


SENATE

Senate Bill No. 1646

'18 JAN 15 P 6:43

Introduced by Senator Juan Miguel F. Zubiri 

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

EXPLANATORY NOTE

Known as the Philippine's food basket, the island region of Mindanao produces 40% of the country's food needs and contributes more than 30% to national food trade. It is one of the richest in natural resources, and yet, it remains to be one of the poorest regions in the Philippines, with 11 of the top 20 poorest provinces in the country coming from the region.¹

According to the 2015 National Household Targeting System for Poverty Reduction or the *Listahanan* Survey of the Department of Social Welfare and Development, the Autonomous Region in Muslim Mindanao is the poorest region in the country. Out of the 5.1 million poorest households, at least 11 percent or 573,446 households come from the provinces of Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi.²

Despite continued efforts of government to ensure inclusive and sustainable development for all Filipinos in every part of the country, ARMM remains to have the highest proportion of the poor based on the 2015 survey of the Philippine Statistics Authority.

Historically, the conflict-ridden region had witnessed a dramatic increase in poverty incidence, starting in 2006 when 49.8 percent of its population were found to be living in poverty and 21.1 percent were found to be living in extreme poverty. In

¹ <https://www.rappler.com/newsbreak/iq/171391-fast-facts-agriculture-livelihood-mindanao>

² <http://www.philstar.com/nation/2016/04/12/1571836/armm-remains-philippines-poorest-region>

2012 and 2015, it saw an even greater increase with 52.9 percent and 20.4 percent and 59 percent and almost a third or 30.1 percent, respectively.³

Aside from the high poverty incidence, another recurring issue that continues to plague the region is the decades-long armed struggle for self-determination in Mindanao.

From 2011 to 2014, a total of 7,972 individuals have died, were injured, or had been kidnapped or trafficked in the Bangsamoro area alone. Moreover, 77,052 families have also been displaced as a result of the war.⁴

Most recently, the attack on Marawi City in Lanao del Sur, which lasted from May to November of this year, has resulted to the death of more than 1,000 individuals, loss of homes of at least 10,000 households or 50,000 individuals, and forced evacuation of hundreds of thousands more.⁵

The national government has lost a significant amount of resources because of the persistent war in the Bangsamoro region, with the economic cost of the war in Mindanao reaching as high as 640 billion pesos in the period spanning from the Marcos administration to that of former President Benigno Aquino III.⁶

This Basic Law seeks to once and for all put an end to the armed struggle in Mindanao by enabling the Bangsamoro people to assert their right to self-determination within the framework of the 1987 Constitution. This law seeks to empower the Bangsamoro people and consequently address the high poverty incidence in the region through the creation of the Bangsamoro Autonomous Region, a political entity within the bounds of our fundamental law, and with due respect to the national sovereignty and territorial integrity of the Republic of the Philippines.⁷

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



JUAN MIGUEL F. ZUBIRI

³ <http://newsinfo.inquirer.net/775062/12m-filipinos-living-in-extreme-poverty>

⁴ <http://www.worldbank.org/en/news/press-release/2015/03/24/philippines-bangsamoro-conflict-monitoring-system-now-online>

⁵ <http://news.abs-cbn.com/news/10/11/17/more-bodies-of-suspected-terrorists-found-in-marawi>

⁶ <https://www.rappler.com/move-ph/issues/mindanao/107585-marcos-aquino-cost-war-mindanao>

⁷ 1987 Philippine Constitution

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

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

In consonance with the Constitution and the accepted principles of human rights,
liberty, justice, democracy, and the norms and standards of international law;

Affirming our distinct historical identity and birthright to our ancestral homeland
and our right to self-determination, to chart our political future through a democratic
process that will secure our identity and prosperity, and allow for genuine and
meaningful self-governance as stipulated in the Comprehensive Agreement on the
Bangsamoro (CAB);

1
2 With the blessing of the Almighty, do hereby promulgate this Bangsamoro Basic
3 Law as the fundamental law of the Bangsamoro that establishes our asymmetrical
4 political relationship with the Central Government on the principles of subsidiarity and
5 parity of esteem.

6
7 **Article I**
8 **NAME AND PURPOSE**

9
10 **Section 1. Short Title.** – This law shall be known and cited as the
11 “Bangsamoro Basic Law.”

12
13 **Section 2. Name.** – The name of the political entity under this Basic Law shall
14 be the Bangsamoro.

15
16 **Section 3. Purpose.** – The purpose of this Basic Law is to establish a political
17 entity, provide for its basic structure of government in recognition of the justness and
18 legitimacy of the cause of the Bangsamoro people and their aspiration to chart their
19 political future through a democratic process that will secure their identity and posterity
20 and allow for meaningful self-governance.

21
22 **Article II**
23 **BANGSAMORO IDENTITY**

24
25 **Section 4. Bangsamoro People.** – Those who, at the advent of the Spaniards,
26 were considered natives or original inhabitants of Mindanao and the Sulu archipelago
27 and its adjacent islands including Palawan, and their descendants, whether of mixed or
28 of full blood, shall have the right to identify themselves as Bangsamoro by ascription or
29 self-ascription. Spouses and their descendants are classified as Bangsamoro.

30
31 **Section 5. Freedom of Choice.** – The freedom of choice of other indigenous
32 peoples shall be respected. There shall be no discrimination on the basis of identity,
33 religion, and ethnicity.

34
35 **Section 6. Bangsamoro Symbol.** – The Bangsamoro Parliament shall adopt
36 the official flag, emblem, and anthem of the Bangsamoro.

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3 **Article III**
4 **TERRITORY**
5

6 **Section 7. Definition of Territory** - Territory refers to the land mass as well
7 as the maritime, terrestrial, fluvial and alluvial domains, and the aerial domain above it.
8 The Bangsamoro territory shall remain a part of the Philippines.
9

10 **Section 8. Core Territory** – The core territory of the Bangsamoro shall be
11 composed of:

- 12
- 13 a. the present geographical area of the Autonomous Region in Muslim Mindanao;
 - 14
 - 15 b. the Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in
16 the province of Lanao del Norte and all other barangays in the Municipalities of
17 Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap that voted for
18 inclusion in the Autonomous Region in Muslim Mindanao during the 2001
19 plebiscite;
 - 20
 - 21 c. the cities of Cotabato and Isabela; and
 - 22
 - 23 d. all other contiguous areas where there is resolution of the local government
24 unit or a petition of at least ten percent (10%) of the registered voters in the
25 area asking for their inclusion at least two months prior to the conduct of the
26 ratification of this Basic Law and the process of delimitation of the Bangsamoro.
27

28 In order to ensure the widest acceptability of this Basic Law in the core areas
29 above-mentioned, a popular ratification shall be conducted among all the Bangsamoro
30 within the areas for their adoption.
31

32 **Section 9. Contiguous Territory** – Contiguous provinces, cities, municipalities,
33 barangays, and geographic areas, other than those mentioned in the preceding
34 Section, that obtain majority of the qualified votes cast in the periodic plebiscites, as
35 provided under Article XV, Section 4, of this Basic Law shall become part of the
36 Bangsamoro.

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Section 10. Inland Waters. – All inland waters, such as lakes, rivers, river systems, and streams within the Bangsamoro territory shall be part of the Bangsamoro. The preservation and management thereof shall be under the jurisdiction of the Bangsamoro Government.

Section 11. Bangsamoro Waters – The Bangsamoro waters, in the Sulu Sea and Moro Gulf, shall extend up to 22.224 kilometers (12 nautical miles) from the low-water mark of the coasts that are part of the Bangsamoro territory. The Bangsamoro waters shall be part of the territorial jurisdiction of the Bangsamoro political entity.

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

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

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

Section 12. Constituent Units. – The provinces, cities, municipalities, barangays, and geographical areas within its territory shall be the constituent units of the Bangsamoro.

Section 13. Collective Democratic Rights of the Bangsamoro People. - The collective rights of the constituents of the Bangsamoro shall be recognized.

Article IV
GENERAL PRINCIPLES AND POLICIES

1 **Section 14. Self-Governance.** In the exercise of its right to self-
2 determination and self-governance, the Bangsamoro is free to pursue its political,
3 economic, social, and cultural development.
4

5 **Section 15. Democratic Political System.** – The Bangsamoro Government
6 shall be parliamentary. Its political system is democratic, allowing its people to freely
7 participate in the political processes within its territory.
8

9 **Section 16. Electoral System** - The Bangsamoro Government, consistent and
10 suitable to its parliamentary form of government, shall adopt an electoral system which
11 shall allow democratic participation, encourage formation of genuinely principled
12 political parties, and ensure accountability.
13

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

18 **Section 18. Promotion of Unity.** The Bangsamoro Government shall promote
19 unity, peace, justice, and goodwill among all peoples, as well as encourage a just and
20 peaceful settlement of disputes.
21

22 The Bangsamoro abides by the principle that the country renounces war as an
23 instrument of national policy, adopts the generally accepted principles of international
24 law as part of the law of the land, and adheres to the policy of peace, equality, justice,
25 freedom, cooperation, and amity with all nations.
26

27 **Section 19. Promotion of Right.** - The Bangsamoro shall adhere to the
28 principle of enjoining what is right and forbidding what is wrong.
29

30 **Section 20. Social Justice.** - The Bangsamoro shall establish a government
31 that ensures that every citizen in the Bangsamoro is provided the basic necessities and
32 equal opportunities in life. Social Justice shall be promoted in all phases of development
33 and facets of life within the Bangsamoro.

34 **Section 21. International Treaties and Agreements.** - The Bangsamoro
35 Government shall respect and adhere to all international treaties and agreements which
36 benefited the Bangsamoro Government.

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2 **Article V**
3 **POWERS OF GOVERNMENT**
4

5 **Section 22. Reserved Powers.** – Reserved powers are matters over which
6 authority and jurisdiction are retained by the Central Government. The Central
7 Government shall exercise the following reserved powers:
8

- 9 1. Defense and external security;
10
11 2. Foreign policy;
12
13 3. Coinage and Monetary Policy;
14
15 4. Postal service;
16
17 5. Citizenship and naturalization;
18
19 6. Immigration;
20
21 7. Customs and tariff as qualified by Section 2(10), Article V of this Basic Law;
22
23 8. Common market and global trade, provided that the power to enter into
24 economic agreements given to the Autonomous Region in Muslim Mindanao
25 under R.A. 9054 is hereby transferred to the Bangsamoro Government as
26 provided in Article XII, Section 27 of this Basic Law; and
27
28 9. Intellectual property rights.
29

30 **Section 23. Concurrent Powers.** - Concurrent powers shall refer to the
31 powers shared between the Central Government and the Bangsamoro Government
32 within the Bangsamoro, as provided in this Basic Law.
33

34 The Central Government and the Bangsamoro Government shall exercise shared
35 powers within the Bangsamoro on the following matters:
36

1 **1. Social security and pensions.** – The Bangsamoro Government may organize
2 its own social security and pension systems alongside the existing Central
3 Government social security and pension systems.

4
5 The Bangsamoro Government and the Central Government, through the
6 intergovernmental relations mechanism, and other consultative processes, shall,
7 among others, ensure that the investment of the contributions from the
8 members from the Bangsamoro in the Central Government social security and
9 pensions is responsive to their cultural and religious sensitivities.

10
11 The future relationship of the Central Government system with the Bangsamoro
12 Government system with respect to new government employees and other
13 qualified individuals in the Bangsamoro shall be further provided for in law duly
14 enacted for the purpose.

15
16 **2. Quarantine.** – There is hereby created an office for quarantine services in the
17 Bangsamoro. It shall cooperate and coordinate with its counterpart offices in
18 the Central Government.

19 **3. Land Registration.** – The Bangsamoro Government, in accordance with the
20 land registration system of the Central Government, shall administer land
21 registration in the Bangsamoro territory through an office it shall create for this
22 purpose. The Bangsamoro Government shall furnish copies of the titles, deeds
23 and other instruments to the relevant Central Government agencies. The
24 Bangsamoro Government can act on *consultas*.

25
26 The Bangsamoro Government may institute processes to promote more efficient
27 registration of lands within the Bangsamoro.

28
29 **4. Pollution control** – The Central Government and the Bangsamoro
30 Government agencies shall cooperate and coordinate through the
31 intergovernmental relations mechanism on pollution control matters.

32
33 **5. Human rights and humanitarian protection and promotion.** – The
34 Bangsamoro Government may organize its own bodies for human rights and
35 humanitarian protection and promotion that will work cooperatively with
36 relevant national institutions.

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2 **6. Penology and penitentiary.** -- The Central Government and the Bangsamoro
3 Government institutions shall cooperate and coordinate through the
4 intergovernmental relations mechanism on the matter of granting parole and
5 recommending to the President the grant of executive clemency. The
6 Bangsamoro Government shall create an office that shall administer the parole
7 system and recommend the grant of executive clemency to the Office of the
8 President.

9
10 The Bangsamoro Government may create and manage jails, penal colonies, and
11 other facilities. It shall ensure the compatibility of these facilities with the
12 national jail management and penitentiary system, through the
13 intergovernmental relations mechanism. These facilities are understood to be
14 part of the country's administration of justice.

15
16 **7. Auditing.** – The Bangsamoro auditing body shall have auditing responsibility
17 over public funds utilized by the Bangsamoro, without prejudice to the power,
18 authority and duty of the national Commission on Audit (COA). The
19 Bangsamoro Government shall ensure transparency mechanisms consistent
20 with open government practices.

21
22 **8. Civil Service.** – The Bangsamoro Government shall develop and administer a
23 professional civil service corps, to include the powers and privileges on civil
24 service matters provided in R.A. No. 9054, and without prejudice to the power,
25 authority, and duty of the national Civil Service Commission.

26
27 There is hereby created a Bangsamoro Civil Service office that shall develop and
28 administer a professional civil service corps, without prejudice to the power,
29 authority and duty of the national Civil Service Commission. The Bangsamoro
30 Government shall enact a civil service law for this purpose. This law shall
31 govern the conduct of civil servants, the qualification for non-elective positions,
32 adopt the merit and fitness system, and protect civil service eligibles in various
33 government positions, including government-owned and/or controlled
34 corporations with original charters, in the Bangsamoro. The Bangsamoro
35 Government shall have primary disciplinary authority over its own officials and
36 employees.

1
2 **9. Coastguard.** –The Central Government shall have primary responsibility over
3 coastguard matters. The Central Government and the Bangsamoro Government
4 shall cooperate and coordinate through the intergovernmental relations
5 mechanism.

6
7 **10. Customs and Tariff.** – The Bangsamoro Government and the Central
8 Government shall cooperate and coordinate through the intergovernmental
9 relations mechanism with regard to the enforcement of customs and tariff laws
10 and regulations to ensure the effective exercise of its powers on barter trade
11 and countertrade with ASEAN countries as well as the regulation of the entry of
12 *haram* goods in the Bangsamoro territorial jurisdiction.

13
14 **11. Administration of justice.** – Administration of justice shall be in accordance
15 with the relevant provisions of this Basic Law and with due regard to the
16 powers of the Supreme Court and the competence of the Bangsamoro
17 Government over *Shari'ah* courts and the *Shari'ah* justice system in the
18 Bangsamoro. The supremacy of *Shari'ah* and its application shall only be to
19 Muslims.

20
21 **12. Funding for the maintenance of national roads, bridges, and irrigation**
22 **systems.** – The Central Government shall be responsible for the funding,
23 construction, and maintenance of national roads, bridges and irrigation systems
24 in the Bangsamoro, and shall include in the National Road Network Information
25 System all national roads and bridges in the Bangsamoro. There shall be
26 coordination through the intergovernmental relations mechanism between the
27 relevant Central Government and Bangsamoro Government agencies on the
28 Central Government on the matter of national roads, bridges, and irrigation
29 systems within the Bangsamoro.

30
31 The Bangsamoro Government shall submit proposals to the appropriate national
32 government agency for the inclusion of the cost of such maintenance in the
33 latter's budget that shall be submitted to Congress for inclusion in the General
34 Appropriations Act. Funding for national roads, bridges, and irrigation systems
35 shall be regularly released to the relevant department of the Central
36 Government.

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2 **13. Disaster risk reduction and management.** – The Bangsamoro Government
3 shall have primary responsibility over disaster risk reduction and management
4 within the Bangsamoro. There shall be cooperation and coordination among
5 relevant Central Government and Bangsamoro Government agencies on
6 disaster risk reduction and management. There is hereby created a
7 Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC), with
8 powers and functions that shall be defined by the Bangsamoro Parliament in a
9 law on disaster preparedness and response. The BDRRMC shall formulate the
10 Bangsamoro Disaster Risk Reduction and Management Plan, which shall
11 complement the National Disaster Risk Reduction and Management Framework
12 and Plan of the Central Government. Additionally, the BDRRMC, through its
13 Chair, the Chief Minister, may recommend to the President the mobilization of
14 resources of national defense in times of disasters in the Bangsamoro.
15

16 **14. Public order and safety.** – The Bangsamoro Government shall have primary
17 responsibility over public order and safety within the Bangsamoro. It shall have
18 powers over public order and safety including those related to jail management,
19 fire prevention, and trainings on public safety. The Central Government and the
20 Bangsamoro Government shall cooperate and coordinate through the
21 intergovernmental relations mechanism.
22

23 **Section 24. Exclusive Powers.** - Exclusive powers are matters over which
24 authority and jurisdiction shall pertain to the Bangsamoro Government. The
25 Bangsamoro Government shall exercise these powers over the following matters within
26 the Bangsamoro:
27

- 28 1. Agriculture, livestock and food security;
- 29
- 30 2. Economic and cultural exchange;
- 31
- 32 3. Contract loans, credits, and other forms of indebtedness with any government
33 or private bank and other lending institutions, except those requiring sovereign
34 guaranty, which require Central Government approval;
- 35

- 1 4. Trade, industry, investment, enterprises and regulation of businesses taking
2 into consideration relevant laws;
3
- 4 5. Labor, employment, and occupation;
5
- 6 6. Registration of business names, with the Bangsamoro Government listing these
7 in the Philippine Business Registry for business names;
8
- 9 7. Barter trade and countertrade with ASEAN countries;
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- 11 8. Economic zones and industrial centers;
12
- 13 9. *Free ports.* – The Bangsamoro Government may establish free ports in the
14 Bangsamoro. The Bangsamoro Government shall cooperate with the Central
15 Government through the intergovernmental relations mechanism on customs,
16 immigration, quarantine service, and international commitments. Business and
17 other enterprises operating within the Bangsamoro free ports shall be entitled
18 to the fiscal incentives and other benefits provided by the Central Government
19 to special economic zones. Bangsamoro free ports shall be contiguous/adjacent
20 to seaport or airport within the Bangsamoro;
21
- 22 10. Tourism;
23
- 24 11. Creation of sources of revenue;
25
- 26 12. Budgeting;
27
- 28 13. *Financial and banking system.* – This is without prejudice to the power of
29 supervision of the *Bangko Sentral ng Pilipinas* (BSP) and provided further that
30 the Bangsamoro Government, the BSP, the Department of Finance (DOF), and
31 the National Commission on Muslim Filipinos (NCMF) shall jointly promote the
32 development of the Islamic banking system, to include among others the
33 establishment of a *Shari'ah* supervisory board;
34
- 35 14. *Establishment of government-owned and/or controlled corporations (GOCCS)*
36 *and financial institutions.* – The Bangsamoro Government shall legislate and

