

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

SENATE
S. B. No. 1652

18 JAN 17 P5:14

Introduced by Senator **Ana Theresia "Risa" Hontiveros - Baraquel**

**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 Statement

The conflict in Mindanao has been a democratic and developmental struggle that has spun decades, claimed hundreds of thousands of lives, uprooted millions, resulted in inhumane levels of poverty, lawlessness, and uncertainty. It has changed the historical landscape of the Southern part of our country from the brave kingdom of our anti-colonial resistance to the *situs* of decades-long insurgencies and countless rebellions. It has written the continuing story of Mindanao and its narrative of violence, oppression, and marginalization.

The persistent strife and poverty in the region, affecting millions of innocent civilians, take its damaging toll to our democratization project. Providing a measure of politico-economic and socio-cultural autonomy of people belonging to the religious minority, assuring political participation and representation of Indigenous Peoples, does not only make Bangsamoro a compliance to an unflinching mandate from our 1987 Constitution. It furthers a democratic society that does not succumb to the tyranny of the majority but one that protects the vulnerable, the disempowered, and the disenfranchised. Indeed, Bangsamoro is our commitment to democracy.

Furthermore, the Bangsamoro Basic Law establishes the political and economic infrastructure that will facilitate fixed capital formation, increased government funding, and international development aid infusion into the local economy. Government infrastructure projects, private construction and investments, improved land use, agricultural productivity, agribusiness capacity and enterprise development, and value chain stability will equip the regional government with the crucial resources that can address the socioeconomic needs of the Bangsamoro people. A legitimate share in the resources and their management will translate into growth, productivity, security, and ultimately, empowerment. It is our answer to the question that is the disproportionate utilization and distribution of wealth in this country. Bangsamoro is our commitment to equitable development.

Moreover, the establishment of a Bangsamoro autonomous government will be an institutional recognition of the justness and legitimacy of the cause of the Bangsamoro people. It is the fulfillment of our promise to put in the front and center of their political future the needs of the Bangsamoro people, their aspirations, their choices. Bangsamoro is our commitment to justice that their people has long been deprived of.

Finally, Bangsamoro is our commitment to peace. A peace that is built on and strengthened by democratic ideals, empowerment, progress and justice. A peace that has long been awaited by a nation that is trying to heal from its fractured history.

Let us sustain this momentum for peace. The passage of this bill is earnestly sought.

ANA THERESIA "RISA" HONTIVEROS BARAQUEL
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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

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);

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

Article I
NAME AND PURPOSE

Section 1. Short Title. – This law shall be known and cited as the "Bangsamoro Basic Law."

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

Section 3. Purpose. – The purpose of this Basic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and

1 legitimacy of the cause of the Bangsamoro people and their aspiration to chart their
2 political future through a democratic process that will secure their identity and posterity
3 and allow for meaningful self-governance.
4

5 **Article II**
6 **BANGSAMORO IDENTITY**
7

8 **Section 1. Bangsamoro People.** – Those who, at the advent of the Spaniards, were
9 considered natives or original inhabitants of Mindanao and the Sulu archipelago and its
10 adjacent islands including Palawan, and their descendants, whether of mixed or of full
11 blood, shall have the right to identify themselves as Bangsamoro by ascription or self-
12 ascription. Spouses and their descendants are classified as Bangsamoro.
13

14 **Section 2. Freedom of Choice.** – The freedom of choice of other indigenous peoples
15 shall be respected. There shall be no discrimination on the basis of identity, religion,
16 and ethnicity.
17

18 **Section 3. Bangsamoro Symbol.** – The Bangsamoro Parliament shall adopt the
19 official flag, emblem, and anthem of the Bangsamoro.
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23

24 **Article III**
25 **TERRITORY**
26

27 **Section 1. Definition of Territory** - Territory refers to the land mass as well as the
28 maritime, terrestrial, fluvial and alluvial domains, and the aerial domain above it. The
29 Bangsamoro territory shall remain a part of the Philippines.
30

31 **Section 2. Core Territory** – The core territory of the Bangsamoro shall be composed
32 of:
33

- 34 a. the present geographical area of the Autonomous Region in Muslim Mindanao;
35
- 36 b. the Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in
37 the province of Lanao del Norte and all other barangays in the Municipalities of
38 Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap that voted for
39 inclusion in the Autonomous Region in Muslim Mindanao during the 2001
40 plebiscite;
41
- 42 c. the cities of Cotabato and Isabela; and
43
- 44 d. all other contiguous areas where there is resolution of the local government unit
45 or a petition of at least ten percent (10%) of the registered voters in the area
46 asking for their inclusion at least two months prior to the conduct of the
47 ratification of this Basic Law and the process of delimitation of the Bangsamoro.
48

49 In order to ensure the widest acceptability of this Basic Law in the core areas above-
50 mentioned, a popular ratification shall be conducted among all the Bangsamoro within
51 the areas for their adoption.
52

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

1
2 **Section 4. Inland Waters.** – All inland waters, such as lakes, rivers, river systems, and
3 streams within the Bangsamoro territory shall be part of the Bangsamoro. The
4 preservation and management thereof shall be under the jurisdiction of the Bangsamoro
5 Government.

6
7 **Section 5. Bangsamoro Waters** – The Bangsamoro waters, in the Sulu Sea and Moro
8 Gulf, shall extend up to 22.224 kilometers (12 nautical miles) from the low-water mark of
9 the coasts that are part of the Bangsamoro territory. The Bangsamoro waters shall be
10 part of the territorial jurisdiction of the Bangsamoro political entity.

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

17
18 Should they be so situated that there is more than thirty (30) kilometers but less than
19 37.224 kilometers of waters between them, a line shall be drawn at the edge of the 15
20 kilometers municipal waters of the adjoining local government unit to demarcate it from
21 the Bangsamoro waters.

22
23 Ten years after the passage of this Basic Law, the Central Government and the
24 Bangsamoro Government shall discuss the enhancement of the area of the
25 Bangsamoro waters through the necessary processes and modalities.

26
27 **Section 6. Constituent Units.** – The provinces, cities, municipalities, barangays, and
28 geographical areas within its territory shall be the constituent units of the Bangsamoro.

29
30 **Section 7. Collective Democratic Rights of the Bangsamoro People.** - The
31 collective rights of the constituents of the Bangsamoro shall be recognized.

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35 **Article IV**
36 **GENERAL PRINCIPLES AND POLICIES**

37
38 **Section 1. Self-Governance.** In the exercise of its right to self-determination and self-
39 governance, the Bangsamoro is free to pursue its political, economic, social, and
40 cultural development.

41
42 **Section 2. Democratic Political System.** – The Bangsamoro Government shall be
43 parliamentary. Its political system is democratic, allowing its people to freely participate
44 in the political processes within its territory.

45
46 **Section 3. Electoral System** - The Bangsamoro Government, consistent and suitable
47 to its parliamentary form of government, shall adopt an electoral system which shall
48 allow democratic participation, encourage formation of genuinely principled political
49 parties, and ensure accountability.

50
51 **Section 4. Civilian Government.** Governance in the Bangsamoro is the responsibility
52 of the duly elected civilian government. Civilian authority is, at all times, supreme over
53 the military.

54
55 **Section 5. Promotion of Unity.** The Bangsamoro Government shall promote unity,
56 peace, justice, and goodwill among all peoples, as well as encourage a just and
57 peaceful settlement of disputes.

1
2 The Bangsamoro abides by the principle that the country renounces war as an
3 instrument of national policy, adopts the generally accepted principles of international
4 law as part of the law of the land, and adheres to the policy of peace, equality, justice,
5 freedom, cooperation, and amity with all nations.
6

7 **Section 6. Promotion of Right.** - The Bangsamoro shall adhere to the principle of
8 enjoining what is right and forbidding what is wrong.
9

10 **Section 7. Social Justice.** - The Bangsamoro shall establish a government that
11 ensures that every citizen in the Bangsamoro is provided the basic necessities and
12 equal opportunities in life. Social Justice shall be promoted in all phases of development
13 and facets of life within the Bangsamoro.
14

15 **Section 8. International Treaties and Agreements.** - The Bangsamoro Government
16 shall respect and adhere to all international treaties and agreements which benefited
17 the Bangsamoro Government.
18

19
20 **Article V**
21 **POWERS OF GOVERNMENT**

22 **Section 1. Reserved Powers.** – Reserved powers are matters over which authority and
23 jurisdiction are retained by the Central Government. The Central Government shall
24 exercise the following reserved powers:
25

- 26 1. Defense and external security;
- 27 2. Foreign policy;
- 28 3. Coinage and Monetary Policy;
- 29 4. Postal service;
- 30 5. Citizenship and naturalization;
- 31 6. Immigration;
- 32 7. Customs and tariff as qualified by Section 2(10), Article V of this Basic Law;
- 33 8. Common market and global trade, provided that the power to enter into
34 economic agreements given to the Autonomous Region in Muslim Mindanao
35 under R.A. 9054 is hereby transferred to the Bangsamoro Government as
36 provided in Article XII, Section 27 of this Basic Law; and
37 9. Intellectual property rights.

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46 **Section 2. Concurrent Powers.** - Concurrent powers shall refer to the powers shared
47 between the Central Government and the Bangsamoro Government within the
48 Bangsamoro, as provided in this Basic Law.
49
50

51 The Central Government and the Bangsamoro Government shall exercise shared
52 powers within the Bangsamoro on the following matters:
53

- 54 1. **Social security and pensions.** – The Bangsamoro Government may organize
55 its own social security and pension systems alongside the existing Central
56 Government social security and pension systems.
57

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

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

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

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

22 The Bangsamoro Government may institute processes to promote more
23 efficient registration of lands within the Bangsamoro.
24

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

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

34 **6. Penology and penitentiary.** -- The Central Government and the Bangsamoro
35 Government institutions shall cooperate and coordinate through the
36 intergovernmental relations mechanism on the matter of granting parole and
37 recommending to the President the grant of executive clemency. The
38 Bangsamoro Government shall create an office that shall administer the parole
39 system and recommend the grant of executive clemency to the Office of the
40 President.
41

42 The Bangsamoro Government may create and manage jails, penal colonies,
43 and other facilities. It shall ensure the compatibility of these facilities with the
44 national jail management and penitentiary system, through the
45 intergovernmental relations mechanism. These facilities are understood to be
46 part of the country's administration of justice.
47

48 **7. Auditing.** – The Bangsamoro auditing body shall have auditing responsibility
49 over public funds utilized by the Bangsamoro, without prejudice to the power,
50 authority and duty of the national Commission on Audit (COA). The
51 Bangsamoro Government shall ensure transparency mechanisms consistent
52 with open government practices.
53

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

1
2 There is hereby created a Bangsamoro Civil Service office that shall develop
3 and administer a professional civil service corps, without prejudice to the power,
4 authority and duty of the national Civil Service Commission. The Bangsamoro
5 Government shall enact a civil service law for this purpose. This law shall
6 govern the conduct of civil servants, the qualification for non-elective positions,
7 adopt the merit and fitness system, and protect civil service eligibles in various
8 government positions, including government-owned and/or controlled
9 corporations with original charters, in the Bangsamoro. The Bangsamoro
10 Government shall have primary disciplinary authority over its own officials and
11 employees.
12

13 **9. Coastguard.** –The Central Government shall have primary responsibility over
14 coastguard matters. The Central Government and the Bangsamoro
15 Government shall cooperate and coordinate through the intergovernmental
16 relations mechanism.
17

