provisional Authority (PA) to operate land, air, and water transportation
26 and telecommunication companies in the Bangsamoro;
- 27 d. Registration of land, air, and water transportation of all kinds and
28 telecommunication companies in the Bangsamoro; and
- 29 e. Quasi-judicial powers over the operation of land, air, and water transportation and
30 telecommunication companies in the Bangsamoro in accordance with the rules of
31 procedure established by the Bangsamoro Parliament.

32
33 **Sec. 40. Intergovernmental Relations Mechanism.** – The intergovernmental
34 relations mechanism may harmonize policies, programs, regulations and standards, and

1 resolve problems of implementation between the Central Government and the
2 Bangsamoro Government.

4 **ARTICLE XIV**

5 **REHABILITATION AND DEVELOPMENT**

7 **Sec. 1. Normalization, Rehabilitation, and Development.** –The Bangsamoro
8 Government, with funding support from the Central Government, shall intensify
9 development efforts for the rehabilitation, reconstruction, and development of the
10 Bangsamoro as part of the normalization process. It shall formulate and implement a
11 program for rehabilitation and development that will address the needs of Moro Islamic
12 Liberation Front (MILF)/Bangsamoro Islamic Armed Force (BIAF) members and its
13 decommissioned women auxiliary force, Moro National Liberation Front
14 (MNLF)/Bangsamoro Armed Forces (BAF) members, and address the needs of internally
15 displaced persons, widows and orphans, and poverty-stricken communities.

17 **Sec. 2. Special Development Fund.** – In order for the Bangsamoro to rebuild
18 its conflict-affected communities and catch up with the rest of the country, the Central
19 Government shall provide for a Special Development Fund to the Bangsamoro for the
20 rehabilitation and development of its conflict-affected communities.

21 The amount of One Hundred Billion Pesos (P100,000,000,000) shall be allocated
22 for this purpose to be utilized by the Bangsamoro Government for ten (10) years from
23 the ratification of this Basic Law. It shall be given to the Bangsamoro Government in the
24 amount of Ten Billion Pesos (P10,000,000,000) annually. Such amount shall be released
25 at the beginning of each fiscal year to the Bangsamoro Government.

26 The utilization of the funds shall be in accordance with the Bangsamoro
27 Development Plan to be adopted by the Bangsamoro Government, as provided in Section
28 5, Article XIII of this Basic Law.

30 **ARTICLE XV**

31 **PLEBISCITE**

1 **Sec. 1. Establishment of the Bangsamoro.** – The establishment of the
2 Bangsamoro and the determination of the Bangsamoro territory shall take effect upon
3 ratification of this Basic Law by a majority of the votes cast in a plebiscite in the following:

- 4 a. The present geographical area of the ARMM;
- 5 b. The municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal
6 in the province of Lanao del Norte that voted for inclusion in the ARMM during
7 the 2001 plebiscite under Republic Act No. 9054;
- 8 c. The following thirty-nine (39) Barangays in the municipalities of Kabacan,
9 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in the province of North
10 Cotabato that voted for inclusion in the ARMM during the 2001 plebiscite under
11 Republic Act No. 9054:
- 12 i. Dungan, Lower Mingading, and Tapodoc in the municipality of Aleosan
13 (3);
- 14 ii. Manarapan and Nasapian in the municipality of Carmen (2);
- 15 iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of Kabacan (3);
- 16 iv. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central
17 Labas, Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, and
18 Tugal in the municipality of Midsayap (12);
- 19 v. Lower Baguer, Balacayon, Buricain, Datu Binasing, Kadingilan, Matilac,
20 Patot, and Lower Pangangkalan in the municipality of Pigkawayan (8);
- 21 vi. Bagoinged, Balatican, S. Balong, S. Balongis, Batulawan, Buliok, Gokotan,
22 Kabasalan, Lagunde, Macabual, and Macasendeg, in the municipality of
23 Pikit (11)
- 24 d. The Cities of Cotabato and Isabela; and
- 25 e. Those qualified for inclusion in the plebiscite, by way of resolution or petition.
- 26

27 **Sec. 2. Territorial Jurisdiction.** – The plebiscite herein mentioned shall be
28 conducted not earlier than ninety (90) days or later than one hundred fifty (150) days
29 after the effectivity of this Basic Law.

