

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

CERTIFIED BY THE PRESIDENT FOR
ITS IMMEDIATE ENACTMENT
ON MAY 29, 2018

AS APPROVED ON THIRD READING
on May 30, 2018

SENATE

S. No. 1717 ***

Prepared by the Committees on Local Government; Finance; Constitutional Amendments and Revision of Codes; and Ways and Means as recommended by the Subcommittee on the Bangsamoro Basic Law with Senators Pimentel III, Zubiri, Hontiveros, Aquino IV, Angara, Legarda, Pangilinan and De Lima as authors

AN ACT

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

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

PREAMBLE

We, the Bangsamoro people and other inhabitants, imploring the aid of the Almighty, aspiring to establish an enduring peace on the basis of justice, balanced society, and asserting our right to conserve and develop our patrimony; reflective of

1 our system of life as prescribed by our faith, and in harmony with our customary laws,
2 cultures and traditions;

3 Within the framework of the Constitution and the national sovereignty and
4 territorial integrity of the Republic of the Philippines, and in consonance with the
5 accepted principles of human rights, liberty, justice, democracy, and the norms and
6 standards of international law;

7 Affirming our distinct historical identity and birthright to our ancestral homeland
8 and our right to chart our political future through a democratic process that will secure
9 our identity and prosperity, and allow for genuine and meaningful self-governance as
10 stipulated in the Comprehensive Agreement on the Bangsamoro (CAB): **PROVIDED,**
11 **HOWEVER, THAT NOTHING IN THIS BASIC LAW SHALL BE INTERPRETED AS**
12 **INCORPORATING THE POWERS, DUTIES AND RELATIONS UNDER THE CAB**
13 **AND OTHER SUPPLEMENTARY AGREEMENTS THERETO.**

14 With the blessing of the Almighty, do hereby promulgate this Bangsamoro Basic
15 Law as the fundamental law of the Bangsamoro

16
17 **Article I**
18 **NAME AND PURPOSE**

19
20 **SECTION 1. *Short Title.*** – This Act shall be known as the “**AUTONOMOUS**
21 **REGION OF THE** Bangsamoro.”

22 **SEC. 2. *Name.*** – The name of the political entity under this Basic Law shall be the
23 **AUTONOMOUS REGION OF THE** Bangsamoro.

24 **SEC. 3. *Purpose.*** – The purpose of this Basic Law is to establish **THE**
25 **AUTONOMOUS REGION OF THE BANGSAMORO,** provide for its basic structure of
26 government in **ACCORDANCE WITH THE PROVISIONS OF THE 1987**
27 **CONSTITUTION IN** recognition of the justness and legitimacy of the cause of the
28 Bangsamoro people and aspiration **OF THE MUSLIM FILIPINOS AND ALL**
29 **INDIGENOUS CULTURAL COMMUNITIES FOR** meaningful self-governance.

30
31 **Article II**
32 **BANGSAMORO IDENTITY**

33
34 **SEC. 1. *Bangsamoro People.*** – Those who, at the advent of the Spaniards, were
35 considered natives or original inhabitants of Mindanao and the Sulu archipelago and its
36 adjacent islands and their **SPOUSES AND** descendants, whether of mixed or of full

1 blood, shall have the right to identify themselves as Bangsamoro. **THE BANGSAMORO**
2 **PEOPLE ARE CITIZENS OF THE REPUBLIC OF THE PHILIPPINES PURSUANT**
3 **TO ARTICLE IV OF THE CONSTITUTION!**

4 **SEC. 2. *Freedom of Choice.*** – The freedom of choice of **ALL** indigenous peoples
5 **WITHIN THE BANGSAMORO TERRITORIAL JURISDICTION TO RETAIN THEIR**
6 **DISTINCT INDIGENOUS AND ETHNIC IDENTITY IN ADDITION TO THEIR**
7 **BANGSAMORO POLITICAL IDENTITY SHALL BE RESPECTED.** There shall be no
8 discrimination on the basis of identity, religion, and ethnicity.

9 **SEC. 3. *Bangsamoro Symbol.*** – The Bangsamoro Parliament shall adopt the
10 official flag, emblem, and hymn of the Bangsamoro. **THE FLAG OF THE REPUBLIC**
11 **OF THE PHILIPPINES SHALL ALWAYS BE DISPLAYED ALONG SIDE THE**
12 **BANGSAMORO OFFICIAL FLAG. LIKEWISE, THE PHILIPPINE NATIONAL**
13 **ANTHEM SHALL BE SUNG WITH THE BANGSAMORO HYMN.**

14 15 **Article III**

16 **TERRITORIAL JURISDICTION**

17
18 **SEC. 1. *Definition of TERRITORIAL JURISDICTION.*** – **TERRITORIAL**
19 **JURISDICTION** refers to the land mass as well as the **WATERS OVER WHICH THE**
20 **BANGSAMORO AUTONOMOUS REGION HAS TERRITORIAL JURISDICTION. IT**
21 **SHALL REMAIN AN INTEGRAL AND INSEPARABLE PART OF THE NATIONAL**
22 **TERRITORY OF THE REPUBLIC AS DEFINED BY THE CONSTITUTION AND**
23 **EXISTING LAWS.**

24 **SEC. 2. *TERRITORIAL JURISDICTION.*** – The **TERRITORIAL**
25 **JURISDICTION** of the Bangsamoro shall be composed of:

- 26 a. the present geographical area of the Autonomous Region in Muslim
27 Mindanao (ARMM);
- 28 b. the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal
29 in the province of Lanao del Norte that voted for inclusion in the ARMM during
30 the 2001 plebiscite, which are hereby declared as geographic areas pursuant
31 to Section 15, Article X of the 1987 Constitution;
- 32 c. the following thirty-nine (39) barangays in the municipalities of Kabacan,
33 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in the province of North
34 Cotabato that voted for inclusion in the ARMM during the 2001 plebiscite, which
35 are hereby declared as geographic areas pursuant to Section 15, Article X of the
36 1987 Constitution:

- 1 i. Dungan, Lower Mingading, and Tapodoc in the municipality of
2 Aleosan (3);
- 3 ii. Manarapan and Nasapian in the municipality of Carmen (2)
- 4 iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of
5 Kabacan (3);
- 6 iv. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan,
7 Central Labas, Malingao, Mudseng, Nabalawag, Olandang,
8 Sambulawan, and Tugal in the municipality of Midsayap (12);
- 9 v. Lower Baguer, Balacayon, Buricain, Datu Binasing, Kadingilan,
10 Matilac, Patot, and Lower Pangangkalan in the municipality of
11 Pigkawayan (8);
- 12 vi. Bagoinged, Balatican, S. Balong, S. Balongis, Batulawan, Buliok,
13 Gokotan, Kabasalan, Lagunde, Macabual, and Macasendeg, in
14 the municipality of Pikit (11);
- 15 d. the cities of Cotabato and Isabela;
- 16 e. all other contiguous areas where there is a resolution of the local government
17 unit or a petition of at least twenty percent (20%) of the registered voters in
18 the area, **AS CERTIFIED TO BY THE COMMISSION ON ELECTIONS**
19 **(COMELEC)** asking for their inclusion at least two months prior to the
20 conduct of the ratification of this Basic Law and the process of delimitation of
21 the Bangsamoro: *Provided*, That in the conduct of the plebiscite, a majority
22 vote in the mother province or city to which it belongs is obtained, except in
23 the case where Congress has identified and declared the concerned local
24 government unit as geographic area.

25 **SEC. 3. Contiguous TERRITORIAL JURISDICTION.** – Contiguous provinces,
26 cities, municipalities, barangays, and geographic areas, other than those mentioned in
27 the preceding section, that obtain majority of the qualified votes cast in the plebiscites,
28 as provided under Section 4, Article XV of this Basic Law shall become part of the
29 Bangsamoro.

30 **SEC. 4. Inland Waters.** – **SUBJECT TO THE PROVISIONS OF THE 1987**
31 **CONSTITUTION AND OTHER PERTINENT NATIONAL LAWS, ALL INLAND**
32 **WATERS SUCH AS LAKES, RIVERS, RIVER SYSTEMS AND STREAMS WITHIN**
33 **THE AUTONOMOUS REGION OF THE BANGSAMORO TERRITORIAL**
34 **JURISDICTION SHALL BE PART OF THE REGION. THE PRESERVATION AND**
35 **MANAGEMENT THEREOF SHALL BE UNDER THE TERRITORIAL JURISDICTION**
36 **OF THE BANGSAMORO GOVERNMENT: PROVIDED, THAT THE MORO AND**
37 **NON-MORO INDIGENOUS PEOPLE SHALL RETAIN THEIR RIGHT TO GOVERN,**

1 **PRESERVE, MANAGE AND CONTROL THE RESOURCES FOUND IN INLAND**
2 **WATERS WITHIN THE ANCESTRAL DOMAINS.**

3 **SEC. 5. *Bangsamoro Waters.*** – The Bangsamoro waters, in the Sulu Sea and
4 Moro Gulf, shall extend up to **15** kilometers from the low-water mark of the coasts that
5 are part of the Bangsamoro **TERRITORIAL JURISDICTION**. The Bangsamoro waters
6 shall be part of the territorial jurisdiction of the Bangsamoro political entity.

7 Where a constituent local government unit of the Bangsamoro and an adjoining
8 local government unit are so situated on the opposite shores such that there is thirty (30)
9 kilometers of waters or less between them, a line equally distant from the opposite shores
10 shall be drawn to demarcate the Bangsamoro waters and the municipal waters of the
11 adjoining local government unit.

12 Should they be so situated that there is more than thirty (30) kilometers but less
13 than 37.224 kilometers of waters between them, a line shall be drawn at the edge of the
14 15 kilometers municipal waters of the adjoining local government unit to demarcate it
15 from the Bangsamoro waters.

16 Ten years after the passage of this Basic Law, the NATIONAL Government and
17 the Bangsamoro Government shall discuss the enhancement of the area of the
18 Bangsamoro waters through the necessary processes and modalities.

19 **SEC. 6. *Constituent Units.*** – The provinces, cities, municipalities, barangays,
20 and geographical areas within its **TERRITORIAL JURISDICTION** shall be the
21 constituent units of the Bangsamoro.

22
23 **ARTICLE IV**

24 **GENERAL PRINCIPLES AND POLICIES**

25
26 **SEC. 1. *TERRITORIAL INTEGRITY OF THE REPUBLIC OF THE***
27 ***PHILIPPINES.*** – **THE BANGSAMORO IS AN INTEGRAL AND INSEPARABLE PART**
28 **OF THE TERRITORY OF THE REPUBLIC OF THE PHILIPPINES. THE PEOPLE OF**
29 **BANGSAMORO SHALL UPHOLD THE CONSTITUTION AS THE FUNDAMENTAL**
30 **LAW OF THE LAND AND UNEQUIVOCALLY ALL ALLEGIANCE AND FIDELITY TO**
31 **THE REPUBLIC OF THE PHILIPPINES.**

32 **SEC. 2. *Self-Governance.*** – In the exercise of its right to self-governance, the
33 Bangsamoro is free to pursue its political, economic, social, and cultural development.

1 **SEC. 3. *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 **TERRITORIAL JURISDICTION.**

4 **SEC. 4. *Electoral System.*** – The Bangsamoro Government, consistent and
5 suitable to its parliamentary form of government, shall **PURSUANT TO THE**
6 **MANDATE OF THE 1987 CONSTITUTION ON THE ELECTORAL PROCESS OF**
7 **THE NATIONAL GOVERNMENT,** adopt an electoral system which shall allow
8 democratic participation, encourage formation of genuinely principled political parties, and
9 ensure accountability.

10 **THE COMELEC SHALL ESTABLISH A REGIONAL OFFICE IN THE**
11 **BANGSAMORO UNDER ITS SUPERVISION AND CONTROL AND SHALL PROVIDE**
12 **FOR ITS ANNUAL BUDGET.**

13 **THE BANGSAMORO ELECTORAL OFFICE SHALL IMPLEMENT AND ENFORCE**
14 **THE ORDERS, RULINGS AND DECISIONS OF THE COMELEC.**

15 **SEC. 5. *Civilian Government.*** – Governance in the Bangsamoro is the
16 responsibility of the duly elected civilian government. Civilian authority is, at all times,
17 supreme over the military.

18 **SEC. 6. *Promotion of Unity.*** – The Bangsamoro Government shall promote unity,
19 peace, justice, and goodwill among all peoples, as well as encourage a just and peaceful
20 settlement of disputes.

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

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

29 **SEC. 8. *International Treaties and Agreements.*** – The Bangsamoro
30 Government shall respect and adhere to all international treaties and agreements
31 entered into by the Government of the Republic of the Philippines.

1 **ARTICLE V**

2 **POWERS OF GOVERNMENT**

3
4 **SEC. 1. POWERS OF THE NATIONAL GOVERNMENT. – ALL POWERS,**
5 **FUNCTIONS, AND RESPONSIBILITIES NOT GRANTED BY THE CONSTITUTION**
6 **OR BY LAW TO THE AUTONOMOUS REGION OF THE BANGSAMORO SHALL BE**
7 **VESTED IN THE NATIONAL GOVERNMENT.**

8 **SEC. 2. POWERS OF THE BANGSAMORO GOVERNMENT. – WITHIN ITS**
9 **TERRITORIAL JURISDICTION AND SUBJECT TO THE PROVISIONS OF THE**
10 **CONSTITUTION AND NATIONAL LAWS, THE BANGSAMORO GOVERNMENT**
11 **SHALL EXERCISE ITS AUTHORITY OVER THE FOLLOWING MATTERS WITHIN**
12 **THE BANGSAMORO AUTONOMOUS REGION WITHOUT PREJUDICE TO THE**
13 **GENERAL SUPERVISION OF THE PRESIDENT:**

14 a. Agriculture, livestock, and food security;

15
16 b. Economic and cultural exchange;

17
18 c. **SUBJECT TO COMPLIANCE WITH THE 1987 CONSTITUTION, RELEVANT**
19 **LAWS AND REGULATIONS,** contract loans, credits, and other forms of
20 indebtedness with any government or private bank and other lending institutions,
21 except those requiring sovereign guaranty, which **WOULD** require **NATIONAL**
22 Government approval: **PROVIDED, THAT THE BORROWING CAPACITY OF**
23 **THE BANGSAMORO GOVERNMENT SHALL BE DETERMINED BY THE**
24 **BUREAU OF LOCAL GOVERNMENT FINANCE: PROVIDED, FURTHER,**
25 **THAT NOT MORE THAN FORTY PERCENT (40%) OF THE BLOCK GRANT**
26 **AS PROVIDED IN ARTICLE XII, SECTION 18 HEREIN MAYBE UTILIZED**
27 **FOR LOAN PAYMENTS;**

28
29 d. Trade, industry, investment, enterprises, and regulation of businesses taking into
30 consideration relevant laws;

31
32 e. Labor, employment, and occupation;

33
34 f. Registration of business names, with the Bangsamoro Government listing these
35 in the Philippine Business Registry for business names;

36

- 1 g. Barter Trade and Countertrade with ASEAN countries;
2
- 3 h. Economic zones and industrial centers;
4
- 5 i. Free Ports. – The Bangsamoro Government may establish free ports in the
6 Bangsamoro. The Bangsamoro Government shall cooperate with the **NATIONAL**
7 Government through the intergovernmental relations mechanism on customs,
8 immigration, quarantine service, and international commitments. Business and
9 other enterprises operating within the Bangsamoro free ports shall be entitled to
10 the fiscal incentives and other benefits provided by the **NATIONAL** Government
11 to special economic zones. Bangsamoro free ports shall be contiguous or
12 adjacent to a seaport or airport within the Bangsamoro: ***PROVIDED, THAT***
13 **FOR GOODS CONSUMED AND SERVICES RENDERED OUTSIDE THE**
14 **ESTABLISHED FREEPORTS IN THE BANGSAMORO, ALL RELEVANT**
15 **NATIONAL TAXES SHALL APPLY: *PROVIDED, FURTHER, THAT***
16 **BANGSAMORO FREEPORTS SHALL BE CONTIGUOUS, ADJACENT TO**
17 **SEAPORT OR AIRPORT WITHIN THE BANGSAMORO;**
18
- 19 j. Tourism. – **THE BANGSAMORO GOVERNMENT MAY RECOMMEND THE**
20 **DESIGNATION OF TOURISM ENTERPRISE ZONES (TEZs) TO THE**
21 **TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY**
22 **(TIEZA), IN ACCORDANCE WITH REPUBLIC ACT NO. 9593 OR**
23 **OTHERWISE KNOWN AS THE "TOURISM ACT OF 2009";**
24
- 25 k. Creation of sources of revenue;
- 26 l. Budgeting. – **THE BANGSAMORO SHALL PREPARE ITS ANNUAL BUDGET**
27 **IN ACCORDANCE TO THE FORM, CONTENT AND MANNER OF**
28 **PREPARATION AS PRESCRIBED BY LAW, ENACTED BY THE**
29 **BANGSAMORO GOVERNMENT AND CONSISTENT WITH NATIONAL**
30 **LAWS, POLICIES, RULES AND REGULATIONS ON BUDGETING;**
31
- 32 m. Islamic Financial and Banking System. – This is without prejudice to the power of
33 supervision of the Bangko Sentral ng Pilipinas (BSP) and provided further that the
34 Bangsamoro Government, the BSP, the Department of Finance (DOF), and the
35 National Commission on Muslim Filipinos (NCMF) shall jointly promote the

1 development of the Islamic banking system, to include among others the
2 establishment of a *Shari'ah* supervisory board;

3
4 n. Establishment of Government-Owned and/or -Controlled Corporations (GOCCS)
5 and Financial Institutions. – The Bangsamoro Government shall legislate and
6 implement the creation of its own GOCCs in the pursuit of the common good, and
7 subject to economic viability. The GOCCs shall **COMPLY WITH THE**
8 **PROVISIONS OF REPUBLIC ACT NO. 10149, OTHERWISE KNOWN AS**
9 **"THE GOCC GOVERNANCE ACT"**, be registered with the Securities and
10 Exchange Commission (SEC) or shall be established under legislative charter by
11 the Bangsamoro Government. **THE CREATION AND THE CONDUCT OF**
12 **OPERATIONS OF FINANCIAL INSTITUTION WITHIN THE BANGSAMORO**
13 **SHALL BE SUBJECT TO THE PERTINENT RULES AND REGULATIONS OF**
14 **THE BANGKO SENTRAL NG PILIPINAS;**

15
16 o. The Bangsamoro Government shall **PROMOTE INVESTMENTS, DOMESTIC**
17 **AND INTERNATIONAL, IN THE POWER SECTOR INDUSTRY IN THE**
18 **BANGSAMORO. IN ENCOURAGING INVESTMENTS, DOMESTIC AND**
19 **INTERNATIONAL, IN THE POWER SECTOR IN THE BANGSAMORO, EACH**
20 **SHALL ADOPT LOW CARBON SUSTAINABLE POWER GENERATION**
21 **POLICIES AND MARKET FRAMEWORKS THAT INTEGRATES SOCIAL,**
22 **ECONOMIC AND ENVIRONMENTAL POLICY OBJECTIVES, TOWARD**
23 **INCREASING AND ACCELERATING THE UPTAKE OF RENEWABLE**
24 **ENERGY, AND DECENTRALIZE AND DISTRIBUTED ENERGY**
25 **TECHNOLOGIES.** Power plants and distribution networks in the Bangsamoro
26 shall be able to interconnect and sell power over the National Transmission Grid
27 to electric consumers. The Bangsamoro Government may assist electric
28 cooperatives in accessing funds and technology to ensure their financial and
29 operational viability;

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
37 r. Education and skills training;

- 1
- 2 s. Science and technology;
- 3
- 4 t. Research councils and scholarships;
- 5
- 6 u. Culture and language;
- 7
- 8 v. Sports and recreation;
- 9
- 10 w. Regulation of games and amusement operations within the Bangsamoro;
- 11
- 12 x. Libraries, Museums, Historical, Cultural and Archaeological Sites. – The
- 13 Bangsamoro Government shall have the power to establish its own libraries and
- 14 museums and declare historical and cultural sites. The **NATIONAL** Government
- 15 shall transfer the management of such sites currently under the jurisdiction of
- 16 the National Museum, National Historical Commission, and other agencies of the
- 17 **NATIONAL** Government, to the Bangsamoro Government or local governments
- 18 therein, following certain processes through the intergovernmental relations
- 19 mechanism. With regard to archaeological sites, the Bangsamoro Government
- 20 shall coordinate with relevant agencies of the **NATIONAL** Government on the
- 21 regulation, excavation, preservation, and exportation of cultural properties, as
- 22 well as on the recovery of lost historical and cultural artifacts;
- 23
- 24 y. Regulations on manufacture and distribution of foods, drinks, drugs, and tobacco
- 25 for the welfare of the Bangsamoro;
- 26
- 27 z. Hajj and Umrah. – The Bangsamoro Government shall have primary jurisdiction
- 28 over Hajj and Umrah matters affecting pilgrims from within the Bangsamoro. The
- 29 **NATIONAL** Government shall have competence over Hajj and Umrah matters
- 30 affecting pilgrims coming from outside the Bangsamoro. There is hereby created a
- 31 Bangsamoro pilgrimage authority that shall act in close coordination with the
- 32 **NATIONAL** Government on Hajj and Umrah matters involving offices and
- 33 agencies outside the Bangsamoro;
- 34
- 35 aa. Customary laws: **EXCEPT THE CUSTOMARY LAWS OF MORO AND NON-**
- 36 **MORO INDIGENOUS PEOPLES WHICH FALL UNDER THE JURISDICTION**
- 37 **OF SUCH MORO AND NON-MORO INDIGENOUS PEOPLES;**
- 38

1 bb. Declaration of Bangsamoro holidays;

2
3 cc. Ancestral domain and natural resources;