18 **10. Customs and Tariff.** – The Bangsamoro Government and the Central
19 Government shall cooperate and coordinate through the intergovernmental
20 relations mechanism with regard to the enforcement of customs and tariff laws
21 and regulations to ensure the effective exercise of its powers on barter trade
22 and countertrade with ASEAN countries as well as the regulation of the entry of
23 *haram* goods in the Bangsamoro territorial jurisdiction.
24

25 **11. Administration of justice.** – Administration of justice shall be in accordance
26 with the relevant provisions of this Basic Law and with due regard to the powers
27 of the Supreme Court and the competence of the Bangsamoro Government
28 over *Shari'ah* courts and the *Shari'ah* justice system in the Bangsamoro. The
29 supremacy of *Shari'ah* and its application shall only be to Muslims.
30

31 **12. Funding for the maintenance of national roads, bridges, and irrigation**
32 **systems.** – The Central Government shall be responsible for the funding,
33 construction, and maintenance of national roads, bridges and irrigation systems
34 in the Bangsamoro, and shall include in the National Road Network Information
35 System all national roads and bridges in the Bangsamoro. There shall be
36 coordination through the intergovernmental relations mechanism between the
37 relevant Central Government and Bangsamoro Government agencies on the
38 Central Government on the matter of national roads, bridges, and irrigation
39 systems within the Bangsamoro.
40

41 The Bangsamoro Government shall submit proposals to the appropriate
42 national government agency for the inclusion of the cost of such maintenance in
43 the latter's budget that shall be submitted to Congress for inclusion in the
44 General Appropriations Act. Funding for national roads, bridges, and irrigation
45 systems shall be regularly released to the relevant department of the Central
46 Government.
47

48 **13. Disaster risk reduction and management.** – The Bangsamoro Government
49 shall have primary responsibility over disaster risk reduction and management
50 within the Bangsamoro. There shall be cooperation and coordination among
51 relevant Central Government and Bangsamoro Government agencies on
52 disaster risk reduction and management. There is hereby created a
53 Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC),
54 with powers and functions that shall be defined by the Bangsamoro Parliament
55 in a law on disaster preparedness and response. The BDRRMC shall formulate
56 the Bangsamoro Disaster Risk Reduction and Management Plan, which shall
57 complement the National Disaster Risk Reduction and Management Framework

1 and Plan of the Central Government. Additionally, the BDRRMC, through its
2 Chair, the Chief Minister, may recommend to the President the mobilization of
3 resources of national defense in times of disasters in the Bangsamoro.
4

- 5 **14. Public order and safety.** – The Bangsamoro Government shall have primary
6 responsibility over public order and safety within the Bangsamoro. It shall have
7 powers over public order and safety including those related to jail management,
8 fire prevention, and trainings on public safety. The Central Government and the
9 Bangsamoro Government shall cooperate and coordinate through the
10 intergovernmental relations mechanism.
11

12 **Section 3. Exclusive Powers.** - Exclusive powers are matters over which authority
13 and jurisdiction shall pertain to the Bangsamoro Government. The Bangsamoro
14 Government shall exercise these powers over the following matters within the
15 Bangsamoro:
16

- 17 1. Agriculture, livestock and food security;
- 18 2. Economic and cultural exchange;
- 19 3. Contract loans, credits, and other forms of indebtedness with any government
20 or private bank and other lending institutions, except those requiring sovereign
21 guaranty, which require Central Government approval;
- 22 4. Trade, industry, investment, enterprises and regulation of businesses taking into
23 consideration relevant laws;
- 24 5. Labor, employment, and occupation;
- 25 6. Registration of business names, with the Bangsamoro Government listing these
26 in the Philippine Business Registry for business names;
- 27 7. Barter trade and countertrade with ASEAN countries;
- 28 8. Economic zones and industrial centers;
- 29 9. *Free ports.* – The Bangsamoro Government may establish free ports in the
30 Bangsamoro. The Bangsamoro Government shall cooperate with the Central
31 Government through the intergovernmental relations mechanism on customs,
32 immigration, quarantine service, and international commitments. Business and
33 other enterprises operating within the Bangsamoro free ports shall be entitled to
34 the fiscal incentives and other benefits provided by the Central Government to
35 special economic zones. Bangsamoro free ports shall be contiguous/adjacent to
36 seaport or airport within the Bangsamoro;
- 37 10. Tourism;
- 38 11. Creation of sources of revenue;
- 39 12. Budgeting;
- 40 13. *Financial and banking system.* – This is without prejudice to the power of
41 supervision of the *Bangko Sentral ng Pilipinas* (BSP) and provided further that
42 the Bangsamoro Government, the BSP, the Department of Finance (DOF), and
43 the National Commission on Muslim Filipinos (NCMF) shall jointly promote the
44 development of the Islamic banking system, to include among others the
45 establishment of a *Shari'ah* supervisory board;
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2 14. *Establishment of government-owned and/or controlled corporations (GOCCS)*
3 *and financial institutions.* – The Bangsamoro Government shall legislate and
4 implement the creation of its own GOCCs in the pursuit of the common good,
5 and subject to economic viability. The GOCCs shall be registered with the
6 Securities and Exchange Commission or shall be established under legislative
7 charter by the Bangsamoro Government;
8
- 9 15. The Bangsamoro Government shall have authority to regulate power
10 generation, transmission, and distribution operating exclusively in the
11 Bangsamoro and not connected to the national transmission grid. It shall
12 promote investments, domestic and international, in the power sector industry in
13 the Bangsamoro. Power plants and distribution networks in the Bangsamoro
14 shall be able to interconnect and sell power over the national transmission grid
15 to electric consumers. The Bangsamoro Government may assist electric
16 cooperatives in accessing funds and technology, to ensure their financial and
17 operational viability. When power generation, transmission, and distribution
18 facilities are connected to the national transmission grid, the Central
19 Government and the Bangsamoro Government shall cooperate and coordinate
20 through the intergovernmental relations mechanism;
21
- 22 16. *Public utilities operations in the Bangsamoro.* – In case of inter-regional utilities,
23 there shall be cooperation and coordination among the relevant government
24 agencies;
25
- 26 17. Receive grants and donations;
27
- 28 18. Education and skills training;
29
- 30 19. Science and technology;
31
- 32 20. Research councils and scholarships;
33
- 34 21. Culture and language;
35
- 36 22. Sports and recreation;
37
- 38 23. Regulation of games and amusement operations within the Bangsamoro;
39
- 40 24. *Libraries, museums, historical, cultural and archaeological sites.* – The
41 Bangsamoro Government shall have the power to establish its own libraries and
42 museums, and declare historical and cultural sites. The Central Government
43 shall transfer the management of such sites currently under the jurisdiction of
44 the National Museum, National Historical Commission, and other agencies of
45 the Central Government, to the Bangsamoro Government or local governments
46 therein following certain processes through the intergovernmental relations
47 mechanism. With regard to archaeological sites, the Bangsamoro Government
48 shall coordinate with relevant agencies of the Central Government on the
49 regulation, excavation, preservation, and exportation of cultural properties, as
50 well as, on the recovery of lost historical and cultural artifacts;
51
- 52 25. Regulations on manufacture and distribution of foods, drinks, drugs, and
53 tobacco for the welfare of the Bangsamoro;
54
- 55 26. *Hajj and Umrah.* – The Bangsamoro Government shall have primary jurisdiction
56 over *Hajj* and *Umrah* matters affecting pilgrims from within the Bangsamoro.
57 The Central Government shall have competence over *Hajj* and *Umrah* matters

1 affecting pilgrims coming from outside the Bangsamoro. There is hereby
2 created a Bangsamoro pilgrimage authority that shall act in close coordination
3 with Central Government on *Haji* and *Umrah* matters involving offices and
4 agencies outside the Bangsamoro;

- 5
- 6 27. Customary laws;
- 7
- 8 28. Declaration of Bangsamoro holidays;
- 9
- 10 29. Ancestral domain and natural resources;
- 11
- 12 30. Protection of the rights of the indigenous people in the Bangsamoro in
13 accordance with the United Nations Declaration on the Rights of Indigenous
14 Peoples, and taking into account in addition to economic and geographical
15 criteria, their individual and communal property rights, cultural integrity,
16 customary beliefs, historical and community traditions. The Bangsamoro
17 Parliament shall create an appropriate office or ministry for the Indigenous
18 Peoples, which shall be part of the Bangsamoro Cabinet to develop and
19 implement the Bangsamoro programs for the indigenous peoples in accordance
20 with a law passed by the Parliament;
- 21
- 22 31. *Land management, land distribution, and agricultural land use reclassification.* –
23 The classification of public lands into alienable and disposable lands shall be
24 initiated and recommended by the Bangsamoro Government to the President
25 for the timely implementation of Bangsamoro development plans and targets;
- 26
- 27 32. *Cadastral land survey.* – The Bangsamoro Government shall have the authority
28 to conduct cadastral surveys, lot surveys, and isolated and special surveys in
29 the Bangsamoro. The Bangsamoro Government shall furnish the results of
30 these surveys to, and coordinate with, relevant Central Government agencies to
31 effect inclusion into national cadastral survey;
- 32
- 33 33. Expropriation and eminent domain;
- 34
- 35 34. *Environment, parks, forest management, wildlife, nature reserves and*
36 *conservation.* – The Bangsamoro Government shall have the authority to
37 protect and manage the environment. It shall have the power to declare nature
38 reserves and aquatic parks, forests, and watershed reservations, and other
39 protected areas in the Bangsamoro;
- 40
- 41 35. Inland waterways for navigation;
- 42
- 43 36. Inland waters;
- 44
- 45 37. Management, regulation and conservation of all fishery, marine and aquatic
46 resources within the Bangsamoro territorial jurisdiction;
- 47
- 48 38. Bangsamoro settlements;
- 49
- 50 39. Customary justice;
- 51
- 52 40. *Shari'ah* courts and *Shari'ah* justice system;
- 53
- 54 41. Public administration and bureaucracy for the Bangsamoro;
- 55

- 1 42. Health, provided that the Central Government and the Bangsamoro
2 Government shall cooperate with and assist each other in the prevention and
3 control of epidemic and other communicable diseases;
4
5 43. Social services, social welfare and charities;
6
7 44. Waste Management;
8
9 45. Establishment and supervision of humanitarian services and institutions;
10
11 46. Identification, generation, and mobilization of international human resources for
12 capacity building and other activities involving the same within the Bangsamoro.
13 The Central Government shall cooperate with and assist the Bangsamoro
14 Government towards ensuring access to such relevant human resources
15 through the intergovernmental relations mechanism;
16
17 47. Establishment of *Awqaf* (endowment) and charitable trusts;
18
19 48. *Hisbah* office for accountability as part of the *Shari'ah* justice system;
20
21 49. Registration of births, marriages, and deaths, copies of which shall be
22 forwarded to the Philippine Statistics Authority;
23
24 50. Housing and human settlements;
25
26 51. Development planning;
27
28 52. Urban and rural development;
29 53. Water supplies and services, flood control, and irrigation systems in the
30 Bangsamoro, provided, that with regard to water supplies and services, flood
31 control, and irrigation systems that connect to or from facilities outside the
32 Bangsamoro, there shall be cooperation and coordination between the
33 Bangsamoro Government and the appropriate Central or local government
34 bodies;
35
36 54. Public works and highways within the Bangsamoro;
37
38 55. Establishment of appropriate mechanisms for consultations for women and
39 marginalized sectors;
40
41 56. Special development programs and laws for women, the youth, the elderly,
42 labor, the differently-abled, and indigenous people;
43
44 57. *Local administration, municipal corporations and other local authorities including*
45 *the creation of local governments.* – The Bangsamoro Government shall
46 manage and build its own bureaucracy and administrative organization, in
47 accordance with the ministerial form of government;
48