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

32

33 **Sec. 3. Results of the Plebiscite.** –

- 1 a. For the present geographic area of the ARMM: If the majority of the votes cast
2 in the entirety of the ARMM voted in favor of the approval of this Basic Law, the
3 Bangsamoro is hereby established and all the provinces and cities of the ARMM
4 shall be part of the Bangsamoro.
- 5 b. For the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal
6 in the province of Lanao del Norte: If the majority of the votes cast in each of
7 these municipalities vote in favor of their inclusion in the Bangsamoro, the
8 respective municipalities shall be included in the Bangsamoro.
- 9 c. For other barangays in the municipalities of Kabacan, Carmen, Aleosan,
10 Pigcawayan, Pikit, and Midsayap in the province of North Cotabato as
11 enumerated in Article XV Section 1 (c) that voted for inclusion in the ARMM
12 during the 2001 plebiscite: If the majority of the votes cast in each of these
13 barangays vote in favor of their inclusion in the Bangsamoro, the respective
14 barangays shall be included in the Bangsamoro.
- 15 d. For the cities of Cotabato and Isabela: If the majority of the votes cast in each
16 of these cities vote in favor of their inclusion in the Bangsamoro, the respective
17 cities shall be included in the Bangsamoro.
- 18 e. For all other contiguous areas where there is a resolution of the local
19 government unit or a petition of at least twenty percent (20%) of the registered
20 voters in the area asking for their inclusion at least two months prior to the
21 conduct of the ratification of this Basic Law and the process of delimitation of
22 the Bangsamoro: If the majority of the votes cast in the mother province or city
23 to which they belong votes in favor of their inclusion in the Bangsamoro, the
24 respective local government units shall be included in the Bangsamoro. In cases
25 where Congress has identified and declared the concerned local government
26 unit as a geographic area, only a majority of the votes cast in such geographic
27 area is necessary for its inclusion in the Bangsamoro.

28 In order to ensure the widest acceptability of this Basic Law in the core areas
29 abovementioned, a popular ratification shall be conducted among all the Bangsamoro
30 people within the areas for their adoption.

31
32 **Sec. 4. Delimitation of the Bangsamoro; Periodic Plebiscite.** - Five (5)
33 years after the ratification of this Basic Law and every five (5) years thereafter for a
34 period of fifteen (15) years, a plebiscite shall be held in the cities, municipalities, and
35 other geographic areas which were not able to join the Bangsamoro as a result of the

1 plebiscite mentioned in the three preceding sections, to determine whether or not they
2 desire to join the Bangsamoro.

3 The contiguous provinces, cities, municipalities, barangays, and other geographic
4 areas particularly mentioned in the 1976 Tripoli Agreement and 1996 Final Peace
5 Agreement, other than those mentioned in the preceding three sections, may opt to join
6 the Bangsamoro through the periodic plebiscite mentioned in the preceding paragraph:
7 *Provided*, That a resolution of the local government unit or a petition of at least twenty
8 percent (20%) of the registered voters of the local government units of each province,
9 city, municipality, or other contiguous geographic area opting to join is submitted to
10 their respective election offices at least one (1) year prior to the scheduled plebiscite.

11 If the majority of the votes cast in each of the provinces and cities participating in
12 the periodic plebiscite voted in favor of joining the Bangsamoro, they shall form part of
13 the Bangsamoro, except in the case where Congress has identified and declared the
14 concerned local government units as geographic area, in which case, only a majority of
15 the votes cast in such geographic area is necessary for its inclusion in the Bangsamoro.