1 implement the creation of its own GOCCs in the pursuit of the common good,
2 and subject to economic viability. The GOCCs shall be registered with the
3 Securities and Exchange Commission or shall be established under legislative
4 charter by the Bangsamoro Government;

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6 15. The Bangsamoro Government shall have authority to regulate power
7 generation, transmission, and distribution operating exclusively in the
8 Bangsamoro and not connected to the national transmission grid. It shall
9 promote investments, domestic and international, in the power sector industry
10 in the Bangsamoro. Power plants and distribution networks in the Bangsamoro
11 shall be able to interconnect and sell power over the national transmission grid
12 to electric consumers. The Bangsamoro Government may assist electric
13 cooperatives in accessing funds and technology, to ensure their financial and
14 operational viability. When power generation, transmission, and distribution
15 facilities are connected to the national transmission grid, the Central
16 Government and the Bangsamoro Government shall cooperate and coordinate
17 through the intergovernmental relations mechanism;

18
19 16. *Public utilities operations in the Bangsamoro.* – In case of inter-regional utilities,
20 there shall be cooperation and coordination among the relevant government
21 agencies;

22
23 17. Receive grants and donations;

24
25 18. Education and skills training;

26
27 19. Science and technology;

28
29 20. Research councils and scholarships;

30
31 21. Culture and language;

32
33 22. Sports and recreation;

34
35 23. Regulation of games and amusement operations within the Bangsamoro;

36

1 24. *Libraries, museums, historical, cultural and archaeological sites.* – The
2 Bangsamoro Government shall have the power to establish its own libraries and
3 museums, and declare historical and cultural sites. The Central Government
4 shall transfer the management of such sites currently under the jurisdiction of
5 the National Museum, National Historical Commission, and other agencies of the
6 Central Government, to the Bangsamoro Government or local governments
7 therein following certain processes through the intergovernmental relations
8 mechanism. With regard to archaeological sites, the Bangsamoro Government
9 shall coordinate with relevant agencies of the Central Government on the
10 regulation, excavation, preservation, and exportation of cultural properties, as
11 well as, on the recovery of lost historical and cultural artifacts;
12

13 25. Regulations on manufacture and distribution of foods, drinks, drugs, and
14 tobacco for the welfare of the Bangsamoro;
15

16 26. *Hajj and Umrah.* – The Bangsamoro Government shall have primary jurisdiction
17 over *Hajj* and *Umrah* matters affecting pilgrims from within the Bangsamoro.
18 The Central Government shall have competence over *Hajj* and *Umrah* matters
19 affecting pilgrims coming from outside the Bangsamoro. There is hereby
20 created a Bangsamoro pilgrimage authority that shall act in close coordination
21 with Central Government on *Hajj* and *Umrah* matters involving offices and
22 agencies outside the Bangsamoro;
23

24 27. Customary laws;
25

26 28. Declaration of Bangsamoro holidays;
27

28 29. Ancestral domain and natural resources;
29

30 30. Protection of the rights of the indigenous people in the Bangsamoro in
31 accordance with the United Nations Declaration on the Rights of Indigenous
32 Peoples, and taking into account in addition to economic and geographical
33 criteria, their individual and communal property rights, cultural integrity,
34 customary beliefs, historical and community traditions. The Bangsamoro
35 Parliament shall create an appropriate office or ministry for the Indigenous
36 Peoples, which shall be part of the Bangsamoro Cabinet to develop and

1 implement the Bangsamoro programs for the indigenous peoples in accordance
2 with a law passed by the Parliament;

3
4 31. *Land management, land distribution, and agricultural land use reclassification.* –
5 The classification of public lands into alienable and disposable lands shall be
6 initiated and recommended by the Bangsamoro Government to the President
7 for the timely implementation of Bangsamoro development plans and targets;

8
9 32. *Cadastral land survey.* – The Bangsamoro Government shall have the authority
10 to conduct cadastral surveys, lot surveys, and isolated and special surveys in
11 the Bangsamoro. The Bangsamoro Government shall furnish the results of
12 these surveys to, and coordinate with, relevant Central Government agencies to
13 effect inclusion into national cadastral survey;

14
15 33. Expropriation and eminent domain;

16
17 34. *Environment, parks, forest management, wildlife, nature reserves and*
18 *conservation.* – The Bangsamoro Government shall have the authority to
19 protect and manage the environment. It shall have the power to declare nature
20 reserves and aquatic parks, forests, and watershed reservations, and other
21 protected areas in the Bangsamoro;

22
23 35. Inland waterways for navigation;

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25 36. Inland waters;

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27 37. Management, regulation and conservation of all fishery, marine and aquatic
28 resources within the Bangsamoro territorial jurisdiction;

29
30 38. Bangsamoro settlements;

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32 39. Customary justice;

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34 40. *Shari'ah* courts and *Shari'ah* justice system;

35
36 41. Public administration and bureaucracy for the Bangsamoro;

- 1
- 2 42. Health, provided that the Central Government and the Bangsamoro Government
- 3 shall cooperate with and assist each other in the prevention and control of
- 4 epidemic and other communicable diseases;
- 5
- 6 43. Social services, social welfare and charities;
- 7
- 8 44. Waste Management;
- 9
- 10 45. Establishment and supervision of humanitarian services and institutions;
- 11
- 12 46. Identification, generation, and mobilization of international human resources for
- 13 capacity building and other activities involving the same within the Bangsamoro.
- 14 The Central Government shall cooperate with and assist the Bangsamoro
- 15 Government towards ensuring access to such relevant human resources
- 16 through the intergovernmental relations mechanism;
- 17
- 18 47. Establishment of *Awqaf* (endowment) and charitable trusts;
- 19
- 20 48. *Hisbah* office for accountability as part of the *Shari'ah* justice system;
- 21
- 22 49. Registration of births, marriages, and deaths, copies of which shall be
- 23 forwarded to the Philippine Statistics Authority;
- 24
- 25 50. Housing and human settlements;
- 26
- 27 51. Development planning;
- 28
- 29 52. Urban and rural development;
- 30 53. Water supplies and services, flood control, and irrigation systems in the
- 31 Bangsamoro, provided, that with regard to water supplies and services, flood
- 32 control, and irrigation systems that connect to or from facilities outside the
- 33 Bangsamoro, there shall be cooperation and coordination between the
- 34 Bangsamoro Government and the appropriate Central or local government
- 35 bodies;
- 36

1 54. Public works and highways within the Bangsamoro;

2
3 55. Establishment of appropriate mechanisms for consultations for women and
4 marginalized sectors;

5
6 56. Special development programs and laws for women, the youth, the elderly,
7 labor, the differently-abled, and indigenous people;

8
9 57. *Local administration, municipal corporations and other local authorities*
10 *including the creation of local governments.* – The Bangsamoro Government
11 shall manage and build its own bureaucracy and administrative organization, in
12 accordance with the ministerial form of government;

13
14 The Bangsamoro Parliament may create, divide, merge, abolish, or substantially
15 alter boundaries of provinces, cities, municipalities, or barangays in accordance
16 with a law enacted by the Bangsamoro Parliament, and subject to the approval
17 by a majority of the votes cast in a plebiscite in the political units directly
18 affected. Subject to the criteria provided in said law, the Bangsamoro
19 Parliament may likewise create appropriate local government units in the areas
20 inhabited predominantly by indigenous peoples;

21
22 However, when such acts require the creation of a congressional district, the
23 Bangsamoro Government shall cooperate and coordinate with Central
24 Government through the Philippine Congress – Bangsamoro Parliament Forum
25 to prioritize the deliberations on the creation of the congressional district; and
26

27 58. Establishment or creation of other institutions, policies and laws for the general
28 welfare of the people in the Bangsamoro.

29
30 **Section 25. Other Exclusive Powers.** The following vested powers and
31 competencies previously granted to the Autonomous Region in Muslim Mindanao under
32 R.A. No. 6734, as amended by R.A. No. 9054, are hereby transferred to the
33 Bangsamoro Government as part of its exclusive powers

- 1 a) To regulate and exercise authority over foreign investments within its
2 jurisdiction. The Central Government may intervene in such matters only if
3 national security is involved;
4
- 5 b) To proclaim a state of calamity over its territorial jurisdiction or parts thereof
6 whenever typhoons, flash floods, earthquakes, tsunamis, or other natural
7 calamities cause widespread damage or destruction to life or property in the
8 region. The state of calamity proclaimed by the Chief Minister shall only be for
9 the purpose of maximizing the efforts to rescue imperiled persons and property
10 and the expeditious rehabilitation of the damaged area;
11
- 12 c) To temporarily take over or direct operation of any privately-owned public utility
13 or business affected with public interest, in times of state of calamity declared
14 by the Chief Minister, when the public interest so requires and under such
15 reasonable terms and safeguards as may be prescribed by the Parliament. The
16 public utility or business concerned may contest the take-over of its operations
17 by the Bangsamoro Government by filing a proper case or petition with the
18 Court of Appeals;
19
- 20 d) To recognize constructive or traditional possession of lands and resources by
21 indigenous people subject to judicial affirmation, the petition for which shall be
22 instituted within a period of ten (10) years from the effectivity of this Basic Law.
23 The procedure for judicial affirmation of imperfect titles under existing laws
24 shall, as far as practicable, apply to the judicial affirmation of titles to ancestral
25 lands;
26
- 27 e) To adopt and implement a comprehensive urban land reform and land use
28 program, to ensure the just utilization of lands within its jurisdiction;
29
- 30 f) The Bangsamoro Parliament shall have the following powers:
31
- 32 1. To enact legislation on the rights of the people of the Bangsamoro to
33 initiate measures for the passage, amendment, or repeal of regional or
34 local legislation; to be consulted on matters that affect their environment;
35 to call for a referendum on important issues affecting their lives; and, on
36 initiatives;

- 1
- 2 2. To conduct inquiries or public consultations in aid of legislation in
3 accordance with its rules. In connection therewith, it shall have the power
4 to issue *subpoena* or *subpoena duces tecum* to compel the attendance of
5 witnesses and the production of papers, documents, or things by
6 witnesses or persons under investigation by the Parliament, itself, or by
7 any of its committees. It shall also have the right to cite witnesses or
8 persons under investigation for contempt for refusal to testify before it or
9 before any of its committees, or to produce papers, documents or things
10 required by the Parliament or any of its committees. The rights of persons
11 appearing in or affected by such inquiries shall be respected;
12
- 13 3. To enact a law that would allow the Chief Minister, Speaker of the
14 Parliament, and the Presiding Justice of the Bangsamoro *Shari'ah* High
15 Court to augment any item in the Bangsamoro General Appropriations Law
16 for their respective offices from savings in other items of their respective
17 appropriations;
18
- 19 4. Within the competencies of the Bangsamoro Government, to enact a law
20 that shall regulate the grant of franchises and concessions, and empower
21 the Chief Minister to grant leases, permits, and licenses over agricultural
22 lands and for forest management;
23
- 24 g) To create pioneering firms and other business entities needed to boost
25 economic development in the Bangsamoro;
26
- 27 h) To establish and operate pioneering public utilities in the interest of regional
28 welfare and security. Upon payment of just compensation, it may cause the
29 transfer of the ownership of such utilities to cooperatives or other collective
30 organizations;
31
- 32 i) To support and encourage the building up of entrepreneurial capability in the
33 Bangsamoro and to recognize, promote, and protect cooperatives;
34
- 35 j) To supervise and regulate private schools in the Bangsamoro and to allow the
36 participation of three (3) representatives of private schools in the deliberations

1 of the appropriate Bangsamoro Government's ministry, Commission on Higher
2 Education (CHED), Technical Education and Skills Development Authority
3 (TESDA), and other government agencies on matters dealing with private
4 schools.

5
6 k) To be represented in the board of the state universities and colleges in the
7 Bangsamoro by the Chair of the appropriate committee of the Bangsamoro
8 Parliament, as member. The state universities and colleges within the
9 Bangsamoro shall be considered part of the Bangsamoro educational system.
10 This notwithstanding, these state universities and colleges shall enjoy academic
11 freedom and fiscal autonomy, and shall continue to be governed by their
12 respective charters;

13
14 l) To supervise, through the appropriate ministry, the accredited *madaris* in the
15 Bangsamoro;

16
17 m) To conduct periodic competitive qualifying examinations of *madaris* teachers for
18 permanent appointments to the Bangsamoro education system;

19
20 n) To adopt measures to protect and promote the rights of people's organizations
21 and other collective organizations;

22
23 o) To adopt measures for the protection of the youth in the Bangsamoro and the
24 promotion of their welfare, and to create the appropriate office and other
25 mechanisms for the implementation of such measures;

26
27 p) To enforce the policy against the appointment or designation of any member of
28 the Armed Forces of the Philippines in the active service to a civilian position in
29 the Bangsamoro Government, including government-owned and/or -controlled
30 corporations, or in any of their subsidiaries or instrumentalities within the
31 Bangsamoro.

32
33
34 **Article VI**

35 **INTERGOVERNMENTAL RELATIONS**

1 **Section 26. Asymmetric Relationship.** – The relationship between the
2 Central Government and the Bangsamoro Government shall be asymmetric. This is
3 reflective of the recognition of their Bangsamoro identity, and their aspiration for self-
4 governance. This makes it distinct from other regions and other local governments.
5

6 **Section 27. Parity of Esteem.** – The Central Government and the Bangsamoro
7 Government shall be guided by the principles of parity of esteem and accepted norms
8 of good governance. The Central Government shall respect the exercise of
9 competencies and exclusive powers of the Bangsamoro Government. The Bangsamoro
10 Government shall respect the exercise of the competencies and reserved powers of the
11 Central Government.
12

13 **Section 28. General Supervision.** Consistent with the principle of autonomy
14 and the asymmetric relation of the Central Government and the Bangsamoro
15 Government, the President shall exercise general supervision over the Bangsamoro
16 Government to ensure that laws are faithfully executed.
17

18 **Section 29. Intergovernmental Relations Mechanism.** – The Central
19 Government and the Bangsamoro Government shall establish a mechanism at the
20 highest levels that will coordinate and harmonize their relationships. For this purpose, a
21 primary mechanism shall be a Central Government – Bangsamoro Government
22 Intergovernmental Relations Body to resolve issues on intergovernmental relations. All
23 disputes and issues relating to these intergovernmental relations shall be resolved
24 through regular consultations and continuing negotiations in a non-adversarial manner.
25

26 The Intergovernmental Relations Body shall exhaust all means to resolve all
27 issues brought before it. Unresolved issues shall be elevated to the President through
28 the Chief Minister.
29

30 The Central Government and the Bangsamoro Government shall each appoint a
31 representative in the inter-governmental relations body. Both representatives shall have
32 authority to make decisions. The body shall be supported by a joint secretariat.
33

34 **Section 30. Council of Leaders.** – The Bangsamoro Council of Leaders shall
35 consist of the Chief Minister, provincial governors, mayors of chartered cities, and
36 representatives from traditional leaders, non-Moro indigenous communities, women,

1 settler communities, *ulama*, youth, Bangsamoro communities outside of the
2 Bangsamoro territory, and other sectors. The Bangsamoro Council of Leaders shall be
3 chaired by the Chief Minister. The Council shall advise the Chief Minister on matters of
4 governance in the Bangsamoro. The representation of the non-Moro indigenous
5 communities shall be pursuant to their customary laws and indigenous processes.
6

7 The mechanism of representation and number of representatives shall be
8 determined by the Parliament.
9

10 **Section 31. Devolution and Subsidiarity.** – The Central Government and the
11 Bangsamoro Government accept the concept of devolution as inspired by the principles
12 of subsidiarity. Decisions are to be made at the appropriate level to ensure public
13 accountability and transparency, and in consideration of good governance and the
14 general welfare.
15

16 **Section 32. Bangsamoro Government and Its Constituent Local**
17 **Government Units.** – The provinces, cities, municipalities, barangays, and geographic
18 areas within its territory shall be the constituent units of the Bangsamoro. The
19 authority to regulate on its own responsibility the affairs of the local government units is
20 guaranteed within the limit of this Basic Law. The Local Government Units shall
21 continue to exercise the powers granted to them as provided by law. For good
22 governance, the Bangsamoro Parliament may enact a Local Government Code.
23

24 **Section 33. Philippine Congress - Bangsamoro Parliament Forum.** –
25 There shall be a Philippine Congress-Bangsamoro Parliament Forum for purposes of
26 cooperation and coordination of legislative initiatives
27

28 **Section 34. Bangsamoro Participation in Central Government.** – It shall
29 be the policy of the Central Government to appoint competent and qualified inhabitants
30 of the Bangsamoro in the following offices in the Central Government: at least one (1)
31 Cabinet Secretary; at least one (1) in each of the other departments, offices and
32 bureaus, holding executive, primarily confidential, highly technical, policy-determining
33 positions; and one (1) Commissioner in each of the constitutional bodies.
34

35 The recommendations of the Bangsamoro Government shall be channeled
36 through the intergovernmental relations mechanisms.

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Section 35. Assistance to Other Bangsamoro Communities. – The Central Government shall ensure the protection of the rights of the Bangsamoro people residing outside the territory of the Bangsamoro and undertake programs for the rehabilitation and development of their communities. The Bangsamoro Government shall provide assistance to their communities to enhance their economic, social, and cultural development. In this regard, the Bangsamoro Government shall include in its priorities the creation of an office for Bangsamoro communities outside of the Bangsamoro territory.

Article VII
THE BANGSAMORO GOVERNMENT

Section 36. Seat of Government. – The Bangsamoro Parliament shall determine the seat of the Bangsamoro Government anywhere within the Bangsamoro territory.

Section 37. Powers of Government. – The powers of government shall be vested in the Bangsamoro Parliament, which shall exercise those powers and functions expressly granted to it in this Basic Law, and those necessary for or incidental to the proper governance and development of the Bangsamoro. It shall set policies, legislate on matters within its authority, and elect a Chief Minister, who shall exercise executive authority in its behalf.

Section 38. Legislative Authority. – The Bangsamoro Parliament shall have the authority to enact laws on matters that are within the powers and competencies of the Bangsamoro Government.

Section 39. Executive Authority. - The executive function and authority shall be exercised by the Cabinet, which shall be headed by a Chief Minister. The Chief Minister who heads the parliamentary government of the Bangsamoro shall be elected by a majority vote of the Parliament from among its members.

The Chief Minister shall appoint two (2) Deputy Chief Ministers, as provided under Article VII, Section 35, and the members of the Cabinet, majority of whom shall also come from the Parliament.

1
2 **Bangsamoro Parliament**
3

4 **Section 40. Composition.** – The Parliament shall be composed of at least
5 eighty (80) members, unless otherwise provided by the Parliament, who are
6 representatives of political parties elected through a system of proportional
7 representation, those elected from single member districts and to reserved seats to
8 represent key sectors in the Bangsamoro, except as otherwise provided under this
9 Article.