49 The Bangsamoro Parliament may create, divide, merge, abolish, or
50 substantially alter boundaries of provinces, cities, municipalities, or barangays
51 in accordance with a law enacted by the Bangsamoro Parliament, and subject
52 to the approval by a majority of the votes cast in a plebiscite in the political units
53 directly affected. Subject to the criteria provided in said law, the Bangsamoro
54 Parliament may likewise create appropriate local government units in the areas
55 inhabited predominantly by indigenous peoples;
56

1 However, when such acts require the creation of a congressional district, the
2 Bangsamoro Government shall cooperate and coordinate with Central
3 Government through the Philippine Congress – Bangsamoro Parliament Forum
4 to prioritize the deliberations on the creation of the congressional district; and
5

- 6 58. Establishment or creation of other institutions, policies and laws for the general
7 welfare of the people in the Bangsamoro.
8

9 **Section 4. Other Exclusive Powers.** The following vested powers and competencies
10 previously granted to the Autonomous Region in Muslim Mindanao under R.A. No.
11 6734, as amended by R.A. No. 9054, are hereby transferred to the Bangsamoro
12 Government as part of its exclusive powers
13

- 14 a) To regulate and exercise authority over foreign investments within its
15 jurisdiction. The Central Government may intervene in such matters only if
16 national security is involved;
17
- 18 b) To proclaim a state of calamity over its territorial jurisdiction or parts thereof
19 whenever typhoons, flash floods, earthquakes, tsunamis, or other natural
20 calamities cause widespread damage or destruction to life or property in the
21 region. The state of calamity proclaimed by the Chief Minister shall only be for
22 the purpose of maximizing the efforts to rescue imperiled persons and property
23 and the expeditious rehabilitation of the damaged area;
24
- 25 c) To temporarily take over or direct operation of any privately-owned public utility
26 or business affected with public interest, in times of state of calamity declared
27 by the Chief Minister, when the public interest so requires and under such
28 reasonable terms and safeguards as may be prescribed by the Parliament. The
29 public utility or business concerned may contest the take-over of its operations
30 by the Bangsamoro Government by filing a proper case or petition with the
31 Court of Appeals;
32
- 33 d) To recognize constructive or traditional possession of lands and resources by
34 indigenous people subject to judicial affirmation, the petition for which shall be
35 instituted within a period of ten (10) years from the effectivity of this Basic Law.
36 The procedure for judicial affirmation of imperfect titles under existing laws
37 shall, as far as practicable, apply to the judicial affirmation of titles to ancestral
38 lands;
39
- 40 e) To adopt and implement a comprehensive urban land reform and land use
41 program, to ensure the just utilization of lands within its jurisdiction;
42
- 43 f) The Bangsamoro Parliament shall have the following powers:
44
- 45 1. To enact legislation on the rights of the people of the Bangsamoro to
46 initiate measures for the passage, amendment, or repeal of regional or
47 local legislation; to be consulted on matters that affect their environment;
48 to call for a referendum on important issues affecting their lives; and, on
49 initiatives;
50
 - 51 2. To conduct inquiries or public consultations in aid of legislation in
52 accordance with its rules. In connection therewith, it shall have the power
53 to issue *subpoena* or *subpoena duces tecum* to compel the attendance of
54 witnesses and the production of papers, documents, or things by
55 witnesses or persons under investigation by the Parliament, itself, or by
56 any of its committees. It shall also have the right to cite witnesses or
57 persons under investigation for contempt for refusal to testify before it or

1 before any of its committees, or to produce papers, documents or things
2 required by the Parliament or any of its committees. The rights of persons
3 appearing in or affected by such inquiries shall be respected;
4

- 5 3. To enact a law that would allow the Chief Minister, Speaker of the
6 Parliament, and the Presiding Justice of the Bangsamoro *Shari'ah* High
7 Court to augment any item in the Bangsamoro General Appropriations
8 Law for their respective offices from savings in other items of their
9 respective appropriations;
10
- 11 4. Within the competencies of the Bangsamoro Government, to enact a law
12 that shall regulate the grant of franchises and concessions, and empower
13 the Chief Minister to grant leases, permits, and licenses over agricultural
14 lands and for forest management;
15
- 16 g) To create pioneering firms and other business entities needed to boost
17 economic development in the Bangsamoro;
18
- 19 h) To establish and operate pioneering public utilities in the interest of regional
20 welfare and security. Upon payment of just compensation, it may cause the
21 transfer of the ownership of such utilities to cooperatives or other collective
22 organizations;
23
- 24 i) To support and encourage the building up of entrepreneurial capability in the
25 Bangsamoro and to recognize, promote, and protect cooperatives;
26
- 27 j) To supervise and regulate private schools in the Bangsamoro and to allow the
28 participation of three (3) representatives of private schools in the deliberations
29 of the appropriate Bangsamoro Government's ministry, Commission on Higher
30 Education (CHED), Technical Education and Skills Development Authority
31 (TESDA), and other government agencies on matters dealing with private
32 schools.
33
- 34 k) To be represented in the board of the state universities and colleges in the
35 Bangsamoro by the Chair of the appropriate committee of the Bangsamoro
36 Parliament, as member. The state universities and colleges within the
37 Bangsamoro shall be considered part of the Bangsamoro educational system.
38 This notwithstanding, these state universities and colleges shall enjoy academic
39 freedom and fiscal autonomy, and shall continue to be governed by their
40 respective charters;
41
- 42 l) To supervise, through the appropriate ministry, the accredited *madaris* in the
43 Bangsamoro;
44
- 45 m) To conduct periodic competitive qualifying examinations of *madaris* teachers for
46 permanent appointments to the Bangsamoro education system;
47
- 48 n) To adopt measures to protect and promote the rights of people's organizations
49 and other collective organizations;
50
- 51 o) To adopt measures for the protection of the youth in the Bangsamoro and the
52 promotion of their welfare, and to create the appropriate office and other
53 mechanisms for the implementation of such measures;
54
- 55 p) To enforce the policy against the appointment or designation of any member of
56 the Armed Forces of the Philippines in the active service to a civilian position in
57 the Bangsamoro Government, including government-owned and/or -controlled

1 corporations, or in any of their subsidiaries or instrumentalities within the
2 Bangsamoro.
3

4
5 **Article VI**
6 **INTERGOVERNMENTAL RELATIONS**
7

8 **Section 1. Asymmetric Relationship.** – The relationship between the Central
9 Government and the Bangsamoro Government shall be asymmetric. This is reflective
10 of the recognition of their Bangsamoro identity, and their aspiration for self-governance.
11 This makes it distinct from other regions and other local governments.
12

13 **Section 2. Parity of Esteem.** – The Central Government and the Bangsamoro
14 Government shall be guided by the principles of parity of esteem and accepted norms of
15 good governance. The Central Government shall respect the exercise of competencies
16 and exclusive powers of the Bangsamoro Government. The Bangsamoro Government
17 shall respect the exercise of the competencies and reserved powers of the Central
18 Government.
19

20 **Section 3. General Supervision.** Consistent with the principle of autonomy and the
21 asymmetric relation of the Central Government and the Bangsamoro Government, the
22 President shall exercise general supervision over the Bangsamoro Government to
23 ensure that laws are faithfully executed.
24

25 **Section 4. Intergovernmental Relations Mechanism.** – The Central Government and
26 the Bangsamoro Government shall establish a mechanism at the highest levels that will
27 coordinate and harmonize their relationships. For this purpose, a primary mechanism
28 shall be a Central Government – Bangsamoro Government Intergovernmental Relations
29 Body to resolve issues on intergovernmental relations. All disputes and issues relating
30 to these intergovernmental relations shall be resolved through regular consultations and
31 continuing negotiations in a non-adversarial manner.
32

33 The Intergovernmental Relations Body shall exhaust all means to resolve all issues
34 brought before it. Unresolved issues shall be elevated to the President through the
35 Chief Minister.
36

37 The Central Government and the Bangsamoro Government shall each appoint a
38 representative in the inter-governmental relations body. Both representatives shall have
39 authority to make decisions. The body shall be supported by a joint secretariat.
40

41 **Section 5. Council of Leaders.** – The Bangsamoro Council of Leaders shall consist of
42 the Chief Minister, provincial governors, mayors of chartered cities, and representatives
43 from traditional leaders, non-Moro indigenous communities, women, settler
44 communities, *ulama*, youth, Bangsamoro communities outside of the Bangsamoro
45 territory, and other sectors. The Bangsamoro Council of Leaders shall be chaired by the
46 Chief Minister. The Council shall advise the Chief Minister on matters of governance in
47 the Bangsamoro. The representation of the non-Moro indigenous communities shall be
48 pursuant to their customary laws and indigenous processes.
49

50 The mechanism of representation and number of representatives shall be determined
51 by the Parliament.
52

53 **Section 6. Devolution and Subsidiarity.** – The Central Government and the
54 Bangsamoro Government accept the concept of devolution as inspired by the principles
55 of subsidiarity. Decisions are to be made at the appropriate level to ensure public
56 accountability and transparency, and in consideration of good governance and the
57 general welfare.

1
2 **Section 7. Bangsamoro Government and Its Constituent Local Government Units.**

3 – The provinces, cities, municipalities, barangays, and geographic areas within its
4 territory shall be the constituent units of the Bangsamoro. The authority to regulate on
5 its own responsibility the affairs of the local government units is guaranteed within the
6 limit of this Basic Law. The Local Government Units shall continue to exercise the
7 powers granted to them as provided by law. For good governance, the Bangsamoro
8 Parliament may enact a Local Government Code.

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

13
14 **Section 9. Bangsamoro Participation in Central Government.** – It shall be the policy
15 of the Central Government to appoint competent and qualified inhabitants of the
16 Bangsamoro in the following offices in the Central Government: at least one (1) Cabinet
17 Secretary; at least one (1) in each of the other departments, offices and bureaus,
18 holding executive, primarily confidential, highly technical, policy-determining positions;
19 and one (1) Commissioner in each of the constitutional bodies.

20
21 The recommendations of the Bangsamoro Government shall be channeled through the
22 intergovernmental relations mechanisms.

23
24 **Section 10. Assistance to Other Bangsamoro Communities.** – The Central
25 Government shall ensure the protection of the rights of the Bangsamoro people residing
26 outside the territory of the Bangsamoro and undertake programs for the rehabilitation
27 and development of their communities. The Bangsamoro Government shall provide
28 assistance to their communities to enhance their economic, social, and cultural
29 development. In this regard, the Bangsamoro Government shall include in its priorities
30 the creation of an office for Bangsamoro communities outside of the Bangsamoro
31 territory.

32
33 **Article VII**
34 **THE BANGSAMORO GOVERNMENT**
35

36 **Section 1. Seat of Government.** – The Bangsamoro Parliament shall determine the
37 seat of the Bangsamoro Government anywhere within the Bangsamoro territory.

38
39 **Section 2. Powers of Government.** – The powers of government shall be vested in the
40 Bangsamoro Parliament, which shall exercise those powers and functions expressly
41 granted to it in this Basic Law, and those necessary for or incidental to the proper
42 governance and development of the Bangsamoro. It shall set policies, legislate on
43 matters within its authority, and elect a Chief Minister, who shall exercise executive
44 authority in its behalf.

45
46 **Section 3. Legislative Authority.** – The Bangsamoro Parliament shall have the
47 authority to enact laws on matters that are within the powers and competencies of the
48 Bangsamoro Government.

49
50 **Section 4. Executive Authority.** - The executive function and authority shall be
51 exercised by the Cabinet, which shall be headed by a Chief Minister. The Chief Minister
52 who heads the parliamentary government of the Bangsamoro shall be elected by a
53 majority vote of the Parliament from among its members.