4
5 dd. Protection of the rights of the indigenous people in the Bangsamoro in accordance
6 with the United Nations Declaration on the Rights of Indigenous Peoples, and
7 taking into account in addition to economic and geographical criteria, their
8 individual and communal property rights, cultural integrity, customary beliefs, and
9 historical and community traditions. **THE BANGSAMORO GOVERNMENT SHALL**
10 **CREATE A COMMISSION FOR INDIGENOUS PEOPLES WHICH SHALL BE**
11 **PART OF THE BANGSAMORO CABINET WHICH SHALL HAVE THE**
12 **PRIMARY RESPONSIBILITY TO FORMULATE AND IMPLEMENT POLICIES,**
13 **PLANS AND PROGRAMS TO PROMOTE THE WELL-BEING OF ALL**
14 **INDIGENOUS PEOPLES IN THE BANGSAMORO IN RECOGNITION OF**
15 **THEIR ANCESTRAL DOMAIN AS WELL AS THEIR RIGHTS THERETO;**

16
17 ee. **CLASSIFICATION OF PUBLIC LANDS. – THE BANGSAMORO**
18 **GOVERNMENT MAY INITIATE AND RECOMMEND TO THE PRESIDENT**
19 **AND CONGRESS THE CLASSIFICATION OF PUBLIC LANDS INTO**
20 **ALIENABLE AND DISPOSABLE LANDS FOR THE TIMELY**
21 **IMPLEMENTATION OF THE BANGSAMORO DEVELOPMENT PLANS AND**
22 **TARGETS;**

23
24 ff. Cadastral Land Survey. – The Bangsamoro Government, **UPON AUTHORITY OF**
25 **THE PRESIDENT, MAY** conduct cadastral surveys, lot surveys, and isolated and
26 special surveys in the Bangsamoro. The Bangsamoro Government shall furnish
27 the results of these surveys to, and coordinate with, **THE** relevant **NATIONAL**
28 Government agencies to effect inclusion into national cadastral survey;

29
30 gg. Expropriation and eminent domain, **FOR PUBLIC USE, OR PURPOSE OR**
31 **WELFARE FOR THE BENEFIT OF THE POOR AND THE LANDLESS, UPON**
32 **PAYMENT OF JUST COMPENSATION, PURSUANT TO THE PROVISIONS**
33 **OF THE CONSTITUTION AND PERTINENT LAWS;**

34
35 hh. Environment, Parks, Forest Management, Wildlife, Nature Reserves and
36 Conservation. – The Bangsamoro Government shall have the authority to protect
37 and manage the environment. It shall have the power to declare nature reserves

1 and aquatic parks, forests, watershed reservations, and other protected areas in
2 the Bangsamoro;

3
4 ii. Inland waterways for navigation;

5
6 jj. Inland waters;

7
8 kk. Management, regulation, and conservation of all fishery, marine and aquatic
9 resources within the Bangsamoro territorial jurisdiction **SUBJECT TO THE**
10 **PROVISIONS OF THE FISHERIES CODE OF THE PHILIPPINES AND**
11 **OTHER NATIONAL LAWS;**

12
13 ll. Bangsamoro settlements;

14
15 mm. Customary justice;

16
17 nn. *Shari'ah* courts and *Shari'ah* justice system;

18
19 oo. Public administration and bureaucracy for the Bangsamoro;

20
21 pp. Health, provided that the **NATIONAL** Government and the Bangsamoro
22 Government shall cooperate with and assist each other in the prevention and
23 control of epidemic and other communicable diseases;

24
25 qq. Social services, social welfare and charities;

26
27 rr. **ECOLOGICAL SOLID** Waste Management;

28
29 ss. Establishment and supervision of humanitarian services and institutions;

30
31 tt. Identification, generation, and mobilization of international human resources for
32 capacity building and other activities involving the same within the Bangsamoro.
33 The **NATIONAL** Government shall cooperate with and assist the Bangsamoro
34 Government towards ensuring access to such relevant human resources through
35 the intergovernmental relations mechanism;

36
37 uu. Establishment of Awqaf (endowment) and charitable trusts;

38

1 vv. Hisbah office for accountability as part of the *Shari'ah* justice system;

2
3
4 ww. Registration of births, marriages, and deaths, copies of which shall be
5 forwarded to the Philippine Statistics Authority;

6
7 xx. Housing and human settlements;

8
9 xx. Development planning;

10
11 zz. Urban and rural development;

12
13 aaa. Water supplies and services, flood control, and irrigation systems in the Bangsamoro:
14 *Provided*, That with regard to water supplies and services, flood control, and irrigation
15 systems that connect to or from facilities outside the Bangsamoro, there shall be
16 cooperation and coordination between the Bangsamoro Government and the appropriate
17 Central or local government bodies;

18
19 bbb. Public works and highways within the Bangsamoro;

20
21 ccc. Establishment of appropriate mechanisms for consultations for women and
22 marginalized sectors;

23
24 ddd. Special development programs and laws for women, labor, the youth, the elderly,
25 the differently-abled, and indigenous peoples;

26
27 eee. Local Administration, Municipal Corporations and Other Local Authorities Including
28 the Creation of Local Governments. – The Bangsamoro Government shall manage and
29 build its own bureaucracy and administrative organization, in accordance with the
30 ministerial form of government;

31 The Bangsamoro Parliament may create, divide, merge, abolish, or substantially
32 alter boundaries of municipalities, or barangays in accordance with a law enacted by

1 the Bangsamoro Parliament and shall be entitled to their appropriate share in the
2 national taxes or Internal Revenue Allotment, provided that the criteria laid down in
3 Republic Act No. 7160 or the Local Government Code of 1991 are satisfied, and subject
4 to the approval by a majority of the votes cast in a plebiscite in the political units
5 directly affected.

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

13 However, when such acts require the creation of a congressional district, the
14 Bangsamoro Government shall cooperate and coordinate with the **NATIONAL**
15 Government through the Philippine Congress – Bangsamoro Parliament Forum to
16 prioritize the deliberations on the creation of the congressional district;

17

18 fff. Establishment or creation of other institutions, policies, and laws for the general
19 welfare of the people in the Bangsamoro;

20 **GGG. Quarantine. – THE BANGSAMORO GOVERNMENT MAY APPROVE**
21 **MEASURES AND ADOPT QUARANTINE REGULATIONS TO PREVENT THE**
22 **INTRODUCTION AND SPREAD OF DISEASES;**

23 **HHH. Pollution control. – The NATIONAL Government and the Bangsamoro**
24 **Government agencies shall cooperate and coordinate through the intergovernmental**
25 **relations mechanism on pollution control matters;**

26 **III. Human rights and humanitarian protection and promotion. – The Bangsamoro**
27 **Government may organize its own bodies for human rights and humanitarian protection**
28 **and promotion that will work cooperatively with relevant national institutions;**

29 **JJJ. Penology and penitentiary. – The NATIONAL Government and the Bangsamoro**
30 **Government institutions shall cooperate and coordinate through the intergovernmental**
31 **relations mechanism on the matter of granting parole and recommending to the**
32 **President the grant of executive clemency. The Bangsamoro Government shall create**
33 **an office that shall administer the parole system SUBJECT TO THE REVIEW AND**

1 **APPROVAL OF THE BOARD OF PARDONS AND PAROLE** and recommend the grant
2 of executive clemency to the Office of the President.

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

8 **KKK. Civil Service.** – The Bangsamoro Government shall develop and administer a
9 professional civil service corps, to include the powers and privileges on civil service
10 matters provided in R.A. No. 9054, and without prejudice to the power, authority, and
11 duty of the national Civil Service Commission.

12 There is hereby created a Bangsamoro Civil Service Commission which shall be part of
13 the national Civil Service Commission (CSC) and shall be under its direct control and
14 supervision. Upon consultation with the CSC, the Bangsamoro Government shall enact a
15 civil service law, which shall be consistent with the provisions of Article IX (B) of the
16 1987 Constitution. This law shall govern the conduct of civil servants and qualifications
17 for non-elective positions, adopt the merit and fitness system, and protect civil service
18 eligibles in various government positions, including government-owned and/or controlled
19 corporations with original charters in the Bangsamoro: *Provided*, That in the case of
20 teachers of the Arabic language and/or Islamic values, as well as foreign-educated
21 teachers, who may not be able to comply with existing civil service standards of the
22 national Civil Service Commission, special consideration shall be accorded to them:
23 *Provided, further*, That the Bangsamoro Civil Service Commission may promulgate rules
24 and regulations to implement this provision;

25 **LLL. Accountability of Public Officers and Employees.** – The Bangsamoro Government
26 shall have primary disciplinary authority over its own officials and employees, without
27 prejudice to the power and authority of the Ombudsman over public officers and employees.

28 **MMM. Administration of Justice.** – **JUSTICE SHALL BE ADMINISTERED IN**
29 **ACCORDANCE WITH THE RELEVANT PROVISIONS OF THIS BASIC LAW, THE**
30 **CONSTITUTION AND OTHER RELEVANT LAWS. JUDICIAL POWERS SHALL**
31 **REMAIN VESTED IN THE SUPREME COURT AND SUCH LOWER COURT AS MAY**
32 **BE ESTABLISHED BY LAW, INCLUDING THE *SHARI'AH* COURTS AS**
33 **PROVIDED IN ARTICLE X HEREOF. THE *SHARI'AH* LAW SHALL BE**
34 **APPLICABLE ONLY TO MUSLIMS;**

1 **NNN.** Funding for the Maintenance of Airports, Wharves, National Roads, Bridges, and
2 Irrigation Systems. – The **NATIONAL** Government shall be responsible for the funding,
3 construction, and maintenance of national roads, bridges, and irrigation systems in the
4 Bangsamoro, and shall include in the National Road Network Information System all
5 national roads and bridges in the Bangsamoro. There shall be coordination through the
6 intergovernmental relations mechanism between the relevant **NATIONAL** Government
7 and Bangsamoro Government agencies on the matter of national roads, bridges, and
8 irrigation systems within the Bangsamoro.

9 The Bangsamoro Government shall submit proposals to the appropriate national
10 government agency for the inclusion of the cost of such maintenance in the latter's budget
11 that shall be submitted to Congress for inclusion in the General Appropriations Act. Funding
12 for national roads, bridges, and irrigation systems shall be regularly released to the relevant
13 department of the **NATIONAL** Government;

14 **OOO.** Disaster Risk Reduction and Management. – The Bangsamoro Government shall
15 have primary responsibility over disaster risk reduction and management within the
16 Bangsamoro. There shall be cooperation and coordination among relevant **NATIONAL**
17 Government and Bangsamoro Government agencies on disaster risk reduction and
18 management. There is hereby created a Bangsamoro Disaster Risk Reduction and
19 Management Council (BDRRMC), with powers and functions that shall be defined by the
20 Bangsamoro Parliament in a law on disaster preparedness and response. The BDRRMC
21 shall formulate the Bangsamoro Disaster Risk Reduction and Management Plan, which
22 shall complement the National Disaster Risk Reduction and Management Framework and
23 Plan of the **NATIONAL** Government. Additionally, the BDRRMC, through its Chair, the
24 Chief Minister, may recommend to the President the mobilization of resources of national
25 defense in times of disasters in the Bangsamoro;

26 **PPP. LOCAL CLIMATE CHANGE ACTION PLAN – THE BANGSAMORO**
27 **GOVERNMENT CONSISTENT WITH REPUBLIC ACT NO. 9729 OR THE CLIMATE**
28 **CHANGE ACT OF 2009 SHALL ENSURE THAT THE FORMULATION OF LOCAL**
29 **CLIMATE CHANGE ACTION PLANS (LCCAPS) IS IMMEDIATELY COMPLIED**
30 **WITH BY ITS CONSTITUENT UNITS AND THEREAFTER LIKEWISE ENSURE**
31 **THAT SUCH LCCAPS ARE PROPERLY AND EFFECTIVELY IMPLEMENTED.**

1 **SEC. 3. Other Powers OF THE BANGSAMORO GOVERNMENT. –**

2

3 **a. SUBJECT TO THE PROVISIONS OF THE 1987 PHILIPPINE**
4 **CONSTITUTION AND EXISTING LAWS, TO REGULATE AND**
5 **EXERCISE AUTHORITY OVER FOREIGN INVESTMENTS WITHIN ITS**
6 **TERRITORIAL JURISDICTION. THE NATIONAL GOVERNMENT SHALL**
7 **INTERVENE ON MATTERS INVOLVING NATIONAL SECURITY AND**
8 **PUBLIC SAFETY;**

9

10 b. To proclaim a state of calamity over its territorial jurisdiction or parts
11 thereof whenever typhoons, flash floods, earthquakes, tsunamis, or other
12 natural calamities cause widespread damage or destruction to life or property
13 in the region. The state of calamity proclaimed by the Chief Minister shall only
14 be for the purpose of maximizing the efforts to rescue imperiled persons and
15 property and the expeditious rehabilitation of the damaged area; **THE STATE**
16 **OF CALAMITY PROCLAIMED SHALL, IN NO WAY, SUSPEND ANY**
17 **PROVISION OF THE CONSTITUTION OR THIS BASIC LAW AS WELL AS**
18 **THE PERTINENT LAWS PROMULGATED BY THE NATIONAL**
19 **GOVERNMENT AND THE BANGSAMORO GOVERNMENT;**

20

21 c. To temporarily take over or direct operation of any privately-owned
22 public utility or business affected with public interest operating exclusively in
23 the Bangsamoro in times of state of calamity declared by the Chief Minister,
24 when the public interest so requires, and under such reasonable terms and
25 safeguards as may be prescribed by the Bangsamoro Parliament. The public
26 utility or business concerned may contest the take-over of its operations by
27 the Bangsamoro Government by filing a proper case or petition with the
28 Court of Appeals;

29

30 **D.** To adopt and implement a comprehensive urban land reform and
31 land use program to ensure the just utilization of lands within its jurisdiction;

32

33 **E.** The Bangsamoro Parliament shall have the following powers:

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

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

19
20 **iii. TO ENACT A SUPPLEMENTAL BUDGET**
21 **THAT WOULD ALLOW THE CHIEF MINISTER, SPEAKER OF THE**
22 **PARLIAMENT, AND THE PRESIDING JUSTICE OF THE**
23 **BANGSAMORO *SHARI'AH* HIGH COURT TO AUGMENT ANY ITEM**
24 **IN THE BANGSAMORO GENERAL APPROPRIATIONS LAW FOR**
25 **THEIR RESPECTIVE OFFICES FROM SAVINGS IN OTHER ITEMS**
26 **OF THEIR RESPECTIVE APPROPRIATIONS;**

27
28 iv. Within the competencies of the Bangsamoro
29 Government, to enact a law that shall regulate the grant of franchises
30 and concessions, and empower the Chief Minister to grant leases,
31 permits, and licenses over agricultural lands and for forest management;

32
33 **F.** To create pioneering firms and other business entities needed to
34 boost economic development in the Bangsamoro;

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

H. To support and encourage the building up of entrepreneurial capability in the Bangsamoro and to recognize, promote, and protect cooperatives;

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

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

K. To supervise, through the appropriate ministry, the accredited *Madaris* in the Bangsamoro;

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

M. To adopt measures to protect and promote the rights of people's organizations and other collective organizations;

1
2 **N.** To adopt measures for the protection of the youth in the Bangsamoro
3 and the promotion of their welfare, and to create the appropriate office and
4 other mechanisms for the implementation of such measures;
5

6 **O.** To enforce the policy against the appointment or designation of any
7 member of the Armed Forces of the Philippines in the active service to a civilian
8 position in the Bangsamoro Government, including GOCCs, or in any of their
9 subsidiaries or instrumentalities within the Bangsamoro;
10

11 **P. TO EXERCISE POWERS EXPRESSLY GRANTED TO THE LOCAL**
12 **GOVERNMENT UNITS, THOSE NECESSARILY IMPLIED THEREFROM,**
13 **AS WELL AS POWERS NECESSARY, APPROPRIATE OR INCIDENTAL**
14 **FOR ITS EFFICIENT AND EFFECTIVE GOVERNANCE AND THOSE**
15 **WHICH ARE ESSENTIAL TO THE PROMOTION OF GENERAL WELFARE.**

16 **WITHIN THE TERRITORIAL JURISDICTION OF THE**
17 **BANGSAMORO, IT SHALL ENSURE AND SUPPORT AMONG OTHER**
18 **THINGS, THE PRESERVATION AND ENGAGEMENT OF CULTURE,**
19 **PROMOTE HEALTH AND SAFETY, ENHANCE THE RIGHT OF THE**
20 **PEOPLE TO A BALANCE ECOLOGY AND CURRENTLY SUPPORT THE**
21 **DEVELOPMENT OF APPROPRIATE AND SELF-RELIANCE SCIENTIFIC**
22 **AND TECHNOLOGICAL CAPABILITIES, IMPROVE PUBLIC MORALS,**
23 **ENHANCE ECONOMIC PROSPERITY AND SOCIAL JUSTICE, PROMOTE**
24 **FULL EMPLOYMENT AMONG THEIR RESIDENTS, MAINTAIN PEACE**
25 **AND ORDER AND PRESERVE A COMFORT AND CONVENIENCE OF**
26 **THEIR RESIDENTS.**

27
28 **ARTICLE VI**

29 **INTERGOVERNMENTAL RELATIONS**
30

31 **SEC. 1. *General Supervision.* – THE PRESIDENT SHALL EXERCISE**
32 **GENERAL SUPERVISION OVER THE BANGSAMORO GOVERNMENT TO**
33 **ENSURE THAT LAWS ARE FAITHFULLY EXECUTED. THE PRESIDENT MAY**

1 **SUSPEND THE CHIEF MINISTER FOR THE PERIOD NOT EXCEEDING SIX (6)**
2 **MONTHS FOR WILLFUL VIOLATION OF THE 1987 CONSTITUTION, THIS**
3 **BASIC LAW OR ANY EXISTING LAW THAT APPLIES TO THE BANGSAMORO.**

4 **SEC. 2. *Intergovernmental Relations Mechanism.*** – The **NATIONAL**
5 Government and the Bangsamoro Government shall establish a mechanism at the highest
6 levels that will coordinate and harmonize their relationships. For this purpose, the primary
7 mechanism shall be the **NATIONAL** Government – Bangsamoro Government
8 Intergovernmental Relations Body to resolve issues on intergovernmental relations. All
9 disputes and issues relating to these intergovernmental relations shall be resolved
10 through regular consultations and continuing negotiations in a non-adversarial manner.

11 The **NATIONAL** Government - Bangsamoro Government
12 Intergovernmental Relations Body shall exhaust all means to resolve all issues brought
13 before it. Unresolved issues shall be elevated to the President through the Chief Minister.

14 The **NATIONAL** Government and the Bangsamoro Government shall each
15 appoint a representative in the Intergovernmental Relations Body. Both representatives
16 shall have authority to make decisions. The body shall be supported by a joint
17 secretariat.

18 The **NATIONAL** Government - Bangsamoro Government Intergovernmental
19 Relations Body is hereby authorized to create other intergovernmental bodies or boards
20 other than those specified in this Basic Law or as may be necessary: *Provided*, That
21 these bodies or boards, as well as all others already created in this Basic Law shall be
22 under the supervision and oversight of the **NATIONAL** Government – Bangsamoro
23 Government Intergovernmental Relations Body: *Provided further*, That these bodies or
24 boards shall not encroach upon the exercise of the powers of the Bangsamoro
25 Government.

26 **SEC. 3. *Philippine Congress - Bangsamoro Parliament Forum.*** – There shall
27 be a Philippine Congress-Bangsamoro Parliament Forum for purposes of cooperation and
28 coordination of legislative initiatives.

29 **SEC. 4. *Intergovernmental Fiscal Policy Board.*** – There is hereby created an
30 Intergovernmental Fiscal Policy Board (IGFPB) that shall address revenue imbalances
31 and fluctuations in regional financial needs and revenue-raising capacity of the
32 Bangsamoro, whose functions and composition are provided for in Article XII of this
33 Basic Law.

34 **SEC. 5. *Joint Body for the Zones of Joint Cooperation.*** – There is hereby
35 created a Joint Body for the Zones of Joint Cooperation, which shall be responsible for

1 formulating policies relating to the Zones of Joint Cooperation in the Sulu Sea and Moro
2 Gulf, whose functions and composition are provided for in Section 20, Article XIII of this
3 Basic Law.

4 **SEC. 6. Intergovernmental Infrastructure Development Board.** – There is
5 hereby created an Intergovernmental Infrastructure Development Board, which shall be
6 responsible for coordinating and synchronizing national and Bangsamoro infrastructure
7 development plans including those provided under Section 2 of Article V, Section 25 of
8 Article XII, Section 1 of Article XIV, and Section 15 of Article VI of this Basic Law.

9 The Board shall be composed of the heads and/or representatives of the
10 appropriate ministries and offices in the Bangsamoro Government. The **NATIONAL**
11 Government shall likewise be represented in the Board by the Secretary of Public Works
12 and Highways and such other officials as may be necessary to be designated by the
13 Secretary of Public Works and Highways.

14 **SEC. 7. Intergovernmental Energy Board.** – There is hereby created an
15 Intergovernmental Energy Board. It shall resolve all matters specified in Section 34,
16 Article XIII of this Basic Law and other energy issues referred to it by the **NATIONAL**
17 Government - Bangsamoro Government Intergovernmental Relations Body. It shall be
18 composed of the representatives of both governments coming from their respective
19 Departments of Energy, Regulatory Commissions, and Electrification Administrations.

20 **SEC. 8. Bangsamoro Sustainable Development Board.** – The Bangsamoro
21 Parliament shall create a Bangsamoro Sustainable Development Board (BSDB), an
22 intergovernmental body composed of representatives from the Bangsamoro Government
23 and the **NATIONAL** Government. **THE BOARD SHALL ENSURE THE INTEGRATION**
24 **AND HARMONIZATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL**
25 **CONSIDERATIONS AS VITAL DIMENSIONS OF SUSTAINABLE DEVELOPMENT**
26 **POLICY AND PRACTICE IN THE BANGSAMORO.**

27 **SEC. 9. Council of Leaders.** – The Bangsamoro Council of Leaders shall consist of
28 the Chief Minister, provincial governors, mayors of chartered cities, and representatives
29 of traditional leaders, non-Moro indigenous communities, women, settler communities,
30 *Ulama*, youth, Bangsamoro communities outside of the Bangsamoro **TERRITORIAL**
31 **JURISDICTION**, and other sectors. The Bangsamoro Council of Leaders shall be chaired
32 by the Chief Minister. The Council shall advise the Chief Minister on matters of
33 governance in the Bangsamoro. The representation of the non-Moro indigenous
34 communities shall be pursuant to their customary laws and indigenous processes.