16 At the end of the fifteenth (15th) year, the Bangsamoro shall have been delineated
17 and delimited, and no other plebiscite for expansion shall be held, except those allowed
18 under express provision of law or by command of the 1987 Constitution.

19
20 **Sec. 5. Reconstitution of Local Government Units.** – The Bangsamoro
21 Parliament may, by law, provide for the constitution of geographic areas in the
22 Bangsamoro into appropriate territorial or political subdivisions depending on the results
23 of any of the plebiscites herein. Nothing herein shall be construed to allow the
24 Bangsamoro Parliament to create congressional districts.

25
26 **Sec. 6. Plebiscite Questions.** The questions to be asked of the voters in the
27 plebiscite shall be as follows:

- 28 a. For the ARMM: Do you approve of the Bangsamoro Basic Law?
29 b. For the areas mentioned in (b) and (c) of Section 3, Article XV: Do you vote for
30 the inclusion of your municipality or barangay in the Bangsamoro territory?
31 c. For the areas mentioned in (d) of Section 3, Article XV: Do you vote for the
32 inclusion of your city in the Bangsamoro territory?

1 d. For the mother province or city under letter (e) of Section 3, Article XV: Do you
2 approve of the inclusion of the petitioning municipality/barangay in the
3 Bangsamoro?

4 Aside from English and Filipino, these questions shall be in the dominant languages
5 of the people in the areas which shall be covered by the plebiscite.

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

14
15 **Sec. 8. Qualified Voters.** – All registered voters in the provinces, cities, and
16 geographic areas mentioned under Section 1, Article XV of this Basic Law shall be qualified
17 to participate in the plebiscite on the establishment of the Bangsamoro. Notwithstanding
18 existing laws, rules, and regulations on overseas and local absentee voters, the COMELEC
19 shall ensure that qualified voters for the plebiscite who are located outside the
20 Bangsamoro on the date of the plebiscite shall be given the opportunity to vote, and that
21 voters who are currently registered outside the areas specified but are otherwise qualified
22 to be registered voters of said areas, complying with residency requirements under the
23 law, shall be given the opportunity to transfer their registration accordingly, in time for
24 the conduct of the plebiscite.

25
26 **Sec. 9. Special Registration.** – The COMELEC shall conduct a special
27 registration before the date of the plebiscite on the Bangsamoro Basic Law.

28
29 **Sec. 10. Promulgation of Rules for the Conduct of Plebiscite.** – The
30 COMELEC shall promulgate rules necessary for the conduct of plebiscite, including those
31 for the accreditation of plebiscite monitors, voluntary inclusion in the plebiscite, and the
32 special registration of voters as provided herein, within fifteen (15) days from the
33 effectivity of this Basic Law, with the primary objective of optimizing the opportunity for
34 participation in the plebiscite of qualified voters in the areas specified for the
35 establishment of the Bangsamoro.

36

1 **Sec. 1. Transition Period.** – The transition or interim period for the
2 establishment of the Bangsamoro shall commence upon ratification of this Basic Law.

3 This Basic Law shall be deemed ratified when approved by a majority of the votes
4 cast in a plebiscite as proclaimed by the COMELEC or its duly authorized officers. The
5 fact of ratification shall be confirmed by the GPH and MILF Peace Panels.

6 The transition period shall end upon the dissolution of the BTA, as provided in this
7 Basic Law.

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

11
12 **Sec. 2. Bangsamoro Transition Authority.** – There is hereby created a
13 Bangsamoro Transition Authority which shall be the interim government or the governing
14 body in the Bangsamoro during the transition period. The MILF, being the principal party
15 to the Comprehensive Agreement on the Bangsamoro, shall lead the BTA in its leadership
16 and membership.

17 The BTA shall be composed of eighty (80) members, all of whom shall be
18 appointed by the President: *Provided*, That non-Moro indigenous communities, youth,
19 women, settler communities, traditional leaders, and other sectors shall have
20 representatives in the BTA. Nominations may be submitted to the Office of the President
21 for this purpose.