54
55 The Chief Minister shall appoint two (2) Deputy Chief Ministers, as provided under
56 Article VII, Section 35, and the members of the Cabinet, majority of whom shall also
57 come from the Parliament.

1
2 **Bangsamoro Parliament**
3

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

9 **Section 6. Classification and Allocation of Seats.** – The seats in the Bangsamoro
10 Parliament shall be classified and allocated as follows:
11

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

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

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

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

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

34 The Bangsamoro Parliament shall determine the manner of election of sectoral and
35 other representation in the Parliament.
36

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

- 43 a. Primacy of customary laws and practices;
44
45 b. Primacy of consensus building;
46
47 c. Acceptability of the community;
48
49 d. Inclusivity and full participation;
50
51 e. Representation of the collective interests and aspirations of non-Moro
52 indigenous peoples;
53
54 f. Sustainability and strengthening of Indigenous Political Structures;
55
56 g. Track record and capability; and
57

1 h. Gender equity.
2

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

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

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

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

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

32 There is hereby created a Bangsamoro Electoral Office which shall be a part of the
33 Commission on Elections, and which shall perform the functions of the Commission on
34 Elections in the Bangsamoro.
35

36 The Bangsamoro Parliament shall submit a list of three (3) recommendees to the
37 President, who shall choose and appoint from among them the Director General, who
38 shall head the Office. In addition to enforcing national election laws in the Bangsamoro,
39 the Bangsamoro Electoral Office shall likewise implement the Bangsamoro Electoral
40 Code enacted by Parliament in the Bangsamoro, and shall perform the following
41 functions:
42

- 43 1. Register and accredit regional political parties;
- 44 2. In relation to plebiscite for joining the Bangsamoro, receive petitions/resolutions
45 to join from geographic areas;
- 46 3. Schedule plebiscites for expansion; and
- 47 4. Prepare rules and regulations for Bangsamoro elections and plebiscites, for the
48 promulgation of the Commission on Elections. All rules and regulations
49 governing Bangsamoro elections and plebiscites shall emanate from the
50 Bangsamoro Electoral Office.
51
52
53
54

55 **Section 12. Budget for the Bangsamoro Electoral Office.** –Budget of the Electoral
56 Office shall be submitted by the Bangsamoro Electoral Office to be part of the yearly
57 budget of the Commission on Elections.

1
2 **Section 13. Term of Office.** The initial term of office of the Members of the Parliament
3 shall be three (3) years, without prejudice for the Bangsamoro Transition Authority
4 (BTA) to include in the Election Code a new term of office.
5

6 **Section 14. Qualifications.** - No person shall be a Member of Parliament unless he or
7 she is a citizen of the Philippines, at least twenty-five (25) years of age on the day of the
8 election, able to read and write, and a registered voter in the Bangsamoro.
9

10 The Youth representative shall not be less than eighteen (18) years and not more than
11 forty (40) years of age at the time of his/her election.
12

13 For district representatives, he or she must be a registered voter of the district in which
14 he or she is a candidate on the day he or she files his or her certificate of candidacy,
15 and has resided in said district for at least three (3) years immediately preceding the
16 day of the election.
17

18 For the first regular elections immediately following the enactment of this Basic Law, the
19 abovementioned residency requirement shall be reduced to one (1) year immediately
20 preceding the day of the election.
21

22 **Section 15. Salaries of Parliament Members.** – The Bangsamoro Parliament shall
23 determine the salaries and emoluments of its members. No increase in said
24 compensation shall take effect until after the expiration of the full term of all the
25 members of the Bangsamoro Parliament approving such increase.
26

27 For the first Bangsamoro Parliament, salaries and emoluments of its members shall be
28 determined by law passed by the Bangsamoro Transition Authority (BTA).
29

30 Members of the Bangsamoro Parliament shall not receive during their tenure other
31 salary and emoluments from the Bangsamoro Government or from the Central
32 Government except as provided by law or regulations from the Bangsamoro Parliament.
33

34 **Section 16. Disclosure.** – Members of the Bangsamoro Parliament shall, upon their
35 assumption to office, make full disclosure of their financial and business interests,
36 including those of their spouses and children. They shall notify the Bangsamoro
37 Parliament of any potential conflict of interest that may arise from the filing of bills or
38 resolutions of which they are authors.
39

40 **Section 17. Prohibition Against Conflict of Interest.** – The Chief Minister, Deputy
41 Chief Ministers, and all the members of the Bangsamoro Parliament, during their term,
42 shall not engage, directly or indirectly, in any business or commercial enterprise where
43 there may be a conflict of interest in the exercise of the functions of their respective
44 offices.
45

46 No member of the Bangsamoro Parliament may personally appear as counsel before
47 courts of justice or quasi-judicial and other administrative bodies. Neither shall the
48 member directly or indirectly, be interested financially in any contract with, or in any
49 franchise or special privilege granted by the Central Government or by the Bangsamoro
50 Government or any subdivision, agency or instrumentality thereof, including any
51 government-owned-or-controlled corporations or its subsidiary, during his or her term of
52 office. The member shall not intervene in any manner before any office of the
53 government for his or her pecuniary benefit or where he or she may be called upon to
54 act on account of his or her office.
55

56 **Section 18. Forfeiture of Seat.** - A Member of Parliament shall forfeit his or her seat if:
57

- 1 a. He/she resigns voluntarily in the form of either a written or oral declaration in the
2 Parliament;
- 3
- 4 b. He/she is convicted of a grave offense by a regular court or found guilty of
5 grave offense as defined by the Parliament Rules, may be expelled by the
6 Bangsamoro Parliament through its Ethics Committee, e.g. treason, high
7 crimes, heinous crimes, crimes against morality or other crimes punishable by
8 more than six (6) years;
- 9
- 10 c. He/she becomes permanently, physically, or mentally incapacitated and is
11 unable to discharge his/her duties as Member of Parliament or dies while in
12 office;
- 13
- 14 d. He/she, having been elected under the proportional representation system, is
15 replaced by the party to which he/she belongs with another member of said
16 party;
- 17
- 18 e. He/she, having been elected under the proportional representation system,
19 transfers to another party during his/her incumbency as Member of Parliament;
20 and
- 21
- 22 f. Such other grounds as may be provided in the Bangsamoro Electoral Code as
23 provided under Article VII, Section 11 hereof.
- 24

25 **Section 19. Filling of Vacancy.** – In case of a vacancy of a proportional representation
26 seat, the party to which that seat belongs shall fill the vacancy.

27

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

31

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

36

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

39

40 **Section 20. Privileges and Immunities.** – No member of the Bangsamoro Parliament
41 may be arrested while the Bangsamoro Parliament is in session, except for crimes
42 punishable by more than six (6) years of imprisonment. The members of the
43 Bangsamoro Parliament may not be questioned in any other place or held liable for any
44 speech or debate delivered in the Bangsamoro Parliament sessions or meetings of its
45 committees.

46

47 **Section 21. Sessions of the Bangsamoro Parliament.** – The Bangsamoro Parliament
48 shall conduct its regular session once every year starting on the 15th of June up to thirty
49 (30) days before the opening of its next regular session. A special or emergency
50 session may be called by the Speaker, upon the request of the Chief Minister or by a
51 majority of the members of the Bangsamoro Parliament.

52

53 **Section 22. Officers of the Bangsamoro Parliament.** – On the first session following
54 their election, the members of the Bangsamoro Parliament shall, in open session, elect
55 by a simple majority vote from all its members the Speaker, a Deputy Speaker, and the
56 other officers of the Bangsamoro Parliament as the Parliament Rules of the
57 Bangsamoro Parliament may provide.

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

5
6 **Section 23. Presiding Officer.** – The Speaker, Deputy Speaker, or any other person
7 presiding over the Bangsamoro Parliament shall:

- 8
9 a. Serve to secure the honor and dignity of the Bangsamoro Parliament;
10
11 b. Be responsible for ensuring – (i) the rights and privileges of all members; and
12 (ii) public access to the proceeding of the Bangsamoro Parliament and its
13 committees;
14 c. Have the authority and moral ascendancy to maintain order and decorum in the
15 Bangsamoro Parliament, in accordance with its Parliamentary Rules; and
16
17 d. Act impartially, and without fear, favor, and prejudice.
18

19 **Section 24. Rules of Procedure.** – The Bangsamoro Parliament shall adopt its
20 Parliamentary Rules for the conduct of its business.
21

22 **Section 25. Proceedings.** – A majority of all the members of the Bangsamoro
23 Parliament shall constitute a quorum to do business. The legislative proceedings in the
24 Bangsamoro Parliament shall be recorded in its original form and translated in the
25 Filipino, Arabic, and English languages. Unless otherwise provided by law or the
26 Parliamentary Rules of the Bangsamoro Parliament, the members of the Bangsamoro
27 Parliament may use any of the commonly understandable native languages during
28 legislative deliberations.
29

30 **Section 26. General Welfare.** – The Bangsamoro Parliament shall pass laws that
31 promote the general welfare of the people in the Bangsamoro.
32

33 **Section 27. Appropriations.** – No public money may be spent without an
34 appropriations act clearly defining the purpose for which it is intended. The Bangsamoro
35 Parliament shall pass an annual appropriations law.
36

37 **Section 28. Budget.** – The form, content, and manner of preparation of the
38 Bangsamoro Budget shall be prescribed by law enacted by the Bangsamoro
39 Parliament. pending the enactment of such law, the budgeting process shall be
40 governed by existing laws, rules, and regulations on budget.
41

42 For this purpose, the Parliament shall create a Bangsamoro Budget Office.
43

44 **Section 29. Reenacted Budget.** - If, by the end of a fiscal year, the Bangsamoro
45 Parliament shall have failed to pass the Bangsamoro appropriations bill for the ensuing
46 fiscal year, the Bangsamoro Appropriations Act for the preceding year shall be deemed
47 automatically reenacted and shall remain in force and effect until a new Bangsamoro
48 appropriations law is enacted by Parliament.
49

50 *Executive Officers*

51

52 **Section 30. Qualifications of the Chief Minister.** – No person may be elected as the
53 Chief Minister unless he/she is at least twenty-five (25) years of age at the time of the
54 election, a bona fide resident of the Bangsamoro for three (3) years immediately
55 preceding the day of the elections, and with proven competence and probity, mentally
56 fit, and known for his/her integrity and high moral standards.
57

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

5 **Section 31. Election of the Chief Minister.** – On the inaugural session of the
6 Bangsamoro Parliament following their elections, the members of the Parliament shall,
7 in open session, elect the Chief Minister by a majority vote of all its members.
8

9 If no member of Bangsamoro Parliament obtains the majority vote necessary to be
10 elected Chief Minister in the first round of voting, a runoff election shall be conducted. In
11 such case, the members of Bangsamoro Parliament shall elect the Chief Minister from
12 the two (2) candidates who obtained the highest number of votes cast in the first round.
13

14 **Section 32. Powers, Duties and Functions of the Chief Minister.** - Unless otherwise
15 provided by law, the Chief Minister shall exercise the following powers, duties and
16 functions:
17

- 18 a. Heads the government of the Bangsamoro;
- 19
- 20 b. Appoints heads of ministries, agencies, bureaus, and offices of the
21 Bangsamoro
- 22
- 23 c. Government or other officers of Bangsamoro owned and/or controlled
24 corporations or entities with original charters;
- 25
- 26 d. Appoints other officers in the Bangsamoro Government, as may be provided by
27 the Parliament;
- 28
- 29 e. Formulates platform of government subject to approval by the Parliament;
- 30
- 31 f. Issues executive orders and other policies of the Bangsamoro Government;
- 32
- 33 g. Represents the government of the Bangsamoro in affairs outside the
34 Bangsamoro; and
- 35 h. Exercises such other powers and functions inherent to the position.
36