1 The mechanism of representation and number of representatives shall be
2 determined by the Bangsamoro Parliament.

3 **SEC. 10. *Devolution and Subsidiarity.*** – The **NATIONAL** Government and
4 the Bangsamoro Government accept the concept of devolution as inspired by the
5 principles of subsidiarity. Decisions are to be made at the appropriate level to ensure
6 public accountability and transparency, and in consideration of good governance and
7 the general welfare.

8 **SEC. 11. *Bangsamoro Government and its Constituent Local Government***
9 ***Units.*** – The provinces, cities, municipalities, barangays, and geographic areas within
10 its **TERRITORIAL JURISDICTION** shall be the constituent units of the Bangsamoro.
11 The authority to regulate on its own responsibility the affairs of the local government
12 units is guaranteed within the limits of this Basic Law. **THE PRIVILEGES ALREADY**
13 **ENJOYED BY LOCAL GOVERNMENT UNITS UNDER EXISTING LAWS SHALL**
14 **NOT BE DIMINISHED.**

15 **SEC. 12. *Bangsamoro Participation in NATIONAL Government.*** – **AS FAR**
16 **AS PRACTICABLE, THE BANGSAMORO SHALL BE REPRESENTED IN THE**
17 **DEPARTMENTS, OFFICES, COMMISSIONS, AGENCIES AND BUREAUS OF THE**
18 **NATIONAL GOVERNMENT THAT IMPLEMENT AND ENFORCE POLICIES,**
19 **PROGRAMS AND PROJECTS OF THE NATIONAL GOVERNMENT IN THE**
20 **REGION.**

21 **SEC. 13. *Assistance to Other Bangsamoro Communities.*** – The
22 **NATIONAL** Government shall ensure the protection of the rights of the Bangsamoro
23 people residing outside the **TERRITORIAL JURISDICTION** of the Bangsamoro and
24 undertake programs for the rehabilitation and development of their communities. The
25 Bangsamoro Government, in coordination with the concerned local government unit
26 where the community is located, shall provide assistance to their communities to enhance
27 their economic, social, and cultural development. In this regard, the Bangsamoro
28 Government shall include in its priorities the creation of an office for Bangsamoro
29 communities outside of the Bangsamoro **TERRITORIAL JURISDICTION.**

30 **SEC. 14. *National Programs and Projects.*** – National programs and projects,
31 such as but not limited to Pantawid Pamilyang Pilipino Program, Philhealth, **AND**
32 **SOCIAL PENSION** for senior citizens, shall continue to be funded by the **NATIONAL**
33 Government.

1 **ARTICLE VII**

2 **THE BANGSAMORO GOVERNMENT**

3
4 **SEC. 1. *Seat of Government.*** – The Bangsamoro Parliament shall determine the
5 seat of the Bangsamoro Government anywhere within the **TERRITORIAL**
6 **JURISDICTION OF THE** Bangsamoro.

7 **SEC. 2. *Powers of Government.*** – The powers of government shall be vested
8 in the Bangsamoro Parliament, which shall exercise those powers and functions
9 expressly granted to it in this Basic Law, and those necessary for or incidental to the
10 proper governance and development of the Bangsamoro. It shall set policies, legislate
11 on matters within its authority, and elect a Chief Minister who shall exercise executive
12 authority on its behalf.

13 **SEC. 3. *Legislative Authority.*** – The Bangsamoro Parliament shall have the
14 authority to enact laws on matters that are within the powers and competencies of the
15 Bangsamoro Government.

16 **SEC. 4. *Executive Authority.*** – The executive function and authority shall be
17 exercised by the Cabinet, which shall be headed by a Chief Minister. The Chief Minister
18 who heads the parliamentary government of the Bangsamoro shall be elected by a
19 majority vote of the Parliament from among its members.

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

23
24 **Bangsamoro Parliament**

25
26 **SEC. 5. *Composition.*** – The **BANGSAMORO** Parliament shall be composed of
27 eighty (80) members, unless **THE NUMBER IS** otherwise **FIXED** by the Parliament.

28 **SEC. 6. *Classification and Allocation of Seats.*** – The seats in the Bangsamoro
29 Parliament shall be classified and allocated as follows:
30

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

4
5 The Bangsamoro Parliament may, by law, undertake new redistricting in
6 order to ensure a more equitable representation of the constituencies in the
7 Bangsamoro Parliament.

8
9 The District Representatives shall be elected through direct, plurality vote
10 by the registered voters in the parliamentary districts.

11
12 b. Party Representatives. – Fifty percent (50%) of the members of Parliament
13 shall be representatives of political parties who win seats through a system
14 of proportional representation based on the whole Bangsamoro
15 **TERRITORIAL JURISDICTION**. Parties shall submit their respective list of
16 approved candidates prior to the election.

17
18 c. Reserved Seats; Sectoral Representatives. – Sectoral Representatives,
19 constituting ten percent (10%) of the members of Parliament, including
20 two (2) reserved seats each for non-Moro indigenous peoples and settler
21 communities. Women, youth, traditional leaders, and the *Ulama* shall also
22 have one (1) reserved seat each.

23
24 The Parliament shall have the power to determine the manner of
25 election of its sectoral and other representatives.

26
27 **SEC. 7. Election for Reserved Seats for Non-Moro Indigenous Peoples. –**

28 Notwithstanding the immediately preceding sections, reserved seats for the non-Moro
29 indigenous peoples, such as but not limited to, Teduray, Lambangian, Dulangan Manobo,
30 B'laan, and Higaonon, shall be pursuant to their customary laws and indigenous
31 processes based on the following:

- 32 a. Primacy of customary laws and practices;
33 b. Primacy of consensus building;

- 1 c. Acceptability of the community;
- 2 d. Inclusivity and full participation;
- 3 e. Representation of the collective interests and aspirations of non-Moro indigenous
- 4 peoples;
- 5 f. Sustainability and strengthening of Indigenous Political Structures;
- 6 g. Track record and capability; and
- 7 h. Gender equity.

8 **SEC. 8. Election of the Representatives of the Settlers, Women, Youth, and**
9 **Traditional Leaders.** – The Bangsamoro Transition Authority (BTA) shall enact the law
10 defining the manner of election for the representatives of the settlers, women, youth,
11 and traditional leaders. **THE COMMISSION ON ELECTIONS IS HEREBY**
12 **AUTHORIZED TO PROMULGATE RULES AND REGULATIONS RELATIVE TO**
13 **THE FIRST ELECTION OF THE REPRESENTATIVES OF THE SETTLERS,**
14 **WOMEN, YOUTH AND TRADITIONAL LEADERS.**

15 **SEC. 9. Regional Parties.** – A free and open regional party system shall be allowed
16 to evolve according to the free choice of the people. Towards this end, only regional
17 political parties duly accredited by the Bangsamoro Electoral Office, as approved by the
18 Commission on Election (COMELEC), may participate in the parliamentary elections in
19 the Bangsamoro. **THE BANGSAMORO GOVERNMENT SHALL ENSURE THAT**
20 **POLITICAL PARTIES INCLUDE A WOMEN'S AGENDA AND INVOLVE WOMEN**
21 **AND THE YOUTH IN THE ELECTORAL NOMINATING PROCESS.**

22 **SEC. 10. Redistricting FOR BANGSAMORO PARLIAMENTARY MEMBERSHIP.**
23 – The Parliament shall have the power to reconstitute, by law, the parliamentary districts
24 apportioned among the provinces, cities, municipalities, and geographic areas of the
25 Bangsamoro to ensure equitable representation in the Parliament. The redistricting,
26 merging, or creation of parliamentary districts shall be based on the number of inhabitants
27 and additional provinces, cities, municipalities, and geographic areas, which shall become
28 part of the **TERRITORIAL JURISDICTION** of the Bangsamoro Government.

29 For the purpose of redistricting, parliamentary districts shall be apportioned based
30 on population and geographical area: *Provided*, That each district shall comprise, as far
31 as practicable, contiguous, compact, and adjacent **TERRITORIAL JURISDICTION**,
32 and should have at least a population of one hundred thousand (100,000).

33 **SEC. 11. Bangsamoro Electoral Code.** – **THE BTA SHALL ENACT THE**
34 **BANGSAMORO ELECTORAL CODE WHICH SHALL BE CORRELATED TO THE**

1 NATIONAL ELECTIONS LAWS INSOFAR AS THESE ARE CONSISTENT WITH
2 THE BASIC LAW.

3 THE ELECTORAL SYSTEM SHALL ALLOW DEMOCRATIC PARTICIPATION,
4 ENSURE ACCOUNTABILITY OF PUBLIC OFFICERS, PRIMARILY TO THEIR
5 CONSTITUENTS AND ENCOURAGE FORMATION OF GENUINELY PRINCIPLED
6 POLITICAL PARTIES.

7 THE REGIONAL COMELEC SHALL PERFORM THE FOLLOWING
8 FUNCTIONS:

- 9 A. REGISTER AND ACCREDIT REGIONAL POLITICAL PARTIES;
10 B. IN RELATION TO PLEBISCITE FOR JOINING THE BANGSAMORO,
11 RECEIVE PETITIONS, RESOLUTIONS TO JOIN FROM LGUS; AND
12 C. PREPARE RULES AND REGULATIONS FOR BANGSAMORO ELECTIONS
13 AND PLEBISCITES FOR THE PROMULGATION OF THE COMELEC.

14 **SEC. 12. BUDGET OF THE COMELEC REGIONAL OFFICE IN THE**
15 **BANGSAMORO.** – THE BUDGET OF THE COMELEC REGIONAL OFFICE IN THE
16 BANGSAMORO SHALL BE PART OF THE ANNUAL BUDGET OF THE
17 GOVERNMENT.

18 **SEC. 13. Term of Office.** – The term of office of the members of the Parliament
19 shall be three (3) years: **PROVIDED, THAT NO MEMBER SHALL SERVE FOR MORE**
20 **THAN THREE (3) CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF**
21 **OFFICE FOR ANY LENGTH OF TIME OR THE DISSOLUTION OF THE PARLIAMENT**
22 **BY THE WALI SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE**
23 **CONTINUITY OF THE SERVICE FOR THE FULL TERM FOR WHICH HE/SHE WAS**
24 **ELECTED.**

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 **THIRTY (30)** years of age at the time of his/her election.

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

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

4 **SEC. 15. Prohibition.** – No Party Representative should be related within the
5 second (2nd) civil degree of consanguinity or affinity to a District Representative or
6 another Party Representative in the same Parliament.

7 **SEC. 16. Salaries of Parliament Members.** – The Parliament shall determine the
8 salaries and emoluments of its members: *Provided,* That the salaries and emoluments
9 of the members of the Parliament shall not be higher than the salaries and emoluments
10 of the Chief Minister or the members of the Philippine Congress: **PROVIDED,**
11 **FURTHER, THAT THE PARLIAMENT SHALL ADOPT THE COMPENSATION AND**
12 **POSITION CLASSIFICATION SYSTEM OF THE NATIONAL GOVERNMENT AS**
13 **PROVIDED UNDER REPUBLIC ACT NO. 6758 AND RELEVANT EXECUTIVE**
14 **ISSUANCES: PROVIDED, FURTHERMORE, THAT** no increase in said compensation
15 shall take effect until after the expiration of the full term of all the members of the
16 Parliament approving such increase.

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

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

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

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

30 No member of the Parliament may personally appear as counsel before courts of
31 justice or quasi-judicial and other administrative bodies. Neither shall the member,
32 directly or indirectly, be financially interested in any contract with, or in any franchise or
33 special privilege granted by the **NATIONAL** Government or by the Bangsamoro
34 Government, or any subdivision, agency, or instrumentality thereof, including any GOCCs
35 or its subsidiary, during his or her term of office. The member shall not intervene in

1 any manner before any office of the government for his or her pecuniary benefit or
2 where he or she may be called upon to act on account of his or her office.

3 **SEC. 19. *Forfeiture of Seat.*** – A member of Parliament shall forfeit his or her seat
4 if:

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

23 **SEC. 20. *Filling of Vacancy.*** – In case of a vacancy of a proportional
24 representation seat, the party to which that seat belongs shall fill the vacancy.

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

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

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

34 **SEC. 21. *Privileges and Immunities.*** – A MEMBER OF THE PARLIAMENT
35 SHALL IN ALL OFFENSES PUNISHABLE BY NOT MORE THAN SIX (6) YEARS OF

1 **IMPRISONMENT, BE PRIVILEGED FROM ARREST WHILE THE PARLIAMENT IS**
2 **IN SESSION. NO MEMBER SHALL BE QUESTIONED NOR BE HELD LIABLE IN**
3 **ANY OTHER PLACE OR ANY SPEECH OR DEBATE IN THE PARLIAMENT OR IN**
4 **ANY COMMITTEE THEREOF.**

5 **SEC. 22. *Sessions of the Bangsamoro Parliament.*** – The Parliament shall
6 conduct its regular session forty-five (45) days after the election of the Parliament up to
7 thirty (30) days before the opening of its next regular session, unless earlier dissolved by
8 a vote of no confidence. A special or emergency session may be called by the Speaker,
9 upon the request of the Chief Minister or by a majority of the members of the Bangsamoro
10 Parliament.

11 **SEC. 23. *Officers of the Bangsamoro Parliament.*** – On the first session
12 following their election, the members of Parliament shall, in open session, elect by a
13 simple majority vote from all its members the Speaker, a Deputy Speaker, and the other
14 officers of the Parliament, as the Rules of the Parliament may provide.

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

18 **SEC. 24. *Presiding Officer.*** – The Speaker, Deputy Speaker, or any other person
19 presiding over the Parliament shall:

- 20 a. Serve to secure the honor and dignity of the Parliament;
- 21 b. Be responsible for ensuring the rights and privileges of all members and public
22 access to the proceedings of the Parliament and its committees;
- 23 c. Have the authority and moral ascendancy to maintain order and decorum in the
24 Parliament, in accordance with its Rules; and
- 25 d. Act impartially, and without fear, favor, and prejudice.

26 **SEC. 25. *Rules of Parliament.*** – The Parliament shall adopt its own Rules for the
27 conduct of its business.

28 **SEC. 26. *Proceedings.*** – A majority of all the members of the Parliament shall
29 constitute a quorum to do business. The legislative proceedings in the Parliament shall
30 be recorded in its original form and translated in the Filipino, Arabic, and English
31 languages. Unless otherwise provided by law or the Rules of the Parliament, the members
32 of Parliament may use any of the commonly understandable native languages during
33 legislative deliberations.

1 **SEC. 32. Election of the Chief Minister.** – On the inaugural session of the
2 Bangsamoro Parliament following their elections, the members of Parliament shall, in
3 open session, elect the Chief Minister by a majority vote of all its members.

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

8 **SEC. 33. Powers, Duties, and Functions of the Chief Minister.** – Unless
9 otherwise provided by law, the Chief Minister shall exercise the following powers, duties,
10 and functions:

- 11 a. Heads the government of the Bangsamoro;
- 12 b. Appoints heads of ministries, agencies, bureaus, and offices of the Bangsamoro
13 Government or other officers of Bangsamoro-owned and/or -controlled
14 corporations or entities with original charters;
- 15 c. Appoints other officers in the Bangsamoro Government, as may be provided by
16 the Bangsamoro Parliament;
- 17 d. Formulates platform of government subject to approval by the Bangsamoro
18 Parliament;
- 19 e. Issues executive orders and other policies of the Bangsamoro Government;
- 20 f. Represents the government of the Bangsamoro in affairs outside the
21 Bangsamoro; and
- 22 g. Exercises such other powers and functions inherent to the position.

23 **SEC. 34. Administration of Oath of the Chief Minister.** – The *Wali* shall
24 administer the oath of office of all the members of Parliament, including the Chief
25 Minister upon his/her election.

26 **SEC. 35. MEMBERSHIP, PARTICIPATION AND REPRESENTATION IN**
27 **OTHER OFFICES.** – THE CHIEF MINISTER SHALL BE A MEMBER OF THE
28 **MINDANAO DEVELOPMENT AUTHORITY (MinDA) BOARD AND THE**
29 **BANGSAMORO POLICE BOARD. THE PARTICIPATION OR DUE**
30 **REPRESENTATION OF THE CHIEF MINISTER IN THE NATIONAL ECONOMIC**
31 **AND DEVELOPMENT AUTHORITY (NEDA) BOARD, AND THE NATIONAL**
32 **SECURITY COUNCIL (NSC) MEETINGS SHALL BE MANDATORY ON MATTERS**
33 **CONCERNING BANGSAMORO.**

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

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

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

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

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

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

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

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

30 **SEC. 38. Prohibitions During Holdover.** – After a vote of no confidence against
31 the government of the day shall have been obtained, and before a new government is
32 formed, the Officer-in-Charge and the Cabinet shall not contract loans, approve new
33 contracts, or disburse public funds except those for payment of salaries and wages and
34 expenses for the regular operation of the government.

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

4 5 **ARTICLE VIII**

6 **WALI**

7 **SEC. 1. *Appointment of Wali.*** – Consistent with the parliamentary form of
8 government, there shall be a *Wali* who shall serve as the ceremonial head of the
9 Bangsamoro Government.

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

13 **SEC. 2. *Qualifications of Wali.*** – The *Wali* must possess the following
14 qualifications at the time of his nomination:

- 15 a. Citizen of the Republic of the Philippines;
16 b. Able to read and write in English or Arabic;
17 c. At least 40 years old;
18 d. A resident of the Bangsamoro for at least 15 years;
19 e. Respected in the community;
20 f. Reputable and of unquestionable integrity and moral ascendancy; and
21 g. No prior conviction for any criminal or administrative offense by any court or
22 quasi-judicial body.

23 **SEC. 3. *Ceremonial Duties of Wali.*** – The *Wali* shall only take on ceremonial
24 functions, such as attending public ceremonies, opening the session of Parliament,
25 administering the oath of officers of Parliament, dissolving the Parliament, and calling
26 for the election of a new Parliament as provided for in Section 37, Article VII of this Basic
27 Law.

28 **SEC. 4. *Term of Office of Wali.*** – The first *Wali*, who shall hold office for three
29 (3) years, shall be appointed by the BTA through a resolution reflecting its consensus.
30 Each succeeding *Wali* shall hold office for a term of six (6) years.

31 **SEC. 5. *Allowances of the Wali.*** – The first *Wali* shall receive allowances in such
32 amount as may be determined by the BTA. The allowances of the *Wali* subsequently
33 chosen shall be determined by the Bangsamoro Parliament.

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

5 **SEC. 6. *Grounds for Removal of the Wali.*** – The *Wali* may be removed from office
6 by the Bangsamoro Parliament on the following grounds:

- 7 1. When the *Wali* countermands the directive to dissolve the Bangsamoro Parliament
8 after a vote of no confidence;
- 9 2. When the *Wali* is convicted of a crime involving moral turpitude;
- 10 3. When, for any other valid reason, the *Wali* is no longer able to perform his
11 functions; and
- 12 4. Such other grounds as the Bangsamoro Parliament may provide.

14 **ARTICLE IX**

15 **BASIC RIGHTS**

16
17 **SEC. 1. *Basic Rights in the Bangsamoro.*** – In addition to the basic rights
18 already enjoyed by the **INDIVIDUALS** in the Bangsamoro, the Bangsamoro
19 Government shall guarantee the following enforceable rights:

- 20 a. Right to life and to inviolability of one's person and dignity;
- 21 b. Right to freedom and expression of religion and beliefs;
- 22 c. Right to privacy;
- 23 d. Right to freedom of speech;
- 24 e. **FREEDOM OF THE PRESS;**
- 25 f. Right to express political opinion and pursue democratically political aspirations;
- 26 g. Right to seek constitutional change by peaceful and legitimate means;
- 27 h. Right of women to meaningful political participation and protection from all
28 forms of violence;
- 29 i. Right to freely choose one's place of residence and the inviolability of the home;
- 30 j. Right to equal opportunity and non-discrimination in social and economic activity
31 and the public service, regardless of class, creed, disability, gender, and ethnicity;
- 32 k. Right to form cultural and religious associations;
- 33 l. Right to freedom from religious, ethnic, and sectarian harassment;
- 34 m. Right to redress of grievances and due process of law;

1 n. Right to free public basic education (K+12), tertiary education, and *madrasah*
2 education; and

3 o. Collective democratic rights of the Bangsamoro people.

4 The Bangsamoro Parliament shall pass a law for the promotion and protection of
5 the above-enumerated rights.

6 **SEC. 2. REPARATION FOR UNJUST DISPOSSESSION. – THE**
7 **BANGSAMORO PARLIAMENT SHALL ENACT LAWS PROVIDING FOR**
8 **ADEQUATE REPARATION TO THE BANGSAMORO PEOPLE AFFECTED BY**
9 **UNJUST DISPOSSESSION OF TERRITORIAL AND PROPRIETARY RIGHTS OR**
10 **CUSTOMARY LAND TENURE, WHICH MAY INCLUDE PAYMENT OF JUST**
11 **COMPENSATION TO AND RELOCATION OF SUCH PEOPLE: PROVIDED, THAT**
12 **NO VALID LAND TITLE ISSUED BY THE NATIONAL GOVERNMENT UNDER**
13 **THE TORRENS SYSTEM SHALL BE INVALIDATED.**

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

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

21 **SEC. 4. Indigenous Peoples' Rights.** – The Bangsamoro Government recognizes
22 the rights of the indigenous peoples and shall adopt measures for the promotion and
23 protection of their rights, the right to their native titles and/or *fusaka inged*, indigenous
24 customs and traditions, justice systems and indigenous political structures, the right to
25 an equitable share in revenues from the utilization of resources in their ancestral lands,
26 the right to free, prior **AND** informed consent, the right to political participation in the
27 Bangsamoro Government including reserved seats for the non-Moro indigenous peoples
28 in the Bangsamoro Parliament, the right to basic services, and the right to freedom of
29 choice as to their identity. **ANY MEASURE ENACTED BY THE BANGSAMORO**
30 **PARLIAMENT SHALL IN NO WAY DIMINISH THE RIGHTS AND PRIVILEGES**
31 **GRANTED TO INDIGENOUS PEOPLES BY VIRTUE OF THE UNITED NATIONS**
32 **DECLARATION OF THE RIGHTS OF INDIGENOUS PEOPLES AND THE UNITED**
33 **NATIONS DECLARATION ON HUMAN RIGHTS, REPUBLIC ACT NO. 8731,**
34 **OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES' RIGHTS ACT (IPRA)**
35 **AND OTHER LAWS PERTAINING TO INDIGENOUS PEOPLES IN THE**
36 **BANGSAMORO.**

1 **SEC. 5. Customary Rights and Traditions.** – The customs, beliefs, and traditions
2 of the people in the Bangsamoro are hereby recognized, protected, and guaranteed.