22 The Council of Leaders as provided in Section 10, Article VI shall also be organized
23 during the transition period.

24
25 **Sec. 3. Powers and Authorities.** – Legislative and executive powers in the
26 Bangsamoro during transition shall be vested in the BTA. During the transition period,
27 executive authority shall be exercised by the interim Chief Minister, who shall be
28 appointed by the President as such, while legislative authority shall be exercised by the
29 BTA.

30 All powers and functions of the Bangsamoro Government as provided in this law
31 is vested in the BTA during the transition period.

1 For purposes of mechanisms for intergovernmental relations with the Central
2 Government and local governments units in the Bangsamoro, the BTA shall be deemed
3 as the Bangsamoro Government for the duration of the transition period.

4
5 **Sec. 4. Functions and Priorities** –The BTA shall ensure the accomplishment of
6 the following priorities during the transition period:

- 7 a. Enactment of priority legislations such as the Bangsamoro Administrative Code,
8 Bangsamoro Tax and Revenue Code, Bangsamoro Electoral Code, Bangsamoro
9 Local Government Code, and Bangsamoro Education Code consistent with
10 powers and prerogatives vested in the Bangsamoro Government by this Basic
11 Law: *Provided*, That until the abovementioned laws are enacted for the
12 Bangsamoro, Muslim Mindanao Autonomy Act No. 25 or the ARMM Local
13 Government Code, and subsisting laws on elections and other electoral matters
14 shall apply in the Bangsamoro;

15 The BTA may also enact a Bangsamoro Civil Service Code, as provided in this
16 Basic Law. In the absence of the latter, national civil service laws and regulations
17 are primarily applicable in the Bangsamoro.

18 The BTA shall have the power to enact a law to recognize, protect, promote, and
19 preserve the rights of the indigenous peoples in the Bangsamoro. Until such law
20 is enacted and passed, subsisting laws on indigenous peoples in the Bangsamoro
21 shall be operational.

22 These rights shall be promoted, protected, and enforced by the Ministry of
23 Indigenous Peoples' Affairs, as provided under Section 8, Article XVI.

- 24
25 b. Organization of the bureaucracy of the Bangsamoro Government during
26 transition, including the approval and implementation of a transition plan, and
27 the institution of a placement process for hiring of personnel during transition.
28 This shall also include the setting up of offices and other institutions necessary
29 for the continued functioning of government and delivery of social services in the
30 region, as well as those necessary for the smooth operations of the first elected
31 Bangsamoro Government;
- 32 c. Full transfer of powers and properties of the ARMM Government to the
33 Bangsamoro Government, and the disposition of personnel as provided in this
34 Basic Law;

- 1 d. Transition from the ARMM Government to the Bangsamoro Government as
2 provided in this Basic Law; and
3 e. Other matters that may be necessary for the protection and promotion of general
4 welfare of the constituents of the Bangsamoro.

5
6 **Sec. 5. Continuity of Government** – To foreclose any political interregnum in
7 the governance of the region, the BTC, an independent body created by E.O. No. 08,
8 shall continue to exist to wind up and caretake the administration of the region until the
9 BTA is constituted.

10
11 **Sec. 6. Transition Plan.** – Within the first sixty (60) days of the transition period,
12 the interim Chief Minister shall submit to the BTA a transition plan that shall contain the
13 proposed organizational plan, as well as the schedule for implementation therefor. The
14 BTA shall, by a majority vote of all its members, approve or otherwise act on the proposed
15 transition plan within ten (10) days upon submission by the interim Chief Minister. If the
16 plan is not acted upon within sixty (60) days, the plan shall be deemed approved. It shall
17 be implemented within fifteen (15) days from its approval.

18
19 **Sec. 7. Interim Officers.** – The interim Chief Minister shall organize the interim
20 Cabinet and shall appoint two interim Deputy Chief Ministers, who shall also be members
21 of the BTA. The interim Chief Minister shall also appoint such other ministers as may be
22 necessary to perform the functions of government during transition, a majority of whom
23 shall be from among members of the BTA.