37 **Section 33. Administration of Oath of the Chief Minister.** – The *Wali* shall
38 administer the oath of office of all the Members of Parliament, including the Chief
39 Minister upon his/her election.
40

41 **Section 34. Ex-Officio Membership.** - The Chief Minister shall be an *ex-officio*
42 member of the National Security Council (NSC) on matters concerning the Bangsamoro
43 and of the National Economic and Development Authority Board (NEDA).
44

45 **Section 35. Deputy Chief Ministers.** – There shall be two (2) Deputy Chief Ministers to
46 be appointed appointed by the Chief Minister, as nominated by members of Parliament
47 from among themselves.
48

49 For the purpose of shared leadership, the Bangsamoro shall have three (3) sub-
50 regions, namely, South Western Mindanao, North Central Mindanao, and South Central
51 Mindanao, all within the Bangsmaoro. To ensure representation of all the sub-regions,
52 the two (3) Deputy Chief Ministers shall come from the other two (2) sub-regions
53 different from that of the Chief Minister.
54

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

1
2 The Deputy Chief Ministers may each hold a cabinet position.
3

4 In case of death, removal, resignation, or incapacity of the Chief Minister, the Deputy
5 Chief Minister, more senior in age, shall temporarily act as the Chief Minister until the
6 Parliament shall have elected a new Chief Minister. Said election shall be held within
7 thirty (30) days from the occurrence of the vacancy.
8

9 **Section 36. Call for a New Bangsamoro Parliament Election.** – Within seventy-two
10 (72) hours upon a two-thirds (2/3) vote of no confidence of all members of Parliament
11 against the government of the day, the Chief Minister shall advise the *Wali* to dissolve
12 the Parliament and call for a new parliamentary election. In no case shall the *Wali*
13 countermand the advice of the Chief Minister.
14

15 The *Wali* shall call for election of a new Bangsamoro Parliament on a date not later than
16 one hundred twenty (120) days from the date of dissolution.
17

18 In case of dissolution, the incumbent Chief Minister and the Cabinet shall continue to
19 conduct the affairs of the Bangsamoro Government until a new Parliament is convened
20 and a Chief Minister is elected and has qualified.
21

22 **Article VIII** 23 **WALI** 24

25 **Section 1. Appointment of *Wali*.** - Consistent with the parliamentary form of
26 government, there shall be a *Wali* who shall serve as the ceremonial head of the
27 Bangsamoro.
28

29 The Bangsamoro Parliament shall issue a resolution reflecting its consensus on the
30 selection of the *Wali* from a list of names of eminent residents of the Bangsamoro
31 submitted by the Council of Leaders.
32

33 **Section 2. Qualifications of *Wali*.** - The *Wali* must possess the following qualifications
34 at the time of his nomination:
35

- 36 1. Able to read and write in English or Arabic;
- 37 2. At least 40 years old;
- 38 3. A resident of the Bangsamoro for at least 15 years;
- 39 4. Respected in the community;
- 40 5. Reputable and of unquestionable integrity and moral ascendancy; and
- 41 6. Has not been found guilty of any criminal or administrative offense by any court or
42 quasi-judicial bodies.
43
44
45
46
47

48 **Section 3. Ceremonial Duties of *Wali*.** - The *Wali* shall only take on ceremonial
49 functions, such as opening the Parliament, administration of oath of officers, dissolving
50 the Parliament, calling for election of a new Bangsamoro Parliament as provided for in
51 Article VII, Section 36 of this law, and attendance to public ceremonies.
52

53 **Section 4. Term of Office of *Wali*.** - The first *Wali* shall be appointed by the
54 Bangsamoro Transition Authority through a resolution reflecting its consensus on the
55 selection of the *Wali*, who then shall hold office for three (3) years. Each succeeding
56 *Wali* shall have a 6-year term.
57

1 Provided that the appointed *Wali* shall continue until such time that the succeeding *Wali*
2 is appointed and has assumed office.
3

4 **Section 5. Allowances of the *Wali*.** - The first *Wali* shall receive allowances in such
5 amount as may be determined by the Bangsamoro Transition Authority. The allowances
6 of the *Wali* subsequently chosen shall be determined by the Bangsamoro Parliament.
7

8 Such allowances shall be sourced from the funds of the Bangsamoro Government and
9 shall be provided for in its annual appropriations law.
10

11 **Article IX** 12 **BASIC RIGHTS** 13

14 **Section 1. Basic Rights in the Bangsamoro.** – In addition to the basic rights already
15 enjoyed by the citizens residing in the Bangsamoro, the Bangsamoro Government shall
16 guarantee the following enforceable rights:
17

- 18 a. Right to life and to inviolability of one's person and dignity;
- 19 b. Right to freedom and expression of religion and beliefs;
- 20 c. Right to privacy;
- 21 d. Right to freedom of speech;
- 22 e. Right to express political opinion and pursue democratically political aspirations;
- 23 f. Right to seek constitutional change by peaceful and legitimate means;
- 24 g. Right of women to meaningful political participation and protection from all
25 forms of violence;
- 26 h. Right to freely choose one's place of residence and the inviolability of the home;
- 27 i. Right to equal opportunity and non-discrimination in social and economic
28 activity and the public service, regardless of class, creed, disability, sexual
29 orientation and gender identity and ethnicity;
- 30 j. Right to form cultural and religious associations;
- 31 k. Right to freedom from religious, ethnic, and sectarian harassment;
- 32 l. Right to redress of grievances and due process of law; and
- 33 m. Right to free public basic education (K+12), tertiary education, and *madrasah*
34 education.
35

36 The Bangsamoro Parliament shall pass a law for the promotion and protection of the
37 above-enumerated rights.
38

39 **Section 2. Vested Property Rights.** – Vested property rights shall be recognized and
40 respected; Provided, that legitimate grievances of the Bangsamoro people arising from
41 any unjust dispossession of their territorial and proprietary rights, customary land
42 tenure, or their marginalization shall be duly acknowledged and given due course;
43 Provided further, that whenever restoration is no longer possible, the Central
44 Government and Bangsamoro Government shall take effective measures for adequate
45 reparation of the loss in such quality, quantity, and status collectively beneficial to the
46 Bangsamoro people, and to be determined mutually by both Governments.
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2 **Section 3. Transitional Justice.** – There shall be created a transitional justice
3 mechanism to address the legitimate grievances of the Bangsamoro people, including
4 the indigenous peoples, such as historical injustices, human rights violations,
5 marginalization through unjust dispossession of their territorial and proprietary rights
6 and customary land tenure.
7

8 The report of the Transitional Justice and Reconciliation Commission (TJRC) shall be
9 taken into consideration in the creation of said mechanism.
10

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

23 **Section 5. Customary Rights and Traditions.** – The customs, beliefs, and traditions
24 of the people in the Bangsamoro are hereby recognized, protected and guaranteed.
25

26 The Bangsamoro Parliament shall adopt measures to ensure mutual respect and
27 protection of the distinct beliefs, customs, and traditions of the Bangsamoro people and
28 the other inhabitants in the Bangsamoro.
29

30 No person in the Bangsamoro shall be subjected to any form of discrimination on
31 account of creed, religion, ethnic origin, parentage, nor sex.
32

33 **Section 6. Human Rights.** – The Bangsamoro Government guarantees full respect for
34 human rights.

35 All laws and policies, including customary laws, shall conform to international human
36 rights and humanitarian standards. The rights under the International Covenant on
37 Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and
38 Political Rights (ICCPR), and other international human rights instruments shall be
39 guaranteed by the Central Government and the Bangsamoro Government.
40

41 **Section 7. Bangsamoro Human Rights Commission.** – There is hereby created an
42 office called the Bangsamoro Human Rights Commission, which shall be independent
43 and impartial office within the Bangsamoro that shall have the same powers and
44 functions as the national Commission on Human Rights and as may be provided for by
45 the Bangsamoro Parliament to ensure the protection and promotion of the human rights
46 of all the Bangsamoro inhabitants.
47

48 There shall be five (5) members of the Commission, including the Chair, who shall all be
49 appointed by the President upon the recommendation of the Chief Minister. The
50 composition of the Commission shall reflect the ethnic distribution of the population of
51 the Bangsamoro. The Chair shall be a lawyer and majority of the members of the
52 Commission shall, preferably, be members of the Philippine Bar or Counselors-at-Law.
53 The terms of office and other qualifications and disqualifications of the members of the
54 Commission shall be provided by the Bangsamoro Parliament.
55

56 The Commission shall submit a report on its activities and performance at least every
57 quarter to the Bangsamoro Parliament. Other state instrumentalities in the Bangsamoro

1 shall assist the Commission and ensure impartiality, dignity, and effectiveness. The
2 Commission shall have a coordinative and complementary relationship with the national
3 Commission on Human Rights in carrying out its mandate.
4

5 *Social Justice*

6

7 **Section 8. Delivery of Basic Services.** – The Bangsamoro Government shall provide,
8 maintain, and ensure the delivery of, among other things, basic and responsive health
9 programs, quality education, appropriate services, livelihood opportunities, affordable
10 and progressive housing projects, power and electricity, and water supply to the
11 Bangsamoro people and other inhabitants in the Bangsamoro. It shall maintain
12 appropriate disaster-preparedness units for immediate and effective relief services to
13 victims of natural and man-made calamities. It shall also ensure the rehabilitation of
14 calamity-affected areas and victims of calamities.
15

16 **Section 9. Housing and Human Settlements.** – The Bangsamoro Parliament shall
17 pass a law to create a housing and human settlements agency to address the needs or
18 lack of shelters, settlements, and livelihood for the disadvantaged and homeless
19 Bangsamoro and non-Moro indigenous peoples, especially those victims of wars and
20 atrocities. Such agency may directly solicit and receive assistance, donations, aids, and
21 grants from donors for its housing, settlements, and livelihood programs and
22 development.
23

24 The Bangsamoro Government, in cooperation with the private sector, shall evolve its
25 own housing and human settlement programs.
26

27 **Section 10. Rights of Labor.** - The Bangsamoro Government shall guarantee all
28 fundamental rights of all workers to self-organization, collective bargaining and
29 negotiations, and peaceful concerted activities, including the right to strike, in
30 accordance with law to be passed by Parliament. In this regard, the right of workers,
31 whether publicly or privately employed, to form unions, associations, or federations shall
32 not be abridged.
33

34 The workers shall participate in policy and decision-making processes affecting their
35 rights and benefits, as may be provided by law, to be enacted by the Bangsamoro
36 Parliament.
37

38 The right of workers to security of tenure, humane conditions of work, and a living wage
39 shall be guaranteed.
40

41 No trafficking of persons and engagement of minors in any hazardous or deleterious
42 forms of employment shall be tolerated.
43

44 The Bangsamoro Parliament may pass labor laws that expand, improve upon, or
45 enhance the rights stated herein.
46

47 **Section 11. Participation of Women in the Bangsamoro Government.** – Aside from
48 the reserved seat for women in the Parliament, there shall be at least one (1) qualified
49 woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro Parliament shall
50 enact a law that gives recognition to the important role of women in nation-building and
51 regional development, and ensures representation of women in other decision-making
52 and policy- determining bodies of the Bangsamoro Government.
53

54 The Bangsamoro Parliament shall, by law, create the Bangsamoro Women Commission
55 and shall define its powers, functions, and composition.
56

1 **Section 12. Rights of the Youth.** – The Bangsamoro Government recognizes the vital
2 role of the youth in nation-building and shall promote and protect their physical, moral,
3 spiritual, intellectual, and social well-being. It shall inculcate patriotism and nationalism,
4 encourage involvement in public and civic affairs, and promote mental and physical
5 fitness through sports.