10
11 **Section 41. Classification and Allocation of Seats.** – The seats in the
12 Bangsamoro Parliament shall be classified and allocated as follows:
13

- 14 (1) *District Seats.* – Forty percent (40%) of the Members of Parliament shall be
15 elected from single member parliamentary districts apportioned for the areas
16 and in the manner provided in the Appendix of this Basic Law.
17

18 The Bangsamoro Parliament may, by law, undertake new redistricting in order
19 to ensure a more equitable representation of the constituencies in the
20 Bangsamoro Parliament.
21

22 The district representatives shall be elected through direct, plurality vote by the
23 registered voters in the parliamentary districts.
24

- 25 (2) *Party Representatives.* – Fifty percent (50%) of the Members of Parliament shall
26 be representatives of political parties who win seats through a system of
27 proportional representation based on the whole Bangsamoro territory. Parties
28 shall submit their respective list of approved candidates prior to the election.
29

- 30 (3) *Reserved Seats; Sectoral Representatives.* – Sectoral representatives,
31 constituting ten percent (10%) of the Members of Parliament, including two (2)
32 reserved seats each for non-Moro indigenous people and settler communities.
33 Women, youth, traditional leaders, and the *ulama* shall also have one reserved
34 seat each.
35

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

3
4 **Section 42. Election for Reserved Seats for Non-Moro Indigenous**
5 **Peoples.** – Notwithstanding the immediately preceding sections, reserved seats for the
6 non-Moro indigenous peoples, such as, but not limited to, Teduray, Lambangian,
7 Dulangan Manobo, B’laan and Higaonon, shall be pursuant to their customary laws and
8 indigenous processes based on the following:

- 9
- 10 a. Primacy of customary laws and practices;
 - 11
 - 12 b. Primacy of consensus building;
 - 13
 - 14 c. Acceptability of the community;
 - 15
 - 16 d. Inclusivity and full participation;
 - 17
 - 18 e. Representation of the collective interests and aspirations of non-Moro
19 indigenous peoples;
 - 20
 - 21 f. Sustainability and strengthening of Indigenous Political Structures;
 - 22
 - 23 g. Track record and capability; and
 - 24
 - 25 h. Gender equity.
 - 26

27 **Section 43. Election of the Representatives of the Settlers, Women,**
28 **Youth and Traditional Leaders.** - The Bangsamoro Transition Authority (BTA) shall
29 define the manner of election for the representatives of the settlers, women, youth, and
30 traditional leaders.

31
32 **Section 44. Regional Parties.** – A free and open regional party system shall
33 be allowed to evolve according to the free choice of the people. Towards this end, only
34 regional political parties duly accredited by the Bangsamoro Electoral Office, as
35 approved by the Commission on Election (COMELEC), may participate in the
36 parliamentary elections in the Bangsamoro.

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Section 45. Redistricting. – The Parliament shall have the power to reconstitute, by law, the parliamentary districts apportioned among the provinces, cities, municipalities, and geographic areas of the Bangsamoro to ensure equitable representation in the Parliament. The redistricting, merging, or creation, of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographic areas, which shall become part of the territory of the Bangsamoro Government.

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

Section 46. Bangsamoro Electoral Code. – The Bangsamoro Transition Authority shall enact the Bangsamoro Electoral Code, which shall be correlated to national election laws, insofar as these are consistent with this Basic Law. The electoral system shall allow democratic participation, ensure accountability of public officers primarily to their constituents, and encourage formation of genuinely principled political parties.

There is hereby created a Bangsamoro Electoral Office which shall be a part of the Commission on Elections, and which shall perform the functions of the Commission on Elections in the Bangsamoro.

The Bangsamoro Parliament shall submit a list of three (3) recommendees to the President, who shall choose and appoint from among them the Director General, who shall head the Office. In addition to enforcing national election laws in the Bangsamoro, the Bangsamoro Electoral Office shall likewise implement the Bangsamoro Electoral Code enacted by Parliament in the Bangsamoro, and shall perform the following functions:

1. Register and accredit regional political parties;
2. In relation to plebiscite for joining the Bangsamoro, receive petitions/resolutions to join from geographic areas;

1 3. Schedule plebiscites for expansion; and

2
3 4. Prepare rules and regulations for Bangsamoro elections and plebiscites, for the
4 promulgation of the Commission on Elections. All rules and regulations
5 governing Bangsamoro elections and plebiscites shall emanate from the
6 Bangsamoro Electoral Office.
7

8 **Section 47. Budget for the Bangsamoro Electoral Office.** –Budget of the
9 Electoral Office shall be submitted by the Bangsamoro Electoral Office to be part of the
10 yearly budget of the Commission on Elections.
11

12 **Section 48. Term of Office.** The initial term of office of the Members of the
13 Parliament shall be three (3) years, without prejudice for the Bangsamoro Transition
14 Authority (BTA) to include in the Election Code a new term of office.
15

16 **Section 49. Qualifications.** - No person shall be a Member of Parliament
17 unless he or she is a citizen of the Philippines, at least twenty-five (25) years of age on
18 the day of the election, able to read and write, and a registered voter in the
19 Bangsamoro.
20

21 The Youth representative shall not be less than eighteen (18) years and not
22 more than forty (40) years of age at the time of his/her election.
23

24 For district representatives, he or she must be a registered voter of the district in
25 which he or she is a candidate on the day he or she files his or her certificate of
26 candidacy, and has resided in said district for at least three (3) years immediately
27 preceding the day of the election.
28

29 For the first regular elections immediately following the enactment of this Basic
30 Law, the abovementioned residency requirement shall be reduced to one (1) year
31 immediately preceding the day of the election.
32

33 **Section 50. Salaries of Parliament Members.** – The Bangsamoro Parliament
34 shall determine the salaries and emoluments of its members. No increase in said
35 compensation shall take effect until after the expiration of the full term of all the
36 members of the Bangsamoro Parliament approving such increase.

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For the first Bangsamoro Parliament, salaries and emoluments of its members shall be determined by law passed by the Bangsamoro Transition Authority (BTA).

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

Section 51. Disclosure. – Members of the Bangsamoro Parliament shall, upon their assumption to office, make full disclosure of their financial and business interests, including those of their spouses and children. They shall notify the Bangsamoro Parliament of any potential conflict of interest that may arise from the filing of bills or resolutions of which they are authors.

Section 52. Prohibition Against Conflict of Interest. – The Chief Minister, Deputy Chief Ministers, and all the members of the Bangsamoro Parliament, during their term, shall not engage, directly or indirectly, in any business or commercial enterprise where there may be a conflict of interest in the exercise of the functions of their respective offices.

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

Section 53. Forfeiture of Seat. - A Member of Parliament shall forfeit his or her seat if:

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

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

22 **Section 54. Filling of Vacancy.** – In case of a vacancy of a proportional
23 representation seat, the party to which that seat belongs shall fill the vacancy.
24

25 In case of a vacancy of a district seat by an affiliated Member of Parliament,
26 his/her party shall nominate a replacement within thirty (30) days from the occurrence
27 of such vacancy, and the said nominee shall be appointed by the Chief Minister.
28

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

33 The appointee or elected Member of Parliament, as the case may be, shall serve
34 the unexpired term of the vacant office.
35

1 **Section 55. Privileges and Immunities.** – No member of the Bangsamoro
2 Parliament may be arrested while the Bangsamoro Parliament is in session, except for
3 crimes punishable by more than six (6) years of imprisonment. The members of the
4 Bangsamoro Parliament may not be questioned in any other place or held liable for any
5 speech or debate delivered in the Bangsamoro Parliament sessions or meetings of its
6 committees.

7
8 **Section 56. Sessions of the Bangsamoro Parliament.** – The Bangsamoro
9 Parliament shall conduct its regular session once every year starting on the 15th of June
10 up to thirty (30) days before the opening of its next regular session. A special or
11 emergency session may be called by the Speaker, upon the request of the Chief
12 Minister or by a majority of the members of the Bangsamoro Parliament.

13
14 **Section 57. Officers of the Bangsamoro Parliament.** – On the first session
15 following their election, the members of the Bangsamoro Parliament shall, in open
16 session, elect by a simple majority vote from all its members the Speaker, a Deputy
17 Speaker, and the other officers of the Bangsamoro Parliament as the Parliament Rules
18 of the Bangsamoro Parliament may provide.

19
20 In case of death, removal, resignation, or permanent disability or legal incapacity
21 of the Speaker, the Deputy Speaker shall act as Speaker until a new Speaker shall have
22 been elected by the Bangsamoro Parliament.

23
24 **Section 58. Presiding Officer.** – The Speaker, Deputy Speaker, or any other
25 person presiding over the Bangsamoro Parliament shall:

- 26
27 a. Serve to secure the honor and dignity of the Bangsamoro Parliament;
28
29 b. Be responsible for ensuring – (i) the rights and privileges of all members; and
30 (ii) public access to the proceeding of the Bangsamoro Parliament and its
31 committees;
32 c. Have the authority and moral ascendancy to maintain order and decorum in the
33 Bangsamoro Parliament, in accordance with its Parliamentary Rules; and
34
35 d. Act impartially, and without fear, favor, and prejudice.

36

1 **Section 65. Qualifications of the Chief Minister.** – No person may be
2 elected as the Chief Minister unless he/she is at least twenty-five (25) years of age at
3 the time of the election, a bona fide resident of the Bangsamoro for three (3) years
4 immediately preceding the day of the elections, and with proven competence and
5 probity, mentally fit, and known for his/her integrity and high moral standards.
6

7 For the first election of the Chief Minister immediately following the enactment of
8 this Basic Law, the abovementioned residency requirement shall be reduced to one (1)
9 year immediately preceding the day of the election.
10

11 **Section 66. Election of the Chief Minister.** – On the inaugural session of the
12 Bangsamoro Parliament following their elections, the members of the Parliament shall,
13 in open session, elect the Chief Minister by a majority vote of all its members.
14

15 If no member of Bangsamoro Parliament obtains the majority vote necessary to
16 be elected Chief Minister in the first round of voting, a runoff election shall be
17 conducted. In such case, the members of Bangsamoro Parliament shall elect the Chief
18 Minister from the two (2) candidates who obtained the highest number of votes cast in
19 the first round.
20

21 **Section 67. Powers, Duties and Functions of the Chief Minister.** - Unless
22 otherwise provided by law, the Chief Minister shall exercise the following powers, duties
23 and functions:
24

- 25 a. Heads the government of the Bangsamoro;
- 26
- 27 b. Appoints heads of ministries, agencies, bureaus, and offices of the Bangsamoro
28 Government or other officers of Bangsamoro owned and/or controlled
29 corporations or entities with original charters;
- 30
- 31 c. Appoints other officers in the Bangsamoro Government, as may be provided by
32 the Parliament;
- 33
- 34 d. Formulates platform of government subject to approval by the Parliament;
- 35
- 36 e. Issues executive orders and other policies of the Bangsamoro Government;

- 1
- 2 f. Represents the government of the Bangsamoro in affairs outside the
- 3 Bangsamoro; and
- 4 g. Exercises such other powers and functions inherent to the position.
- 5

6 **Section 68. Administration of Oath of the Chief Minister.** – The *Wali* shall

7 administer the oath of office of all the Members of Parliament, including the Chief

8 Minister upon his/her election.

9

10 **Section 69. Ex-Officio Membership.** - The Chief Minister shall be an *ex-*

11 *officio* member of the National Security Council (NSC) on matters concerning the

12 Bangsamoro and of the National Economic and Development Authority Board (NEDA).

13

14 **Section 70. Deputy Chief Ministers.** – There shall be two (2) Deputy Chief

15 Ministers to be appointed by the Chief Minister, as nominated by members of

16 Parliament from among themselves.

17

18 For the purpose of shared leadership, the Bangsamoro shall have three (3) sub-

19 regions, namely, South Western Mindanao, North Central Mindanao, and South Central

20 Mindanao, all within the Bangsamoro. To ensure representation of all the sub-regions,

21 the two (2) Deputy Chief Ministers shall come from the other two (2) sub-regions

22 different from that of the Chief Minister.

23

24 The coverage of each sub-region, for purposes of this provision, shall be

25 determined by Parliament and shall be adjusted accordingly to include other areas

26 based on results of the periodic plebiscite.

27

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

29

30 In case of death, removal, resignation, or incapacity of the Chief Minister, the

31 Deputy Chief Minister, more senior in age, shall temporarily act as the Chief Minister

32 until the Parliament shall have elected a new Chief Minister. Said election shall be held

33 within thirty (30) days from the occurrence of the vacancy.

34

35 **Section 71. Call for a New Bangsamoro Parliament Election.** – Within

36 seventy-two (72) hours upon a two-thirds (2/3) vote of no confidence of all members of

37 Parliament against the government of the day, the Chief Minister shall advise the *Wali*

38 to dissolve the Parliament and call for a new parliamentary election. In no case shall the

39 *Wali* countermand the advice of the Chief Minister.

40 The *Wali* shall call for election of a new Bangsamoro Parliament on a date not

41 later than one hundred twenty (120) days from the date of dissolution.

1
2 In case of dissolution, the incumbent Chief Minister and the Cabinet shall
3 continue to conduct the affairs of the Bangsamoro Government until a new Parliament
4 is convened and a Chief Minister is elected and has qualified.
5

6 **Article VIII**

7 **WALI**

8
9 **Section 72. Appointment of *Wali*.** - Consistent with the parliamentary form of
10 government, there shall be a *Wali* who shall serve as the ceremonial head of the
11 Bangsamoro.
12

13 The Bangsamoro Parliament shall issue a resolution reflecting its consensus on
14 the selection of the *Wali* from a list of names of eminent residents of the Bangsamoro
15 submitted by the Council of Leaders.
16

17 **Section 73. Qualifications of *Wali*.** - The *Wali* must possess the following
18 qualifications at the time of his nomination:
19

- 20 1. Able to read and write in English or Arabic;
- 21
- 22 2. At least 40 years old;
- 23
- 24 3. A resident of the Bangsamoro for at least 15 years;
- 25 4. Respected in the community;
- 26
- 27 5. Reputable and of unquestionable integrity and moral ascendancy; and
- 28
- 29 6. Has not been found guilty of any criminal or administrative offense by any court
30 or quasi-judicial bodies.
31

32 **Section 74. Ceremonial Duties of *Wali*.** - The *Wali* shall only take on
33 ceremonial functions, such as opening the Parliament, administration of oath of officers,
34 dissolving the Parliament, calling for election of a new Bangsamoro Parliament as
35 provided for in Article VII, Section 36 of this law, and attendance to public ceremonies.
36

- 1 g. Right of women to meaningful political participation and protection from all
2 forms of violence;
3
4 h. Right to freely choose one's place of residence and the inviolability of the home;
5
6 i. Right to equal opportunity and non-discrimination in social and economic
7 activity and the public service, regardless of class, creed, disability, gender and
8 ethnicity;
9
10 j. Right to form cultural and religious associations;
11
12 k. Right to freedom from religious, ethnic, and sectarian harassment;
13
14 l. Right to redress of grievances and due process of law; and
15 m. Right to free public basic education (K+12), tertiary education, and *madrasah*
16 education.
17

18 The Bangsamoro Parliament shall pass a law for the promotion and protection of
19 the above-enumerated rights.
20

21 **Section 78. Vested Property Rights.** – Vested property rights shall be
22 recognized and respected; Provided, that legitimate grievances of the Bangsamoro
23 people arising from any unjust dispossession of their territorial and proprietary rights,
24 customary land tenure, or their marginalization shall be duly acknowledged and given
25 due course; Provided further, that whenever restoration is no longer possible, the
26 Central Government and Bangsamoro Government shall take effective measures for
27 adequate reparation of the loss in such quality, quantity, and status collectively
28 beneficial to the Bangsamoro people, and to be determined mutually by both
29 Governments.
30

31 **Section 79. Transitional Justice.** – There shall be created a transitional
32 justice mechanism to address the legitimate grievances of the Bangsamoro people,
33 including the indigenous peoples, such as historical injustices, human rights violations,
34 marginalization through unjust dispossession of their territorial and proprietary rights
35 and customary land tenure.
36

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

3
4 **Section 80. Indigenous Peoples' Rights.** – The Bangsamoro Government
5 recognizes the rights of the indigenous peoples, and shall adopt measures for the
6 promotion and protection of their rights, the right to their native titles and/or *fusaka*
7 *inged*, indigenous customs and traditions, justice systems and indigenous political
8 structures, the right to an equitable share in revenues from the utilization of resources
9 in their ancestral lands, the right to free and prior informed consent, the right to
10 political participation in the Bangsamoro Government including reserved seats for the
11 non-Moro indigenous peoples in the Bangsamoro Parliament, the right to basic services,
12 and the right to freedom of choice as to their identity consistent with the United Nations
13 Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on
14 Human Rights and subsisting laws on indigenous peoples in the Bangsamoro.

15
16 **Section 81. Customary Rights and Traditions.** – The customs, beliefs, and
17 traditions of the people in the Bangsamoro are hereby recognized, protected and
18 guaranteed.

19
20 The Bangsamoro Parliament shall adopt measures to ensure mutual respect and
21 protection of the distinct beliefs, customs, and traditions of the Bangsamoro people and
22 the other inhabitants in the Bangsamoro.

23
24 No person in the Bangsamoro shall be subjected to any form of discrimination on
25 account of creed, religion, ethnic origin, parentage, nor sex.

26
27 **Section 82. Human Rights.** – The Bangsamoro Government guarantees full
28 respect for human rights.

29
30 All laws and policies, including customary laws, shall conform to international
31 human rights and humanitarian standards. The rights under the International Covenant
32 on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil
33 and Political Rights (ICCPR), and other international human rights instruments shall be
34 guaranteed by the Central Government and the Bangsamoro Government.

35

1 of wars and atrocities. Such agency—may directly solicit and receive assistance,
2 donations, aids, and grants from donors for its housing, settlements, and livelihood
3 programs and development.

4

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

7

8 **Section 86. Rights of Labor.** - The Bangsamoro Government shall guarantee
9 all fundamental rights of all workers to self-organization, collective bargaining and
10 negotiations, and peaceful concerted activities, including the right to strike, in
11 accordance with law to be passed by Parliament. In this regard, the right of workers,
12 whether publicly or privately employed, to form unions, associations, or federations
13 shall not be abridged.

14

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

18

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

21

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

24

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

27

28 **Section 87. Participation of Women in the Bangsamoro Government.** –
29 Aside from the reserved seat for women in the Parliament, there shall be at least one
30 (1) qualified woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro
31 Parliament shall enact a law that gives recognition to the important role of women in
32 nation-building and regional development, and ensures representation of women in
33 other decision-making and policy- determining bodies of the Bangsamoro Government.

34

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

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Section 88. Rights of the Youth. – The Bangsamoro Government recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate patriotism and nationalism, encourage involvement in public and civic affairs, and promote mental and physical fitness through sports.

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

Section 89. Protection of Women. – The Bangsamoro Government shall uphold and protect the fundamental rights of women including the right to engage in lawful employment and to be protected from exploitation, abuse, or discrimination, as embodied in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

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

Section 90. Rights of Children. – The Bangsamoro Government shall respect, protect, and promote the rights of children, especially orphans of tender age. They shall be protected from exploitation, abuse, or discrimination. Their education and development, both physical and mental, shall be fully addressed.

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

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

Section 91. Settler Communities. The Bangsamoro Government shall ensure that settlers shall enjoy the rights guaranteed in this Basic Law. For this purpose, the Bangsamoro Parliament shall create an Office for Settler Communities that shall promote the welfare and address issues and concerns of settlers in the Bangsamoro.