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

27
28 **Sec. 8. Interim Cabinet.** - The Interim Cabinet shall be composed of fifteen (15)
29 primary ministries with sub-offices, namely:

- 30 a. Finance, and Budget and Management;
31 b. Social Services;
32 c. Trade, Investments, and Tourism;
33 d. Labor and Employment;

- 1 e. Transportation and Communication [including Information and
- 2 Communications Technology (ICT)];
- 3 f. Education, Commission on Higher Education (CHED), and Technical
- 4 Education and Skills Development Authority (TESDA);
- 5 g. Indigenous Peoples' Affairs;
- 6 h. Health;
- 7 i. Public Works;
- 8 j. Local Government;
- 9 k. Environment, Natural Resources, and Energy;
- 10 l. Human Settlements and Development;
- 11 m. Science and Technology;
- 12 n. Agriculture, Fisheries, and Agrarian Reform; and
- 13 o. Public Order and Safety.

14 Other offices on youth, women, settler communities, disaster risk reduction and
15 management, and planning and development, among others, may be created by the
16 BTA.

17 The Attorney General's Office, under the Office of the Chief Minister, shall likewise
18 be created by the BTA.

19
20 **Sec. 9. Organization of the Bureaucracy.** – The authority of the BTA to create
21 offices and organize the bureaucracy during transition is without prejudice to the
22 authority of the Bangsamoro Government to reorganize the bureaucracy upon its
23 constitution, or any time thereafter. In the exercise of this authority, the BTA shall ensure
24 the least possible disruption to the functioning of government and the delivery of
25 services in the region.

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

29
30 **Sec. 10. Transfer of Powers and Properties and Disposition of Personnel.**

31 – All powers, functions, assets, capital, records, funds, receivables, equipment, and

1 facilities of the ARMM Government at the time of the ratification of this Basic Law shall
2 be transferred to the Bangsamoro Government.

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

7 The Central Government shall provide the necessary funds for the benefits and
8 entitlements of affected employees in the ARMM.

9 An inventory shall be conducted by an inter-agency headed by the Office of the
10 President, Department of Budget and Management, Commission on Audit, and Civil
11 Service Commission (CSC), to ensure that the liabilities of the ARMM under law,
12 contracts, or others will be settled by the Central Government prior to the turnover to
13 the BTA.

14 For this purpose, the Office of the Regional Governor of ARMM shall turn over to
15 the BTA, upon the latter's constitution, a summary report on the status of the Regional
16 Government as of the date of the ratification of this Basic Law, including information on
17 the status of devolution, personnel, properties, and assets of the Regional Government.

18 Employees separated from the service as a result of the abolition of the ARMM
19 under the provisions of this Basic Law shall, within two (2) months from the date of their
20 separation, receive separation pay equivalent to three (3) months' salary per year of
21 service. In addition, those who are qualified to retire from the service shall be entitled
22 to the benefits provided under existing retirement laws.

23 Qualified employees may reapply and shall be given priority, subject to
24 qualification standards that may be set by the BTA and CSC rules and regulations.

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

28
29 **Sec. 11. Disposition of Personnel and Assets of Central Government**
30 **Offices/Agencies.** – The Central Government shall provide for the disposition of
31 personnel of Central Government or national GOCCs whose mandate and functions are
32 transferred to or now vested in the Bangsamoro Government by virtue of this Basic Law.
33 Properties and assets shall be transferred to the Bangsamoro Government within three

1 (3) months from the organization of the BTA. The transfer of properties and assets is
2 without prejudice to the power of the BTA to organize the bureaucracy during transition.
3

4 **Sec. 12. Dissolution of the Bangsamoro Transition Authority.** –

5 Immediately upon the qualification of the elected Chief Minister under the first
6 Bangsamoro Parliament, the BTA shall be deemed dissolved.