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

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

8 **SEC. 6. RELIGIOUS FREEDOM. – THE BANGSAMORO GOVERNMENT**
9 **SHALL FOSTER AN ENVIRONMENT THAT RESPECTS RELIGIOUS FREEDOM**
10 **AND THE FREE EXERCISE THEREOF PURSUANT TO THE TENETS OF**
11 **INTERNATIONAL LAW, THE CONSTITUTION, AND NATIONAL STATUTES AND**
12 **THE REGIONAL GOVERNMENT SHALL PROTECT ITS CITIZENS FROM**
13 **HARASSMENT OR ANY UNDUE PRESSURE, COERCION AND VIOLENCE ON**
14 **ACCOUNT OF RELIGION. ALL ESTABLISHMENTS AND INSTITUTION SHALL**
15 **BE FREE TO IMPLEMENT POLICIES AND UNDERTAKE ACTIVITIES PURSUANT**
16 **TO THEIR RESPECTIVE RELIGIOUS BELIEFS AND VALUES.**

17 **SEC. 7. Human Rights.** – The Bangsamoro Government guarantees full respect
18 for human rights.

19 All laws and policies, including customary laws, shall conform to international human
20 rights and humanitarian standards. The rights under the International Covenant on
21 Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and
22 Political Rights (ICCPR), and other international human rights instruments shall be
23 guaranteed by the **NATIONAL** Government and the Bangsamoro Government.

24 **SEC. 8. Bangsamoro Human Rights Office.** – There is hereby created an office
25 called the Bangsamoro Human Rights **OFFICE, UNDER THE DIRECT CONTROL AND**
26 **SUPERVISION OF THE HUMAN RIGHTS COMMISSION,** which shall be an
27 independent and impartial office within the Bangsamoro. It shall have the same powers
28 and functions as the national Commission on Human Rights and as may be provided for
29 by the Bangsamoro Parliament to ensure the protection and promotion of the human
30 rights of all the Bangsamoro inhabitants.

31 There shall be five (5) members of the **OFFICE**, including the Chairperson, who shall
32 all be appointed by the President upon the recommendation of the Chief Minister. The
33 composition of the **OFFICE** shall reflect the ethnic distribution of the population of the
34 Bangsamoro. The Chairperson shall be a lawyer and majority of the members of the
35 **OFFICE** shall, preferably, be members of the Philippine Bar or Counselors-at-Law. The

1 terms of office and other qualifications and disqualifications of the members of the
2 **OFFICE** shall be provided by the Bangsamoro Parliament.

3 The **OFFICE** shall submit a report on its activities and performance at least every
4 quarter to the Bangsamoro Parliament. Other state instrumentalities in the
5 Bangsamoro shall assist the **OFFICE** and ensure impartiality, dignity, and effectiveness.
6

7 **Social Justice**

8

9 **SEC. 9. Delivery of Basic Services.** – The Bangsamoro Government shall provide,
10 maintain, and ensure the delivery of, among other things, basic and responsive health
11 programs, quality education, appropriate services, livelihood opportunities, affordable and
12 progressive housing projects, power and electricity, and water supply to the Bangsamoro
13 people and other inhabitants of the Bangsamoro. It shall maintain appropriate disaster-
14 preparedness units for immediate and effective relief services to victims of natural and
15 man-made calamities. It shall also ensure the rehabilitation of calamity-affected areas
16 and victims of calamities.

17 **SEC. 10. Housing and Human Settlements.** – The Bangsamoro Parliament shall
18 pass a law creating a housing and human settlements agency to address the lack of
19 shelters, settlements, and livelihood for the disadvantaged and homeless Bangsamoro
20 and non-Moro indigenous peoples, especially those victims of war and atrocities. Such
21 agency may directly solicit and receive assistance, donations, aids, and grants from
22 donors for its housing, settlements, and livelihood programs and development.

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

25 **SEC. 11. Rights of Labor.** – The Bangsamoro Government shall guarantee all
26 fundamental rights of all workers to self-organization, collective bargaining and
27 negotiations, and peaceful concerted activities, including the right to strike, in
28 accordance with **THE 1987 CONSTITUTION, LABOR CODE OF THE PHILIPPINES,**
29 **AND ALL CONVENTIONS OF THE INTERNATIONAL LABOR ORGANIZATION**
30 **(ILO), RATIFIED OR WHICH SHALL BE RATIFIED IN THE FUTURE BY THE**
31 **NATIONAL GOVERNMENT. THE CONSTITUTION, THE LABOR CODE AND THE**
32 **SAID CONVENTIONS OF THE ILO HEREBY FORM PART OF THE LAW OF THE**
33 **BANGSAMORO AUTONOMOUS REGION.** In this regard, the right of workers,

1 whether publicly or privately employed, to form unions, associations, or federations shall
2 not be abridged.

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

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

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

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

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

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

20 **SEC. 13. *Rights of the Youth.*** – The Bangsamoro Government recognizes the
21 vital role of the youth in nation-building and shall promote and protect their physical,
22 moral, spiritual, intellectual, and social well-being. It shall inculcate patriotism and
23 nationalism, encourage involvement in public and civic affairs, and promote mental and
24 physical fitness through sports.

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

27 **SEC. 14. *Protection of Women.*** – The Bangsamoro Government shall uphold
28 and protect the fundamental rights of women including the right to engage in lawful
29 employment and to be protected from exploitation, abuse, or discrimination, as
30 embodied in the Convention on the Elimination of all Forms of Discrimination Against
31 Women (CEDAW).

32 The Bangsamoro Parliament shall enact the necessary laws for the implementation
33 of this section.

1 **SEC. 15. *Rights of Children.*** – The Bangsamoro Government shall respect,
2 protect, and promote the rights of children, especially orphans of tender age. They shall
3 be protected from exploitation, abuse, or discrimination. Their education and
4 development, both physical and mental, shall be fully addressed.

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

8 The Bangsamoro Government and its constituent local government units shall
9 provide for adequate funding and effective mechanisms for the implementation of this
10 policy.

11 **SEC. 16. *Settler Communities.*** – The Bangsamoro Government shall ensure
12 that settlers shall enjoy the rights guaranteed in this Basic Law. For this purpose, the
13 Bangsamoro Parliament shall create an Office for Settler Communities that shall promote
14 the welfare and address issues and concerns of settlers in the Bangsamoro.

16 **Education**

17
18 **SEC. 17. *Integrated System of Quality Education.*** – The Bangsamoro
19 Government shall establish, maintain, and support, as a top priority, a complete and
20 integrated system of quality education and **ASSIST IN THE DEVELOPMENT OF** an
21 educational framework that is relevant and responsive to the needs, ideals, and
22 aspirations of the Bangsamoro people and the unity of all Filipinos. **FOR THIS**
23 **PURPOSE, THE BANGSAMORO GOVERNMENT SHALL CONFORM TO THE**
24 **MINIMUM STANDARD SET BY THE NATIONAL GOVERNMENT.**

25 The Bangsamoro Government shall institutionalize peace education in all levels of
26 education.

27 The schools, colleges, and universities existing in the ARMM as of the date of the
28 approval of this Basic Law and such other schools and institutions that may be
29 established in the Bangsamoro shall be deemed integral components of the educational
30 system of the Bangsamoro Government.

31 **THE BANGSAMORO INTEGRATED SYSTEM OF EDUCATION SHALL BE A**
32 **SUBSYSTEM OF THE NATIONAL EDUCATION SYSTEM. THE BANGSAMORO**
33 **SHALL ADOPT POLICIES AND PRINCIPLES CONSISTENT WITH THE BASIC**
34 **STATE POLICY ON EDUCATION.**

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

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

7 ***Shari'ah* Judicial System**

8
9 **SEC. 2. *Shari'ah* COURTS. – THE BANGSAMORO SHARI'AH HIGH COURT,
10 THE SHARI'AH DISTRICT AND CIRCUIT COURTS AND OTHER SUBORDINATE
11 COURTS, WHICH CONGRESS MAY CREATE, SHALL EXERCISE JUDICIAL
12 AUTHORITY OVER THE BANGSAMORO TERRITORIAL JURISDICTION AS
13 PART OF THE JUDICIAL SYSTEM. THE SHARI'AH COURTS AND ITS
14 PERSONNEL SHALL BE SUBJECT TO THE ADMINISTRATIVE SUPERVISION OF
15 THE SUPREME COURT.**

16 **SEC. 3. *Shari'ah*. – SUBJECT TO THE PERTINENT CONSTITUTIONAL
17 PROVISIONS, INCLUDING THE PROHIBITIONS AGAINST CRUEL AND UNUSUAL
18 PUNISHMENT, *Shari'ah*, which is the law forming part of the Islamic tradition derived
19 from religious precepts of Islam, particularly the *Qur'an* and the *Hadith*, shall be applied by
20 the *shari'ah* courts exclusively over muslims in the Bangsamoro.**

21 **SEC. 4. *Sources of Shari'ah*. – The following are the sources of *Shari'ah*:**

22 Principal Sources:

23 a. *Al-Qur'an* (The Koran);

24 b. *Al-Sunnah* (Traditions of Prophet Muhammad SAW);

25
26 Secondary Sources:

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

28 d. *Al-Qiyas* (Analogy).

1 **SEC. 5. JURISDICTION OF THE Shari'ah Circuit Courts.** – The *Shari'ah*
2 Circuit Court in the Bangsamoro shall exercise exclusive original jurisdiction over the
3 following:

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

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

9 i. Marriage;

10 ii. Divorce;

11 iii. Betrothal or breach of contract to marry;

12 iv. Customary dower (*mahr*);

13 v. Disposition and distribution of property upon divorce;

14 vi. Maintenance and support, and consolatory gifts;

15 vii. Restitution of marital rights.

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

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

20 e. All civil actions, under *Shari'ah* law enacted by the Bangsamoro
21 Government, involving real property in the Bangsamoro, where the assessed value
22 of the property does not exceed Four hundred thousand pesos (P400,000.00); and

23 f. All civil actions in which the parties are Muslims, or where all litigants have
24 voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit Courts, if
25 they have not specified in an agreement which law shall govern their relations where
26 the demand or claim does not exceed Two hundred thousand pesos (P200,000.00).

27 **SEC. 6. JURISDICTION OF THE Shari'ah District Courts.** – The *Shari'ah*
28 District Court in the Bangsamoro shall exercise exclusive original jurisdiction over the
29 following:

30 a. All cases involving custody, guardianship, legitimacy, and paternity and filiation
31 arising under P.D. No. 1083;

32 a. All cases involving disposition, distribution, and settlement of the estate of
33 deceased Muslims who were residents of the Bangsamoro, probate of wills,

- 1 issuance of letters of administration, or appointment of administrators or
2 executors regardless of the nature or the aggregate value of the property;
- 3 b. Petitions for the declaration of absence and death for the cancellation or
4 correction of entries in the Muslim Registries mentioned in Title VI of Book Two of
5 P.D. No. 1083;
- 6 c. All actions arising from customary and *Shari'ah* compliant contracts in which the
7 parties are Muslims, if they have not specified which law shall govern their
8 relations;
- 9 d. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas corpus*,
10 and all other auxiliary writs and processes in aid of its appellate jurisdiction;
- 11 e. Petitions by Muslims for the constitution of a family home, change of name, and
12 commitment of an insane person to an asylum;
- 13 f. All other personal and real actions not falling under the jurisdiction of the
14 *Shari'ah* Circuit Courts wherein the parties involved are Muslims, except those
15 for forcible entry and unlawful detainer, which shall fall under the exclusive
16 original jurisdiction of the Municipal Circuit Court;
- 17 g. All special civil actions for interpleader or declaratory relief wherein the parties
18 are Muslims residing in the Bangsamoro or the property involved belongs
19 exclusively to Muslims and is located in the Bangsamoro;
- 20 h. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament,
21 involving real property in the Bangsamoro, where the assessed value of the
22 property exceeds Four hundred thousand pesos (P400,000.00); and
- 23 i. All civil actions in which the parties are Muslims, or where all litigants have
24 voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit Court,
25 if they have not specified in an agreement which law shall govern their relations
26 where the demand or claim exceeds Two hundred thousand pesos
27 (P200,000.00).

28 The *Shari'ah* District Court in the Bangsamoro shall exercise appellate
29 jurisdiction over all cases decided upon by the *Shari'ah* Circuit Courts in the Bangsamoro
30 within its territorial jurisdiction, as provided under Article 144 of P.D. No. 1083.

31 **SEC. 7. JURISDICTION OF THE Bangsamoro Shari'ah High Court. – A**
32 **Bangsamoro Shari'ah High Court IS HEREBY CREATED.** The Bangsamoro *Shari'ah*
33 High Court shall exercise exclusive original jurisdiction over:

- 34 a. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas*
35 *corpus*, and all other auxiliary writs and processes, in aid of its appellate jurisdiction;
36 and

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

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

4 The decisions of the Bangsamoro *Shari'ah* High Court shall be final and executory
5 except on **QUESTIONS OF PROCEDURAL LAW WHICH MAY BE RAISED BY A**
6 **VERIFIED PETITION FOR REVIEW ON CERTIORARI OR WHEN THERE IS**
7 **MANIFEST GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS**
8 **OF JURISDICTION WHICH MAY BE RAISED IN A SPECIAL CIVIL ACTION FOR**
9 **CERTIORARI BEFORE THE SUPREME COURT.**

10 **SEC. 8. *Qualifications of Shari'ah Judges.* –**

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

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

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

22 b. *Shari'ah* District Court. – No person shall be appointed judge of the *Shari'ah*
23 District Court unless he/she is a Muslim, citizen of the Philippines, at least thirty-five
24 (35) years of age, of proven competence and probity, mentally and physically fit,
25 known for his/her integrity and high moral standards, and a member of the Philippine
26 Bar or a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

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

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

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

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

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

14 **SEC. 9. *Composition and Stations of Bangsamoro Shari'ah High Court.*** —

15 The Bangsamoro *Shari'ah* High Court shall be composed of **FIVE (5)** Justices, including
16 the Presiding Justice.

17 **SEC. 10. *Compensation, benefits, tenure, and privileges.*** — Justices of the
18 Bangsamoro *Shari'ah* High Courts shall have the same rank, prerogatives, salaries,
19 allowances, benefits, tenure, and privileges as the Justices of the Court of Appeals.

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

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

24 **SEC. 11. *Shari'ah Rules of Court.*** — The Rules of Court for the *Shari'ah* courts in
25 the Bangsamoro shall be promulgated by the Supreme Court, giving utmost
26 consideration to the recommendations of the Bangsamoro *Shari'ah* High Court. Pending
27 the promulgation of the Rules of Court of the *Shari'ah* Courts in the Bangsamoro, the
28 special rules of court for *Shari'ah* courts, as promulgated by the Supreme Court, shall
29 continue to be in force.

30 **SEC. 12. *Special Bar Examinations for Shari'ah.*** — The Bangsamoro *Shari'ah*
31 High Court, under the strict supervision of the Supreme Court, shall administer *Shari'ah*
32 Special Bar Examinations for admission of applicants to the Philippine Bar as special
33 members thereof. A successful examinee who has qualified for special membership in the
34 Philippine Bar shall be duly conferred the title of Counselor-at-Law.

1 **SEC. 13. Practice of Law Before Shari'ah Courts.** – The following are eligible to
2 practice before *Shari'ah* courts:

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

4 b. A regular member of the Philippine Bar;

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

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

8 **SEC. 14. Appointment and Discipline of Shari'ah Court Personnel.** – The
9 Supreme Court shall appoint the *Shari'ah* court personnel and shall have the power of
10 discipline over them.

11 **SEC. 15. Bangsamoro Shari'ah Integrated Bar.** – The Bangsamoro Parliament
12 shall pass a law creating the Bangsamoro *Shari'ah* Integrated Bar as the official
13 organization for the legal profession in the Bangsamoro, which shall be compulsory in
14 membership for all *Shari'ah* lawyers. The Supreme Court shall adopt the rules for the
15 integration of the *Shari'ah* Bar which shall be under the supervision of the Bangsamoro
16 *Shari'ah* High Court in accordance with the powers and authority of the Supreme Court.

17 **SEC. 16. Shari'ah Public Assistance Office.** – There is hereby created a *Shari'ah*
18 Public Assistance Office which shall be part of the Public Assistance Office. The office
19 shall be staffed by a Director and two Deputies who shall all be Counselors-at-Law. The
20 Bangsamoro Parliament may determine the additional staff complement for the said
21 office. The *Shari'ah* Public Assistance Office shall provide free legal assistance to indigent
22 party litigants with cases pending before *Shari'ah* courts in the Bangsamoro.

23 **SEC. 17. Shari'ah Special Prosecution Service.** – There shall be created a
24 *Shari'ah* Special Prosecution Service in charge of the prosecution of criminal complaints
25 before the *Shari'ah* courts which shall be headed by a *Shari'ah* General Prosecutor. The
26 *Shari'ah* Counselors-at-Law employed in the office shall be called *Shari'ah* prosecutors.
27 The *Shari'ah* Special Prosecution Service shall be attached to the National Prosecutorial
28 Service of the **NATIONAL** Government. The Bangsamoro Government shall
29 recommend the qualified applicants for the position of the *Shari'ah* prosecutors and
30 personnel of the *Shari'ah* Special Prosecution Service to the Secretary of Justice.

31 **SEC. 18. Shari'ah Academy.** – There is hereby created a *Shari'ah* Academy, the
32 primary function of which is to conduct courses in *Shari'ah* and *Fiqh*, civil law, commercial
33 law, and criminal law, and trainings on the practice of *Shari'ah* law in the Bangsamoro,
34 accredit *Shari'ah* courses and degrees obtained from schools and universities abroad,

1 and develop the curricula, textbooks, and learning materials of schools and universities
2 in the Bangsamoro. The Bangsamoro Parliament shall define its powers and additional
3 functions and appropriate funds therefor. The *Shari'ah* Academy may coordinate with
4 the National Commission on Muslim Filipinos (NCMF) whenever necessary.

5 **SEC. 19. *Bangsamoro Jurisconsult in Islamic Law.*** – There is hereby created
6 an office of Jurisconsult of Islamic law in the Bangsamoro. The Bangsamoro Parliament
7 shall define the powers and functions of this office, including the rank, salary, privileges,
8 and benefits of the Jurisconsult and its subordinate personnel.

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

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

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

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

27 **SEC. 20. *Jurisconsult Under Existing Law.*** – Notwithstanding the preceding
28 section, the Office of the Jurisconsult under P.D. No. 1083 shall be strengthened by
29 providing that the salary, rank, benefits, and privileges of the Jurisconsult shall be
30 equivalent to that of Justices of the Court of Appeals.

31 **SEC. 21. *Deputy Court Administrator for the Bangsamoro.*** – The Office of the
32 Deputy Court Administrator for the Bangsamoro is hereby created. The Deputy Court
33 Administrator for the Bangsamoro shall be appointed by the Chief Justice of the Supreme
34 Court from among three (3) recommendees submitted by the Chief Minister upon
35 previous consultations with the speaker of the Bangsamoro Parliament, the presiding

1 Justice of the Bangsamoro *Shari'ah* High Court, the representative of the *Shari'ah*
2 Integrated Bar, and representative of the Integrated Bar of the Philippines in the
3 Bangsamoro area.

4 5 **Traditional or Tribal Justice Systems**

6
7 **SEC. 22. *Traditional or Tribal Justice Systems.*** – The Bangsamoro Parliament
8 shall enact laws to promote and support the traditional or tribal justice systems that are
9 appropriate for the indigenous peoples, as they may define. The traditional justice
10 systems are the mechanisms to determine, settle, and decide controversies and enforce
11 decisions involving disputes between members of the indigenous peoples concerned in
12 accordance with the customary laws of these communities.

13 **SEC. 23. *Office for Traditional or Tribal Justice System.*** – There is hereby
14 created an Office for Tribal Justice System responsible in overseeing the study,
15 preservation, and development of the tribal justice system within the Bangsamoro. The
16 powers and functions of the Office shall be defined by the Bangsamoro Parliament.

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

21 22 **Regular Courts in the Bangsamoro**

23
24 **SEC. 24. *Regular Courts.*** – Regular courts in the Bangsamoro shall continue to
25 exercise their judicial functions, as provided by law. The Bangsamoro Government shall
26 undertake measures to support the regular courts in the Bangsamoro consistent with
27 the powers of the Supreme Court.

28 29 **Alternative Dispute Resolution**

30
31 **SEC. 25. *Alternative Dispute Resolution.*** – The Bangsamoro Government
32 shall adopt the principles of conciliation and mediation in settling disputes and, through

1 Parliament, shall pass the necessary legislation to institute the mechanism for alternative
2 dispute resolution. The *Shari'ah* courts and the traditional and tribal adjudicatory tribunal
3 may utilize this mode of settlement and resolution of cases which may be feasible and
4 useful.