1
2 **Education**
3

4 **Section 92. Integrated System of Quality Education.** – The Bangsamoro
5 Government shall establish, maintain, and support, as a top priority, a complete and
6 integrated system of quality education and adopt an educational framework that is
7 relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro people
8 and the unity of all Filipinos.
9

10 The Bangsamoro Government shall institutionalize peace education in all levels of
11 education.
12

13 The schools, colleges, and universities existing in the autonomous region as of
14 the date of the approval of this Basic Law and such other schools and institutions that
15 may be established in the Bangsamoro, shall be deemed integral components of the
16 educational system of the Bangsamoro Government.
17

18 **Section 93. Vocational, Technical, Non-formal, and Special Education.** -
19 The thrusts and programs of vocational, technical, non-formal, and special education of
20 the Bangsamoro educational system for the poor, illiterate, out-of-school youth, persons
21 with special needs, disadvantaged, and senior citizens shall be supportive and relevant
22 to the human resource requirements of the Bangsamoro.
23

24 **Section 94. Madaris Education, Islamic and Arabic Studies.** the
25 Bangsamoro Government shall establish and maintain *madaris* education within the
26 Bangsamoro.
27

28 It shall ensure the integration in its elementary and high school education
29 curriculum the teaching of Islamic and Arabic studies for Muslim pupils and students in
30 public schools.
31

32 The Bangsamoro Parliament shall enact legislation for the strengthening and
33 development of *madaris* educational system in the Bangsamoro.
34

1 Heritage shall coordinate with relevant agencies of the Central Government on the
2 regulation, excavation, and preservation of cultural artifacts and on the recovery of lost
3 historical and cultural heritage.

ARTICLE X

BANGSAMORO JUSTICE SYSTEM

8 **Section 102. Justice System in the Bangsamoro.** – The justice system in
9 the Bangsamoro shall consist of *Shari’ah* law which shall have supremacy and
10 application over Muslims only; the traditional or tribal justice system, for the indigenous
11 peoples in the Bangsamoro; the local courts; and alternative dispute resolution systems.

13 For Muslims, the justice system in the Bangsamoro shall give primary
14 consideration to *Shari’ah*, and customary rights and traditions of the indigenous peoples
15 in the Bangsamoro.

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

Shari’ah Judicial System

22 **Section 103. *Shari’ah* Judicial System.** – The judicial authority shall be
23 vested in the Bangsamoro *Shari’ah* judiciary, in accordance with the power of the
24 Supreme Court, particularly on the Bangsamoro *Shari’ah* High Court, *Shari’ah* District
25 and Circuit courts, and other subordinate courts which Congress of the Philippines may
26 create upon the recommendation of the Bangsamoro *Shari’ah* High Court through the
27 Supreme Court. This notwithstanding, Congress, upon the recommendation of the
28 Supreme Court, may likewise create *Shari’ah* courts outside of the territorial jurisdiction
29 of the Bangsamoro government in areas where a considerable number of Muslims
30 reside. The Supreme Court shall station these courts.

32 **Section 104. *Shari’ah*.** - *Shari’ah* (Islamic Law) which is the law forming part
33 of the Islamic tradition derived from religious precepts of Islam, particularly the *Qur’an*
34 and *Hadith*, shall be distinctively applied as the underlying basis of the Bangsamoro
35 *Shari’ah* judicial system exclusively over Muslims or persons who voluntarily submit to
36 the *Shari’ah* Court.

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Section 105. Jurisdiction of *Shari'ah* Courts. - The Bangsamoro Parliament shall enact laws on persons and family relations, other civil actions, commercial actions, and criminal cases. The Congress of the Philippines, through this Basic Law, confers commercial, other civil action not provided for under P.D. 1083, and criminal jurisdiction on minor offenses as provided hereunder.

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

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

Section 106. Sources of *Shari'ah*. – The following are the sources of *Shari'ah*:

Principal Sources:

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

Secondary Sources:

- c. *Al-Ijma* (Consensus); and
- d. *Al-Qiyas* (Analogy).

Section 107. *Shari'ah* Circuit Courts. - The *Shari'ah* Circuit Court in the Bangsamoro shall exercise exclusive original jurisdiction over the following subjects:

- a. All cases involving offenses defined and punished under Presidential Decree No. 1083, also known as Code of Muslim Personal Laws, where the act or omission has been committed in the Bangsamoro;

1 b. All civil actions and proceedings between parties residing in the Bangsamoro,
2 and who are Muslims or have been married in accordance with Article 13 of
3 Presidential Decree No. 1083 involving disputes relating to:

4
5 i. Marriage;

6
7 ii. Divorce recognized under Presidential Decree No. 1083;

8
9 iii. Betrothal or breach of contract to marry;

10
11 iv. Customary dower (*mahr*);

12
13 v. Disposition and distribution of property upon divorce;

14
15 vi. Maintenance and support, and consolatory gifts;

16
17 vii. Restitution of marital rights.

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

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

24
25 e. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Government,
26 involving real property in the Bangsamoro, where the assessed value of the
27 property does not exceed Four Hundred Thousand Pesos (400,000.00); and

28
29 f. All civil actions in which the parties are Muslims, or where all litigants have
30 voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit
31 Courts, if they have not specified in an agreement which law shall govern their
32 relations where the demand or claim does not exceed Two Hundred Thousand
33 Pesos (P200,000.00).

34
35 **Section 108. *Shari'ah* District Courts.** - The *Shari'ah* District Court in the
36 Bangsamoro shall exercise exclusive original jurisdiction over the following matters:

- 1
- 2 a. All cases involving custody, guardianship, legitimacy, and paternity and filiation
- 3 arising under Presidential Decree No. 1083;
- 4
- 5 b. All cases involving disposition, distribution, and settlement of the estate of
- 6 deceased Muslims who were residents of the Bangsamoro, probate of wills,
- 7 issuance of letters of administration, or appointment of administrators or
- 8 executors regardless of the nature or the aggregate value of the property;
- 9
- 10 c. Petitions for the declaration of absence and death for the cancellation or
- 11 correction of entries in the Muslim Registries mentioned in Title VI of Book Two
- 12 of Presidential Decree No. 1083;
- 13
- 14 d. All actions arising from customary and *Shari'ah* compliant contracts in which the
- 15 parties are Muslims, if they have not specified which law shall govern their
- 16 relations;
- 17
- 18 e. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*,
- 19 and all other auxiliary writs and processes in aid of its appellate jurisdiction;
- 20
- 21 f. Petitions by Muslims for the constitution of a family home, change of name, and
- 22 commitment of an insane person to an asylum;
- 23
- 24 g. All other personal and real actions not falling under the jurisdiction of the
- 25 *Shari'ah* Circuit Courts wherein the parties involved are Muslims, except those
- 26 for forcible entry and unlawful detainer, which shall fall under the exclusive
- 27 original jurisdiction of the Municipal Circuit Court;
- 28
- 29 h. All special civil actions for interpleader or declaratory relief wherein the parties
- 30 are Muslims residing in the Bangsamoro or the property involved belongs
- 31 exclusively to Muslims and is located in the Bangsamoro;
- 32 i. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament,
- 33 involving real property in the Bangsamoro, where the assessed value of the
- 34 property exceeds Four Hundred Thousand Pesos (P400, 000.00); and
- 35

- 1 j. All civil actions in which the parties are Muslims, or where all litigants have
2 voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit Court,
3 if they have not specified in an agreement which law shall govern their relations
4 where the demand or claim exceeds Two Hundred Thousand Pesos (P200,
5 000.00)

6
7 The *Shari'ah* District Court in the Bangsamoro shall exercise appellate jurisdiction
8 over all cases decided upon by the *Shari'ah* Circuit Courts in the Bangsamoro within its
9 territorial jurisdiction, as provided under Article 144 of Presidential Decree No. 1083.

10
11 **Section 109. Bangsamoro *Shari'ah* High Court.** - There is hereby created a
12 Bangsamoro *Shari'ah* High Court. The Bangsamoro *Shari'ah* High Court shall exercise
13 exclusive original jurisdiction, whether or not in aid of its appellate jurisdiction, over:

- 14
15 a. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*,
16 and all other auxiliary writs and processes, in aid of its appellate jurisdiction;
17 and
18
19 b. All actions for annulment of judgments of *Shari'ah* District Courts.

20
21 The Bangsamoro *Shari'ah* High Court shall exercise exclusive appellate
22 jurisdiction over cases under the jurisdiction of the *Shari'ah* District Courts in the
23 Bangsamoro.

24
25 The decisions of the Bangsamoro *Shari'ah* High Court shall be final and executory
26 except on issues of procedure or when there is manifest grave abuse of discretion
27 tantamount to lack of or in excess of jurisdiction.

28
29 **Section 110. Qualifications of *Shari'ah* Judges.** -

- 30
31 a. *Shari'ah Circuit Court.* - No person shall be appointed judge of the *Shari'ah*
32 Circuit Court unless he is a Muslim, citizen of the Philippines, at least thirty (30) years of
33 age, of proven competence and probity, mentally and physically fit, known for his
34 integrity and high moral standards, and must be a member of the Philippine Bar or is a
35 special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

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

4
5 For a regular member of the Philippine Bar, he must have finished at least two
6 (2) years of *Shari'ah* or Islamic Jurisprudence and must have been engaged in the
7 practice of law for at least three (3) years.

8
9 b. *Shari'ah District Court.* – No person shall be appointed judge of the *Shari'ah*
10 District Court unless he is a Muslim, citizen of the Philippines at least thirty-five (35)
11 years of age, of proven competence and probity, mentally and physically fit, known for
12 his integrity and high moral standards, and must be a member of the Philippine Bar or
13 is a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

14
15 For *Shari'ah* Counselors-at-Law, he must be a graduate of a four-year course on
16 *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice of
17 *Shari'ah* law in the Philippines for at least five (5) years.

18
19 For a regular member of the Philippine Bar, he must have finished at least two
20 (2) years in *Shari'ah* or Islamic Jurisprudence and must have been engaged in the
21 practice of law for at least five (5) years.

22
23 c. *Bangsamoro Shari'ah High Court.* — No person shall be appointed Justice of the
24 Bangsamoro *Shari'ah* High Court unless he is a Muslim, natural-born citizen of the
25 Philippines, at least forty (40) years of age, of proven competence and probity, mentally
26 and physically fit, known for his integrity and high moral standards, and must be a
27 member of the Philippine Bar or is a special member of the Philippine Bar allowed to
28 practice in *Shari'ah* Courts.

29
30 For *Shari'ah* Counselors-at-Law, he must be a graduate of a four-year course on
31 *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice of
32 *Shari'ah* law in the Philippines for at least ten (10) years prior to his appointment.

33
34 For a regular member of the Philippine Bar, he must have finished at least two
35 (2) years of *Shari'ah* or Islamic Jurisprudence and must have engaged in the practice of
36 law for at least ten (10) years before *Shari'ah* Courts.

1 **Section 111. Composition and Stations of Bangsamoro *Shari'ah* High**
2 **Court.** –The Bangsamoro *Shari'ah* High Court shall be composed of nine (9) justices,
3 including the Presiding Justice. It may exercise its powers, functions, and duties
4 through three (3) divisions, each composed of three (3) members. It may sit *en banc*
5 only for the purpose of exercising administrative or ceremonial functions. The
6 Bangsamoro *Shari'ah* High Court shall hold sessions en banc at its main office at the
7 capital of the Bangsamoro government. The stations of the three divisions shall be
8 Cotabato City, Marawi City, and Jolo, Sulu.

9
10 **Section 112. Compensation, benefits, tenure and privileges.** – Justices of
11 the Bangsamoro *Shari'ah* High Courts shall have the same rank, prerogatives, salaries,
12 allowances, benefits, tenure, and privileges as the Justices of the Court of Appeals.

13
14 Judges of the *Shari'ah* District Court shall have the same rank, prerogatives,
15 salaries, allowances, benefits, tenure, and privileges as the judges of Regional Trial
16 Court Judge.

17
18 Judges of the *Shari'ah* Circuit Court shall have the same rank, prerogatives,
19 salaries, allowances, benefits, tenure, and privileges as judges of Metropolitan Trial
20 Court Judge.

21
22 **Section 113. *Shari'ah* Judicial and Bar Council.** - The *Shari'ah* Judicial and
23 Bar Council is hereby created which shall be under the supervision of the Bangsamoro
24 *Shari'ah* High Court. It shall recommend to the Judicial and Bar Council applicants for
25 the positions of judges and justices in the *Shari'ah* Courts for appointment by the
26 President. The President shall issue the appointment within 90 days from the
27 submission by the Judicial and Bar Council.

28
29 **Section 114. Composition of the *Shari'ah* Judicial and Bar Council.** – The
30 *Shari'ah* Judicial and Bar Council shall be composed of five (5) members: a senior
31 member of the Bangsamoro *Shari'ah* High Court, as ex-officio Chair, the Head of the
32 *Shari'ah* Academy, and one (1) representative from the Bangsamoro Parliament, as ex-
33 officio member. The regular members of the Council shall be one (1) representative
34 each from the accredited organization of *Shari'ah* lawyers, and accredited *Ulama*
35 organization in the Bangsamoro.

36

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

3
4 **Section 115. Functions of the *Shari'ah* Judicial and Bar Council.** The
5 *Shari'ah* Judicial and Bar Council shall have the following functions:

- 6
7 a. Recommend nominees to the *Shari'ah* Courts in the Bangsamoro which shall be
8 submitted to the Judicial and Bar Council; and
9
10 b. Conduct investigations of erring members of the *Shari'ah* Bar and of judges and
11 personnel of the *Shari'ah* Courts in the Bangsamoro and submit the results of
12 such investigation to the Supreme Court for the latter's action.

13
14 **Section 116. *Shari'ah* Rules of Court.** The rules of court for the *Shari'ah*
15 courts in the Bangsamoro shall be promulgated by the Supreme Court, giving utmost
16 consideration to the recommendations of the Bangsamoro *Shari'ah* High Court. In the
17 meantime, the special rules of court for *Shari'ah* courts, as promulgated by the
18 Supreme Court, shall continue to be in force.

19
20 **Section 117. Special Bar Examinations for *Shari'ah*.** – The Bangsamoro
21 *Shari'ah* High Court, under the strict supervision of the Supreme Court, shall administer
22 *Shari'ah* Special Bar Examinations for admission of applicants to the Philippine Bar as
23 special members thereof. A successful examinee who has qualified for special
24 membership in the Philippine Bar shall be duly conferred the title of counselor-at-law.

25
26 **Section 118. Practice of law before *Shari'ah* Courts.** - The following are
27 eligible to practice before *Shari'ah* Courts:

- 28
29 a. A *Shari'ah* counselor-at-law;
30
31 b. A regular member of the Philippine Bar;
32
33 c. A Muslim who acts as counsel on his behalf; and
34
35 d. A non-Muslim who submits to the jurisdiction of the *Shari'ah Court* and chooses
36 to act as counsel on his behalf.

1 **Section 119. Appointment and Discipline of *Shari'ah* Court Personnel.**

2 The Supreme Court shall appoint the *Shari'ah* court personnel and shall have the power
3 of discipline over them. The *Shari'ah* Judicial and Bar Council shall conduct
4 investigations over erring personnel of the *Shari'ah* courts, and submit the results of
5 such investigations to the Supreme Court for the latter's action.

6
7 **Section 120. Bangsamoro *Shari'ah* Integrated Bar.** - The Parliament shall

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

13
14 **Section 121. *Shari'ah* Public Assistance Office.** There is hereby created a

15 *Shari'ah* Public Assistance Office which shall be part of the Public Assistance Office. The
16 office shall be staffed by a director and two deputies who shall all be Counselors-at-
17 Law. The Parliament may determine the additional staff complement for the said office.
18 The *Shari'ah* Public Assistance Office shall provide free legal assistance to indigent party
19 litigants with cases pending before *Shari'ah* courts in the Bangsamoro.

20
21 **Section 122. *Shari'ah* Special Prosecution Service.** – There shall be

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

29
30 **Section 123. *Shari'ah* Academy.** – There is hereby created a *Shari'ah*

31 Academy, the primary function of which is to conduct courses in *Shari'ah* and *Fiqh*, civil
32 law, commercial law, and criminal law, and trainings on the practice of *Shari'ah* law in
33 the Bangsamoro, accredit *Shari'ah* courses and degrees obtained from schools and
34 universities abroad, and develop the curricula, textbooks, and learning materials of
35 schools and universities in the Bangsamoro. The Bangsamoro Parliament shall define its
36 powers and additional functions and appropriate funds therefor. The *Shari'ah* Academy

1 may coordinate with the National Commission on Muslim Filipinos (NCMF) whenever
2 necessary.

3
4 **Section 124. Bangsamoro Jurisconsult in Islamic Law.** – There is hereby
5 created an office of Jurisconsult of Islamic law in the Bangsamoro. The Parliament shall
6 define the powers and functions of this office, including the rank, salary, privileges, and
7 benefits of the Jurisconsult including its subordinate personnel.

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

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

21
22 The deputies must be Muslims, at least 35 years of age, holders of a Bachelor's
23 Degree in Islamic Law and Jurisprudence, and members of the Philippine *Shari'ah* Bar
24 or the Integrated Bar of the Philippines. Each deputy must be of proven competence
25 and probity, mentally and physically fit, and known for his integrity and high moral
26 standards.

27
28 The term of office of the Jurisconsult and his deputies shall be five (5) years
29 without prejudice to reappointment.

30
31 **Section 125. Jurisconsult Under Existing Law.** – Notwithstanding the
32 preceding section, the Office of the Jurisconsult under PD 1083 shall be strengthened
33 by providing that the salary, rank, benefits, and privileges of the Jurisconsult shall be
34 equivalent to that of justices of the Court of Appeals.

35

1 implementation, and evaluation of policies related to the strengthening of tribal justice
2 system; ensuring further that such systems maintain their indigenous character in
3 accordance with the respective practices of each tribe.

4

5

Regular Courts in the Bangsamoro

6

7 **Section 130. Regular Courts.** Regular courts in the Bangsamoro shall
8 continue to exercise their judicial functions, as provided by law. The Bangsamoro
9 Government shall undertake measures to support the regular courts in the Bangsamoro
10 consistent with the powers of the Supreme Court.

11

12

Alternative Dispute Resolution

13

14 **Section 131. Alternative Dispute Resolution.** The Bangsamoro Government
15 shall adopt the principles of conciliation and mediation in settling disputes and, through
16 Parliament, shall pass the necessary legislation to institute the mechanism for
17 alternative dispute resolution. The *Shari'ah* Courts and the traditional and tribal
18 adjudicatory tribunal may utilize this mode of settlement and resolution of cases which
19 may be feasible and useful.

20

21

Article XI

22

PUBLIC ORDER AND SAFETY

23

24 **Section 132. Public Order and Safety.** – The Bangsamoro Government shall
25 have primary responsibility over public order and safety within the Bangsamoro. There
26 shall be cooperation and coordination between the Central Government and the
27 Bangsamoro Government through the intergovernmental relations mechanism.

28

29 **Section 133. Bangsamoro Police.** – There is hereby created a Bangsamoro
30 Police which shall be organized, maintained, supervised, and utilized for the primary
31 purpose of law enforcement and maintenance of peace and order in the Bangsamoro. It
32 shall be part of the Philippine National Police.