6
7 The Bangsamoro Government shall, by law, create the Commission on Youth Affairs
8 and shall define its powers, functions, and composition.

9
10 **Section 13. Protection of Women and Marginalized People of Diverse Sexual**
11 **Orientation and Gender Identity.** – The Bangsamoro Government shall uphold and
12 protect the fundamental rights of women and other people of diverse sexual orientation
13 and gender identity and expression. It includes the right to engage in lawful employment
14 and to be protected from exploitation, abuse, or discrimination, as embodied in the
15 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),
16 the Universal Declaration of Human Rights and the Yogyakarta Principles.

17
18 The Bangsamoro Parliament shall enact the necessary laws for the implementation of
19 this section.

20
21 **Section 14. Rights of Children.** – The Bangsamoro Government shall respect, protect,
22 and promote the rights of children, especially orphans of tender age. They shall be
23 protected from exploitation, abuse, or discrimination. Their education and development,
24 both physical and mental, shall be fully addressed.

25
26 Bangsamoro policies and programs must take into utmost consideration the best
27 interest of children, non-discrimination of children, their survival and development, and
28 the protection and rights of children, youth, and adolescents.

29
30 The Bangsamoro Government and its constituent local government units shall provide
31 for adequate funding and effective mechanisms for the implementation of this policy.

32
33 **Section 15. Settler Communities.** The Bangsamoro Government shall ensure that
34 settlers shall enjoy the rights guaranteed in this Basic Law. For this purpose, the
35 Bangsamoro Parliament shall create an Office for Settler Communities that shall
36 promote the welfare and address issues and concerns of settlers in the Bangsamoro.

37 38 *Education*

39
40 **Section 16. Integrated System of Quality Education.** – The Bangsamoro
41 Government shall establish, maintain, and support, as a top priority, a complete and
42 integrated system of quality education and adopt an educational framework that is
43 relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro people
44 and the unity of all Filipinos.

45
46 The Bangsamoro Government shall institutionalize peace education in all levels of
47 education.

48
49 The schools, colleges, and universities existing in the autonomous region as of the date
50 of the approval of this Basic Law and such other schools and institutions that may be
51 established in the Bangsamoro, shall be deemed integral components of the
52 educational system of the Bangsamoro Government.

53
54 **Section 17. Vocational, Technical, Non-formal, and Special Education.** - The
55 thrusts and programs of vocational, technical, non-formal, and special education of the
56 Bangsamoro educational system for the poor, illiterate, out-of-school youth, persons

1 with special needs, disadvantaged, and senior citizens shall be supportive and relevant
2 to the human resource requirements of the Bangsamoro.
3

4 **Section 18. Madaris Education, Islamic and Arabic Studies.** the Bangsamoro
5 Government shall establish and maintain *madaris* education within the Bangsamoro.
6

7 It shall ensure the integration in its elementary and high school education curriculum the
8 teaching of Islamic and Arabic studies for Muslim pupils and students in public schools.
9

10 The Bangsamoro Parliament shall enact legislation for the strengthening and
11 development of *madaris* educational system in the Bangsamoro.
12

13 **Section 19. Tribal University System.** – The Bangsamoro Parliament shall create a
14 tribal university system within the Bangsamoro to address the higher educational needs
15 of the non-Moro indigenous peoples in the Bangsamoro.
16

17 The Parliament shall pass a law recognizing and supporting the indigenous peoples'
18 educational system to be integrated in the educational system in the Bangsamoro.
19

20 *Health*

21
22 **Section 20. Comprehensive and Integrated Health Service Delivery.** – The
23 Bangsamoro shall adopt a policy on health that provides for a comprehensive and
24 integrated health service delivery for its constituents. It shall, by law, establish a general
25 hospital system to serve the health requirements of its people, to ensure that the
26 individual basic right to life shall be attainable through the prompt intervention of
27 excellent and affordable medical services.
28

29 The Bangsamoro shall also uphold the people's right to have access to essential goods,
30 health, and other social services that would promote their well-being.
31

32 **Section 21. Support for Persons with Special Needs, Senior Citizens, and**
33 **Disadvantaged Groups.** – The Bangsamoro Government shall establish a special
34 agency and support facilities for persons with special needs, and other disadvantaged
35 persons for their rehabilitation, and livelihood or skills training to encourage their
36 productive integration into mainstream society.
37

38 The Bangsamoro Government shall coordinate all existing governmental and non-
39 governmental agencies concerned with the rehabilitation and education of these
40 persons.
41

42 The Bangsamoro Government shall ensure the welfare of senior citizens by continuing
43 to provide rights, benefits, and privileges they presently enjoy.
44

45 *Arts and Sports*

46
47 **Section 22. Physical Education and Sports Development, Sports Program and**
48 **Bangsamoro Sports Commission.** – The Bangsamoro educational system shall
49 develop and maintain an integrated, comprehensive, and physical education program. It
50 shall develop healthy, disciplined, innovative, and productive individuals, and promote
51 good sportsmanship, cooperation, and teamwork.
52

53 The Bangsamoro education system shall encourage and support for sports programs,
54 league competitions, indigenous games, martial arts, and amateur sports including
55 training for regional, national, and international competitions.
56

1 The Bangsamoro Parliament shall pass a law creating Bangsamoro Sports
2 Commission.

3
4 **Culture**
5

6 **Section 23. Preservation of the Cultural Heritage of the Bangsamoro.** – To
7 preserve the history, culture, arts, traditions, and the rich cultural heritage of the
8 Bangsamoro people and their Sultanates, such as but not limited to, the Sultanates of
9 Sulu, Maguindanao, Kabuntalan, Buayan, the Royal Houses of Lanao, and of the
10 Iranun, and the non-Moro indigenous peoples of the Bangsamoro, there shall be
11 created a Bangsamoro Commission for the Preservation of Cultural Heritage.
12

13 **Section 24. Primary Responsibility of the Commission.** – The Bangsamoro
14 Commission for the Preservation of Cultural Heritage shall have the primary
15 responsibility to write the history of the Bangsamoro people and to establish and sustain
16 the cultural institutions, programs, and projects in the Bangsamoro component areas.
17 The commission shall establish its own libraries and museums, declare and restore
18 historical shrines and cultural sites to preserve the Bangsamoro heritage for posterity.
19

20 **Section 25. Management of Bangsamoro Historical and Cultural Sites.** – The
21 Central Government shall transfer the management of Bangsamoro historical and
22 cultural sites currently under the jurisdiction of the National Museum, National Historical
23 Commission, or other agencies of the Central Government to the Bangsamoro
24 Commission for the preservation of cultural heritage, through the intergovernmental
25 relations mechanism. The Bangsamoro Commission for the Preservation of Cultural
26 Heritage shall coordinate with relevant agencies of the Central Government on the
27 regulation, excavation, and preservation of cultural artifacts and on the recovery of lost
28 historical and cultural heritage.
29

30 **ARTICLE X**
31 **BANGSAMORO JUSTICE SYSTEM**
32

33 **Section 1. Justice System in the Bangsamoro.** – The justice system in the
34 Bangsamoro shall consist of *Shari'ah* law which shall have supremacy and application
35 over Muslims only; the traditional or tribal justice system, for the indigenous peoples in
36 the Bangsamoro; the local courts; and alternative dispute resolution systems.
37

38 For Muslims, the justice system in the Bangsamoro shall give primary consideration to
39 *Shari'ah*, and customary rights and traditions of the indigenous peoples in the
40 Bangsamoro.
41

42 Nothing herein shall be construed to operate to the prejudice of non-Muslims and non-
43 indigenous peoples.
44

45 ***Shari'ah Judicial System***
46

47 **Section 2. *Shari'ah* Judicial System.** – The judicial authority shall be vested in the
48 Bangsamoro *Shari'ah* judiciary, in accordance with the power of the Supreme Court,
49 particularly on the Bangsamoro *Shari'ah* High Court, *Shari'ah* District and Circuit courts,
50 and other subordinate courts which Congress of the Philippines may create upon the
51 recommendation of the Bangsamoro *Shari'ah* High Court through the Supreme Court.
52 This notwithstanding, Congress, upon the recommendation of the Supreme Court, may
53 likewise create *Shari'ah* courts outside of the territorial jurisdiction of the Bangsamoro
54 government in areas where a considerable number of Muslims reside. The Supreme
55 Court shall station these courts.
56

1 **Section 3. *Shari'ah*.** - *Shari'ah* (Islamic Law) which is the law forming part of the
2 Islamic tradition derived from religious precepts of Islam, particularly the *Qur'an* and
3 *Hadith*, shall be distinctively applied as the underlying basis of the Bangsamoro *Shari'ah*
4 judicial system exclusively over Muslims or persons who voluntarily submit to the
5 *Shari'ah* Court.
6

7 **Section 4. Jurisdiction of *Shari'ah* Courts.** - The Bangsamoro Parliament shall enact
8 laws on persons and family relations, other civil actions, commercial actions, and
9 criminal cases. The Congress of the Philippines, through this Basic Law, confers
10 commercial, other civil action not provided for under P.D. 1083, and criminal jurisdiction
11 on minor offenses as provided hereunder.
12

13 Under *Shari'ah*, the penalties for *Hudud*, plural for *Hadd* (capital crime) which are seen
14 as crimes against *Allah* (God) and *Qisas*, which are crimes against persons, are
15 imposed in the *Qur'an*.
16

17 *Ta'zir* (discretionary punishment) are minor offenses shall be defined by Parliament, the
18 penalties for which is equivalent to *arresto menor* and/or fine. Criminal jurisdiction over
19 *Ta'zir* is hereby conferred on *Shari'ah* Circuit Courts.
20

21 **Section 5. Sources of *Shari'ah*.** – The following are the sources of *Shari'ah*:
22

23 Principal Sources:

- 24 a. *Al-Qur'an* (The Koran);
- 25 b. *Al-Sunnah* (Traditions of Prophet Muhammad SAW);
- 26 c. *Al-Ijma* (Consensus); and
- 27 d. *Al-Qiyas* (Analogy);
- 28

29 Secondary Sources:

- 30 c. *Al-Ijma* (Consensus); and
- 31 d. *Al-Qiyas* (Analogy).
32

33 **Section 6. *Shari'ah* Circuit Courts.** - The *Shari'ah* Circuit Court in the Bangsamoro
34 shall exercise exclusive original jurisdiction over the following subjects:
35

- 36 a. All cases involving offenses defined and punished under Presidential Decree
37 No. 1083, also known as Code of Muslim Personal Laws, where the act or
38 omission has been committed in the Bangsamoro;
- 39 b. All civil actions and proceedings between parties residing in the Bangsamoro,
40 and who are Muslims or have been married in accordance with Article 13 of
41 Presidential Decree No. 1083 involving disputes relating to:
42
43 i. Marriage;
44
45 ii. Divorce recognized under Presidential Decree No. 1083;
46
47 iii. Betrothal or breach of contract to marry;
48
49 iv. Customary dower (*mahr*);
50
51 v. Disposition and distribution of property upon divorce;
52
53 vi. Maintenance and support, and consolatory gifts;
54
55 vii. Restitution of marital rights.
56
57

- c. All cases involving disputes relative to communal properties;
- d. All cases involving *Ta'zir* offenses defined and punishable under *Shari'ah* law enacted by the Bangsamoro Parliament punishable by *arresto menor* and/or fine.
- e. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Government, involving real property in the Bangsamoro, where the assessed value of the property does not exceed Four Hundred Thousand Pesos (400,000.00); and
- f. All civil actions in which the parties are Muslims, or where all litigants have voluntarily submitted themselves to the jurisdiction of the *Shari'ah* Circuit Courts, if they have not specified in an agreement which law shall govern their relations where the demand or claim does not exceed Two Hundred Thousand Pesos (P200,000.00).