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

11
12 **Sec. 13. First Regular Election.** – The first regular election for the Bangsamoro

13 Government under this Basic Law shall be held three (3) years from the ratification of
14 this Basic Law. It shall be governed by the Bangsamoro Electoral Code. The National
15 Omnibus Election Code shall apply suppletorily, whenever appropriate. The COMELEC,
16 through the Bangsamoro Electoral Office, shall promulgate rules and regulations as may
17 be necessary for the conduct of said elections, and enforce and administer the same,
18 consistent with this Basic Law and the Bangsamoro Electoral Code, as correlated with
19 relevant national laws.

20
21 **Sec. 14. Initial Funding for Transition.** – To carry out the requirements of

22 transition, including the organizational activities of the BTA, organization of the
23 bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA
24 as provided in this Basic Law, the amount of One Billion Pesos (P1,000,000,000) is
25 hereby appropriated for the BTA, charged against the General Funds of the Central
26 Government. In addition, the current year's appropriations for the ARMM shall also be
27 transferred to the BTA for this purpose.

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

30 Government functions falling within the reserved powers of the Central
31 Government in the Bangsamoro shall continue to be financed by the Central Government
32 funds.

33
34 **ARTICLE XVII**

1 **AMENDMENTS AND REVISIONS**

2

3 **Sec. 1. Amendments and Revisions.** – All proposals to amend or revise the
4 provisions of this Basic Law shall be endorsed by the Bangsamoro Parliament to Congress
5 for prior hearings and due enactment into law.

6 Such revision, as enacted by Congress, shall become effective upon approval by a
7 majority vote cast by qualified voters in the Bangsamoro. In the case of amendment, the
8 same shall become effective upon the enactment of Congress and approval by the
9 President.

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

12

13 **ARTICLE XVIII**

14 **FINAL PROVISIONS**

15 **Sec. 1. Separability Clause.** – The provisions of this Basic Law are deemed
16 separate. If, for any reason, any section or provision of this Basic Law is declared
17 unconstitutional, other sections or provisions which are not affected by such declaration
18 shall continue to be in full force and effect.

19

20 **Sec. 2. Repealing Clause.** – All laws, decrees, orders, rules and regulations, and
21 other issuances or parts thereof, which are inconsistent with this Basic Law, are hereby
22 repealed or modified accordingly. Specifically, R.A. No. 6734 as amended by R.A. No.
23 9054 is hereby repealed in their entirety.

24

25 **Sec. 3. Subsisting Regional Laws.** – All subsisting laws enacted by the ARMM
26 Regional Legislative Assembly by virtue of authorities provided under R.A. No. 6734 as
27 amended by R.A. No. 9054, shall be deemed valid and in effect, unless inconsistent with
28 this Basic Law or repealed by laws passed by the Bangsamoro Parliament.

29

30 **Sec. 4. Existing Local Government Units.** – Existing local government units
31 previously created by the ARMM Regional Legislative Assembly that did not comply with
32 the criteria provided in R.A. No. 7160 shall now be entitled to their share in the Internal
33 Revenue Allotment from the Central Government.

34

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

5 **Sec. 6. Abolition of the Autonomous Region in Muslim Mindanao.** – The
6 Autonomous Region in Muslim Mindanao created under R.A. No. 6734 as amended by
7 R.A. No. 9054 is hereby abolished.

8 All powers, duties, and rights vested by law and exercised by the ARMM are hereby
9 transferred to the Bangsamoro Government.

10 All assets, real and personal properties, funds, and revenues owned by or vested
11 in the different offices of the ARMM are transferred to the Bangsamoro Government.

12 All contracts, records, and documents relating to the operations of the ARMM are
13 transferred to the Bangsamoro Government. Any real property owned by the Central
14 Government or government-owned corporation or authority which is being used and
15 utilized as office or facility by the ARMM shall be transferred to and titled in favor of the
16 Bangsamoro Government.
17

18 Approved,