33

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

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

3

4 **Section 134. Powers and Functions of the Bangsamoro Police.** – The
5 Bangsamoro Police shall exercise within the Bangsamoro the following powers and
6 functions:

7

- 8 a. Enforce laws enacted by the Congress and by the Bangsamoro Parliament
9 relative to the protection of lives and properties of the people;
- 10
- 11 b. Maintain law and order and ensure public safety;
- 12
- 13 c. Investigate and prevent crimes, arrest criminal offenders, bring criminal suspects
14 to justice, and assist in their prosecution;
- 15
- 16 d. Conduct searches and seizures in accordance with pertinent laws;
- 17
- 18 e. Detain persons for a period not exceeding what is prescribed by law, inform the
19 person so detained of all his or her rights under the Constitution and this Basic
20 Law, and observe the human rights of all people in the Bangsamoro;
- 21
- 22 f. Process and facilitate applications for the registration of firearms and the
23 issuance of licenses and permits for approval by the proper official of the
24 Philippine National Police;
- 25
- 26 g. Initiate drives for the registration or surrender of unregistered firearms;
27 confiscate unregistered firearms after such drives are over; prosecute or
28 recommend to the President the grant of amnesty or pardon to possessors of
29 unregistered firearms who surrender them; and
- 30
- 31 h. Perform such other duties and exercise all other functions as may be provided by
32 law enacted by Congress or by the Bangsamoro Parliament.

33

34 **Section 135. Bangsamoro Police Organization.** – The structural
35 organization of the Bangsamoro Police shall be as follows:

36

- 1 a. It shall be headed by a Bangsamoro Police Director, who shall be assisted by at
2 least two (2) deputies. They shall be professional police officers with the rank
3 of, at least, Police Chief Superintendent. For a period of ten (10) years,
4 immediately following the enactment of this Basic Law, the head of the
5 Bangsamoro Police and his deputies may be selected from a list of Bangsamoro
6 Police officers with a rank of Police Senior Superintendent;
7
- 8 b. It shall have regional, provincial, and city or municipal offices;
9
- 10 c. The provincial office shall be headed by a provincial director, who shall be a
11 professional police officer with the rank of, at least, police superintendent; and
12
- 13 d. The city or municipal office or station shall be headed by a Chief of Police, who
14 shall be a professional police officer with the rank of, at least, police
15 superintendent for the city and police inspector for the municipality.
16

17 **Section 136. Bangsamoro Police Board.** – There is hereby created a
18 Bangsamoro Police Board, which shall perform the functions of the National Police
19 Commission in the Bangsamoro Government. The board shall be part of the National
20 Police Commission (NAPOLCOM). The NAPOLCOM shall ensure that the Bangsamoro
21 Police Board performs its powers and functions within the bounds of its authority. In
22 addition, it shall perform the following functions:
23

- 24 a. To set the policing objectives and priorities in the Bangsamoro;
25
- 26 b. To monitor the performance of the Bangsamoro Police against policing
27 objectives and priorities;
28
- 29 c. To monitor crime trends and patterns, as well as, performance in areas of
30 human rights, crime reduction, and crime prevention, recruiting patterns, and
31 employment opportunities in Bangsamoro;
32
- 33 d. To provide information and guidance to the Bangsamoro Government and the
34 PNP on the annual budgetary requirement of the Bangsamoro Police;
35
- 36 e. To monitor police performance as against the budget allocation for the

1 Bangsamoro Police; and

- 2
- 3 f. To recommend the Bangsamoro Police Director and his Deputies, the Provincial
- 4 Directors, and City and Municipal chiefs of the Bangsamoro Police.

5 The Bangsamoro Police Board shall have the power to investigate complaints

6 against members of the Bangsamoro Police, conduct summary hearing, and adjudicate

7 administrative cases en banc. Appeals from its decision may be lodged with the National

8 Appellate Board. Pending resolution of the appeal, its decisions may be executed. The

9 existing rules and regulations governing the investigation and disposition of cases

10 involving members of the Philippine National Police shall be followed by the

11 Bangsamoro Police Board in the absence of law enacted by the Bangsamoro Parliament.

12

13 **Section 137. Composition of the Board.** – The Board shall be composed of

14 eleven (11) members. Six (6) members of the Board shall come from the Bangsamoro

15 Parliament and five (5), from various sectors. The six (6) members of the board coming

16 from the Parliament shall not hold any other post. All the members thereof shall be

17 appointed by the Chief Minister in accordance with the rules promulgated by the

18 Bangsamoro Parliament for this purpose.

19

20 The Chief Minister shall act as *ex-officio* Chair of the Bangsamoro Police Board.

21

22 **Section 138. Terms of Office.** – The sectoral representatives to the board

23 shall hold office for a period of three (3) years; provided that of those first appointed as

24 sectoral representatives, two (2) will sit for three (3) years, another two (2) will sit for

25 two (2) years, and the last will sit for one (1) year. Appointment for any vacancy shall

26 only be for the unexpired term of the predecessor.

27

28 The members of Parliament who are likewise members of the Board shall hold

29 office for the duration of their elective terms.

30

31 **Section 139. Powers of the Chief Minister Over the Bangsamoro Police.**

32 – The Chief Minister shall have the following powers over the Bangsamoro Police:

- 33
- 34 a. To act as *ex-officio* member of the National Police Commission and as *ex-officio*
- 35 Chair of the Bangsamoro Police Board;

- 1 b. To select the head of the Bangsamoro Police and his deputies;
2
- 3 c. To exercise operational control and supervision and disciplinary powers over the
4 Bangsamoro Police;
5
- 6 d. To employ or deploy the elements of and assign or reassign the Bangsamoro
7 Police through the Bangsamoro Police Director. The Bangsamoro Police Director
8 shall not countermand the order of the Chief Minister unless it is in violation of
9 the law;
10
- 11 e. To oversee the preparation and implementation of the Integrated Bangsamoro
12 Public Safety Plan;
13
- 14 f. To impose, after due notice and summary hearings of the citizen's complaints,
15 administrative penalties on personnel of the Bangsamoro Police, except those
16 appointed by the President; and
17
- 18 g. Do everything necessary to promote widespread support for the Bangsamoro
19 Police by residents of the Bangsamoro.
20

21 **Section 140. Manning Level.** – The average manning level of the Bangsamoro
22 Police shall be approximately in accordance with the police-to-population of one (1)
23 police officer for every five hundred (500) persons. The actual strength by cities and
24 municipalities shall depend on the state of peace and order, population density, and
25 actual demands of service in the particular area; provided, that the minimum police to
26 population ratio shall not be less than one (1) police officer for every one thousand
27 (1,000) persons; provided further, that urban areas shall have a higher minimum police
28 to population ratio as may be prescribed by regulations.
29

30 **Section 141. Appointment of Officers and Members of the Bangsamoro**
31 **Police.** – The appointment of the officers and members of the Bangsamoro Police shall
32 be effected in the following manner:
33

- 34 a. *Police Officer I to Senior Police Officer IV.* – Appointed by the head of the
35 Bangsamoro Police, subject to the confirmation of the Bangsamoro Police
36 Board, and attested by the Civil Service Commission.

1
2 Other personnel for the Bangsamoro Police shall also be appointed by its head.
3

4 b. *Inspector to Superintendent.* – Appointed by the Chief of the Philippine National
5 Police, as recommended by the head of the Bangsamoro Police and the Chief
6 Minister, and attested by the Civil Service Commission; and
7

8 c. *Senior Superintendent and above.* – Appointed by the President upon
9 recommendation of the chief of the Philippine National Police, with proper
10 endorsement by the Chief Minister and the Civil Service Commission.
11

12 **Section 142. Community Policing.** – The Bangsamoro Police shall adopt
13 community policing as an essential mechanism in maintaining peace and order. It shall
14 promote organization strategies that support the systematic use of partnerships and
15 problem solving techniques to immediately address public safety issues such as crimes
16 and social disorder.
17

18 To this effect, the Bangsamoro Police and Community Relations Agency is hereby
19 created. Its organization shall be drawn up by the Parliament.
20

21 **Section 143. Law Governing the Bangsamoro Police.** – The Bangsamoro
22 Parliament is hereby authorized to enact laws to govern the Bangsamoro Police
23 consistent with this Basic Law.
24

25 **Section 144. Transitional Arrangements.** – Upon the establishment of the
26 Bangsamoro Transition Authority and pending the organization of the Bangsamoro
27 Police, the Bangsamoro Transition Authority shall have substantial participation in
28 choosing the head and in the employment and the deployment of existing Philippine
29 National Police in the Bangsamoro. The head of the Bangsamoro Police will be selected
30 from a list of three (3) eligible officers recommended by the Philippine National Police.
31 Members of the PNP who are residents of the Bangsamoro currently assigned in the
32 Autonomous Region in Muslim Mindanao shall continue in their assignments until the
33 finality of the organization of the Bangsamoro Police.
34

35 **Section 145. National Support Services.** – The relationship between the
36 Bangsamoro Police and the national support services of the Philippine National Police

1 shall be determined by the intergovernmental relations body.

2

3 **Section 146. Jail Management, Penology and Fire Protection.** –The
4 following agencies are hereby created:

5

6 a. *Bureau of Jail Management and Penology.* – The Bangsamoro Bureau of Jail
7 and Management Penology is hereby created to render support to the
8 Bangsamoro Police, with the following major programs, among others:
9 Livelihood Projects, Educational and Vocation Training, Recreation and Sports,
10 and the Religious and Spiritual Activities.

11

12 b. *Bureau of Fire Protection.* – The Bangsamoro Bureau of Fire Protection is
13 hereby created. It shall be responsible for the prevention and suppression of
14 destructive fires in the Bangsamoro.

15

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

18

19 **Section 147. Defense of the Bangsamoro.** – The defense of the
20 Bangsamoro shall be the responsibility of the Central Government. The Central
21 Government shall create a Bangsamoro Military Command of the Armed Forces of the
22 Philippines for the Bangsamoro, which shall be organized, maintained, and utilized in
23 accordance with national laws. Qualified inhabitants of the Bangsamoro territory shall
24 be given preference in the leadership of Command for assignments in the said
25 Bangsamoro Military Command.

26

27 **Section 148. Auxillary Contingent.** - A Bangsamoro auxillary contingent
28 attached to the Bangsamoro Military Command shall be organized and deployed or
29 stationed in the Bangsamoro. It shall provide support services to the Bangsamoro
30 Military Command such as administrative, medical, nutritional, recreational, and
31 spiritual.

32

33 The members of the contingent shall have the necessary qualifications and
34 undergone training relative to their chosen assignments, developed skills and/or special
35 training, as nursing aides, nutritionists, physical therapists, or religious personalities
36 (*ulama*).

1
2 At least fifty percent (50%) of the auxiliary contingent shall be women.
3

4 **Section 149. Calling Upon the Armed Forces of the Philippines.** –

5 Notwithstanding the provisions of the preceding sections, the Chief Minister may
6 request the President to call upon the Armed Forces of the Philippines:
7

- 8 a. To prevent or suppress lawless violence, invasion, or rebellion, when the public
9 safety so requires, in the Bangsamoro;
10
11 b. To suppress the danger to or breach of peace in the Bangsamoro, when the
12 Bangsamoro Police is not able to do so; or
13
14 c. To avert any imminent danger to public order and security in the area of the
15 Bangsamoro.
16

17 **Section 150. Coordination.** – The Central Government and the Bangsamoro

18 Government shall establish coordination protocols, which shall govern the movement of
19 Armed Forces of the Philippines in the Bangsamoro territory.
20

21 **Section 151. Indigenous Structure.** The Bangsamoro Government shall

22 recognize indigenous structures or systems which promote peace, and law and order.
23 The Bangsamoro Parliament shall provide institutional support to these structures and
24 systems to enhance peace and security in the Bangsamoro.
25

26 **Article XII**

27 **FISCAL AUTONOMY**
28

29 **Section 152. Fiscal Autonomy.** – The Bangsamoro shall enjoy the maximum

30 form of fiscal autonomy with the end in view of attaining economic self-sufficiency and
31 genuine development. It shall be entitled to all fund sources enumerated herein, and
32 shall have the power to create its sources of revenues as provided in this law. It shall
33 prepare its budget and shall allocate funds in accordance with an annual appropriations
34 law passed by the Bangsamoro Parliament. The form, content, and manner of
35 preparation of the budget shall be prescribed by law enacted by the Bangsamoro
36 Parliament.

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Section 153. Auditing. – All public funds of the Bangsamoro are subject to auditing. For this purpose, a Bangsamoro Commission on Audit (BCA) is hereby created. It shall have the primary power, authority, and duty to examine, audit, and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to the public funds utilized by the Bangsamoro. The utilization of the revenue generated by the Bangsamoro Government and block grants or subsidies from foreign or domestic donors shall be subject to the auditing rules and regulations of the Bangsamoro Government and to auditing by the BCA auditors.

The BCA’s power, authority, and duty shall be without prejudice to the power, authority, and duty of the Commission on Audit (COA) to examine, audit, and settle all accounts, pertaining to the revenues and the use of funds and property owned and held in trust by any government instrumentality, including GOCCs.

With due regard to the BCA’s responsibility to ensure the judicious use of funds within the Bangsamoro, disbursement vouchers of the Bangsamoro Government shall be submitted immediately to the BCA.

Section 154. Local Government Finance. – The Bangsamoro Government shall create a mechanism for coordinating, assisting, and monitoring the finances of the constituent local government units in pursuance of good governance and local autonomy.

There is hereby created a Bureau of Local Government Finance under the Ministry of Finance to direct and supervise the local government treasuries within the Bangsamoro.

Section 155. Central Government Assistance. – The Central Government shall extend assistance to the Bangsamoro Government in the matter of tax administration and fiscal management. This assistance shall include capacity building and training programs, in accordance with a needs assessment and capacity building plan developed by the Bangsamoro Government in consultation with the Central Government.

1 Government shall evolve a progressive, responsive, and culture sensitive system of
2 taxation which shall, among other things, provide for incentives for the prompt payment
3 of taxes and penalize tax evasion and delinquency.
4

5 **Section 160. Tax Incentives.** – To encourage investments and other
6 economic activities, the Bangsamoro Government shall have the power to grant tax
7 exemptions, rebates, tax holidays, and other incentives including those granted to the
8 Regional Board of Investment of the Autonomous Region in Muslim Mindanao, as
9 provided in RA 6734, RA 9054, other legislations, as well as, executive issuances. As
10 part of incentives to investors, the Bangsamoro may opt instead to impose a flat rate
11 lump sum tax on small and medium enterprises.
12

13 **Section 161. Taxing Powers.** The following taxes in the Bangsamoro shall be
14 levied by the Bangsamoro Government:
15

- 16 a. *Capital Gains Tax.* – Tax imposed on the gains presumed to have been realized
17 by the seller from the sale, exchange, or other disposition of capital assets,
18 including *pacto de retro* sales and other forms of conditional sale;
19
- 20 b. *Documentary Stamp Tax.* – Tax on documents, instruments, loan agreements,
21 and papers evidencing the acceptance, assignment, sale or transfer of an
22 obligation rights or property incident thereto;
23
- 24 c. *Donor's Tax.* – Tax on a donation or gift, and is imposed on the gratuitous
25 transfer of property between two or more persons who are living at the time of
26 the transfer. It shall apply whether the transfer is in trust or otherwise, whether
27 the gift is direct or indirect, and whether the property is real or personal,
28 tangible or intangible;
29
- 30 d. *Estate Tax.* – Tax on the right of the deceased person to transmit his/her estate
31 to his/her lawful heirs and beneficiaries at the time of death and on certain
32 transfers, which are made by law as equivalent to testamentary disposition;
33
- 34 e. Income tax levied on banks, non-bank intermediaries, and other financial
35 institutions operating in the bangsamoro;
36

- 1 f. Registration fees of vessels which are registered by their owners with the
2 Bangsamoro Government and wharfage on wharves constructed and
3 maintained by the Bangsamoro Government or the local government unit
4 concerned;
- 5
- 6 g. Tolls on bridges or roads constructed and maintained by the provinces, cities,
7 municipalities, or barangays concerned or by the Bangsamoro Government;
- 8
- 9 h. Taxes, fees, or charges on agricultural and aquatic products, except when sold
10 by marginal farmers or fisherfolk;
- 11 i. Excise taxes on articles that are not enumerated under the National Internal
12 Revenue Code;
- 13
- 14 j. Taxes, fees, and charges for passengers travelling to and from the
15 Bangsamoro;
- 16
- 17 k. Taxes, fees, or charges on countryside, barangay enterprises and cooperatives
18 not registered under Republic Act No. 6810, the "Magna Carta for Countryside
19 and Barangay Business Enterprises" and Republic Act No. 6938, the
20 "Cooperatives Code of the Philippines," respectively; and
- 21
- 22 l. Such other taxes that were allowed to be levied by the Government of the
23 Autonomous Region in Muslim Mindanao under RA 6734, RA 9054, and other
24 legislations and executive issuances.
- 25

26 Where all taxable elements are within the Bangsamoro territory, taxes under
27 letters (a) to (d) above shall no longer be imposed by the Bureau of Internal Revenue
28 (BIR) of the Central Government. The Intergovernmental Fiscal Policy Board shall
29 promulgate rules on the determination of taxable elements in relation to taxes (a) to (d)
30 above and on the sharing of revenues from the collection of such taxes where the
31 taxable elements are found within and outside of the Bangsamoro territory. Any
32 dispute between the Bangsamoro Government and the Central Government arising from
33 the imposition of the above taxes shall be addressed by the Intergovernmental Fiscal
34 Policy Board.

1 **Section 162. Share in Taxes of the Central Government.** – Central
2 Government taxes, fees, and charges collected in the Bangsamoro, other than tariff and
3 customs duties, shall be shared as follows:

- 4
- 5 a. Twenty-five (25%) percent to the Central Government; and
 - 6
 - 7 b. Seventy-five (75%) percent to the Bangsamoro, including the shares of the
8 local government units.
 - 9

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

14

15 The shares in taxes, fees, and charges provided under this section shall be an
16 amount separate and distinct from the annual block grant appropriated to the
17 Bangsamoro under Section 17 of this article.

18

19 **Section 163. Assessment and Collection of Taxes; Bangsamoro**
20 **Revenue Office.** – The Bangsamoro Parliament shall, by law, establish the
21 Bangsamoro Revenue Office within the Bangsamoro for the purpose of assessing and
22 collecting Bangsamoro taxes, as well as, all other collectible taxes in the Bangsamoro.

23

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

26

27 Until such time that the Bangsamoro Revenue Office is established, the collection
28 shall be done by the Bureau of Internal Revenue (BIR). The share of the Bangsamoro
29 Government shall be retained by the Central Government collecting agencies and shall
30 be remitted or released to the Bangsamoro in lump sum without need for an
31 appropriations law.