6 ARTICLE XI

7 PUBLIC ORDER AND SAFETY

8
9 SECTION 1. **GENERAL PROVISIONS.** – CONSISTENT WITH THE
10 CONSTITUTIONAL PRECEPTS OF ONE POLICE FORCE THAT IS NATIONAL IN
11 SCOPE AND CIVILIAN IN CHARACTER, AND COGNIZANT OF THE MANDATE
12 THAT THE DEFENSE AND SECURITY OF THE REGIONS SHALL BE THE
13 RESPONSIBILITY OF THE NATIONAL GOVERNMENT, THE STATE SHALL
14 PROMOTE PEACE AND ORDER, AND ENSURE PUBLIC SAFETY IN THE
15 AUTONOMOUS REGION OF THE BANGSAMORO.

16 THE STATE SHALL FURTHER STRENGTHEN THE CAPABILITY OF THE
17 BANGSAMORO AUTONOMOUS REGION FOR THE EFFECTIVE DELIVERY OF
18 BASIC SERVICES TO THE CITIZENRY THROUGH THE ESTABLISHMENT OF A
19 HIGHLY EFFICIENT, COMPETENT, PROFESSIONAL AND DEDICATED
20 BANGSAMORO REGIONAL POLICE FORCE TO BE ADMINISTERED AND
21 CONTROLLED BY THE NATIONAL POLICE COMMISSION (NAPOLCOM).
22 TOWARDS THIS END, THE BANGSAMORO REGIONAL POLICE HEREBY
23 ADOPTS THE COMMUNITY AND SERVICE ORIENTED POLICING SYSTEM
24 (CSOP) AS THE MECHANISM FOR BOLSTERING A SYSTEM OF
25 COORDINATION AND COOPERATION AMONG THE CITIZENRY, LOCAL
26 EXECUTIVES AND THE INTEGRATED LAW ENFORCEMENT AND PUBLIC
27 SAFETY AGENCIES IN THE AUTONOMOUS REGION OF THE BANGSAMORO.

28 SEC. 2. **BANGSAMORO REGIONAL POLICE.** – THERE IS HEREBY CREATED
29 A BANGSAMORO REGIONAL POLICE (BRP), WHICH IS AN INTEGRAL PART OF
30 THE PHILIPPINE NATIONAL POLICE (PNP). THE PRESERVATION OF PEACE
31 AND ORDER WITHIN THE AUTONOMOUS REGION OF THE BANGSAMORO
32 SHALL BE THE RESPONSIBILITY OF THE BANGSAMORO REGIONAL POLICE
33 WHICH SHALL BE ORGANIZED, MAINTAINED, SUPERVISED, AND UTILIZED,
34 IN ACCORDANCE WITH REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS
35 THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF

1 1990" AS AMENDED BY REPUBLIC ACT NO. 8551 OR THE "PHILIPPINE
2 NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998".

3 THE BRP SHALL REPLACE THE EXISTING POLICE REGIONAL OFFICE OF
4 THE AUTONOMOUS REGION OF MUSLIM MINDANAO (PRO ARMM) AND
5 SHALL BE ONE (1) OF THE POLICE REGIONAL OFFICES OF THE PNP.

6 THE BRP SHALL INITIALLY BE COMPOSED OF EXISTING PNP
7 PERSONNEL IN THE ARMM OR AUTONOMOUS REGION OF THE
8 BANGSAMORO. IN THE RECRUITMENT OF MEMBERS OF THE BRP, PRIORITY
9 SHALL BE GIVEN TO THE RESIDENTS OF THE AUTONOMOUS REGION OF THE
10 BANGSAMORO, SUBJECT TO EXISTING LAWS, RULES AND REGULATIONS ON
11 RECRUITMENT AND TRAINING.

12 TO FACILITATE INTEGRATION INTO THE PNP OF THOSE FROM THE
13 AUTONOMOUS REGION OF THE BANGSAMORO, THE AGE, HEIGHT, AND
14 EDUCATIONAL ATTAINMENT REQUIREMENTS MAY BE WAIVED BY THE
15 NAPOLCOM, SUBJECT TO EXISTING RULES AND REGULATIONS: *PROVIDED*,
16 THAT THE REQUIREMENT OF EDUCATIONAL ATTAINMENT SHOULD BE
17 COMPLIED WITH WITHIN FIFTEEN (15) YEARS FROM INTEGRATION:
18 *PROVIDED, FURTHER*, THAT THE RANK AND GRADE OF BAR INTEGREES
19 SHALL BE SUBJECT TO EXISTING LAWS, RULES AND REGULATIONS
20 GOVERNING THE PNP.

21 **SEC. 3. ORGANIZATION OF THE BANGSAMORO REGIONAL POLICE. –**
22 THE BRP SHALL BE ORGANIZED IN ACCORDANCE WITH THE EXISTING
23 POLICIES, RULES AND REGULATIONS OF THE NAPOLCOM AND
24 ORGANIZATIONAL STRUCTURE OF THE PNP AS DEFINED IN REPUBLIC ACT
25 NO. 6975, AS AMENDED BY REPUBLIC ACT NO. 8551.

26 THE BRP SHALL BE HEADED BY A REGIONAL DIRECTOR, WHO SHALL
27 BE SELECTED BY THE CHIEF MINISTER OF THE AUTONOMOUS REGION OF
28 THE BANGSAMORO FROM A LIST OF THREE (3) NOMINEES SUBMITTED BY
29 THE PNP SENIOR OFFICERS PLACEMENT AND PROMOTION BOARD (SOPPB)
30 AS APPROVED BY THE CHIEF OF THE PNP AND CONFIRMED BY THE
31 NAPOLCOM.

32 THE BRP REGIONAL DIRECTOR SHALL HAVE THE SAME FUNCTIONS AS
33 THE PNP REGIONAL DIRECTORS OF OTHER REGIONS, IN ACCORDANCE
34 WITH THE PROVISIONS, RULES AND REGULATIONS OF REPUBLIC ACT

1 NO. 6975, AS AMENDED BY REPUBLIC ACT NO. 8551, AND OTHER
2 APPLICABLE LAWS, RULES AND REGULATIONS.

3 THE BRP SHALL HAVE PROVINCIAL POLICE OFFICES HEADED BY
4 PROVINCIAL DIRECTORS, AND CITY AND MUNICIPAL POLICE OFFICES
5 HEADED BY CITY AND MUNICIPAL CHIEFS OF POLICE, RESPECTIVELY. THE
6 BRP PROVINCIAL DIRECTORS AND CHIEFS OF POLICE SHALL HAVE THE
7 SAME FUNCTIONS AS THE PNP PROVINCIAL DIRECTORS AND CHIEFS OF
8 POLICE IN ACCORDANCE WITH THE PROVISIONS OF REPUBLIC ACT NO.
9 6975, AS AMENDED BY REPUBLIC ACT NO. 8551, AND OTHER APPLICABLE
10 LAWS, RULES AND REGULATIONS.

11 IN THE SELECTION OF REGIONAL DIRECTOR, PREFERENCE SHALL BE
12 GIVEN TO RESIDENTS OF THE AUTONOMOUS REGION OF THE
13 BANGSAMORO, PURSUANT TO THE LOCALIZATION POLICY OF THE
14 NAPOLCOM.

15 **SEC. 4. APPOINTMENT OF OFFICERS AND MEMBERS OF THE**
16 **BANGSAMORO REGIONAL POLICE.** – THE APPOINTMENT OF UNIFORMED
17 OFFICERS AND MEMBERS OF THE BANGSAMORO REGIONAL POLICE SHALL
18 BE EFFECTED IN THE FOLLOWING MANNER:

19 1. POLICE OFFICER I TO SENIOR POLICE OFFICER IV. – APPOINTED BY
20 THE BRP REGIONAL DIRECTOR AND ATTESTED BY THE NAPOLCOM;

21 2. INSPECTOR TO SUPERINTENDENT. – APPOINTED BY THE CHIEF OF
22 THE PNP, AS RECOMMENDED BY THE BRP REGIONAL DIRECTOR, AND
23 ATTESTED BY THE NAPOLCOM; AND

24 3. SENIOR SUPERINTENDENT TO POLICE DIRECTOR. – APPOINTED BY
25 THE PRESIDENT UPON RECOMMENDATION OF THE CHIEF OF THE PNP, WITH
26 PROPER ENDORSEMENT AND ATTESTATION OF THE NAPOLCOM;

27 IN THE SELECTION OF PROVINCIAL DIRECTORS, CITY OR MUNICIPAL
28 POLICE CHIEFS AND OTHER MEMBERS OF THE BANGSAMORO POLICE,
29 PREFERENCE SHALL BE GIVEN TO RESIDENTS OF THE BANGSAMORO
30 AUTONOMOUS REGION, PURSUANT TO THE LOCALIZATION POLICY OF THE
31 NAPOLCOM.

32 **SEC. 5. LAWS AFFECTING THE BANGSAMORO REGIONAL POLICE.** – ALL
33 LAWS TO BE ENACTED BY THE AUTONOMOUS REGION OF THE BANGSAMORO
34 PARLIAMENT AFFECTING THE BRP, INCLUDING BUDGETARY SUPPORT

1 THERETO, SHALL BE UPON PRIOR CONSULTATION WITH THE NAPOLCOM,
2 TO ENSURE THEIR CONFORMITY WITH THE POLICIES, PLANS, AND
3 PROGRAMS OF THE NAPOLCOM AND PNP. THE ANNUAL BUDGET FOR THE
4 BRP SHALL BE INCLUDED IN THE ANNUAL BUDGET OF THE PNP.

5 **SEC. 6. BANGSAMORO REPRESENTATIVE TO THE NATIONAL POLICE**
6 **COMMISSION.** – THE CHIEF MINISTER OF THE BANGSAMORO PARLIAMENT
7 SHALL BE AN *EX-OFFICIO* COMMISSIONER OF THE NAPOLCOM ON MATTERS
8 PERTAINING TO THE BRP AND SHALL BE ENTITLED TO VOTE ON MATTERS
9 DEALING WITH THE BRP.

10 **SEC. 7. NATIONAL POLICE COMMISSION BANGSAMORO AUTONOMOUS**
11 **REGION OFFICE.** – A BANGSAMORO REGIONAL OFFICE OF THE NATIONAL
12 POLICE COMMISSION (NAPOLCOM-BARO) SHALL BE ESTABLISHED WHICH
13 SHALL BE TASKED WITH THE IMPLEMENTATION OF THE POLICIES AND
14 PROGRAMS OF THE NAPOLCOM IN THE AUTONOMOUS REGION OF THE
15 BANGSAMORO. THE NAPOLCOM-BARO SHALL BE ONE (1) OF THE REGIONAL
16 OFFICES OF THE NAPOLCOM AND SHALL PERFORM THE REGULAR
17 FUNCTIONS OF A NAPOLCOM REGIONAL OFFICE. THE NAPOLCOM-BARO
18 SHALL REPLACE THE EXISTING NATIONAL POLICE COMMISSION –
19 AUTONOMOUS REGION OF MUSLIM MINDANAO REGIONAL OFFICE.

20 **SEC. 8. POWERS OF THE CHIEF MINISTER OVER THE BANGSAMORO**
21 **POLICE.** – THE CHIEF MINISTER SHALL HAVE THE FOLLOWING POWERS
22 OVER THE BANGSAMORO POLICE:

- 23 A. TO ACT AS *EX OFFICIO* MEMBER OF THE NAPOLCOM ON BRP
24 MATTERS;
- 25 B. TO EXERCISE OPERATIONAL CONTROL AND SUPERVISION OVER
26 THE BRP;
- 27 C. TO EMPLOY OR DEPLOY THE ELEMENTS OF AND ASSIGN OR
28 REASSIGN THE BRP THROUGH THE BRP REGIONAL DIRECTOR;
- 29 D. TO OVERSEE THE PREPARATION AND IMPLEMENTATION OF THE
30 INTEGRATED BANGSAMORO PUBLIC SAFETY PLAN;
- 31 E. TO DO EVERYTHING NECESSARY TO PROMOTE WIDESPREAD
32 SUPPORT FOR THE BRP BY RESIDENTS OF THE AUTONOMOUS
33 REGION OF THE BANGSAMORO.

34 **SEC. 9. National Support Services.** – The relationship between the BRP and
35 the national support services of the PNP shall be determined by the Intergovernmental
36 Relations Body.

1 **SEC. 10. Jail Management, Penology, and Fire Protection.** – The following
2 agencies are hereby created:

- 3 a. Bureau of Jail Management and Penology. – The Bangsamoro Bureau of Jail
4 Management and Penology is hereby created to render support to the
5 Bangsamoro Police, with the following major programs, among others:
6 livelihood projects, educational and vocation training, recreation and sports,
7 and religious and spiritual activities.
- 8 b. Bureau of Fire Protection. – The Bangsamoro Bureau of Fire Protection is hereby
9 created. It shall be responsible for the prevention and suppression of destructive
10 fires in the Bangsamoro.

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

13 **SEC. 11. Defense of the Bangsamoro.** – **THE EXTERNAL DEFENSE AND**
14 **SECURITY OF THE AUTONOMOUS REGION OF THE BANGSAMORO SHALL BE**
15 **THE RESPONSIBILITY OF THE NATIONAL GOVERNMENT.**

16 **SEC. 12. Calling Upon the Armed Forces of the Philippines.** – **THE CHIEF**
17 **MINISTER MAY REQUEST THE PRESIDENT TO CALL UPON THE AFP** to prevent or
18 suppress lawless violence, invasion, or rebellion, when the public safety so requires, in the
19 **AUTONOMOUS REGION OF THE** Bangsamoro.

20 **SEC. 13. Indigenous Structure.** – The Bangsamoro Government shall recognize
21 indigenous structures or systems which promote peace and law and order. The
22 Bangsamoro Parliament shall provide institutional support to these structures and
23 systems to enhance **UNITY**, peace and security in the **AUTONOMOUS REGION OF**
24 **THE** Bangsamoro **AND THE NATION.**

25

26 **ARTICLE XII**

27 **FISCAL AUTONOMY**

28

29 **SEC. 1. Fiscal Autonomy.** – The Bangsamoro **GOVERNMENT** shall enjoy fiscal
30 autonomy with the end in view of attaining economic self-sufficiency and genuine
31 development. It shall be entitled to all fund sources enumerated herein and shall have
32 the power to create its sources of revenues as provided in this Basic law. It shall prepare
33 its budget and allocate funds in accordance with an annual appropriations law passed

1 by the Bangsamoro Parliament. The form, content, and manner of preparation of the
2 budget shall be prescribed by a law enacted by the Bangsamoro Parliament
3 **CONSISTENT WITH NATIONAL LAWS, POLICIES, RULES AND REGULATIONS**
4 **ON BUDGETING.**

5 **SEC. 2. *Auditing.* – THE BANGSAMORO GOVERNMENT MAY CREATE AN**
6 **INTERNAL AUDITING BODY WHICH SHALL HAVE INTERNAL AUDITING**
7 **RESPONSIBILITY IN ACCORDANCE WITH REPUBLIC ACT NO. 3456, AS**
8 **AMENDED, OR "THE INTERNAL AUDITING ACT OF 1963".**

9 **THE COMMISSION ON AUDIT (COA), AS THE SUPREME AUDIT**
10 **INSTITUTION OF THE PHILIPPINES, SHALL BE THE EXCLUSIVE AUDITOR OF**
11 **THE BANGSAMORO GOVERNMENT AND ITS CONSTITUENT LOCAL**
12 **GOVERNMENT UNITS PURSUANT TO THE CONSTITUTION.**

13 **THE COA SHALL HAVE THE POWER, AUTHORITY AND DUTY TO**
14 **EXAMINE, AUDIT AND SETTLE ALL ACCOUNTS PERTAINING TO THE**
15 **REVENUE AND RECEIPTS OF, AND EXPENDITURES OR USES OF FUNDS AND**
16 **PROPERTY, OWNED OR HELD IN TRUST BY OR PERTAINING TO, THE**
17 **BANGSAMORO GOVERNMENT OR ANY OF ITS SUBDIVISIONS, AGENCIES,**
18 **OR INSTRUMENTALITIES INCLUDING GOVERNMENT-OWNED OR -**
19 **CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS.**

20 **THE BANGSAMORO GOVERNMENT SHALL ENSURE TRANSPARENCY**
21 **AND ACCOUNTABILITY MECHANISMS CONSISTENT WITH THE OPEN**
22 **GOVERNMENT PRACTICES AND GENERALLY ACCEPTED FINANCIAL**
23 **MANAGEMENT PRINCIPLES.**

24 **THE BANGSAMORO GOVERNMENT SHALL NOT PASS ANY LAW WHICH**
25 **EXEMPTS ANY ENTITY OF THE GOVERNMENT OR ITS SUBSIDIARY OR ANY**
26 **INVESTMENT OF PUBLIC FUNDS FROM THE JURISDICTION OF THE COA.**

27 **SEC. 3. *Local Government Finance.* – THERE IS HEREBY CREATED A**
28 **REGIONAL OFFICE OF THE BUREAU OF LOCAL GOVERNMENT FINANCE**
29 **UNDER THE DEPARTMENT OF FINANCE (DOF) WHICH SHALL HAVE THE**
30 **AUTHORITY TO COORDINATE, ASSIST AND MONITOR THE TREASURY AND**
31 **ASSESSMENT OPERATIONS OF CONSTITUENT LOCAL GOVERNMENT UNITS**
32 **WITHIN THE AUTONOMOUS REGION OF THE BANGSAMORO, IN PURSUANCE**
33 **OF GOOD GOVERNANCE AND LOCAL AUTONOMY.**

34 **SEC. 4. *NATIONAL Government Assistance.* – The NATIONAL Government**
35 **shall extend assistance to the Bangsamoro Government in the matter of tax administration**

1 and fiscal management. This assistance shall include capacity building and training
2 programs, in accordance with a needs assessment and capacity building plan developed
3 by the Bangsamoro Government in consultation with the **NATIONAL** Government.

4 5 *Sources of Revenue*

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

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

- 15 a. Taxes, **IN ACCORDANCE WITH THE PROVISIONS OF THIS BASIC**
16 **LAW;**
- 17 b. Fees and charges;
- 18 c. Annual block grant coming from **NATIONAL** Government;
- 19 d. Revenues **OR SHARE IN REVENUES** from the exploration, development,
20 and utilization of natural resources derived from areas/territories, land or
21 water, covered by and within the **TERRITORIAL** jurisdiction of the
22 Bangsamoro;
- 23 e. Share in the **NATIONAL** Government taxes, fees, and charges collected in the
24 Bangsamoro;
- 25 f. **DIVIDENDS** from Bangsamoro GOCCs, financial institutions, and other
26 corporations, and shares from the revenues of national GOCCs and its
27 subsidiaries operating **WITH SUBSTANTIAL OPERATIONS** in the
28 Bangsamoro as may be determined by the IGFPB;
- 29 g. Grants from economic agreements **OR CONVENTIONS** entered into by the
30 Bangsamoro Government to which the **NATIONAL** Government is a party;
- 31 h. Grants and donations; and
- 32 i. Loans and **OFFICIAL** Development Assistance (ODA).

1 **SHALL BE CONSTRUED TO PRECLUDE ANY FUTURE LEGISLATION ON**
2 **NATIONAL TAXES.**

3 **SEC. 8. *Tax Incentives.* – WITH RESPECT TO TAXES AND FEES THAT THE**
4 **BANGSAMORO GOVERNMENT CAN LEVY UNDER THIS BASIC LAW. IN NO**
5 **CASE SHALL EXEMPTIONS AND INCENTIVES GRANTED PURSUANT TO THIS**
6 **PROVISION DIMINISH NATIONAL REVENUES EXCEPT THOSE GRANTED TO**
7 **THE REGIONAL BOARD OF INVESTMENTS OF THE ARMM AS PROVIDED FOR**
8 **IN EXECUTIVE ORDER NO. 458, S.1991 IN RELATION TO EXECUTIVE ORDER**
9 **NO. 226, S.1987 OTHERWISE KNOWN AS THE OMNIBUS INVESTMENT CODE.**

10 **SEC. 9. *Taxing Powers.* – The following taxes in the Bangsamoro **MAY** be levied**
11 **by the Bangsamoro Government:**

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

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

18 c. **Donor's Tax.** – Tax on a donation or gift, and is imposed on the gratuitous
19 transfer of property between two or more persons who are living at the time of the
20 transfer. It shall apply whether the transfer is in trust or otherwise, whether the gift
21 is direct or indirect, and whether the property is real or personal, tangible or
22 intangible;

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

26 e. **Tax on banks, non-bank intermediaries, and other financial institutions operating**
27 **in the Bangsamoro;**

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

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

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

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

3 j. **TERMINAL FEES AND OTHER CHARGES** for passengers travelling to and
4 from the **AUTONOMOUS REGION OF THE** Bangsamoro;

5 k. Taxes, fees, or charges on countryside, barangay enterprises, and cooperatives
6 not registered under R.A. No. 6810 or the Magna Carta for Countryside and Barangay
7 Business Enterprises and R.A. No. 9520 or the Philippine Cooperative Code of 2008,
8 respectively; and

9 l. Such other taxes that were allowed to be levied by the ARMM Government under
10 Muslim Mindanao Autonomy Act No. 49 or the Revenue Code of the Autonomous
11 Region in Muslim Mindanao, and other legislations and executive issuances.

12 Where all taxable elements are within the Bangsamoro **TERRITORIAL**
13 **JURISDICTION**, taxes under letters (a) to (d) above shall no longer be imposed by
14 the Bureau of Internal Revenue (BIR) of the **NATIONAL** Government. The IGFPB shall
15 promulgate rules on the determination of taxable elements in relation to taxes (a) to (d)
16 above and on the sharing of revenues from the collection of such taxes where the taxable
17 elements are found within and outside of the Bangsamoro **TERRITORIAL**
18 **JURISDICTION**. Any dispute between the Bangsamoro Government and the
19 **NATIONAL** Government arising from the imposition of the above taxes shall be addressed
20 by the IGFPB.

21 **SEC. 10. *Share in Taxes of the NATIONAL Government.* – NATIONAL**
22 **Government taxes, fees, and charges collected in the AUTONOMOUS REGION OF**
23 **THE** Bangsamoro, other than tariff and customs duties, shall be shared as follows:

24 a. **FIFTY PERCENT (50%)** to the **NATIONAL** Government; and

25 b. **FIFTY PERCENT (50%)** to the Bangsamoro **GOVERNMENT**, including the
26 shares of the local government units.