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

- a. All cases involving custody, guardianship, legitimacy, and paternity and filiation arising under Presidential Decree No. 1083;
- b. All cases involving disposition, distribution, and settlement of the estate of deceased Muslims who were residents of the Bangsamoro, probate of wills, issuance of letters of administration, or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- c. Petitions for the declaration of absence and death for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of Presidential Decree No. 1083;
- d. All actions arising from customary and *Shari'ah* compliant contracts in which the parties are Muslims, if they have not specified which law shall govern their relations;
- e. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*, and all other auxiliary writs and processes in aid of its appellate jurisdiction;
- f. Petitions by Muslims for the constitution of a family home, change of name, and commitment of an insane person to an asylum;
- g. All other personal and real actions not falling under the jurisdiction of the *Shari'ah* Circuit Courts wherein the parties involved are Muslims, except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the Municipal Circuit Court;
- h. All special civil actions for interpleader or declaratory relief wherein the parties are Muslims residing in the Bangsamoro or the property involved belongs exclusively to Muslims and is located in the Bangsamoro;
- i. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament, involving real property in the Bangsamoro, where the assessed value of the property exceeds Four Hundred Thousand Pesos (P400, 000.00); and
- j. All civil actions in which the parties are Muslims, or where all litigants have voluntarily submitted themselves to the jurisdiction of the *Shar'iah* Circuit Court, if they have not specified in an agreement which law shall govern their relations

1 where the demand or claim exceeds Two Hundred Thousand Pesos (P200,
2 000.00)
3

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

8 **Section 8. Bangsamoro *Shari'ah* High Court.** - There is hereby created a
9 Bangsamoro *Shari'ah* High Court. The Bangsamoro *Shari'ah* High Court shall exercise
10 exclusive original jurisdiction, whether or not in aid of its appellate jurisdiction, over:
11

12 a. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*,
13 and all other auxiliary writs and processes, in aid of its appellate jurisdiction;
14 and
15

16 b. All actions for annulment of judgments of *Shari'ah* District Courts.
17

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

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

25 **Section 9. Qualifications of *Shari'ah* Judges.** –
26

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

33 For *Shari'ah* Counselors-at-Law, he must be a graduate of a four-year course on
34 *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice of
35 *Shari'ah* law in the Philippines for at least three (3) years.
36

37 For a regular member of the Philippine Bar, he must have finished at least two (2) years
38 of *Shari'ah* or Islamic Jurisprudence and must have been engaged in the practice of law
39 for at least three (3) years.
40

41 b. *Shari'ah District Court.* – No person shall be appointed judge of the *Shari'ah*
42 District Court unless he is a Muslim, citizen of the Philippines at least thirty-five (35)
43 years of age, of proven competence and probity, mentally and physically fit, known for
44 his integrity and high moral standards, and must be a member of the Philippine Bar or is
45 a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.
46

47 For *Shari'ah* Counselors-at-Law, he must be a graduate of a four-year course on
48 *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice of
49 *Shari'ah* law in the Philippines for at least five (5) years.
50

51 For a regular member of the Philippine Bar, he must have finished at least two (2) years
52 in *Shari'ah* or Islamic Jurisprudence and must have been engaged in the practice of law
53 for at least five (5) years.
54

55 c. *Bangsamoro Shari'ah High Court.* — No person shall be appointed Justice of the
56 Bangsamoro *Shari'ah* High Court unless he is a Muslim, natural-born citizen of the
57 Philippines, at least forty (40) years of age, of proven competence and probity, mentally

1 and physically fit, known for his integrity and high moral standards, and must be a
2 member of the Philippine Bar or is a special member of the Philippine Bar allowed to
3 practice in *Shari'ah* Courts.

4
5 For *Shari'ah* Counselors-at-Law, he must be a graduate of a four-year course on
6 *Shari'ah* or Islamic jurisprudence, and must have been engaged in the practice of
7 *Shari'ah* law in the Philippines for at least ten (10) years prior to his appointment.

8
9 For a regular member of the Philippine Bar, he must have finished at least two (2) years
10 of *Shari'ah* or Islamic Jurisprudence and must have engaged in the practice of law for at
11 least ten (10) years before *Shari'ah* Courts.

12
13 **Section 10. Composition and Stations of Bangsamoro *Shari'ah* High Court.** –The
14 Bangsamoro *Shari'ah* High Court shall be composed of nine (9) justices, including the
15 Presiding Justice. It may exercise its powers, functions, and duties through three (3)
16 divisions, each composed of three (3) members. It may sit *en banc* only for the purpose
17 of exercising administrative or ceremonial functions. The Bangsamoro *Shari'ah* High
18 Court shall hold sessions *en banc* at its main office at the capital of the Bangsamoro
19 government. The stations of the three divisions shall be Cotabato City, Marawi City, and
20 Jolo, Sulu.

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

24
25 Judges of the *Shari'ah* District Court shall have the same rank, prerogatives, salaries,
26 allowances, benefits, tenure, and privileges as the judges of Regional Trial Court Judge.

27
28 Judges of the *Shari'ah* Circuit Court shall have the same rank, prerogatives, salaries,
29 allowances, benefits, tenure, and privileges as judges of Metropolitan Trial Court Judge.

30
31 **Section 12. *Shari'ah* Judicial and Bar Council.** - The *Shari'ah* Judicial and Bar
32 Council is hereby created which shall be under the supervision of the Bangsamoro
33 *Shari'ah* High Court. It shall recommend to the Judicial and Bar Council applicants for
34 the positions of judges and justices in the *Shari'ah* Courts for appointment by the
35 President. The President shall issue the appointment within 90 days from the
36 submission by the Judicial and Bar Council.

37
38 **Section 13. Composition of the *Shari'ah* Judicial and Bar Council.** – The *Shari'ah*
39 Judicial and Bar Council shall be composed of five (5) members: a senior member of
40 the Bangsamoro *Shari'ah* High Court, as *ex-officio* Chair, the Head of the *Shari'ah*
41 Academy, and one (1) representative from the Bangsamoro Parliament, as *ex-officio*
42 member. The regular members of the Council shall be one (1) representative each from
43 the accredited organization of *Shari'ah* lawyers, and accredited *Ulama* organization in
44 the Bangsamoro.

45
46 The regular members of the Council shall be appointed by the Chief Minister with a term
47 of five (5) years without reappointment.

48
49 **Section 14. Functions of the *Shari'ah* Judicial and Bar Council.** The *Shari'ah*
50 Judicial and Bar Council shall have the following functions:

- 51
52 a. Recommend nominees to the *Shari'ah* Courts in the Bangsamoro which shall
53 be submitted to the Judicial and Bar Council; and
54
55 b. Conduct investigations of erring members of the *Shari'ah* Bar and of judges and
56 personnel of the *Shari'ah* Courts in the Bangsamoro and submit the results of
57 such investigation to the Supreme Court for the latter's action.

1
2 **Section 15. *Shari'ah* Rules of Court.** The rules of court for the *Shari'ah* courts in the
3 Bangsamoro shall be promulgated by the Supreme Court, giving utmost consideration
4 to the recommendations of the Bangsamoro *Shari'ah* High Court. In the meantime, the
5 special rules of court for *Shari'ah* courts, as promulgated by the Supreme Court, shall
6 continue to be in force.
7

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

14 **Section 17. Practice of law before *Shari'ah* Courts.** - The following are eligible to
15 practice before *Shari'ah* Courts:
16

- 17 a. A *Shari'ah* counselor-at-law;
- 18 b. A regular member of the Philippine Bar;
- 19 c. A Muslim who acts as counsel on his behalf; and
- 20 d. A non-Muslim who submits to the jurisdiction of the *Shari'ah Court* and chooses
21 to act as counsel on his behalf.
22

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

29 **Section 19. Bangsamoro *Shari'ah* Integrated Bar.** - The Parliament shall pass a law
30 creating the Bangsamoro *Shari'ah* Integrated Bar as the official organization for the
31 legal profession in the Bangsamoro, which shall be compulsory in membership for all
32 *Shari'ah* lawyers. The Supreme Court shall adopt the rules for the integration of the
33 *Shari'ah* bar which shall be under the supervision of the Bangsamoro *Shari'ah* High
34 Court in accordance with the powers and authority of the Supreme Court.
35

36 **Section 20. *Shari'ah* Public Assistance Office.** There is hereby created a *Shari'ah*
37 Public Assistance Office which shall be part of the Public Assistance Office. The office
38 shall be staffed by a director and two deputies who shall all be Counselors-at-Law. The
39 Parliament may determine the additional staff complement for the said office. The
40 *Shari'ah* Public Assistance Office shall provide free legal assistance to indigent party
41 litigants with cases pending before *Shari'ah* courts in the Bangsamoro.
42

43 **Section 21. *Shari'ah* Special Prosecution Service.** – There shall be created a
44 *Shari'ah* Special Prosecution Service in charge of the prosecution of criminal complaints
45 before the *Shari'ah* courts which shall be headed by a *Shari'ah* General Prosecutor. The
46 *Shari'ah* counselors-at-law employed in the office shall be called *Shari'ah* prosecutors.
47 The *Shari'ah* Special Prosecution Service shall be attached to the National
48 Prosecutorial Service of the Central Government. The Bangsamoro Government shall
49 recommend the qualified applicants for the position of the *Shari'ah* prosecutors and
50 personnel of the *Shari'ah* Special Prosecution Service to the Secretary of Justice.
51

52 **Section 22. *Shari'ah* Academy.** – There is hereby created a *Shari'ah* Academy, the
53 primary function of which is to conduct courses in *Shari'ah* and *Fiqh*, civil law,
54 commercial law, and criminal law, and trainings on the practice of *Shari'ah* law in the
55
56
57

1 Bangsamoro, accredit *Shari'ah* courses and degrees obtained from schools and
2 universities abroad, and develop the curricula, textbooks, and learning materials of
3 schools and universities in the Bangsamoro. The Bangsamoro Parliament shall define
4 its powers and additional functions and appropriate funds therefor. The *Shari'ah*
5 Academy may coordinate with the National Commission on Muslim Filipinos (NCMF)
6 whenever necessary.
7

8 **Section 23. Bangsamoro Jurisconsult in Islamic Law.** – There is hereby created an
9 office of Jurisconsult of Islamic law in the Bangsamoro. The Parliament shall define the
10 powers and functions of this office, including the rank, salary, privileges, and benefits of
11 the Jurisconsult including its subordinate personnel.
12

13 The office of the Jurisconsult shall be a collegial body composed of the Jurisconsult and
14 five (5) Deputies who shall be appointed by the Chief Minister upon recommendation of
15 the Parliament, taking into consideration ethnic balance in the appointment.
16

17 The Jurisconsult must be a Muslim, at least forty (40) years of age, must obtain a
18 Bachelor's Degree in Islamic Law and Jurisprudence or the equivalent of such a degree,
19 and member of the Philippine *Shari'ah* Bar or the Integrated Bar of the Philippines. In
20 addition, he must be an eminent scholar of Islamic law and jurisprudence, and fluent in
21 Arabic language. He must be of proven competence and probity, mentally and
22 physically fit, and known for his integrity and high moral standards.
23