32

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

36

1 sufficient for the exercise of the powers and functions of the Bangsamoro Government
2 under this Basic Law and in no case to be less than the last budget received by the
3 Autonomous Region in Muslim Mindanao immediately before the establishment of the
4 Bangsamoro Transition Authority.
5

6 **Section 169. Formula of the Block Grant.** – For the budget year immediately
7 following the year this Act takes effect, the amount of the block grant shall be
8 equivalent to Six Percent (6%) of the net national internal revenue collection of Bureau
9 of Internal Revenue and of the Bureau of Customs.
10

11 For purposes of this Section, the net national internal revenue collection of the
12 Bureau of Internal revenue is understood to be the sum of all internal revenue tax
13 collections during the base year less the internal revenue allotment of local government
14 units, as well as, the amount released during the same year for tax refunds, payments
15 for informer’s reward, and any portion of internal revenue tax collections which are
16 presently set aside, or hereafter earmarked under special laws for payment to third
17 persons.
18

19 Provided, that the computation shall be based on collections from the third fiscal
20 year preceding the current fiscal year;
21

22 Provided, further, that the above formula shall be adjusted if, after the effectivity
23 of this Act, there occurs a change in the total land area of the Bangsamoro.
24

25 **Section 170. Automatic Appropriation.** – The annual block grant shall be
26 automatically appropriated to the Bangsamoro Government and reflected in the General
27 Appropriations Act.
28

29 The Bangsamoro Parliament shall pass an annual appropriations law that
30 allocates the block grant to various agencies and programs, according to the powers
31 and functions of the Bangsamoro Government. The Bangsamoro annual appropriations
32 law may also include performance standards and targets for each sector. Any unspent
33 amount in the current year’s block grant shall revert to the Bangsamoro general fund
34 for re-appropriation.
35

1 **Section 171. Regular Release.** – The block grant shall be released, without
2 need of any further action, directly and comprehensively, to the Bangsamoro
3 Government, and which shall not be subject to any lien or holdback that may be
4 imposed by the Central Government for whatever purpose.

5
6 **Section 172. Deductions from the Block Grant; Exceptions.** – Ten (10)
7 years from the operationalization of the regular Bangsamoro Government, the following
8 shall be deducted from the block grants:

- 9
- 10 a. Revenues from the additional taxes beyond those already devolved to the
11 Autonomous Region in Muslim Mindanao collected three (3) years before; and
12
 - 13 b. Share of the Bangsamoro in the government income derived from the
14 exploration, development, and utilization of natural resources, as provided
15 under Article XII, Section 34 collected three (3) years before.
- 16

17 Provided, that the amount allocated for the operation of the Bangsamoro
18 Sustainable Development Board, as provided in Article XIII, Section 4, shall not be
19 included in the amount herein to be deducted from the block grant; Provided, further,
20 that the abovementioned deduction shall not include the shares of constituent local
21 government units and of indigenous communities in government income derived from
22 the exploration, development, and utilization of natural resources, under Article XII,
23 Sections 35 and 36, respectively.

24

25 **Section 173. Review of the Block Grant Formula.** – The formula for the
26 Block Grant, as provided above, shall be reviewed by the Intergovernmental Fiscal
27 Policy Board ten (10) years after its effectivity. The review that shall be undertaken
28 shall consider, among others, the fiscal needs of the Bangsamoro and the actual
29 revenues it is able to generate. Thereafter, the review shall be undertaken every five
30 (5) years as agreed upon in the Intergovernmental Fiscal Policy Board. Should the
31 Central Government no longer have any representative in the said Board, the review
32 shall be undertaken by the Intergovernmental Relations Body, for enactment into law.

33

34 **Section 174. Development Programs and Projects.** – Immediately after the
35 ratification of this Basic Law, and for another five (5) years thereafter, the Central
36 Government shall provide for additional funds that would subsidize expenditure for

1 development projects and infrastructure in the Bangsamoro, including provincial and
2 municipal roads, in accordance with a development plan formulated by the Bangsamoro
3 Government. The Central Government and the Bangsamoro Government shall agree on
4 the amount through the intergovernmental relations body, as well as, the manner of
5 release of said amount to the Bangsamoro Government.

7 ***Loans***

9 **Section 175. Foreign and Domestic Loans; Bills, Bonds, Notes and**
10 **Obligations.** – (a) *Loans, Credits, and Other Forms of Indebtedness.* – The
11 Bangsamoro Government may contract-loans, credits, and other forms of indebtedness
12 in order to finance the construction, installation, improvement, expansion, operation, or
13 maintenance of public facilities, infrastructure facilities, housing projects, the acquisition
14 of real property, and the implementation of other capital investment projects, as well
15 as, for the development and welfare of the people of the Bangsamoro.

16
17 Subject to acceptable credit worthiness, such loans may be secured from
18 domestic and foreign lending institutions, except foreign and domestic loans requiring
19 sovereign guaranty, whether explicit or implicit, which would require the approval of the
20 Central Government. The Bangsamoro Parliament may authorize the Chief Minister to
21 contract such domestic or foreign loans. The loans so contracted may take effect upon
22 approval by a majority of all the members of the Bangsamoro Parliament.

23
24 The Central Government shall assist the Bangsamoro Government in complying
25 with the requirements for a speedy issuance of the sovereign guaranty, to finance local
26 infrastructure and other socio-economic development projects in accordance with the
27 Bangsamoro Development Plan.

28
29 Within 30 days from the submission of the Bangsamoro Government of its
30 application for sovereign guaranty, the Bangsamoro Government shall be informed by
31 the Central Government on the actions taken on the application. The application shall
32 be resolved with dispatch.

33
34 (b) *Bills, Bonds, Notes, Debentures, and Obligations.* – The Bangsamoro Government is
35 also authorized to issue treasury bills, bonds, debentures, securities, collaterals, notes,
36 obligations, and other debt papers or documents, as well as, redeem or retire the same,

1 pursuant to law enacted by the Bangsamoro Parliament. Said authority may be
2 exercised in order to finance self-liquidating, income producing development or
3 livelihood projects pursuant to the priorities established in the aforementioned
4 development plan.

5

6 *(c) Payment of Loans and Indebtedness.* – The Bangsamoro Government shall
7 appropriate in its annual budget such amounts as are sufficient to pay their loans and
8 their indebtedness incurred.

9

10 **Section 176. Overseas 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 directly of Overseas
13 Development Assistance (ODA). The Bangsamoro Parliament may enact legislation
14 governing ODA.

15

16 ***Grants and Donations***

17

18 **Section 177. Grants and Donations.** – Grants and donations from foreign
19 and domestic donors received by the Bangsamoro Government for the development
20 and welfare of the people in the Bangsamoro shall be used solely for the purpose for
21 which they were received.

22

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

27 ***Economic Agreements and Conventions***

28

29 **Section 178. Economic Agreements.** –The Bangsamoro Government may
30 enter into economic agreements and receive benefits and grants derived therefrom as
31 provided in Section 1, Article V of this law.

32

33 **Section 179. Cultural Exchange, Economic and Technical Cooperation.** –
34 Consistent with the reserved powers of the Central Government and whenever
35 necessary, the Central Government shall appoint recommendees of the Bangsamoro
36 Government to Philippine embassies, consulates, and international delegations. The

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Section 184. Existing GOCCs in the Bangsamoro. – The Bangsamoro Government shall be represented in the board of directors or in the policy-making bodies of GOCCs that operate a substantial portion of their businesses directly or through their subsidiaries in the Bangsamoro or where the Bangsamoro has substantial interest. The Intergovernmental Fiscal Policy Board (IGFPB) shall determine the extent of participation. In no case shall the Bangsamoro have less than one seat in the governing board of such entities.

The share of the Bangsamoro Government from the results of operations of GOCCs and subsidiaries operating in the Bangsamoro shall be based on a formula determined by the Intergovernmental Fiscal Policy Board under Section 36 of this Basic Law.

Sharing in the Exploration, Development, and Utilization of Natural Resources

Section 185. Sharing in Exploration, Development and Utilization of Natural Resources. –Government revenues generated from the exploration, development and utilization of all natural resources in the Bangsamoro, inclusive of mines and minerals, shall pertain fully to the Bangsamoro Government. In the case of fossil fuels (petroleum, natural gas, and coal) and uranium, the same shall be co-managed and the revenues shared equally between the Central and Bangsamoro Governments.

Such sharing scheme shall be applicable to all natural resources found in the Bangsamoro territory, both the land mass and the waters under its territorial jurisdiction.

Section 186. Share of the Constituent Local Government Units. – The share of the Bangsamoro Government in the revenues referred to in the immediately preceding section shall include those for its constituent local government units. The Bangsamoro Parliament shall enact a law detailing the shares of such local government units.

1 operating in the Bangsamoro. The Board shall also determine a formula for the share of
2 the Bangsamoro Government from the results of said operations;

3
4 (e) Determine the participation of the Bangsamoro in the ownership and management
5 of Al-Amanah Islamic Investment bank of the Philippines and the Southern Philippines
6 Development Authority (SPDA) to the Bangsamoro; and

7
8 (f) Recommend the exercise by the Bangsamoro Government of additional fiscal powers
9 in order to attain the highest form of fiscal autonomy.

10
11 (g) Define the modalities for the filing of income tax returns for corporation or firms
12 whose central, main, or head offices are located outside the Bangsamoro but are doing
13 business within its territorial jurisdiction so that income realized from such operations in
14 the Bangsamoro shall be attributed as income derived therein and subject to the
15 sharing scheme between the Central Government and the Bangsamoro Government

16
17 **Section 190. Composition.** – The Board shall be composed of the heads
18 and/or representatives of the appropriate ministries and offices in the Bangsamoro
19 Government. The Central Government shall likewise be represented in the Board by the
20 Secretary of Finance and such other officials as may be necessary.

21
22 The Board shall be headed by two co-Chairs, one representing the Bangsamoro
23 Government and the other, the Central Government.

24
25 Once full fiscal autonomy has been achieved by the Bangsamoro, it may no
26 longer be necessary to have a representative from the Central Government to sit in the
27 Board.

28
29 **Section 191. Meetings and Annual Report.** - The Board shall meet at least
30 once in six (6) months or as often as necessary and shall adopt its own rules of
31 procedure for the conduct of its meetings.

32 An annual report shall be submitted by the Board to the Central Government and the
33 Bangsamoro Government, and be made available to the public.

34
35 **Section 192. Full Disclosure Policy.** – The Bangsamoro Government hereby
36 adopts a policy of full disclosure of its budget and finances, and bids and public

1 offerings and shall provide protocols for the guidance of local authorities in the
2 implementation of said policy, which shall include, among others, the posting of the
3 Summary of Income and Expenditures, and the participation of representatives from
4 civil society in the budget process. The same policy shall apply to its constituent local
5 government units, as may be provided in the Bangsamoro Local Government Code to
6 be enacted by the Bangsamoro Parliament.

7

8 **Section 193. Additional Fiscal Powers.** – The IGFPB may recommend the
9 exercise by the Bangsamoro of additional fiscal powers in order to reach full fiscal
10 autonomy. Such recommendations shall be proposed to Congress or the appropriate
11 agency of the Central Government that has the power to effect such recommendations.

12

13

Article XIII

14

ECONOMY AND PATRIMONY

15

16 **Section 194. Social Justice, and the Bangsamoro Economic System-**
17 The Bangsamoro shall establish an economic system based on the principle of social
18 justice. Pursuant to this principle, the Bangsamoro Parliament shall legislate laws
19 pertaining to the Bangsamoro economy and patrimony that are responsive to the needs
20 of its people.

21

22

Sustainable Development

23

24 **Section 195. Equitable and Sustainable Development.** – In order to
25 protect and improve the quality of life of the inhabitants of the Bangsamoro,
26 development in the Bangsamoro shall be carefully planned, taking into consideration
27 the ecological balance and the natural resources that are available for its use and for
28 the use of future generations.

29

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

33

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

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Section 196. Comprehensive Framework for Sustainable Development.

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

Section 197. Bangsamoro Sustainable Development Board. – The

Bangsamoro Parliament shall create a Bangsamoro Sustainable Development Board (BSDB), an intergovernmental body composed of representatives from the Bangsamoro Government and the Central Government. The Board shall ensure the harmonization of environmental and developmental plans, as well as, formulate common environmental objectives.

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

Section 198. Bangsamoro Development Plan. – The Bangsamoro

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

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

For this purpose, the Bangsamoro Parliament shall create a Bangsamoro economic planning, research, and development office.

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

4
5 The Bangsamoro Government shall also have the power to declare nature
6 reserves and aquatic parks, forests, watershed reservations, and other protected areas
7 in the Bangsamoro.

8
9 The Bangsamoro Parliament shall pass a law on protected areas, regarding the
10 procedure for the declaration, and the management of those that are so declared, and
11 the role of the Bangsamoro Government and other stakeholders in the process.

12
13 **Section 202. Transfer of Existing Nature Reserves and Protected Areas.**

14 – The management and protection of nature reserves and aquatic parks, forests,
15 watershed reservations, and other protected areas in the Bangsamoro territory that
16 have already been defined by and under the authority of the Central Government shall
17 be transferred to the Bangsamoro Government.

18
19 Within three months from the establishment of the Bangsamoro Transition
20 Authority, the Bangsamoro Government and Department of Environment and Natural
21 Resources (DENR), as well as, other relevant government agencies shall start the
22 process of transferring these areas, including the conduct of surveys of all affected
23 areas and the planning and transition for each and every protected area. Such process
24 shall be completed within a period not exceeding two (2) years.

25
26 **Section 203. Exploration, Development, and Utilization of Fossil Fuels
27 and Uranium.** - The Bangsamoro Government and the Central Government shall
28 jointly exercise the power to grant rights, privileges, and concessions over the
29 exploration, development, and utilization of fossil fuels (petroleum, natural gas, and
30 coal) and uranium in the Bangsamoro.

31
32 The Central Government, through the Department of Energy (DOE), and the
33 Bangsamoro Government shall adopt a competitive and transparent process for the
34 grant of rights, privileges, and concessions in the exploration, development, and
35 utilization of fossil fuels and uranium.

1 The DOE and the Bangsamoro Government will identify and select prospective
2 contract areas to be offered for exploration and development. A qualified Filipino
3 citizen who is a *bona fide* resident of the Bangsamoro will receive a rating higher than
4 other proponents during the evaluation process. The award of the service contract
5 shall be made jointly by the DOE and the Bangsamoro Government.
6

7 **Section 204. Preferential Rights of Bona Fide Inhabitants of the**
8 **Bangsamoro.** – Qualified citizens who are *bona fide* inhabitants of the Bangsamoro
9 shall have preferential rights over the exploration, development, and utilization of
10 natural resources, including fossil fuels (petroleum, natural gas, and coal) and uranium,
11 within the Bangsamoro territory. Existing rights over the exploration, development, and
12 utilization of natural resources shall be respected until the expiration of the
13 corresponding leases, permits, franchises, or concessions, unless legally terminated.
14

15 **Section 205. Rights of Indigenous Peoples Over Natural Resources.** –
16 The Bangsamoro Parliament shall enact a law recognizing the rights of indigenous
17 peoples in the Bangsamoro in relation to natural resources within the territories covered
18 by a native title, including their share in revenues, as provided in this Basic Law, and
19 preferential rights in the exploration, development and utilization of such natural
20 resources within their area.
21 The right of indigenous peoples to free and prior informed consent in relation to
22 development initiatives shall be respected.
23

24 **Section 206. Mines and Mineral Resources.** – The Bangsamoro Government
25 shall have authority and jurisdiction over the exploration, development, and utilization
26 of mines and minerals in its territory, taking into consideration environmental protection
27 and ecological balance. Permits and licenses and the granting of contracts for this
28 purpose shall be within the powers of the Bangsamoro Government.
29

30 **Section 207. Financial and Technical Assistance Agreements.** – The
31 applications for financial and technical assistance agreements (FTAAs) covering mineral
32 resources within the Bangsamoro shall be commenced at and recommended by the
33 Bangsamoro Government to the President.
34

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

4
5 **Section 208. Regulation of Small-Scale Mining.** – Small-scale mining shall
6 be regulated by the Bangsamoro Government to the end that the ecological balance,
7 safety and health, and the interests of the affected communities, the miners, the
8 indigenous peoples, and the local government units of the place where such operations
9 are conducted are duly protected and safeguarded.

10
11 **Section 209. Legislating Benefits, Compensation for Victims and**
12 **Communities Adversely Affected by Mining and Other Activities that Harness**
13 **Natural Resources.** - The Bangsamoro Parliament shall enact laws for the benefit
14 and welfare of the inhabitants injured, harmed or adversely affected by the harnessing
15 of natural and mineral resources in the Bangsamoro. Such laws may include payment of
16 just compensation to and relocation of the people and rehabilitation of the areas
17 adversely affected by the harnessing of natural and mineral resources mentioned
18 above.

19
20 The Bangsamoro Parliament may, by law, require the persons, natural or
21 juridical, responsible for causing the harm or injury mentioned above to bear the costs
22 of compensation, relocation, and rehabilitation mentioned above wholly or partially.

23
24 **Section 210. Bangsamoro Mining Policy.** - Policies on mining and other
25 extractive industries shall be drawn up by the Bangsamoro Parliament in accordance
26 with its Comprehensive Sustainable Development Plan, as well as, its over-all medium-
27 term and long-term Bangsamoro Development Plan.

28
29 **Section 211. Land Tenure And Conflicting Claims.** – In order to address
30 conflicting land claims, the Bangsamoro shall develop a land tenure improvement
31 program to be designed and implemented by the concerned ministries of the
32 Bangsamoro. Measures shall be undertaken to facilitate the identification of land
33 ownership and the generation of land titles. The plan may include measures that would
34 provide the necessary titling assistance for legitimate landowners and abbreviated
35 procedures for the registration of lands. For this purpose, the Bangsamoro Parliament
36 may enact a law and create the necessary office.

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Section 212. Zones of Joint Cooperation. – Zones of Joint Cooperation in the Sulu Sea and the Moro Gulf are hereby created, the coordinates of which shall be defined by an *ad hoc* joint body composed of representatives from the Department of Environment and Natural Resources (DENR) and the National Mapping and Resource Information Authority (NAMRIA) and an equal number of representatives from appropriate agencies of the Bangsamoro Government.

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

Section 213. Joint Body for the Zones of Joint Cooperation. – There shall be created a Joint Body for the Zones of Joint Cooperation composed of a Bangsamoro Minister as Chair, at least one (1) representative of a constituent local government unit of the Bangsamoro adjacent to the Sulu Sea, at least one (1) representative of a constituent local government unit of the Bangsamoro adjacent to the Moro Gulf, the Secretary of Environment and Natural Resources, the Secretary of Agriculture, and the Secretary of Transportation and Communication of the Central Government, or their authorized representatives, and their counterpart officials from the appropriate Bangsamoro offices and/or agencies. There shall be at least one (1) representative from an adjoining local government unit that is not part of the Bangsamoro, and adjacent to the Sulu Sea, and at least one (1) representative from an adjoining local government unit that is not part of the Bangsamoro, and adjacent to the Moro Gulf. The Joint Body shall be responsible for drawing up of policies mentioned in the preceding Section, as well as, those necessarily related thereto.

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

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

- 1
- 2 a. protection of the traditional fishing grounds;
- 3
- 4 b. benefitting from the resources therein;
- 5
- 6 c. ensuring the interconnectivity of the islands and mainland parts of the
- 7 Bangsamoro so that they are parts of a cohesive Bangsamoro political entity;
- 8 and
- 9
- 10 d. ensuring the exercise of the preferential rights of the Bangsamoro people, other
- 11 indigenous peoples in the adjoining provinces, and the resident fishers in the
- 12 Bangsamoro over fishery, aquamarine, and other living resources in the Zones
- 13 of Joint Cooperation. The Joint Body shall promulgate rules and regulations as
- 14 to the exercise of these preferential rights.
- 15

16 The Bangsamoro Government and the Central Government shall ensure that

17 there shall be free movement of vessels, goods, and people in these Zones of Joint

18 Cooperation.

19

20 **Section 214. Exploration, Development, and Utilization of Non-living**

21 **Resources in the Zones of Joint Cooperation.** The Joint Body for the Zones of

22 Joint Cooperation shall ensure the cooperation and coordination between the Central

23 Government and the Bangsamoro Government on the exploration, development, and

24 utilization of non-living resources in the Zones of Joint Cooperation and determine the

25 sharing of income and revenues derived therefrom.