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

30 **SEC. 11. *Assessment and Collection of Taxes; Bangsamoro Revenue***
31 **Office.** – **THE BANGSAMORO PARLIAMENT SHALL, BY LAW, ESTABLISH THE**
32 **BANGSAMORO REVENUE OFFICE WITHIN THE AUTONOMOUS REGION OF THE**
33 **BANGSAMORO FOR THE PURPOSE OF ASSESSING AND COLLECTING TAXES**
34 **IMPOSED BY THE BANGSAMORO GOVERNMENT.**

1 **THE BANGSAMORO REVENUE OFFICE SHALL COLLECT SUCH TAXES**
2 **REGULARLY AND PROMPTLY REPORT ALL OF ITS COLLECTIONS TO THE**
3 **NATIONAL GOVERNMENT AND REMIT THE SHARE OF THE NATIONAL**
4 **GOVERNMENT THROUGH A DULY ACCREDITED GOVERNMENT DEPOSITORY**
5 **BANK.**

6 When the Bangsamoro Revenue Office is established, and collection of the above
7 taxes is undertaken by said Office, the cost of administering the tax collection shall be
8 **FUNDED BY** the Bangsamoro Government.

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

14 **SEC. 13. *Payment of Taxes by Corporations, Partnerships, or Firms.*** –
15 Corporations, partnerships, or firms directly engaged in business in the **AUTONOMOUS**
16 **REGION OF THE** Bangsamoro shall pay their corresponding taxes, fees, and charges in
17 the province or city where the corporation, partnership, or firm is doing business.

18 Corporations, partnerships, or firms whose central, main, or head offices are
19 located outside the **AUTONOMOUS REGION OF THE** Bangsamoro but which are
20 doing business within its territorial jurisdiction shall pay the income taxes for income
21 derived from their business operations in the **AUTONOMOUS REGION OF THE**
22 **BANGSAMORO** to the city or municipality where their branch offices or business
23 operations or activities are located. **THE INTERGOVERNMENTAL FISCAL POLICY**
24 **BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS PROVISION**
25 **INCLUDING THE DETERMINATION OF COVERED ENTITIES AND THE**
26 **ALLOCATION OF INCOME FOR COVERED ENTITIES.** The BIR and the Bangsamoro
27 Revenue Office shall agree on modalities for the filing of income tax returns through
28 the IGFPB.

29 **SEC. 14. *Share of the Constituent Local Government Units in Taxes within***
30 ***the Bangsamoro.*** – The Bangsamoro Parliament shall enact a law detailing the shares
31 of constituent local government units in the **FIFTY PERCENT (50%)** share of the
32 Bangsamoro Government in the taxes, fees, and charges collected in their jurisdiction for
33 the **NATIONAL** Government in the **AUTONOMOUS REGION OF THE** Bangsamoro.

34 **SEC. 15. *Bangsamoro Taxes and Revenue Code.*** – The Bangsamoro
35 Parliament shall enact a Bangsamoro Tax and Revenue Code, which shall cover the taxing

1 powers of the Bangsamoro Government, in accordance with the 1987 Constitution **AND**
2 **NATIONAL LAWS.**

3 **SEC. 16. Fees and Charges.** – The Bangsamoro **GOVERNMENT** shall exercise
4 the power to levy fees and charges pursuant to the powers and functions in accordance
5 with this Basic Law, and other executive issuances, and memoranda of agreement.

7 **Block Grant**

8
9 **SEC. 17. Annual Block Grant.** – The **NATIONAL** Government shall provide an
10 annual block grant which shall be the share of the **AUTONOMOUS REGION OF THE**
11 Bangsamoro in the national internal revenue of the **NATIONAL** Government. The
12 amount shall be sufficient for the exercise of the powers and functions of the Bangsamoro
13 Government under this Basic Law and in no case shall it be less than the last budget
14 received by the ARMM immediately before the establishment of the BTA.

15 **SEC. 18. Formula of the Block Grant.** – For the budget year immediately
16 following the year of the ratification of this Basic Law, the amount of the block grant
17 shall be equivalent to **FIVE PERCENT (5%)** of the net national internal revenue
18 collection of the BIR and of the Bureau of Customs (BOC).

19 For purposes of this Section, the net national internal revenue collection of the BIR
20 is understood to be the sum of all internal revenue tax collections during the base year
21 less the internal revenue allotment of local government units, as well as the amount
22 released during the same year for tax refunds, payments for informer's reward, and any
23 portion of internal revenue tax collections which are presently set aside, or hereafter
24 earmarked under special laws for payment to third persons.

25 *Provided,* That the computation shall be based on collections from the third fiscal
26 year preceding the current fiscal year:

27 **PROVIDED, FURTHER, THAT THE INTERGOVERNMENTAL FISCAL**
28 **POLICY BOARD SHALL DETERMINE FROM TIME TO TIME THE AMOUNTS**
29 **THAT MUST BE RELEASED BY THE NATIONAL GOVERNMENT TO THE**
30 **BANGSAMORO GOVERNMENT INCLUDING THE MANNER AND MODE OF**
31 **TRANSFERS AND THE STANDARDS AND CONDITIONS THEREFOR:**
32 **PROVIDED, FINALLY, THAT IN THE EVENT THAT THE NATIONAL**
33 **GOVERNMENT INCURS AN UNMANAGEABLE PUBLIC SECTOR DEFICIT, THE**
34 **PRESIDENT OF THE PHILIPPINES IS HEREBY AUTHORIZED, UPON THE**

1 **RECOMMENDATION OF THE SECRETARY OF FINANCE AND SECRETARY OF**
2 **BUDGET AND MANAGEMENT TO MAKE THE NECESSARY ADJUSTMENTS IN**
3 **THE BLOCK GRANT.**

4 **SEC. 19. *Automatic Appropriation.*** – The annual block grant shall be
5 automatically appropriated to the Bangsamoro Government and reflected in the General
6 Appropriations Act.

7 **SEC. 20. *Allocation of the Block Grant.*** – The Bangsamoro Parliament shall
8 pass an annual appropriations law that allocates the block grant to various agencies and
9 programs according to the powers and functions of the Bangsamoro Government. The
10 Bangsamoro Parliament shall assign the highest budgetary priority to education, health,
11 and social services as may be provided in its appropriations law. **THE BANGSAMORO**
12 **PARLIAMENT SHALL NOT INCLUDE THE PROCUREMENT OF FIREARMS,**
13 **AMMUNITION AND EXPLOSIVES IN ITS ANNUAL APPROPRIATIONS LAW:**
14 ***PROVIDED,*** THAT THE BANGSAMORO PARLIAMENT SHALL APPROPRIATE IN
15 ITS ANNUAL BUDGET NO LESS THAN FORTY PERCENT (40%) OF ITS BLOCK
16 GRANT FOR DEVELOPMENT PROJECTS. COPIES OF THE DEVELOPMENT
17 PLANS OF THE BANGSAMORO GOVERNMENT SHALL BE FURNISHED THE
18 DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: ***PROVIDED,***
19 ***FURTHER,*** THAT IN THE ALLOCATION OF THE BLOCK GRANT, NATIONAL
20 LAWS, DBM AND DILG BUDGETING RULES AND REGULATIONS APPLICABLE
21 TO LGUs SHALL ALSO APPLY.

22 The Bangsamoro annual appropriations law **SHALL** also include performance
23 standards and targets for each sector. Any unspent amount in the current year's block
24 grant shall revert to the Bangsamoro under a Special Fund for re-appropriation:
25 ***PROVIDED, HOWEVER,*** THAT THE RE-APPROPRIATION SHALL FOLLOW THE
26 **SAME CONDITIONS AS PROVIDED IN THIS SECTION.**

27 **SEC. 21. *Regular Release.*** – The block grant shall be released without need of
28 any further action, directly and comprehensively, to the Bangsamoro Government, and
29 shall not be subject to any lien or holdback that may be imposed by the **NATIONAL**
30 Government for whatever purpose.

31 **SEC. 22. *Deductions from the Block Grant; Exceptions.*** – Ten (10) years
32 from the operationalization of the regular Bangsamoro Government, the following shall
33 be deducted from the block grants:

- 34 a. Revenues from the following taxes collected three (3) years prior;
35 i. Capital Gains Tax

1 ii. Documentary Stamp Tax

2 iii. Donor's Tax

3 iv. Estate Tax

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

7 *Provided*, That the amount allocated for the operation of the Bangsamoro
8 Sustainable Development Board, as provided in Section 4, Article XIII shall not be
9 included in the amount herein to be deducted from the block grant: *Provided further*,
10 That the abovementioned deduction shall not include the shares of constituent local
11 government units and of indigenous communities in government income derived from
12 the exploration, development, and utilization of natural resources under Sections 37 and
13 38 of Article XII, respectively.

14 **SEC. 23. Review of the Block Grant Formula.** – The formula of the Block Grant,
15 as provided above, shall be reviewed by the IGFPB five (5) years after its effectivity, and
16 every five years thereafter. The review that shall be undertaken shall consider, among
17 others, the fiscal needs of the Bangsamoro and the actual revenues it is able to generate.
18 **IT SHALL BE CONDUCTED TO ENSURE THAT ALL BLOCK GRANT EXPENDITURES**
19 **ARE TRANSPARENT AND PERFORMANCE-BASED.** Should the **NATIONAL**
20 Government no longer have any representative in the said Board, the review shall be
21 undertaken by the **NATIONAL** Government - Bangsamoro Government Intergovernmental
22 Relations Body.

23 **SEC. 24. Development Programs and Projects.** – The **NATIONAL** Government
24 **MAY** provide for additional funds that would subsidize expenditure for development
25 projects and infrastructure in the Bangsamoro, in accordance with a development plan
26 formulated by the Bangsamoro Government. The **NATIONAL** Government and the
27 Bangsamoro Government shall agree on the amount through the Intergovernmental
28 Infrastructure Development Board as well as the manner of release of said amount to
29 the Bangsamoro Government.

1 **Loans**

2
3 **SEC. 25. Foreign and Domestic Loans; Bills, Bonds, Notes, and**
4 **Obligations. –**

5 a. Loans, Credits, and Other Forms of Indebtedness. – The Bangsamoro
6 Government may contract loans, credits, and other forms of indebtedness in
7 order to finance the construction, installation, improvement, expansion, operation
8 or maintenance of public facilities, infrastructure facilities, housing projects, the
9 acquisition of real property, and the implementation of other capital investment
10 projects, as well as for the development and welfare of the people of the
11 Bangsamoro.

12 Subject to acceptable credit worthiness, **AND IN COMPLIANCE WITH**
13 **THE 1987 CONSTITUTION, RELEVANT LAWS AND REGULATIONS** such
14 loans may be secured from domestic and foreign lending institutions, except
15 foreign and domestic loans requiring sovereign guaranty, whether explicit or
16 implicit, which would require the approval of the **NATIONAL** Government. The
17 Bangsamoro Parliament may authorize the Chief Minister to contract such
18 domestic or foreign loans. The loans so contracted may take effect upon approval
19 by a majority of all the members of the Bangsamoro Parliament.

20 The **NATIONAL** Government shall assist the Bangsamoro Government in
21 complying with the requirements for a speedy issuance of the sovereign guaranty
22 to finance local infrastructure and other socio-economic development projects in
23 accordance with the Bangsamoro Development Plan.

24 Within thirty (30) days from the submission of the Bangsamoro Government
25 of its application for sovereign guaranty, the Bangsamoro Government shall be
26 informed by the **NATIONAL** Government on the actions taken on the application.

27 The application shall be resolved with dispatch.

28 b. Bills, Bonds, Notes, Debentures, and Obligations. – The Bangsamoro Government
29 is also authorized to issue bonds, debentures, securities, collaterals, notes,
30 obligations, and other debt papers or documents, as well as redeem or retire the
31 same, pursuant to law enacted by the Bangsamoro Parliament. Said authority
32 may be exercised in order to finance self-liquidating, income-producing
33 development or livelihood projects pursuant to the priorities established in the
34 aforementioned development plan.

35 c. Payment of Loans and Indebtedness. – The Bangsamoro Government shall
36 appropriate in its annual budget such amounts as are sufficient to pay their loans

1 and their indebtedness incurred. The amount of appropriations for debt servicing
2 shall not exceed twenty percent (20%) of the regular sources of revenue but
3 excluding those coming from grants, donations, loans, and ODA of the
4 Bangsamoro: **PROVIDED, THAT FAILURE TO PROVIDE THE**
5 **APPROPRIATIONS HEREIN REQUIRED SHALL RENDER ITS ANNUAL**
6 **BUDGETS INOPERATIVE.**

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

10 **SEC. 26. OFFICIAL Development Assistance.** – In its efforts to achieve
11 inclusive growth and poverty reduction through the implementation of priority
12 development projects, the Bangsamoro Government may avail of ODA **UPON REVIEW**
13 **AND APPROVAL OF THE NATIONAL GOVERNMENT AND IN ACCORDANCE**
14 **WITH THE ODA LAW. THE BANGSAMORO PARLIAMENT MAY ENACT**
15 **LEGISLATION GOVERNING ODA.**

16 17 **Grants and Donations**

18
19 **SEC. 27. Grants and Donations.** – Grants and donations from foreign and
20 domestic donors received by the Bangsamoro Government for the development and
21 welfare of the people in the Bangsamoro shall be used solely for the purpose for which
22 they were received.

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

26 **THE INTERGOVERNMENTAL FISCAL POLICY BOARD SHALL**
27 **PROMULGATE RULES TO IMPLEMENT THIS PROVISION.**

28 29 **Economic Agreements and Conventions**

30
31 **SEC. 28. Economic Agreements.** – The Bangsamoro Government may enter into
32 economic agreements and receive benefits and grants derived therefrom **UPON REVIEW**
33 **AND APPROVAL OF THE NATIONAL GOVERNMENT.**

1 **SEC. 29. *Cultural Exchange, Economic, and Technical Cooperation.*** –
2 Whenever necessary, the **NATIONAL** Government **MAY** appoint recommendees of the
3 Bangsamoro Government to Philippine embassies, consulates, and international
4 delegations. The Bangsamoro Government may establish linkages for cultural exchange,
5 economic, and technical cooperation with countries with diplomatic relations with the
6 Philippines **UPON REVIEW AND APPROVAL OF THE NATIONAL GOVERNMENT.**

7 **SEC. 30. *Benefits from Conventions.*** – The Bangsamoro shall be entitled to
8 benefits resulting from conventions to which the **NATIONAL** Government is a party.
9 Such benefits shall be equitable and shall consider the available human and material
10 resources and comparative advantage of the Bangsamoro, as well as its socio-economic
11 conditions and needs.

12
13 **Government-Owned and/or -Controlled Corporations and Financial**
14 **Institutions**

15
16 **SEC. 31. *Government-Owned and/or -Controlled Corporations and***
17 ***Financial Institutions.*** – The Bangsamoro **GOVERNMENT** shall have the power to
18 create, **AFTER COORDINATING WITH THE NATIONAL GOVERNMENT,** GOCCs and
19 financial institutions through the necessary modalities and in accordance with a law on
20 GOCCs to be passed by the Bangsamoro Parliament. These GOCCs created by the
21 Bangsamoro Government shall **COMPLY WITH THE PROVISIONS OF REPUBLIC ACT**
22 **NO. 10149, OTHERWISE KNOWN AS THE "GOCC GOVERNANCE ACT,"** SHALL be
23 duly registered with the SEC or established under legislative charter by the Bangsamoro
24 Parliament, and shall be recognized even outside the Bangsamoro. **DIVIDENDS** derived
25 from their operations shall pertain to the Bangsamoro. **THE CREATION AND THE**
26 **CONDUCT OF OPERATIONS OF THE FINANCIAL INSTITUTIONS WITHIN THE**
27 **BANGSAMORO SHALL BE SUBJECT TO PERTINENT BANGKO SENTRAL NG**
28 **PILIPINAS RULES AND REGULATIONS.**

29 **SEC. 32. *Existing GOCCs Operating Exclusively in the Bangsamoro.*** – The
30 Bangsamoro Government shall have the authority and control over existing GOCCs
31 operating exclusively in the **AUTONOMOUS REGION OF THE** Bangsamoro, after
32 determination by the IGFPB of its feasibility. Such transfer shall be effected through the
33 necessary changes on the GOCCs' governing boards.

1 **SEC. 33. *Southern Philippine Development Authority and Al-Amanah***
2 ***Islamic Investment Bank.*** – Within six (6) months from the establishment of the BTA,
3 the IGFPB shall determine the participation of the Bangsamoro **GOVERNMENT** in the
4 ownership and management of *Al-Amanah* Islamic Investment Bank of the Philippines and
5 the Southern Philippines Development Authority (SPDA) as provided in P.D. No. 690 as
6 amended by P.D. No. 1703, and the mode of transfer of ownership to the Bangsamoro
7 Government.

8 **SEC. 34. *Existing GOCCs in the Bangsamoro.*** – The Bangsamoro Government
9 shall be represented in the Board of Directors or in the policy-making bodies of GOCCs
10 that operate a substantial portion of their businesses directly or through their subsidiaries
11 in the **AUTONOMOUS REGION OF THE** Bangsamoro or where the Bangsamoro has a
12 substantial interest. The IGFPB shall determine the extent of their participation. In no case
13 shall the Bangsamoro **GOVERNMENT** have less than one (1) seat in the governing board
14 of such entities.

15 The share of the Bangsamoro Government from the results of operations of GOCCs
16 and subsidiaries operating in the **AUTONOMOUS REGION OF THE** Bangsamoro shall
17 be based on a formula determined by the IGFPB under Section 39 of this Article.

18
19 ***Sharing in the Exploration, Development, and Utilization of Natural Resources***

20
21 **SEC. 35. *Sharing in Exploration, Development, and Utilization of Natural***
22 ***Resources.*** – Government revenues generated from the exploration, development, and
23 utilization of all natural resources in the Bangsamoro, inclusive of mines and minerals,
24 shall pertain fully to the Bangsamoro Government. In the case of fossil fuels (petroleum,
25 natural gas, and coal) and uranium, the same shall be co-managed and the revenues
26 shared equally between the **NATIONAL** Government and the Bangsamoro Government.

27 The sharing schemes set forth in the paragraph above shall be applicable to all
28 natural resources found in the Bangsamoro **TERRITORIAL JURISDICTION**, both the
29 land mass and the waters under its territorial jurisdiction.

30 **SEC. 36. *Share of the Constituent Local Government Units.*** – The share of
31 the Bangsamoro Government in the revenues referred to in the immediately preceding
32 section shall include those for its constituent local government units. The Bangsamoro
33 Parliament shall enact a law detailing the shares of such local government units.

1 **SEC. 37. *Share of Indigenous Communities.*** – Indigenous peoples shall have
2 an equitable share from the revenues generated from the exploration, development, and
3 utilization of natural resources that are found within the territories covered by a native,
4 traditional, or customary title in their favor. The share shall be provided for in a law to be
5 passed by the Bangsamoro Parliament: ***PROVIDED, THAT THIS SHALL IN NO***
6 ***WAY DIMINISH THE RIGHTS AND PRIVILEGES GRANTED TO INDIGENOUS***
7 ***PEOPLES BY REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE***
8 ***"INDIGENOUS PEOPLES RIGHTS ACT (IPRA)," AND OTHER LAWS***
9 ***PERTAINING TO INDIGENOUS PEOPLES.***

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

13 **SEC. 38. *Functions of the Intergovernmental Fiscal Policy Board.*** – The
14 IGFPB created under Section 6, Article VI shall have the following functions:

- 15 a. Recommend the necessary fiscal policy adjustments by undertaking a periodic
16 review of the taxing powers, tax base and rates of the Bangsamoro Government,
17 wealth sharing arrangements, and sources of revenues vis-à-vis the development
18 needs of the **AUTONOMOUS REGION OF THE** Bangsamoro;
- 19 b. Address disputes between the **NATIONAL** Government and the Bangsamoro
20 Government involving the collection of capital gains tax, documentary stamp tax,
21 donor's tax, and estate tax in the **AUTONOMOUS REGION OF THE**
22 Bangsamoro;
- 23 c. Determine the extent of participation of the Bangsamoro Government in the
24 Board of Directors or the policy-making bodies of GOCCs that operate a
25 substantial portion of their businesses directly or through their subsidiaries in the
26 **AUTONOMOUS REGION OF THE** Bangsamoro or where the Bangsamoro has
27 a substantial interest;
- 28 d. Determine the participation of the Bangsamoro Government in the results of
29 operations of GOCCs and its subsidiaries operating in the **AUTONOMOUS**
30 **REGION OF THE** Bangsamoro. The Board shall also determine a formula for the
31 share of the Bangsamoro Government from the results of said operations;
- 32 e. Determine the participation of the Bangsamoro **GOVERNMENT** in the
33 ownership and management of *Al-Amanah* Islamic Investment Bank of the
34 Philippines and the SPDA;
- 35 f. Recommend the exercise by the Bangsamoro Government of additional fiscal
36 powers in order to attain fiscal autonomy; and

1 g. Define the modalities for the filing of income tax returns for corporation or firms
2 whose central, main, or head offices are located outside the **AUTONOMOUS**
3 **REGION OF THE** Bangsamoro but are doing business within its territorial
4 jurisdiction so that income realized from such operations in the **AUTONOMOUS**
5 **REGION OF THE** Bangsamoro shall be attributed as income derived therein and
6 subject to the sharing scheme between the **NATIONAL** Government and the
7 Bangsamoro Government.

8 **SEC. 39. Composition.** – The IGFPB shall be composed of the heads and/or
9 representatives of the appropriate ministries and offices in the Bangsamoro Government.
10 The **NATIONAL** Government shall likewise be represented in the Board by the
11 Secretaries of Finance, Budget and Management, Trade and Industry, the Director General
12 of the National Economic Development Authority, and such other officials as may be
13 necessary.