26

27 **Section 215. Transportation in the Zones of Joint Cooperation.**

28 Transportation plying direct routes connecting the islands in Sulu, Basilan, Tawi-Tawi,

29 and/or the mainland parts of the Bangsamoro and passing through the Zones of Joint

30 Cooperation shall be considered intra-regional routes.

31

32 **Section 216. Inland Waters.** – The Bangsamoro Government shall have

33 exclusive powers over inland water, including, but not limited to lakes, marshes, rivers,

34 and tributaries. The Bangsamoro Parliament shall enact laws on the regulation,

35 conservation, management, and protection of these resources, and may classify inland

36 waters in the Bangsamoro. It shall create a Bangsamoro office and authorities for

1 specific inland bodies of water that shall exercise management and regulation powers
2 over these bodies of water.

3
4 The Bangsamoro Government shall ensure that the utilization of these waters
5 shall primarily be for the benefit of the people in the Bangsamoro and shall ensure that
6 host communities shall be given equitable share from the revenues generated from
7 such utilization.

8
9 **Section 217. Agriculture, Fisheries, and Aquatic Resources.** – The
10 Bangsamoro Government’s policies and laws on agriculture, fisheries, and aquatic
11 resources shall advance agriculture as a key development strategy, promote
12 productivity measures, and provide support for farmers and fishers especially small
13 landholders and marginal fishers.

14 15 16 ***Trade and Industry***

17
18 **Section 218. Trade and Industry in the Bangsamoro.** –The Bangsamoro
19 Government recognizes the private sector as a mover of trade, commerce, and industry.
20 To achieve equity, social justice, and economic development, it shall encourage and
21 support the building up of entrepreneurial capability in the Bangsamoro and shall
22 recognize, promote, protect, and support the development of cooperatives and other
23 medium, small and micro enterprises. It shall adopt and implement cooperative
24 development policies and programs through the enactment of a Bangsamoro
25 Cooperative Code.

26
27 The Bangsamoro Government shall promote trade and industry in the
28 Bangsamoro by providing avenues through which other countries can learn about its
29 unique industries, economic opportunities and culture through participation in trade
30 missions, trade fairs, and other promotional activities. It can also organize trade
31 missions to other countries observing the necessary coordination with the relevant
32 government agencies.

33
34 The Bangsamoro Government shall also promote domestic trade preference for
35 goods produced and materials sourced from within the Bangsamoro and adopt
36 measures to increase their competitiveness. The Bangsamoro Government shall also

1 ensure that Bangsamoro products and services gain considerable access to the markets
2 of its trading partners, and particular attention should also be given to the markets of
3 its trading partners who have historic and cultural ties to the Bangsamoro.

4

5 The Bangsamoro Government shall ensure that the utilization of these waters shall
6 primarily be for the benefit of the people in the Bangsamoro and shall ensure that host
7 communities shall be given equitable share from the revenues generated from such
8 utilization.

9

10 **Section 219. Barter Trade and Countertrade with ASEAN Countries. –**

11 The Bangsamoro Government shall regulate traditional barter trade and counter-trade
12 with ASEAN countries. The goods or items that are traded with the said countries shall
13 not be sold elsewhere in the country without payment of appropriate customs or import
14 duties.

15

16 Traditional barter trade and counter-trade refer to all cross-border trade of all
17 goods not otherwise considered illicit since time immemorial between the Bangsamoro
18 areas with ASEAN countries. The Bangsamoro Government shall ensure compliance
19 with national standards and safety product standards requirements. Any dispute in
20 relation to compliance or non-compliance shall be brought to the intergovernmental
21 relations mechanism.

22

23 **Section 220. Economic Zones, Industrial Estates, and Free Ports. –** The

24 Bangsamoro Government may establish economic zones, industrial estates, and free
25 ports in the Bangsamoro, this shall include the establishment of a Bangsamoro
26 Economic Zone Authority which shall have similar powers as the Philippine Economic
27 Zone Authority. The Bangsamoro Parliament may provide such additional powers and
28 functions to the Bangsamoro Economic Zone Authority as may be necessary to meet
29 the special circumstances of the Bangsamoro.

30

31 Once the Bangsamoro Economic Zone Authority is created by the Bangsamoro
32 Parliament, the Philippine Export Zone Authority shall no longer authorize any other
33 economic zone within the Bangsamoro. Any corporation, firm, or entity established
34 within the Bangsamoro, by authority of the Philippine Export Zone Authority, shall be
35 placed under the jurisdiction of the Bangsamoro Economic Zone Authority and shall
36 continue to enjoy the benefits granted to it by the Philippine Export Zone Authority.

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Through the intergovernmental relations mechanism, the Bangsamoro Government and the Central Government shall cooperate on customs, immigration, and quarantine service including the attendant international commitments thereto, to implement and make fully operational such economic zones, industrial estates, and free ports within one (1) year from their establishment. Business and other enterprises operating within the Bangsamoro economic zones, industrial estates, and free ports shall be entitled to the fiscal incentives and other benefits provided by the Central Government to special economic zones. The Bangsamoro Government shall implement the fiscal incentives and other benefits to investors in economic zones, industrial estates, and free ports. Bangsamoro free ports shall be contiguous/adjacent to a seaport or airport. The area of coverage of a free port may be so much as may be necessary of that portion of the constituent local government unit/s of the Bangsamoro, subject to such criteria as the Bangsamoro Parliament may provide in law for that purpose. Existing free ports in the Autonomous Region in Muslim Mindanao are hereby transferred to the Bangsamoro Government.

Section 221. Prohibition Against Toxic or Hazardous Substances. – The Bangsamoro Government shall regulate, restrict, or prohibit the use, importation, transit, transport, deposit, disposal, and dumping of toxic or hazardous substances within the Bangsamoro. It shall, in the same manner, regulate activities that may adversely impact the environment and may be harmful to health, safety, and welfare of the Bangsamoro.

Section 222. Halal Program. – The Bangsamoro Government shall have the power to accredit *halal*-certifying bodies in the Bangsamoro. It shall promote awareness through the development and implementation of a halal campaign program.

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

Banking and Finance

Section 223. Banks and Financial Institutions. – The Bangsamoro Government shall encourage the establishment of:

1 a. banks and financial institutions and their branches; and

2

3 b. off-shore banking units of foreign banks

4

5 within the Bangsamoro, and in accordance with the principles of the Islamic banking
6 system.

7

8 The Bangsamoro Parliament shall enact laws on Islamic finance.

9

10 **Section 224. Islamic Banking and Finance.** – The Bangsamoro Government,
11 the *Bangko Sentral ng Pilipinas* (BSP), the Department of Finance (DOF), and the
12 National Commission on Muslim Filipinos (NCMF) shall jointly promote the development
13 of an Islamic banking and finance system, to include, among others, the establishment
14 of a *Shari'ah* Supervisory Board and the promotion and development of *Shari'ah*
15 compliant financial institutions.

16

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

23

24 **Section 225. Islamic Banking Unit in the *Bangko Sentral ng Pilipinas*.** -

25 An Islamic Banking Unit shall be established in the *Bangko Sentral ng Pilipinas* which
26 shall be headed and staffed by qualified Islamic Banking experts, recommended by the
27 Chief Minister of the Bangsamoro Government. The head of the Islamic Banking Unit
28 shall be chosen from among the three (3) recommended as of by the Chief Minister.

29

30 The Chief Minister shall nominate at least three (3) qualified persons from the
31 Bangsamoro.

32

33 **Section 226. Functions of the *Shari'ah* Supervisory Board And**

34 **Qualifications of its Members.** - Without prejudice to the crafting of the
35 Bangsamoro Islamic banking and finance framework by the Bangsamoro Parliament,
36 the following are the functions and qualifications of the *Shari'ah* Supervisory Board:

- 1
- 2 a. *Functions.* – The *Shariah* Supervisory Board shall be responsible for monitoring
- 3 the compliance of *Shari’ah* rules in banking and finance transactions and
- 4 issuance of *Shari’ah* products. Furthermore, as a representative of the various
- 5 *ulama*, it shall have the authority to issue *fatwas* regarding the products and
- 6 practices employed by banks and other institutions.
- 7
- 8 b. *Qualifications.* – Subject to other qualifications that the Parliament may enact,
- 9 the members of the Board shall have the necessary knowledge of both Islamic
- 10 jurisprudence and conventional banking and finance.
- 11

12 ***Public Utilities And Infrastructure***

13

14 **Section 227. Energy and Power Generation.**__– The Bangsamoro

15 Government shall have authority to regulate power generation, transmission, and

16 distribution operating exclusively in the Bangsamoro through a Ministry of Energy which

17 it shall create. It may likewise create its own public utilities in the Bangsamoro,

18 including power generation utilities.

19

20 It shall promote investments, domestic and international, in the power sector

21 industry in the Bangsamoro.

22

23 Power plants and distribution networks in the Bangsamoro shall be able to

24 interconnect and sell power over the National Transmission Grid to electric consumers.

25 When power generation, transmission, and distribution facilities are connected to the

26 National Transmission Grid, the Central Government and the Bangsamoro Government

27 shall cooperate and coordinate through the intergovernmental relations mechanism.

28

29 The Bangsamoro Government may assist electric cooperatives to ensure their

30 financial and operational viability. Assistance may be in the form of restructuring of

31 debts, with rehabilitation and efficiency improvement measures based on a set of clear

32 time-bound operational reform programs. Other measures may be brought to the

33 Intergovernmental Relations Mechanism Body.

34

35 In the event of the privatization of the PSALM/Mindanao Generator *Agus* Grid

36 Hydroelectric Plants, such as *Agus* 1, 2, 4, 5, 6 and 7, the Bangsamoro Government

1 shall have the preferential rights to acquire the said hydroelectric plants situated within
2 its territory.

3
4 This is without prejudice to the payment of the obligation of NAPOCOR/PSALM to
5 the Autonomous Region in Muslim Mindanao which now accrues to the Bangsamoro
6 Government.

7
8 **Section 228. Roads, Bridges, And Irrigation.** – The Bangsamoro
9 Government shall be responsible for the public works in the Bangsamoro. However, the
10 Central Government shall continue to fund the construction and maintenance of
11 national roads and bridges and national irrigation systems in the Bangsamoro. Central
12 Government shall include in the national Road Network Information System all national
13 roads and bridges in the Bangsamoro. Funding for national roads, bridges, and
14 irrigation systems shall be automatically provided and regularly released by the central
15 government.

16
17 ***Transportation and Communications***

18
19 **Section 229. Reserved, Concurrent, And Exclusive Powers.** – The Central
20 Government and the Bangsamoro Government shall have reserved, concurrent, and
21 exclusive powers, based on the principles of subsidiarity, technical and financial
22 viability, harmonization, compliance with international standards, treaties and
23 conventions, mutual respect and recognition, and recognition of the aspiration of the
24 Bangsamoro to assume further powers as may be practically operational as its capacity
25 develops. The intergovernmental mechanism shall harmonize policies, programs,
26 regulations and standards, and resolve problems of implementation between the
27 Central Government and the Bangsamoro Government.

28
29 **Section 230. Reserved powers.** – The Central Government shall exercise
30 reserved powers over the airside operation of all existing airports within the
31 Bangsamoro.

32
33 **Section 231. Concurrent Powers.** – The Central Government and
34 Bangsamoro Government shall have concurrent powers over the following:

35

- 1 a. The Bangsamoro Government and the Central Government shall exercise
2 concurrent powers in transportation and communications in the Zones of Joint
3 Cooperation;
4
- 5 b. The issuance of franchises, permits, provisional authorities for inter-regional
6 operation of land, air, and water transportation, as well as, telecommunications
7 facilities for non-Bangsamoro residents shall pertain to the Central Government
8 while the issuance of the same for Bangsamoro residents shall be the authority
9 of the Bangsamoro Government;
10
- 11 c. Establishment and regulation of inter-regional routes, zones or areas of
12 operation that pass through, include or involve the territory of the bangsamoro;
13 provided, that when the origin and the destination of a route are within the
14 bangsamoro territory and it passes through the zones of joint cooperation, it
15 shall be considered an intra-regional route;
16
- 17 d. Designation and establishment of inter-regional airways; and
18
- 19 e. Promulgation of rules and regulations to promote safety and security in the
20 airside operation of civil aviation in the Bangsamoro.
21

22 **Section 232. Exclusive Powers.** – The Bangsamoro Government shall have
23 the following exclusive powers:
24

- 25 a. Exercise of the powers granted under RA 6734 and RA 9054 on transportation
26 and communications;
27
- 28 b. Regulate the operation of land, air, and water transportation, as well as,
29 telecommunication facilities in the Bangsamoro, provided, that the Central
30 Government shall continue to fund the construction and maintenance of airports
31 and wharves;
32
- 33 c. Issuance of licenses, Certificates Of Public Convenience (CPCS), special permits
34 (SP) and provisional authority (PA) to operate land, air, and water
35 transportation and telecommunication companies in the Bangsamoro;
36

1 d. Registration of land, air, and water transportation of all kinds and
2 telecommunication companies in the Bangsamoro; and

3
4 e. Exercise quasi-judicial powers over the operation of land, air, and water
5 transportation and telecommunication companies in the Bangsamoro in
6 accordance with the rules of procedure established by the Bangsamoro
7 Parliament.

8
9 **Section 233. Intergovernmental Relations Mechanism.** – The
10 intergovernmental relations mechanism may harmonize policies, programs, regulations
11 and standards, and resolve problems of implementation between the Central
12 Government and the Bangsamoro Government.

13 14 **Article XIV**

15 **REHABILITATION AND DEVELOPMENT**

16
17 **Section 234. Rehabilitation and Development.** –The Bangsamoro
18 Government, with funding support from the Central Government, shall intensify
19 development efforts for the rehabilitation, reconstruction, and development of the
20 Bangsamoro as part of the normalization process. It shall formulate and implement a
21 program for rehabilitation and development that will address the needs of Moro Islamic
22 Liberation Front (MILF)/Bangsamoro Islamic Armed Force (BIAF) members and its
23 decommissioned women auxiliary force, Moro National Liberation Front
24 (MNLF)/Bangsamoro Armed Forces (BAF) members, and address the needs of internally
25 displaced persons, widows and orphans, and poverty-stricken communities.

26
27 **Section 235. Special Development Fund.** – In order for the Bangsamoro to
28 rebuild its conflict-affected communities and catch up with the rest of the country, the
29 Central Government shall provide for a Special Development Fund to the Bangsamoro
30 for the rehabilitation and development of its conflict-affected communities.

31
32 The amount equivalent to One Hundred Billion Pesos (P100B) shall be allocated
33 for this purpose to be utilized by the Bangsamoro Government for twenty (20) years
34 from the ratification of this Basic Law. For the first year following the ratification of this
35 Basic Law, the amount of Ten Billion Pesos (P10B) shall be given to the Bangsamoro
36 Government. From the second to the fifth year, the amount shall be Eight Billion Pesos

1 (P8B) each year, and Six Billion Pesos (P6B) for each year from the sixth to the tenth
2 year. Henceforth up to the twentieth year, the amount shall be Two point Two Billion
3 Pesos (P2.2B) annually. Such amount shall be released at the beginning of each fiscal
4 year to the Bangsamoro Government.
5

6 The utilization of the funds shall be in accordance with the Bangsamoro
7 Development Plan to be adopted by the Bangsamoro Government, as provided in Article
8 XIII, Section 5 of this law.
9

10 **Article XV**
11 **PLEBISCITE**
12

13 **Section 236. Establishment of the Bangsamoro.** – (1) The establishment of
14 the Bangsamoro and the determination of the Bangsamoro territory shall take effect
15 upon ratification of this Basic Law by majority of the votes cast in a plebiscite in the
16 following:
17

- 18 a. The present geographical area of the Autonomous Region in Muslim Mindanao;
19
20 b. The Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in
21 the province of Lanao del Norte;
22
23 c. The following thirty nine (39) Barangays in the Municipalities of Kabacan,
24 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato that voted
25 for inclusion in the Autonomous Region in Muslim Mindanao during the 2001
26 plebiscite under Republic Act No. 9054:
27
- 28 i. Dungan, Lower Mingading, and Tapodoc in the municipality of Aleosan
29 (3);
30
 - 31 ii. Manarapan and Nasapian in the municipality of Carmen (2);
32
 - 33 iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of Kabacan (3);
34

1 iv. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central
2 Labas, Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, and
3 Tugal in the municipality of Midsayap (12);
4

5 v. Lower Baguer, Balacayon, Buricain, Datu Binasing, Kadingilan, Matilac,
6 Patot, and Lower Pangangkalan in the municipality of Pigkawayan (8);
7

8 vi. Bagoinged, Balatican, S. Balong, S. Balongis, Batulawan, Buliok, Gokotan,
9 Kabasalan, Lagunde, Macabual, and Macasendeg, in the municipality of
10 Pikit (11)
11

12 d. The Cities of Cotabato and Isabela; and
13

14 e. Those qualified for inclusion in the plebiscite, by way of resolution or petition.
15

16 **Section 237. Territorial Jurisdiction.** – The plebiscite herein mentioned shall
17 be conducted, not earlier than 90 days or later than one hundred twenty (120) days
18 after the effectivity of this Basic Law.
19

20 For this purpose, the COMELEC shall undertake the necessary steps to enable
21 the holding of the plebiscite within the said period.
22

23
24 **Section 238. Results of the Plebiscite.** –
25

26 (a) For the present geographic area of the Autonomous Region in Muslim
27 Mindanao: If the majority of the votes cast in the entirety of the Autonomous
28 Region in Muslim Mindanao voted in favor of the approval of this Basic Law,
29 the Bangsamoro is hereby established and all the provinces and cities of the
30 Autonomous Region in Muslim Mindanao shall be part of the Bangsamoro.
31

32 (b) For the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and
33 Tangkal in the Province of Lanao del Norte: If the majority of the votes cast in
34 each of these municipalities vote in favor of their inclusion in the Bangsamoro,
35 the respective municipalities shall be included in the Bangsamoro.
36

1 (c) For other barangays in the municipalities of Kabacan, Carmen, Aleosan,
2 Pigcawayan, Pikit, and Midsayap as enumerated in Article XV Section 1 (c) that
3 voted for inclusion in the Autonomous Region in Muslim Mindanao during the
4 2001 plebiscite: If the majority of the votes cast in each of these barangays
5 vote in favor of their inclusion in the Bangsamoro, the respective barangays
6 shall be included in the Bangsamoro.

7
8 (d) For the cities of Cotabato and Isabela: If the majority of the votes cast in each
9 of these cities vote in favor of their inclusion in the Bangsamoro, the respective
10 cities shall be included in the Bangsamoro.