14 The Board shall be headed by two (2) co-Chairpersons, one representing the
15 Bangsamoro Government and the other representing the **NATIONAL** Government.

16 **SEC. 40. Meetings and Annual Report.** – The IGFPB shall meet at least once
17 every six (6) months or as often as necessary and shall adopt its own rules of procedure
18 for the conduct of its meetings.

19 An annual report shall be submitted by the IGFPB to the **NATIONAL** Government
20 and the Bangsamoro Government, and shall be made available to the public.

21 **SEC. 41. Full Disclosure Policy.** – The Bangsamoro Government hereby adopts
22 a policy of full disclosure of its budget and finances, and bids and public offerings, and
23 shall provide protocols for the guidance of local authorities in the implementation of said
24 policy, which shall include, among others, the posting of the Summary of Income and
25 Expenditures, and the participation of representatives from civil society in the budget
26 process. The same policy shall apply to its constituent local government units, as may be
27 provided in the Bangsamoro Local Government Code to be enacted by the Bangsamoro
28 Parliament.

29 **SEC. 42. Additional Fiscal Powers.** – The IGFPB may recommend the exercise by
30 the Bangsamoro Government of additional fiscal powers in order to reach fiscal autonomy.
31 Such recommendations shall be proposed to the Philippine Congress or the appropriate
32 agency of the **NATIONAL** Government that has the power to effect such
33 recommendations.

1 **ARTICLE XIII**

2 **ECONOMY AND PATRIMONY**

3
4 **SEC. 1. *Social Justice and the Bangsamoro Economic System.*** – The
5 Bangsamoro shall establish an economic system based on the **PRINCIPLES AND**
6 **STATE POLICIES DECLARED IN THE CONSTITUTION.** Pursuant to **THESE**
7 principle**S**, the Bangsamoro Parliament shall legislate laws pertaining to the
8 Bangsamoro economy and patrimony that are responsive to the needs of its people.

9
10 ***Sustainable Development***

11
12 **SEC. 2. *Equitable and Sustainable Development.*** – In order to protect and
13 improve the quality of life of the inhabitants of the **AUTONOMOUS REGION OF THE**
14 Bangsamoro, development in the Bangsamoro shall be carefully planned, taking into
15 consideration the ecological balance and the natural resources that are available for its
16 use and for the use of future generations.

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

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

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

31 **SEC. 4. *Funding Support for the Bangsamoro Sustainable Development***
32 ***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
3 **AUTONOMOUS REGION OF THE** Bangsamoro, a certain percentage of such revenues
4 shall be allocated for the operation of the Board, as may be provided in a law to be
5 passed by the Bangsamoro Parliament.

6 **SEC. 5. *Bangsamoro Development Plan.* – THE BANGSAMORO ECONOMIC**
7 **DEVELOPMENT COUNCIL SHALL BE CREATED AND SHALL SERVE AS THE**
8 **PLANNING, MONITORING AND COORDINATING AGENCY FOR ALL**
9 **DEVELOPMENT PLANS, PROGRAMS AND PROJECTS INTENDED FOR THE**
10 **BANGSAMORO REGIONAL GOVERNMENT. IT SHALL EVALUATE AND**
11 **RECOMMEND SHORT, MEDIUM AND LONG-TERM COMPREHENSIVE**
12 **DEVELOPMENT PROGRAMS FOR THE AUTONOMOUS REGIONAL AREA FOR**
13 **APPROVAL BY THE PARLIAMENT. THE AFORESAID COMPREHENSIVE PLAN**
14 **AND PROGRAM SHALL TAKE INTO ACCOUNT THE DEVELOPMENT PLANS OF**
15 **THE PROVINCES, CITIES, MUNICIPALITIES AND BARANGAYS AS APPROVED**
16 **BY THEIR RESPECTIVE LOCAL DEVELOPMENT COUNCILS.**

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.

34 **SEC. 7. *Participation of the Bangsamoro in National Development***
35 ***Planning.*** – The preceding section notwithstanding, and in order to ensure that the
36 Bangsamoro development plans are reflected in the national development plans, **THE**

1 **BANGSAMORO GOVERNMENT SHALL SIT AS MEMBER OF A NATIONAL**
2 **DEVELOPMENT PLAN STEERING COMMITTEE, OR ITS EQUIVALENT, AND**
3 **SHALL PARTICIPATE IN RELEVANT PLANNING ACTIVITIES OF THE NEDA.**

4
5 *Natural Resources*

6
7 **SEC. 8. *Natural Resources, Nature Reserves, and Protected Areas.* –**
8 **SUBJECT TO THE PROVISIONS OF THE 1987 CONSTITUTION,** the Bangsamoro
9 Government shall have the power, authority, and right to explore, develop, and utilize the
10 natural resources, including surface and sub-surface rights, inland waters, coastal waters,
11 and renewable and non-renewable resources in the Bangsamoro.

12 The protection, conservation, rehabilitation, and development of forests, coastal,
13 and marine resources, including the adoption of programs and projects to ensure the
14 maintenance of ecological balance and biodiversity shall be given priority.

15 The Bangsamoro Government shall also have the power to declare nature
16 reserves and aquatic parks, forests, watershed reservations, and other protected areas
17 in the Bangsamoro.

18 The Bangsamoro Parliament shall pass a law on protected areas regarding the
19 procedure for the declaration and the management of those that are so declared, and
20 the role of the Bangsamoro Government and other stakeholders in the process.
21 **PENDING THE ENACTMENT OF SUCH LAW, THE DECLARATION AND**
22 **MANAGEMENT OF PROTECTED AREAS SHALL BE GOVERNED BY EXISTING**
23 **LAWS, RULES AND REGULATIONS. EXISTING NATURE RESERVES AND**
24 **PROTECTED AREAS SHALL REMAIN AS SUCH. THESE, INCLUDING THOSE TO BE**
25 **DECLARED, SHALL BE MANAGED IN ACCORDANCE WITH SUSTAINABLE**
26 **DEVELOPMENT AND BIODIVERSITY CONSERVATION POLICIES AND**
27 **PRINCIPLES AS CONTAINED IN INTERNATIONAL CONVENTIONS AND**
28 **TREATIES TO WHICH THE PHILIPPINES IS A PARTY.**

29 **SEC. 9. *Transfer of Existing Nature Reserves and Protected Areas.* –** The
30 management and protection of nature reserves and aquatic parks, forests, watershed
31 reservations, and other protected areas in the Bangsamoro **TERRITORIAL**
32 **JURISDICTION** that have already been defined by and under the authority of the
33 **NATIONAL** Government shall be transferred to the Bangsamoro Government.

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

7 **SEC. 10. *Exploration, Development, and Utilization of Fossil Fuels and***
8 ***Uranium.* - SUBJECT TO THE PROVISIONS OF THE 1987 CONSTITUTION AND**
9 **NATIONAL LAWS,** the Bangsamoro Government and the **NATIONAL** Government
10 shall jointly exercise the power to grant rights, privileges, and concessions over the
11 exploration, development, and utilization of fossil fuels (petroleum, natural gas, and
12 coal) and uranium in the **TERRITORIAL JURISDICTION OF THE AUTONOMOUS**
13 **REGION OF THE** Bangsamoro. **THE USE OF FOSSIL FUELS FOR POWER**
14 **GENERATION, HOWEVER, SHALL BE REDUCED TO ACHIEVE SUSTAINABLE**
15 **DEVELOPMENT GOALS AND PROMOTE LOW CARBON SUSTAINABLE ENERGY**
16 **GENERATION POLICIES AS PROVIDED IN SECTION 2, ARTICLE V.**

17 The **NATIONAL** Government, **WITH** the Department of Energy (DOE), and the
18 Bangsamoro Government shall adopt a competitive and transparent process for the
19 grant of rights, privileges, and concessions in the exploration, development, and
20 utilization of fossil fuels and uranium.

21 The DOE and the Bangsamoro Government will identify and select prospective
22 contract areas to be offered for exploration and development. **THE ADVANTAGES OF**
23 **RENEWABLE ENERGY RESOURCES FOR ENERGY GENERATION AND LOCAL**
24 **OWNERSHIP AND PARTICIPATION SHALL BE HARNESSSED TO ALLOW**
25 **ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS TO BE ENJOYED BY**
26 **THE PEOPLE IN THE COMMUNITIES. AS SUCH,** qualified Filipino citizens who **ARE**
27 *bona fide* residents of the **AUTONOMOUS REGION OF THE** Bangsamoro will receive
28 a rating higher than other proponents during the evaluation process. The award of the
29 service contract shall be made jointly by the DOE and the Bangsamoro Government.

30 **SEC. 11. *Preferential Rights of Bona Fide Inhabitants of the Bangsamoro.***
31 **—** Qualified citizens who are *bona fide* inhabitants of the Bangsamoro, **ALL OTHER**
32 **CONDITIONS BEING EQUAL,** shall have preferential rights over the exploration,
33 development, and utilization of natural resources, including fossil fuels (petroleum,
34 natural gas, and coal) and uranium, within the Bangsamoro **TERRITORIAL**
35 **JURISDICTION.** Existing rights over the exploration, development, and utilization of

1 natural resources shall be respected until the expiration of the corresponding leases,
2 permits, franchises, or concessions, unless legally terminated.

3 **SEC. 12. *Rights of Indigenous Peoples Over Natural Resources.*** – The
4 Bangsamoro Parliament shall enact a law recognizing the rights of indigenous peoples
5 in the Bangsamoro in relation to natural resources within the territories covered by a
6 native title, including their share in revenues as provided in this Basic Law, and priority
7 rights in the exploration, development, and utilization of such natural resources within
8 their area.

9 The right of indigenous peoples to free, prior **AND** informed consent in relation
10 to development initiatives **AND THE EXPLORATION, DEVELOPMENT AND**
11 **UTILIZATION OF THE NATURAL RESOURCES WITHIN ANCESTRAL DOMAINS**
12 **COVERED BY CERTIFICATE OF ANCESTRAL DOMAIN TITLE (CADT)** shall be
13 respected.

14 **SEC. 13. *Mines and Mineral Resources.*** – **SUBJECT TO THE PROVISIONS**
15 **OF THE 1987 CONSTITUTION AND NATIONAL LAWS,** the Bangsamoro
16 Government shall have authority and jurisdiction over the exploration, development, and
17 utilization of mines and minerals in its **TERRITORIAL JURISDICTION,** taking into
18 consideration environmental protection and ecological balance. Permits and licenses and
19 the granting of contracts for this purpose shall be within the powers of the Bangsamoro
20 Government.

21 **SEC. 14. *Financial and Technical Assistance Agreements.*** – **THE**
22 **BANGSAMORO GOVERNMENT MAY ENDORSE TO THE PRESIDENT FINANCIAL**
23 **AND TECHNICAL AGREEMENTS COVERING MINERAL RESOURCES IN THE**
24 **AUTONOMOUS REGION OF THE BANGSAMORO.**

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

28 **SEC. 15. *Regulation of Small-Scale Mining.*** – Small-scale mining shall be
29 regulated by the Bangsamoro Government to the end that the ecological balance, safety
30 and health, and the interests of the affected communities, the miners, the indigenous
31 peoples, and the local government units of the place where such operations are
32 conducted are duly protected and safeguarded: **PROVIDED, THAT ALL GOLD**
33 **PRODUCED BY SMALL-SCALE MINERS IN THE MINERAL AREA SHALL BE SOLD**
34 **TO THE BANGKO SENTRAL NG PILIPINAS, OR ITS DULY AUTHORIZED**
35 **REPRESENTATIVES, WHO SHALL BUY THE SAME AT PRICES COMPETITIVE**

1 **WITH THOSE PREVAILING IN THE WORLD MARKET, REGARDLESS OF VOLUME**
2 **OR WEIGHT.**

3 **SEC. 16. *Legislating Benefits and Compensation for Victims and***
4 ***Communities Adversely Affected by Mining and Other Activities that Harness***

5 ***Natural Resources.*** – The Bangsamoro Parliament shall enact laws for the benefit and
6 welfare of the inhabitants injured, harmed, or adversely affected by the harnessing of
7 natural and mineral resources in the **AUTONOMOUS REGION OF THE** Bangsamoro.
8 Such laws may include payment of just

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

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

14 **SEC. 17. *Zones of Joint Cooperation.*** – Zones of Joint Cooperation in the Sulu
15 Sea and the Moro Gulf are hereby created, the coordinates of which shall be defined by
16 an *ad hoc* joint body composed of representatives from the DENR and the National
17 Mapping and Resource Information Authority (NAMRIA), and an equal number of
18 representatives from appropriate agencies of the Bangsamoro Government.

19 The Joint Body shall be convened within thirty (30) days after the ratification of this
20 Basic Law and shall cease to exist after it has established the coordinates of the
21 Bangsamoro **TERRITORIAL JURISDICTION**, including the Bangsamoro Waters and
22 the Zones of Joint Cooperation. However, the said Joint Body shall be reconvened within
23 thirty (30) days after the conduct of a plebiscite for the inclusion of other territories as
24 provided in this Basic Law.

25 **SEC. 18. *Joint Body for the Zones of Joint Cooperation.*** – There shall be
26 created a Joint Body for the Zones of Joint Cooperation composed of a Bangsamoro
27 Minister as Chairperson, one (1) representative of a constituent province of the
28 Bangsamoro adjacent to the Sulu Sea, one (1) representative of a constituent province
29 of the **AUTONOMOUS REGION OF THE** Bangsamoro adjacent to the Moro Gulf, the
30 Secretary of Environment and Natural Resources, the Secretary of Agriculture, the
31 Secretary of Transportation and the Secretary of Information and Communication
32 Technology of the **NATIONAL** Government, or their authorized representatives, and their
33 counterpart officials from the appropriate Bangsamoro offices and/or agencies. There shall
34 be one (1) representative from an adjoining province that is not part of the
35 **AUTONOMOUS REGION OF THE** Bangsamoro and adjacent to the Sulu Sea, and one

1 (1) representative from an adjoining province that is not part of the **AUTONOMOUS**
2 **REGION OF THE** Bangsamoro and adjacent to the Moro Gulf. The Joint Body shall be
3 responsible for formulating policies mentioned in the preceding Section as well as
4 those necessarily related thereto.

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

7 The Bangsamoro Government and the **NATIONAL** Government shall work
8 together to regulate the waters that comprise the Zones of Joint Cooperation in the Sulu
9 Sea and the Moro Gulf. Policies shall be jointly drawn up for the following purposes:

- 10 a. Protection of the traditional fishing grounds;
- 11 b. Benefitting from the resources therein;
- 12 c. Ensuring the interconnectivity of the islands and mainland parts of the
13 **AUTONOMOUS REGION OF THE** Bangsamoro so that they are parts of a
14 cohesive Bangsamoro political entity; and
- 15 d. Ensuring the exercise of the preferential rights of the Bangsamoro people, other
16 indigenous peoples in the adjoining provinces, and the resident fishers in the
17 **AUTONOMOUS REGION OF THE** Bangsamoro over fishery, aquamarine,
18 and other living resources in the Zones of Joint Cooperation. The Joint Body
19 shall promulgate rules and regulations as to the exercise of these preferential
20 rights.

21 The Bangsamoro Government and the **NATIONAL** Government shall ensure that
22 there shall be free movement of vessels, goods, and people in these Zones of Joint
23 Cooperation.

24 **SEC. 19. *Exploration, Development, and Utilization of Non-living***
25 ***Resources in the Zones of Joint Cooperation.*** – The Joint Body for the Zones of
26 Joint Cooperation shall ensure the cooperation and coordination between the
27 **NATIONAL** Government and the Bangsamoro Government on the exploration,
28 development, and utilization of fossil fuels and other non-living resources in the Zones of
29 Joint Cooperation and determine the sharing of income and revenues derived therefrom.

30 **SEC. 20. *Transportation in the Zones of Joint Cooperation.*** – Transportation
31 plying direct routes connecting the islands in Sulu, Basilan, Tawi-Tawi, and/or the
32 mainland parts of the **AUTONOMOUS REGION OF THE** Bangsamoro and passing
33 through the Zones of Joint Cooperation shall be considered intra-regional routes.

1 also be given to the markets of its trading partners who have historic and cultural ties to
2 the **AUTONOMOUS REGION OF THE** Bangsamoro.

3 **SEC. 24. Barter Trade and Countertrade with ASEAN Countries.** – The
4 Bangsamoro Government shall regulate traditional barter trade and countertrade with
5 ASEAN member countries. The goods or items that are traded with the said countries
6 shall not be sold elsewhere in the country without payment of appropriate customs or
7 import duties.

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

14 **SEC. 25. Economic Zones, Industrial Estates, and Free Ports.** – The
15 Bangsamoro Government may establish economic zones, industrial estates, and free
16 ports in the **AUTONOMOUS REGION OF THE** Bangsamoro. They may also establish
17 a Bangsamoro Economic Zone Authority which shall have similar powers as the
18 Philippine Economic Zone Authority. The Bangsamoro Parliament may provide such
19 additional powers and functions to the Bangsamoro Economic Zone Authority as may
20 be necessary to meet the special circumstances of the **AUTONOMOUS REGION OF**
21 **THE** Bangsamoro.

22 Once the Bangsamoro Economic Zone Authority is created by the Bangsamoro
23 Parliament, the Philippine Export Zone Authority shall no longer authorize any other
24 economic zone within the Bangsamoro. Any corporation, firm, or entity established
25 within the **AUTONOMOUS REGION OF THE** Bangsamoro by authority of the
26 Philippine Export Zone Authority shall be placed under the jurisdiction of the
27 Bangsamoro Economic Zone Authority and shall continue to enjoy the benefits granted
28 to it by the Philippine Export Zone Authority.

29 Through the intergovernmental relations mechanism, the Bangsamoro
30 Government and the **NATIONAL** Government shall cooperate on customs, immigration,
31 and quarantine service including the attendant international commitments thereto, in
32 order to implement and make fully operational such economic zones, industrial estates,
33 and free ports within one (1) year from their establishment. Business and other
34 enterprises operating within the Bangsamoro economic zones, industrial estates, and
35 free ports shall be entitled to the fiscal incentives and other benefits provided by the
36 **NATIONAL** Government to special economic zones. The Bangsamoro Government shall

1 implement the fiscal incentives and other benefits to investors in economic zones,
2 industrial estates, and free ports.

3 Bangsamoro free ports shall be contiguous or adjacent to a seaport or airport. The
4 area of coverage of a free port may be so much as may be necessary of that portion of
5 the constituent local government units of the Bangsamoro, subject to such criteria as the
6 Bangsamoro Parliament may provide in a law for that purpose. Existing free ports in the
7 ARMM are hereby transferred to the Bangsamoro Government.

8 **SEC. 26. Prohibition Against Toxic or Hazardous Substances.** – The
9 Bangsamoro Government shall regulate, restrict, or prohibit the use, importation, transit,
10 transport, deposit, disposal, and dumping of toxic or hazardous substances within the
11 **AUTONOMOUS REGION OF THE** Bangsamoro. It shall, in the same manner, regulate
12 activities that may adversely impact the environment and may be harmful to the health,
13 safety, and welfare of the Bangsamoro people.

14 **SEC. 27. Halal Program.** – The Bangsamoro Government shall have the power to
15 accredit *halal*-certifying bodies in the **AUTONOMOUS REGION OF THE** Bangsamoro. It
16 shall promote awareness through the development and implementation of a *halal*
17 campaign program.

18 The Bangsamoro Parliament shall enact laws to further strengthen its policy and
19 programs on *halal* development.

20

21

Banking and Finance

22

23 **SEC. 28. Banks and Financial Institutions.** – The Bangsamoro Government shall
24 encourage the establishment of:

25 a. Banks and financial institutions and their branches **INCLUDING ISLAMIC**
26 **WINDOW OF DOMESTIC AND FOREIGN CONVENTIONAL BANKS;** and

27 b. Off-shore banking units of foreign banks

28 within the **AUTONOMOUS REGION OF THE** Bangsamoro, and in accordance with the
29 principles of the Islamic banking system.

30 The Bangsamoro Parliament shall enact laws **THAT PROMOTE THE GROWTH OF**
31 **ISLAMIC FINANCE SUCH AS THOSE THAT PROMOTE TAX INCENTIVES AND**
32 **ENSURE TAX NEUTRALITY OF ISLAMIC FINANCE TRANSACTIONS IN THE**
33 **AUTONOMOUS REGION OF THE BANGSAMORO.**

1 **CONSISTENT WITH SUSTAINABLE DEVELOPMENT GOALS AND**
2 **SUSTAINABLE POWER GENERATION POLICIES PROVIDED IN SECTION 2 OF**
3 **ARTICLE V: *Provided*, That the Bangsamoro Government shall notify the NATIONAL**
4 **Government insofar as power generation investments are concerned.**

5 a. **POWER GENERATION, AND DISTRIBUTION OPERATING EXCLUSIVELY**
6 **IN THE AUTONOMOUS REGION OF THE BANGSAMORO. – THE**
7 **BANGSAMORO GOVERNMENT SHALL HAVE THE AUTHORITY TO BUILD**
8 **POWER GENERATION FACILITIES AND DISTRIBUTION FACILITIES,**
9 **OPERATING EXCLUSIVELY IN THE AUTONOMOUS REGION OF THE**
10 **BANGSAMORO THROUGH THE MINISTRY OF ENERGY IT SHALL**
11 **CREATE: *PROVIDED*, THAT THE BANGSAMORO GOVERNMENT SHALL**
12 **DIVEST ITS OWNERSHIP OF THE SAID UTILITIES AFTER TWENTY-FIVE**
13 **(25) YEARS FROM THE CREATION OF THE SAID UTILITIES. IT SHALL**
14 **PROMOTE INVESTMENTS, DOMESTIC AND INTERNATIONAL, IN THE**
15 **POWER SECTOR INDUSTRY IN THE AUTONOMOUS REGION OF THE**
16 **BANGSAMORO. CONSISTENT WITH SUSTAINABLE DEVELOPMENT**
17 **GOALS AND LOW CARBON SUSTAINABLE POWER GENERATION**
18 **POLICIES TO REDUCE COSTS ASSOCIATED WITH TRANSMISSION**
19 **INCLUDING LINE LOSSES AND NETWORK INVESTMENT, DISTRIBUTED**
20 **POWER GENERATION SHALL BE AGGRESSIVELY PROMOTED AS PART**
21 **OF THE AUTONOMOUS REGION OF THE BANGSAMORO'S POWER**
22 **DEVELOPMENT PLAN. POWER GENERATION PLANTS AND**
23 **DISTRIBUTION UTILITIES OPERATING EXCLUSIVELY IN THE**
24 **AUTONOMOUS REGION OF THE BANGSAMORO SHALL BE ABLE TO**
25 **INTERCONNECT, SELL, AND BUY POWER OVER THE NATIONAL**
26 **TRANSMISSION GRID. IN THE SAME WAY, TRANSMISSION LINES**
27 **OPERATING EXCLUSIVELY IN THE AUTONOMOUS REGION OF THE**
28 **BANGSAMORO SHALL BE ABLE TO CONNECT TO THE NATIONAL**
29 **TRANSMISSION GRID. THE BANGSAMORO GOVERNMENT MAY ASSIST**
30 **ELECTRIC COOPERATIVES OPERATING EXCLUSIVELY IN THE**
31 **AUTONOMOUS REGION OF THE BANGSAMORO IN ACCESSING FUNDS**
32 **AND TECHNOLOGY TO ENSURE THEIR FINANCIAL AND OPERATIONAL**
33 **VIABILITY. ASSISTANCE MAY BE IN THE FORM OF RESTRUCTURING OF**
34 **DEBTS, WITH REHABILITATION AND EFFICIENCY IMPROVEMENT**
35 **MEASURES BASED ON A SET OF CLEAR TIME-BOUND OPERATIONAL**
36 **REFORM PROGRAMS.**

1 **ARTICLE XIV**

2 **REHABILITATION AND DEVELOPMENT**

3
4 **SEC. 1. *Normalization, Rehabilitation, and Development.*** – The Bangsamoro
5 Government, with funding support from the **NATIONAL** Government, shall intensify
6 development efforts for the rehabilitation, reconstruction, and development of the
7 Bangsamoro as part of the normalization process. It shall formulate and implement a
8 program for rehabilitation and development that will address the needs of Moro Islamic
9 Liberation Front (MILF)/Bangsamoro Islamic Armed Force (BIAF) members and its
10 decommissioned women auxiliary force, Moro National Liberation Front
11 (MNLF)/Bangsamoro Armed Forces (BAF) members, and address the needs of internally
12 displaced persons, widows and orphans, and poverty-stricken communities. **IT SHALL**
13 **PROMOTE AND ENSURE GENDER-RESPONSIVE APPROACH IN ALL ASPECTS OF**
14 **SECURITY AND PEACE BUILDING, INCLUDING THE PARTICIPATION OF**
15 **WOMEN IN DECISION-MAKING.**

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

20 The amount of **FIFTY** Billion Pesos (P50,000,000,000.00) shall be allocated for
21 this purpose to be utilized by the Bangsamoro Government for ten (10) years from the
22 ratification of this Basic Law. It shall be given to the Bangsamoro Government in the
23 amount of **FIVE** Billion Pesos (P5,000,000,000.00) annually. Such amount shall be
24 released at the beginning of each fiscal year to the Bangsamoro Government.

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

28
29 **ARTICLE XV**

30 **PLEBISCITE**

31
32 **SEC. 1. *Establishment of the Bangsamoro.*** – The establishment of the
33 Bangsamoro and the determination of the Bangsamoro **TERRITORIAL**

1 **JURISDICTION** shall take effect upon ratification of this Basic Law by a majority of the
2 votes cast in a plebiscite in the following:

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

25 **SEC. 2. PERIOD FOR PLEBISCITE.** – The plebiscite herein mentioned shall be
26 conducted not earlier than ninety (90) days or later than one hundred fifty (150) days
27 after the effectivity of this Basic Law.

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

30 **SEC. 3. Results of the Plebiscite.** –

- 31 a. For the present geographic area of the ARMM: If the majority of the votes cast
32 in the entirety of the ARMM voted in favor of the approval of this Basic Law, the
33 **AUTONOMOUS REGION OF THE** Bangsamoro is hereby established and all
34 the provinces and cities of the ARMM shall be part of the **AUTONOMOUS**
35 **REGION OF THE** Bangsamoro.

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

29 **SEC. 4. Reconstitution of Local Government Units.** – The **PHILIPPINE**
30 **CONGRESS** may, by law, provide for the constitution of geographic areas in the
31 **AUTONOMOUS REGION OF THE** Bangsamoro into appropriate territorial or political
32 subdivisions depending on the results of the plebiscites herein.

33 **SEC. 5. Plebiscite Questions.** – The questions to be asked of the voters in the
34 plebiscite shall be as follows:

- 35 a. For the ARMM: Do you approve of the Bangsamoro Basic Law?

- 1 b. For the areas mentioned in (b) and (c) of Section 3, Article XV: Do you vote for the
2 inclusion of your municipality or barangay in the Bangsamoro **TERRITORIAL**
3 **JURISDICTION?**
- 4 c. For the areas mentioned in (d) of Section 3, Article XV: Do you vote for the
5 inclusion of your city in the Bangsamoro **TERRITORIAL JURISDICTION?**
- 6 d. For the mother province or city under letter (e) of Section 3, Article XV: Do you
7 approve of the inclusion of the petitioning municipality/barangay in the
8 **AUTONOMOUS REGION OF THE** Bangsamoro?

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

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

18 **SEC. 7. Qualified Voters.** – All registered voters in the provinces, cities, and
19 geographic areas mentioned under Section 1, Article XV of this Basic Law shall be qualified
20 to participate in the plebiscite on the establishment of the **AUTONOMOUS REGION OF**
21 **THE** Bangsamoro. Notwithstanding existing laws, rules, and regulations on overseas and
22 local absentee voters, the COMELEC shall ensure that qualified voters for the plebiscite
23 who are located outside the **AUTONOMOUS REGION OF THE** Bangsamoro on the
24 date of the plebiscite shall be given the opportunity to vote, and that voters who are
25 currently registered outside the areas specified but are otherwise qualified to be
26 registered voters of said areas, complying with residency requirements under the law,
27 shall be given the opportunity to transfer their registration accordingly, in time for the
28 conduct of the plebiscite.

29 **SEC. 8. Special Registration.** – The COMELEC shall conduct a special
30 registration before the date of the plebiscite on the Bangsamoro Basic Law.

31 **SEC. 9. Promulgation of Rules for the Conduct of Plebiscite.** – The
32 COMELEC shall promulgate rules necessary for the conduct of plebiscite, including those
33 for the accreditation of plebiscite monitors, voluntary inclusion in the plebiscite, and the
34 special registration of voters as provided herein, within fifteen (15) days from the
35 effectivity of this Basic Law, with the primary objective of optimizing the opportunity for
36 participation in the plebiscite of qualified voters in the areas specified for the
37 establishment of the **AUTONOMOUS REGION OF THE** Bangsamoro.

1 This Basic Law shall be deemed ratified when approved by a majority of the votes
2 cast in a plebiscite as proclaimed by the COMELEC or its duly authorized officers.

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

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

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

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

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

20 **SEC. 3. *Powers and Authorities.*** – Legislative and executive powers in the
21 **AUTONOMOUS REGION OF THE** Bangsamoro during transition shall be vested in the
22 BTA. During the transition period, executive authority shall be exercised by the interim
23 Chief Minister, who shall be appointed by the President as such, while legislative authority
24 shall be exercised by the BTA.

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

27 For purposes of mechanisms for intergovernmental relations with the
28 **NATIONAL** Government and local governments units in the **AUTONOMOUS**
29 **REGION OF THE** Bangsamoro, the BTA shall be deemed as the Bangsamoro
30 Government for the duration of the transition period.

31 **SEC. 4. *Functions and Priorities.*** – The BTA shall ensure the accomplishment of
32 the following priorities during the transition period:

- 33 a. Enactment of priority legislations such as the Bangsamoro Administrative Code,
34 Bangsamoro Tax and Revenue Code, Bangsamoro Electoral Code, Bangsamoro

1 Local Government Code, and Bangsamoro Education Code consistent with
2 powers and prerogatives vested in the Bangsamoro Government by this Basic
3 Law: *Provided*, That until the abovementioned laws are enacted for the
4 **AUTONOMOUS REGION OF THE** Bangsamoro, Muslim Mindanao Autonomy
5 Act No. 25 or the ARMM Local Government Code, and subsisting laws on
6 elections and other electoral matters shall apply in the **AUTONOMOUS**
7 **REGION OF THE** Bangsamoro;

8 The BTA may also enact a Bangsamoro Civil Service Code, as provided in this
9 Basic Law. In the absence of the latter, national civil service laws and regulations
10 are primarily applicable in the **AUTONOMOUS REGION OF THE** Bangsamoro.

11 The BTA shall have the power to enact a law to recognize, protect, promote, and
12 preserve the rights of the indigenous peoples in the **AUTONOMOUS REGION**
13 **OF THE** Bangsamoro. Until such law is enacted and passed, subsisting laws on
14 indigenous peoples in the Bangsamoro shall be operational.

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

- 17 b. Organization of the bureaucracy of the Bangsamoro Government during
18 transition, including the approval and implementation of a transition plan, and
19 the institution of a placement process for hiring of personnel during transition.
20 This shall also include the setting up of offices and other institutions necessary
21 for the continued functioning of government and delivery of social services in the
22 region, as well as those necessary for the smooth operations of the first elected
23 Bangsamoro Government;
- 24 c. Full transfer of powers and properties of the ARMM Government to the
25 Bangsamoro Government, and the disposition of personnel as provided in this
26 Basic Law;
- 27 d. Transition from the ARMM Government to the Bangsamoro Government as
28 provided in this Basic Law; and
- 29 e. Other matters that may be necessary for the protection and promotion of general
30 welfare of the constituents of the **AUTONOMOUS REGION OF THE**
31 Bangsamoro.

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

36 **SEC. 6. Transition Plan.** – Within the first sixty (60) days of the transition period,
37 the interim Chief Minister shall submit to the BTA a transition plan that shall contain the

1 proposed organizational plan, as well as the schedule for implementation therefor. The
2 BTA shall, by a majority vote of all its members, approve or otherwise act on the proposed
3 transition plan within ten (10) days upon submission by the interim Chief Minister. If the
4 plan is not acted upon within sixty (60) days, the plan shall be deemed approved. It shall
5 be implemented within fifteen (15) days from its approval.

6 **SEC. 7. *Interim Officers.*** – The interim Chief Minister shall organize the interim
7 Cabinet and shall appoint two interim Deputy Chief Ministers, who shall also be members
8 of the BTA. The interim Chief Minister shall also appoint such other ministers as may be
9 necessary to perform the functions of government during transition, a majority of whom
10 shall be from among members of the BTA.

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

14 **SEC. 8. *Interim Cabinet.*** – The Interim Cabinet shall be composed of fifteen (15)
15 primary ministries with sub-offices, namely:

- 16 a. Finance, and Budget and Management;
- 17 b. Social Services;
- 18 c. Trade, Investments, and Tourism;
- 19 d. Labor and Employment;
- 20 e. Transportation and Communication [including Information and
21 Communications Technology (ICT)];
- 22 f. Education, Commission on Higher Education (CHED), and Technical
23 Education and Skills Development Authority (TESDA);
- 24 g. Indigenous Peoples' Affairs;
- 25 h. Health;
- 26 i. Public Works;
- 27 j. Local Government;
- 28 k. Environment, Natural Resources, and Energy;
- 29 l. Human Settlements and Development;
- 30 m. Science and Technology;
- 31 n. Agriculture, Fisheries, and Agrarian Reform; and

1 o. Public Order and Safety.

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

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

7 **SEC. 9. *Organization of the Bureaucracy.*** – The authority of the BTA to create
8 offices and organize the bureaucracy during transition is without prejudice to the
9 authority of the Bangsamoro Government to reorganize the bureaucracy upon its
10 constitution, or any time thereafter. In the exercise of this authority, the BTA shall ensure
11 the least possible disruption to the functioning of government and the delivery of
12 services in the region.

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

16 **SEC. 10. *Transfer of Powers and Properties and Disposition of Personnel.*** –
17 All powers, functions, assets, capital, records, funds, receivables, equipment, and
18 facilities of the ARMM Government at the time of the ratification of this Basic Law shall
19 be transferred to the Bangsamoro Government.

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

24 The **NATIONAL** Government shall provide the necessary funds for the benefits and
25 entitlements of affected employees in the ARMM.

26 An inventory shall be conducted by an inter-agency headed by the Office of the
27 President, Department of Budget and Management, Commission on Audit, and Civil
28 Service Commission (CSC), to ensure that the liabilities of the ARMM under law,
29 contracts, or others will be settled by the **NATIONAL** Government prior to the turnover
30 to the BTA.

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

1 THE CREATION OF THE DIFFERENT OFFICES AND THEIR RESPECTIVE
2 STAFFING COMPLIMENT SHALL BE CONSISTENT WITH THE EXISTING
3 BUDGETING, ORGANIZATION, STAFFING, POSITION CLASSIFICATION AND
4 COMPENSATION POLICIES, GUIDELINES, AND STANDARDS OF THE NATIONAL
5 GOVERNMENT.

6 THE AFFECTED PERSONNEL WHO WILL NOT BE ABSORBED IN THE
7 POSITIONS OF THE NEW STAFFING PATTERN OF THE DIFFERENT OFFICES IN
8 THE BANGSAMORO GOVERNMENT, WHETHER HIRED ON A PERMANENT,
9 TEMPORARY, CASUAL OR CONTRACTUAL BASIS AND WITH APPOINTMENTS
10 ATTESTED BY THE CIVIL SERVICE COMMISSION, SHALL BE ENTITLED TO
11 APPLICABLE RETIREMENT SEPARATION BENEFITS UNDER EXISTING LAWS.

12 IN ADDITION TO THE SAID RETIREMENT/SEPARATION BENEFITS, THE
13 AFFECTED PERSONNEL WHO WOULD OPT TO RETIRE OR BE SEPARATED
14 SHALL BE ENTITLED TO THE FOLLOWING APPLICABLE SEPARATION
15 INCENTIVES.

16 A. ONE HUNDRED PERCENT (100%) OF THE MONTHLY BASIC SALARY
17 FOR EVERY YEAR OF GOVERNMENT SERVICE COMPUTED STARTING FROM THE
18 FIRST YEAR FOR THOSE WHO HAVE RENDERED ONE (1) YEAR TO LESS THAN
19 FIVE (5) YEARS OF SERVICE.

20 B. ONE HUNDRED FIFTY PERCENT (150%) OF THE ACTUAL MONTHLY
21 SALARY FOR EVERY YEAR OF GOVERNMENT SERVICE COMPUTED STARTING
22 FROM THE FIRST YEAR FOR THOSE WHO HAVE RENDERED FIVE (5) YEARS OF
23 SERVICE BUT LESS THAN TEN (10) YEARS.

24 C. TWO (2) MONTHS OF ACTUAL MONTHLY BASIC SALARY FOR EVERY
25 YEAR OF GOVERNMENT SERVICE COMPUTED STARTING FROM THE FIRST
26 YEAR FOR THOSE WHO HAVE RENDERED TEN (10) YEARS OR MORE OF
27 SERVICE.

28 AFFECTED PERSONNEL WHO RETIRED/SEPARATED FROM THE SERVICE
29 SHALL NOT BE RE-EMPLOYED IN ANY AGENCY OF THE BANGSAMORO
30 GOVERNMENT, AS WELL AS THE NATIONAL GOVERNMENT, INCLUDING GOCCS
31 FOR A PERIOD OF FIVE (5) YEARS. THE RE-EMPLOYMENT OF THE RETIRED
32 SEPARATED PERSONNEL WITH THE PROHIBITED PERIOD SHALL CAUSE THE
33 REFUND OF SEPARATION INCENTIVES RECEIVED BY THE SUBJECT
34 PERSONNEL ON A PRO-RATED BASIS.

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

4 **SEC. 11. *Disposition of Personnel and Assets of NATIONAL Government***
5 ***Offices/Agencies.*** – The **NATIONAL** Government shall provide for the disposition of
6 personnel of **NATIONAL** Government or national GOCCs whose mandate and functions
7 are transferred to or now vested in the Bangsamoro Government by virtue of this Basic
8 Law. Properties and assets shall be transferred to the Bangsamoro Government within
9 three (3) months from the organization of the BTA. The transfer of properties and assets is
10 without prejudice to the power of the BTA to organize the bureaucracy during transition.

11 **SEC. 12. *Dissolution of the Bangsamoro Transition Authority.*** –
12 Immediately upon the qualification of the elected Chief Minister under the first
13 Bangsamoro Parliament, the BTA shall be deemed dissolved.

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

18 **SEC. 13. *First Regular Election.*** – The first regular election for the Bangsamoro
19 Government under this Basic Law shall be held **AND SYNCHRONIZED WITH THE**
20 **NEXT NATIONAL ELECTIONS FOLLOWING** the ratification of this Basic Law. It shall
21 be governed by the Bangsamoro Electoral Code. The National Omnibus Election Code
22 shall apply suppletorily, whenever appropriate. The COMELEC, through the Bangsamoro
23 Electoral Office, shall promulgate rules and regulations as may be necessary for the
24 conduct of said elections, and enforce and administer the same, consistent with this
25 Basic Law and the Bangsamoro Electoral Code, as correlated with relevant national laws.

26 **SEC. 14. *Initial Funding for Transition.*** – To carry out the requirements of
27 transition, including the organizational activities of the BTA, organization of the
28 bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA
29 as provided in this Basic Law, the amount of One billion pesos (P1,000,000,000.00) is
30 hereby appropriated for the BTA, charged against the General Funds of the **NATIONAL**
31 Government. In addition, the current year's appropriations for the ARMM shall also be
32 transferred to the BTA for this purpose.

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

1 Government functions falling within the reserved powers of the **NATIONAL**
2 Government in the **AUTONOMOUS REGION OF THE** Bangsamoro shall continue to be
3 financed by the **NATIONAL** Government funds.

4 5 **ARTICLE XVII**

6 **AMENDMENTS AND REVISIONS**

7
8 **SEC. 1. *Amendments and Revisions.*** – All proposals to amend or revise the provisions
9 of this Basic Law **MAY** be endorsed by the Bangsamoro Parliament to Congress for prior
10 hearings and due enactment into law.

11 Such revision, as enacted by Congress, shall become effective upon approval by a
12 majority vote cast by qualified voters in the **AUTONOMOUS REGION OF THE**
13 Bangsamoro. In the case of amendment, the same shall become effective upon the
14 enactment of Congress and approval by the President.

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

17 18 **ARTICLE XVIII**

19 **FINAL PROVISIONS**

20
21 **SEC. 1. *NON-DEREGULATION CLAUSE.*** – **THE BANGSAMORO BASIC LAW**
22 **SHALL NOT IN ANY MANNER DIMINISH THE RIGHTS AND BENEFITS OF THE**
23 **NON-MORO INDIGENOUS PEOPLES IN THE AUTONOMOUS REGION OF THE**
24 **BANGSAMORO UNDER THE 1987 CONSTITUTION, NATIONAL LAWS**
25 **PARTICULARLY REPUBLIC ACT NO. 8371 OR THE INDIGENOUS PEOPLES**
26 **RIGHTS ACT, INTERNATIONAL CONVENTIONS AND COVENANTS, TREATIES,**
27 **AWARDS, CUSTOMS, AND TRADITIONAL AGREEMENTS, ACCORDS AND SACRED**
28 **FACTS.**

29 **SEC. 2. *Separability Clause.*** – The provisions of this Basic Law are deemed
30 separate. If, for any reason, any section or provision of this Basic Law is declared
31 unconstitutional, other sections or provisions which are not affected by such declaration
32 shall continue to be in full force and effect.

1 **SEC. 3. Repealing Clause.** – All laws, decrees, orders, rules and regulations, and
2 other issuances or parts thereof, which are inconsistent with this Basic Law, are hereby
3 repealed or modified accordingly. Specifically, R.A. No. 6734 as amended by R.A. No.
4 9054 is hereby repealed in its entirety, **UPON RATIFICATION OF THIS BASIC LAW**
5 **BY A MAJORITY OF THE VOTES CAST IN A PLEBISCITE.**

6 **SEC. 4. Subsisting Regional Laws.** – All subsisting laws enacted by the ARMM
7 Regional Legislative Assembly by virtue of authorities provided under R.A. No. 6734 as
8 amended by R.A. No. 9054, shall be deemed valid and in effect, unless inconsistent with
9 this Basic Law or repealed by laws passed by the Bangsamoro Parliament.

10 **SEC. 5. Existing Local Government Units. – EXISTING MUNICIPALITIES**
11 previously created by the ARMM Regional Legislative Assembly that did not comply with
12 the criteria provided in R.A. No. 7160 shall now be entitled to their share of the Internal
13 Revenue Allotment **DERIVED FROM THE ALLOCATION GIVEN TO THE ORIGINAL**
14 **MUNICIPALITY OR MUNICIPALITIES FROM WHICH THEY WERE CARVED**
15 **OUT.**

16 **SEC. 6. Effectivity Clause.** – This Basic Law shall take effect fifteen (15) days
17 following its complete publication in at least two (2) national newspapers of general
18 circulation and one (1) local newspaper of general circulation in the ARMM.

19 **SEC. 7. Abolition of the Autonomous Region in Muslim Mindanao.** – The
20 Autonomous Region in Muslim Mindanao created under R.A. No. 6734 as amended by
21 R.A. No. 9054 is hereby abolished **UPON RATIFICATION OF THIS BASIC LAW BY**
22 **A MAJORITY OF THE VOTES CAST IN A PLEBISCITE.**

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

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

27 All contracts, records, and documents relating to the operations of the ARMM are
28 transferred to the Bangsamoro Government. Any real property owned by the **NATIONAL**
29 Government or government-owned corporation or authority which is being used and
30 utilized as office or facility by the ARMM shall be transferred to and titled in favor of the
31 Bangsamoro Government.

32
33 Approved,

34