11
12 (e) For all other contiguous areas where there is a resolution of the local
13 government unit or a petition of at least ten percent (10%) of the registered
14 voters in the geographic area asking for their inclusion at least two months
15 prior to the conduct of the ratification of the Basic Law: If the majority of the
16 votes cast in each of these local government units vote in favor of their
17 inclusion in the Bangsamoro, the respective local government units shall be
18 included in the Bangsamoro.

19
20 **Section 239. Delimitation of the Bangsamoro; Periodic Plebiscite.** - Five
21 years after the ratification of this Basic Law and every five years thereafter for a period
22 of 25 years, a plebiscite shall be held in the cities, municipalities, and other geographic
23 areas which were not able to join the Bangsamoro as a result of the plebiscite
24 mentioned in the three preceding sections, to determine whether or not they desire to
25 join the Bangsamoro.

26
27 The contiguous provinces, cities, municipalities, barangays, and other geographic
28 areas particularly mentioned in the 1976 Tripoli Agreement and 1996 Final Peace
29 Agreement, other than those mentioned in the preceding three sections, may opt to
30 join the Bangsamoro through the periodic plebiscite mentioned in the preceding
31 paragraph, provided, that a petition signed by 10 percent of the registered voters or a
32 resolution of the local government units of each province, city, municipalit,y or other
33 contiguous geographic area opting to join is submitted to their respective election
34 offices at least one (1) year prior to the scheduled plebiscite.

1 If the majority of the votes cast in each of the provinces, cities, municipalities,
2 and other contiguous areas participating in the periodic plebiscite voted in favor of
3 joining the Bangsamoro, they shall form part of the Bangsamoro.

4
5 At the end of the 25th year, the Bangsamoro shall have been delineated and
6 delimited, no other plebiscite for expansion shall be held, except those allowed under
7 expressed provision of law or by command of the Constitution.

8
9 **Section 240. Reconstitution of Local Government Units.** – The
10 Bangsamoro Parliament, may, by law, provide for the constitution of geographic areas
11 in the Bangsamoro into appropriate territorial or political subdivisions depending on the
12 results of any of the plebiscites herein. Nothing herein shall be construed to allow the
13 Bangsamoro Parliament to create congressional districts.

14
15 **Section 241. Plebiscite Questions.** The questions to be asked of the voters in
16 the plebiscite shall be as follows:

- 17
18 1. For the Autonomous Region in Muslim Mindanao: Do you approve of the
19 Bangsamoro Basic Law?
20
21 2. For the areas mentioned in (b), (c), (d), and (e) of Article XV, Section 3: Do you
22 vote for the inclusion of your city, municipality or barangay in the Bangsamoro
23 territory?
24

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

27
28 **Section 242. Plebiscite Monitoring.** – The COMELEC shall also provide for
29 the accreditation of plebiscite monitors, including the international-domestic monitoring
30 body created by the GPH and the MILF peace panels, in accordance with established
31 international standards on election monitoring. The monitoring body will have access to
32 all operations related to the conduct of the plebiscite and be able to conduct regular
33 and random checks. The reports of the international-domestic monitoring body shall be
34 made available to the Panels for their disposition.

35

1 **Section 243. Qualified Voters.** – All registered voters in the provinces, cities,
2 and geographical areas mentioned under Article XV, Section 1, shall be qualified to
3 participate in the plebiscite on the establishment of the Bangsamoro. Notwithstanding
4 existing laws, rules, and regulations on overseas and local absentee voters, the
5 COMELEC shall ensure that qualified voters for the plebiscite who are located outside
6 the Bangsamoro on the date of the plebiscite shall be given the opportunity to vote,
7 and that voters who are currently registered outside the areas specified but are
8 otherwise qualified to be registered voters of the areas, complying with residency
9 requirements under the law, shall be given the opportunity to transfer their registration
10 accordingly, in time for the conduct of the plebiscite.

11

12 **Section 244. Special Registration.** – The COMELEC shall conduct a special
13 registration before the date of the plebiscite on the Bangsamoro Basic Law.

14

15 **Section 245. Promulgation of Rules for the Conduct of Plebiscite.** – The
16 COMELEC shall promulgate rules necessary for the conduct of plebiscite, including those
17 for the accreditation of plebiscite monitors, voluntary inclusion in the plebiscite, and the
18 special registration of voters as provided herein, within fifteen (15) days from the
19 effectivity of this Basic Law, with the primary objective of optimizing the opportunity for
20 participation in the plebiscite of qualified voters in the areas specified for the
21 establishment of the Bangsamoro.

22

23 **Section 246. Information Campaigns.** – The Commission on Elections, shall
24 supervise the conduct of information campaigns on the plebiscite, including sectoral
25 campaigns for indigenous communities, women, youth, religious, professionals and
26 public and private sector employees, in every barangay, municipality, city, and province
27 where the plebiscite is to be conducted.

28

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

33

34 For this purpose, the BTC shall assist in the information dissemination campaign.
35 Likewise the assistance of persons of known probity and knowledge may be enlisted by

1 the Commission on Elections, the local government units or interested parties to act as
2 speakers or resource persons.

3

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

7

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

11

12 Public advocacy initiatives shall be conducted within the framework of solidarity,
13 cooperation, and unity among Bangsamoro, non-Moro indigenous peoples, and settler
14 communities. Consultations shall give due respect to the roles of non-Moro indigenous
15 and Moro women, and encourage their active participation.

16

17 **Section 247. Appropriation.** – A sufficient amount is hereby appropriated for
18 the requirements of the conduct of the plebiscite, including the monitoring, information
19 campaign and the registration of voters; provided, that the Commission on Elections
20 shall determine the manner of campaigning and the deputization of government and
21 non-government agencies for the purpose.

22

23 **Article XVI**

24 **BANGSAMORO TRANSITION AUTHORITY**

25

26 **Section 248. Transition Period.** – The transition or interim period for the
27 establishment of the Bangsamoro shall commence upon ratification of this Basic Law.

28

29 The law shall be deemed ratified when approved by a majority votes cast in a
30 plebiscite as proclaimed by the Commission on Election, or its duly authorized officers,
31 that a majority of the votes cast in the plebiscite in the constituent units are in favor of
32 the establishment of the Bangsamoro. The fact of ratification shall be confirmed by the
33 GPH and MILF peace panels.

34

35 Transition period shall end upon the dissolution of the Bangsamoro Transition
36 Authority, as provided in this Basic Law.

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

Section 249. Bangsamoro Transition Authority. – There is hereby created a Bangsamoro Transition Authority (BTA) which shall be the interim government or the governing body in the Bangsamoro during the transition period. The Moro Islamic Liberation Front (MILF), being the principal party to the Comprehensive Agreement on the Bangsamoro, shall lead the BTA, in its leadership and membership.

The BTA shall be composed of eighty (80) members, all of whom shall be appointed by the President; Provided that, non-Moro indigenous communities, youth, women, settler communities, traditional leaders, and other sectors shall have representatives in the BTA. Nominations may be submitted to the office of the President for this purpose.

The Council of Leaders as provided in Article VI, Section 5, shall also be organized during the transition period.

Section 250. Powers and Authorities. – Legislative and executive powers in the Bangsamoro during transition shall be vested in the BTA. During the transition period, executive authority shall be exercised by the interim Chief Minister, who shall be appointed by the President as such, while legislative authority shall be exercised by the BTA.

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

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

Section 251. Functions and Priorities –The BTA shall ensure the accomplishment of the following priorities during the transition period:

1 a. Enactment of priority legislations such as the Bangsamoro Administrative Code,
2 the Bangsamoro Revenue Code, the Bangsamoro Electoral Code, Bangsamoro
3 Local Government Code, and Bangsamoro Education Code consistent with
4 powers and prerogatives vested in the Bangsamoro Government by this Basic
5 Law; Provided that, until the abovementioned laws are enacted for the
6 Bangsamoro, Muslim Mindanao Autonomy Act No. 25 or the Autonomous
7 Region in Muslim Mindanao Local Government Code, and subsisting laws on
8 elections and other electoral matters shall apply in the Bangsamoro.

9
10 The BTA may also enact a Bangsamoro Civil Service Code, as provided in this
11 Basic Law. In the absence of the latter, national civil service laws and
12 regulations are primarily applicable in the Bangsamoro;

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

17
18 These rights shall be promoted, protected, and enforced by the Ministry of
19 Indigenous People's Affairs, as provided under Article XVI, Section 8.

20
21 b. Organization of the bureaucracy of the Bangsamoro Government during
22 transition, including the approval and implementation of a transition plan, and
23 the institution of a placement process for hiring of personnel during transition.
24 This shall also include the setting up of offices and other institutions necessary
25 for the continued functioning of government and delivery of social services in
26 the region, as well as, those necessary for the smooth operations of the first
27 elected Bangsamoro Government in 2022;

28
29 c. Full transfer of powers and properties of the ARMM Regional Government to the
30 Bangsamoro Government, and the disposition of personnel, as provided in this
31 Basic Law;

32
33 d. Transition from the ARMM Regional Government to the Bangsamoro
34 Government, as provided in this Basic Law; and

- 1 e. Other matters that may be necessary for the protection and promotion of
2 general welfare of the constituents of the Bangsamoro.
3

4 **Section 252. Continuity of Government** – To foreclose any political
5 interregnum in the governance of the region, the Bangsamoro Transition Commission
6 (BTC), an independent body created by E.O. 08, shall continue to exist to wind up and
7 caretake the administration of the region until the Bangsamoro Transition Authority
8 (BTA) is constituted.
9

10 **Section 253. Transition Plan.** – Within the first sixty (60) days of the
11 transition period, the interim Chief Minister shall submit to the BTA a transition plan
12 that shall contain the proposed organizational plan, as well as, the schedule for
13 implementation therefor. The BTA shall, by a majority vote of all its members, approve
14 or otherwise act on the proposed transition plan within ten (10) days upon submission
15 by the interim Chief Minister. If the plan is not acted within 60 days, the plan shall be
16 deemed approved. It shall be implemented within fifteen (15) days from its approval.
17

18 **Section 254. Interim Officers.** – The interim Chief Minister shall organize the
19 interim Cabinet and shall appoint two interim Deputy Chief Ministers, who shall also be
20 members of the BTA. The interim Chief Minister shall also appoint such other ministers
21 as may be necessary to perform the functions of government during transition, a
22 majority of whom shall be from among members of the BTA.
23

24 Members of the BTA who are appointed to cabinet positions shall serve their
25 offices concurrently; Provided that, no member of the BTA may be appointed, elected
26 or otherwise hold more than two (2) positions at the same time.
27

28 **Section 255. Interim Cabinet.** - The Interim Cabinet shall be composed of
29 fifteen (15) primary ministries with sub-offices, namely:
30

- 31 a. Finance, and Budget and Management;
32
33 b. Social Services;
34
35 c. Trade, Investments, and Tourism;
36

- 1 d. Labor and Employment;
- 2
- 3 e. Transportation and Communication [including Information and Communications
- 4 Technology (ICT)];
- 5
- 6 f. Education, Commission on Higher Education (CHED), and Technical Education
- 7 and Skills Development Authority (TESDA);
- 8
- 9 g. Indigenous Peoples' Affairs;
- 10
- 11 h. Health;
- 12
- 13 i. Public Works;
- 14
- 15 j. Local Government;
- 16
- 17 k. Environment, Natural Resources, and Energy;
- 18
- 19 l. Human Settlements and Development;
- 20
- 21 m. Science and Technology;
- 22
- 23 n. Agriculture, Fisheries, and Agrarian Reform; and
- 24
- 25 o. Public Order and Safety.
- 26

27 Other offices on youth, women, settler communities, disaster risk reduction and
28 management, and planning and development, among others, may be created by the
29 Bangsamoro Transition Authority.

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

34 **Section 256. Organization of the Bureaucracy.** – The authority of the BTA
35 to create offices and organize the bureaucracy during transition is without prejudice to
36 the authority of the Bangsamoro Government to reorganize the bureaucracy upon its

1 constitution, or any time thereafter. In the exercise of this authority, the BTA shall
2 ensure the least possible disruption to the functioning of government and the delivery
3 of services in the region.

4
5 All offices and institutions created by laws enacted by the Regional Legislative
6 Assembly of the Autonomous Region in Muslim Mindanao shall be deemed part of the
7 ARMM Regional Government and shall be subject to the phase out plan that will be
8 adopted by the BTA.

9
10 **Section 257. Transfer of Powers and Properties and Disposition of**
11 **Personnel.** – All powers, functions, assets, capital, records, funds, receivables,
12 equipment, and facilities of the ARMM Regional Government at the time of the
13 ratification of this Basic Law shall be transferred to the Bangsamoro Government.

14
15 The BTA shall schedule the gradual phasing out of offices of the Autonomous
16 Region in Muslim Mindanao, which are deemed abolished upon the ratification of this
17 Basic Law. In consideration of public interest and the delivery of services, officials
18 holding appointive positions shall continue to perform their functions in accordance with
19 the schedule.

20
21 The Central Government shall provide the necessary funds for the benefits and
22 entitlements of affected employees in the Autonomous Region in Muslim Mindanao.

23
24 An inventory will be conducted by an inter-agency headed by the Office of the
25 President, Department of Budget and Management, Commission on Audit, and Civil
26 Service Commission, to ensure that the liabilities of the Autonomous Region in Muslim
27 Mindanao under law, contracts or others will be settled by the Central Government
28 prior to the turnover to the BTA.

29
30 For this purpose, the Office of the Regional Governor of the Autonomous Region
31 in Muslim Mindanao shall turnover to the BTA, upon the latter's constitution, a summary
32 report on the status of the Regional Government as of the date of the ratification of this
33 Basic Law, including information on the status of devolution, personnel, properties, and
34 assets of the Regional Government.

35

1 Employees separated from the service as a result of the abolition of the
2 Autonomous Region in Muslim Mindanao under the provisions of this Act shall within
3 two (2) months from the date of their separation, receive separation pay equivalent to
4 three (3) month's salary per year of service. In addition, those who are qualified to
5 retire from the service shall be entitled to the benefits provided under existing
6 retirement laws.

7
8 Qualified employees may reapply subject to qualification standard that may be
9 set by the Bangsamoro Transition Authority and CSC rules and regulations.

10
11 The BTA shall institute an independent, strictly merit-based and credible
12 placement and hiring process for all offices, agencies, and institutions in the
13 Bangsamoro, and shall consider gender and ethnic balance.

14
15 **Section 258. Disposition of Personnel and Assets of Central**
16 **Government Offices/Agencies.** – The Central Government shall provide for the
17 disposition of personnel of Central Government or National GOCCs whose mandate and
18 functions are transferred to or now vested in the Bangsamoro Government by virtue of
19 this Basic Law. Properties and assets shall be transferred to the Bangsamoro
20 Government within three (3) months from the organization of the BTA. The transfer of
21 properties and assets is without prejudice to the power of the BTA to organize the
22 bureaucracy during transition.

23
24 **Section 259. Dissolution of the BTA.** – Immediately upon the qualification of
25 the elected Chief Minister under the first Bangsamoro Parliament, the Bangsamoro
26 Transition Authority shall be deemed dissolved.

27
28 The BTA shall submit its final report and recommendations to the Bangsamoro
29 Parliament, as well as, to the House of Representatives, the Senate, and the Office of
30 the President, on the status of government during the transition period within sixty (60)
31 days from the assumption into office of all members of the first Parliament.

32
33 **Section 260. Regular Elections.** – The first regular elections for the
34 Bangsamoro Government under this Basic Law shall be held on the first Monday of April
35 2022. It shall be governed by the Bangsamoro Electoral Code. The National Omnibus
36 Election Code shall apply suppletorily, whenever appropriate. The Commission on

1 Elections (COMELEC), through the Bangsamoro Electoral Office, shall promulgate rules
2 and regulations, as may be necessary, for the conduct of said elections, and enforce
3 and administer the same, consistent with this Basic Law and the Bangsamoro Electoral
4 Code, as correlated with relevant national laws.
5

6 **Section 261. Initial Funding for Transition.** – To carry out the requirements
7 of transition, including the organizational activities of the BTA, organization of the
8 bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA,
9 as provided in this Basic Law, the amount of One Billion Pesos (1,000,000,000.00) is
10 hereby appropriated for the BTA, charged against the General Funds of the Central
11 Government. In addition, the current year's appropriations for the Autonomous Region
12 in Muslim Mindanao shall also be transferred to the BTA for this purpose.
13 This shall be without prejudice to any supplemental budget that may be appropriated
14 by Congress to support the transition.
15

16 Government functions falling within the reserved powers of the Central
17 Government in the Bangsamoro shall continue to be financed by the Central
18 Government funds.
19

20 **Article XVII**

21 **AMENDMENTS AND REVISIONS**

22
23 **Section 262. Amendments and Revisions.** – All proposals to amend or
24 revise the provisions of this Basic Law shall be endorsed by the Bangsamoro Parliament
25 to Congress for prior hearings and due enactment into law.
26

27 Such amendment or revision, as enacted by Congress, shall become effective
28 upon approval by a majority vote of qualified voters in the Bangsamoro cast in a
29 plebiscite called for the purpose.
30

31 The plebiscite shall be held not earlier than sixty (60) days or later than ninety
32 days after the approval of such amendment or revision
33

34 **Article XVIII**

35 **FINAL PROVISIONS**

36

1 **Section 263. Separability Clause.** – The provisions of this Basic Law are
2 deemed separate. If, for any reason, any section or provision of this Basic Law is
3 declared unconstitutional, other sections or provisions, which are not affected by such
4 declaration, shall continue to be in full force and effect.

5
6 **Section 264. Repealing Clause.** – All laws, decrees, orders, rules and
7 regulations, and other issuances or parts thereof, which are inconsistent with this Basic
8 Law, are hereby repealed or modified accordingly.

9
10 **Section 265. Subsisting Regional Laws.** – All subsisting laws enacted by the
11 Regional Legislative Assembly of the Autonomous Region Muslim Mindanao by virtue of
12 authorities provided under Republic Act No. 6734, as amended by Republic Act No.
13 9054, shall be deemed in effect, unless inconsistent with this Basic Law or repealed by
14 laws passed by the Bangsamoro.

15
16 **Section 266. Effectivity Clause.** – This Basic Law shall take effect fifteen (15)
17 days following its complete publication in at least two (2) national newspapers of
18 general circulation and one (1) local newspaper of general circulation in the
19 autonomous region.

20
21 **Section 267. Abolition of the Autonomous Region in Muslim Mindanao.**
22 – The Autonomous Region in Muslim Mindanao created under Republic Act No. 6734
23 (Organic Act of the Autonomous Region in Muslim Mindanao), as expanded and
24 strengthened by Republic Act No. 9054, is hereby abolished.

25
26 All powers, duties, and rights vested by law and exercised by the Autonomous
27 Region in Muslim Mindanao is hereby transferred to the Bangsamoro.

28
29 All assets, real and personal properties, funds, and revenues owned by or vested
30 in the different offices of the Autonomous Region in Muslim Mindanao are transferred to
31 the Bangsamoro.

32
33 All contracts, records, and documents relating to the operations of the
34 Autonomous Region in Muslim Mindanao are transferred to the Bangsamoro. Any real
35 property owned by the national government or government-owned corporation or

1 authority which is being used and utilized as office or facility by the Autonomous Region
2 in Muslim Mindanao shall be transferred and titled in favor of the Bangsamoro.

3

4 Approved,

5

6