24 The deputies must be Muslims, at least 35 years of age, holders of a Bachelor's Degree
25 in Islamic Law and Jurisprudence, and members of the Philippine *Shari'ah* Bar or the
26 Integrated Bar of the Philippines. Each deputy must be of proven competence and
27 probity, mentally and physically fit, and known for his integrity and high moral standards.
28

29 The term of office of the Jurisconsult and his deputies shall be five (5) years without
30 prejudice to reappointment.
31

32 **Section 24. Jurisconsult Under Existing Law.** – Notwithstanding the preceding
33 section, the Office of the Jurisconsult under PD 1083 shall be strengthened by providing
34 that the salary, rank, benefits, and privileges of the Jurisconsult shall be equivalent to
35 that of justices of the Court of Appeals.
36

37 **Section 25. Justices from the Bangsamoro.** It shall be the policy of the Central
38 Government that at least one (1) justice in the Supreme Court and two (2) justices in the
39 Court of Appeals, at any one time, shall be qualified individuals of the Bangsamoro. For
40 this purpose, the Chief Minister may, after consultations with the Bangsamoro
41 Parliament and the *Shari'ah* Judicial and Bar Council, submit the names of qualified
42 persons to the Judicial and Bar Council for its consideration.
43

44 The appointments of those recommended by the Chief Minister to the judicial positions
45 mentioned above are without prejudice to appointments that may be extended to other
46 qualified inhabitants of the Bangsamoro to other positions in the Judiciary.
47

48 **Section 26. Deputy Court Administrator for the Bangsamoro.** The Office of the
49 Deputy Court Administrator for the Bangsamoro is hereby created. The Deputy Court
50 Administrator for the Bangsamoro shall be appointed by the Chief Justice of the
51 Supreme Court from among three (3) recommendees submitted by the Chief Minister
52 upon previous consultations with the speaker of the Bangsamoro Parliament, the
53 presiding Justice of the Bangsamoro *Shari'ah* High Court, the representative of the
54 *Shari'ah* Integrated Bar, and representative of the Integrated Bar of the Philippines in
55 the Bangsamoro area.
56

57 *Traditional or Tribal Justice Systems*

1
2 **Section 27. Traditional or Tribal Justice Systems.** – The Bangsamoro Parliament
3 shall enact laws to promote and support the traditional or tribal justice systems that are
4 appropriate for the indigenous peoples, as defined by them. The traditional justice
5 systems are the mechanisms to determine, settle, and decide controversies and enforce
6 decisions involving disputes between members of the indigenous peoples concerned in
7 accordance with the tribal codes of these communities.
8

9 **Section 28. Office for Traditional or Tribal Justice System.** – There is hereby
10 created an Office for Tribal Justice System responsible in overseeing the study,
11 preservation, and development of the tribal justice system within the Bangsamoro. The
12 powers and functions of the office shall be defined by the Bangsamoro Parliament.
13 The Office shall ensure the full participation of indigenous peoples in the formulation,
14 implementation, and evaluation of policies related to the strengthening of tribal justice
15 system; ensuring further that such systems maintain their indigenous character in
16 accordance with the respective practices of each tribe.
17

18 *Regular Courts in the Bangsamoro*

19

20 **Section 29. Regular Courts.** Regular courts in the Bangsamoro shall continue to
21 exercise their judicial functions, as provided by law. The Bangsamoro Government shall
22 undertake measures to support the regular courts in the Bangsamoro consistent with
23 the powers of the Supreme Court.
24

25 *Alternative Dispute Resolution*

26

27 **Section 30. Alternative Dispute Resolution.** The Bangsamoro Government shall
28 adopt the principles of conciliation and mediation in settling disputes and, through
29 Parliament, shall pass the necessary legislation to institute the mechanism for
30 alternative dispute resolution. The *Shari'ah* Courts and the traditional and tribal
31 adjudicatory tribunal may utilize this mode of settlement and resolution of cases which
32 may be feasible and useful.
33

34 **Article XI**

35 **PUBLIC ORDER AND SAFETY**

36

37 **Section 1. Public Order and Safety.** – The Bangsamoro Government shall have
38 primary responsibility over public order and safety within the Bangsamoro. There shall
39 be cooperation and coordination between the Central Government and the Bangsamoro
40 Government through the intergovernmental relations mechanism.
41

42 **Section 2. Bangsamoro Police.** – There is hereby created a Bangsamoro Police which
43 shall be organized, maintained, supervised, and utilized for the primary purpose of law
44 enforcement and maintenance of peace and order in the Bangsamoro. It shall be part of
45 the Philippine National Police.
46

47 The Bangsamoro Police shall be professional, civilian in character, regional in scope,
48 effective and efficient in law enforcement, fair and impartial, free from partisan political
49 control, and accountable under the law for its actions. It shall be responsible both to the
50 Central Government and the Bangsamoro Government, and to the communities it
51 serves.
52

53 **Section 3. Powers and Functions of the Bangsamoro Police.** – The Bangsamoro
54 Police shall exercise within the Bangsamoro the following powers and functions:
55

- 56 a. Enforce laws enacted by the Congress and by the Bangsamoro Parliament
57 relative to the protection of lives and properties of the people;

- 1
- 2 b. Maintain law and order and ensure public safety;
- 3
- 4 c. Investigate and prevent crimes, arrest criminal offenders, bring criminal suspects
- 5 to justice, and assist in their prosecution;
- 6
- 7 d. Conduct searches and seizures in accordance with pertinent laws;
- 8
- 9 e. Detain persons for a period not exceeding what is prescribed by law, inform the
- 10 person so detained of all his or her rights under the Constitution and this Basic
- 11 Law, and observe the human rights of all people in the Bangsamoro;
- 12
- 13 f. Process and facilitate applications for the registration of firearms and the
- 14 issuance of licenses and permits for approval by the proper official of the
- 15 Philippine National Police;
- 16
- 17 g. Initiate drives for the registration or surrender of unregistered firearms; confiscate
- 18 unregistered firearms after such drives are over; prosecute or recommend to the
- 19 President the grant of amnesty or pardon to possessors of unregistered firearms
- 20 who surrender them; and
- 21
- 22 h. Perform such other duties and exercise all other functions as may be provided by
- 23 law enacted by Congress or by the Bangsamoro Parliament.
- 24

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

- 27
- 28 a. It shall be headed by a Bangsamoro Police Director, who shall be assisted by at
- 29 least two (2) deputies. They shall be professional police officers with the rank of,
- 30 at least, Police Chief Superintendent. For a period of ten (10) years,
- 31 immediately following the enactment of this Basic Law, the head of the
- 32 Bangsamoro Police and his deputies may be selected from a list of
- 33 Bangsamoro Police officers with a rank of Police Senior Superintendent;
- 34
- 35 b. It shall have regional, provincial, and city or municipal offices;
- 36
- 37 c. The provincial office shall be headed by a provincial director, who shall be a
- 38 professional police officer with the rank of, at least, police superintendent; and
- 39
- 40 d. The city or municipal office or station shall be headed by a Chief of Police, who
- 41 shall be a professional police officer with the rank of, at least, police
- 42 superintendent for the city and police inspector for the municipality.
- 43

44 **Section 5. Bangsamoro Police Board.** – There is hereby created a Bangsamoro
45 Police Board, which shall perform the functions of the National Police Commission in
46 the Bangsamoro Government. The board shall be part of the National Police
47 Commission (NAPOLCOM). The NAPOLCOM shall ensure that the Bangsamoro Police
48 Board performs its powers and functions within the bounds of its authority. In addition, it
49 shall perform the following functions:

- 50
- 51 a. To set the policing objectives and priorities in the Bangsamoro;
- 52
- 53 b. To monitor the performance of the Bangsamoro Police against policing
- 54 objectives and priorities;
- 55
- 56 c. To monitor crime trends and patterns, as well as, performance in areas of
- 57 human rights, crime reduction, and crime prevention, recruiting patterns, and

1 employment opportunities in Bangsamoro;
2

- 3 d. To provide information and guidance to the Bangsamoro Government and the
4 PNP on the annual budgetary requirement of the Bangsamoro Police;
5
6 e. To monitor police performance as against the budget allocation for the
7 Bangsamoro Police; and
8
9 f. To recommend the Bangsamoro Police Director and his Deputies, the Provincial
10 Directors, and City and Municipal chiefs of the Bangsamoro Police.
11

12 The Bangsamoro Police Board shall have the power to investigate complaints against
13 members of the Bangsamoro Police, conduct summary hearing, and adjudicate
14 administrative cases en banc. Appeals from its decision may be lodged with the
15 National Appellate Board. Pending resolution of the appeal, its decisions may be
16 executed. The existing rules and regulations governing the investigation and disposition
17 of cases involving members of the Philippine National Police shall be followed by the
18 Bangsamoro Police Board in the absence of law enacted by the Bangsamoro
19 Parliament.
20

21 **Section 6. Composition of the Board.** – The Board shall be composed of eleven (11)
22 members. Six (6) members of the Board shall come from the Bangsamoro Parliament
23 and five (5), from various sectors. The six (6) members of the board coming from the
24 Parliament shall not hold any other post. All the members thereof shall be appointed by
25 the Chief Minister in accordance with the rules promulgated by the Bangsamoro
26 Parliament for this purpose.
27

28 The Chief Minister shall act as *ex-officio* Chair of the Bangsamoro Police Board.
29

30 **Section 7. Terms of Office.** – The sectoral representatives to the board shall hold
31 office for a period of three (3) years; provided that of those first appointed as sectoral
32 representatives, two (2) will sit for three (3) years, another two (2) will sit for two (2)
33 years, and the last will sit for one (1) year. Appointment for any vacancy shall only be for
34 the unexpired term of the predecessor.
35

36 The members of Parliament who are likewise members of the Board shall hold office for
37 the duration of their elective terms.
38
39

40 **Section 8. Powers of the Chief Minister Over the Bangsamoro Police.** – The Chief
41 Minister shall have the following powers over the Bangsamoro Police:
42

- 43 a. To act as *ex-officio* member of the National Police Commission and as *ex-officio*
44 Chair of the Bangsamoro Police Board;
45
46 b. To select the head of the Bangsamoro Police and his deputies;
47
48 c. To exercise operational control and supervision and disciplinary powers over
49 the Bangsamoro Police;
50
51 d. To employ or deploy the elements of and assign or reassign the Bangsamoro
52 Police through the Bangsamoro Police Director. The Bangsamoro Police
53 Director shall not countermand the order of the Chief Minister unless it is in
54 violation of the law;
55
56 e. To oversee the preparation and implementation of the Integrated Bangsamoro
57 Public Safety Plan;

- 1
2 f. To impose, after due notice and summary hearings of the citizen's complaints,
3 administrative penalties on personnel of the Bangsamoro Police, except those
4 appointed by the President; and
5
6 g. Do everything necessary to promote widespread support for the Bangsamoro
7 Police by residents of the Bangsamoro.
8

9 **Section 9. Manning Level.** – The average manning level of the Bangsamoro Police
10 shall be approximately in accordance with the police-to-population of one (1) police
11 officer for every five hundred (500) persons. The actual strength by cities and
12 municipalities shall depend on the state of peace and order, population density, and
13 actual demands of service in the particular area; provided, that the minimum police to
14 population ratio shall not be less than one (1) police officer for every one thousand
15 (1,000) persons; provided further, that urban areas shall have a higher minimum police
16 to population ratio as may be prescribed by regulations.
17

18 **Section 10. Appointment of Officers and Members of the Bangsamoro Police.** –
19 The appointment of the officers and members of the Bangsamoro Police shall be
20 effected in the following manner:
21

- 22 a. *Police Officer I to Senior Police Officer IV.* – Appointed by the head of the
23 Bangsamoro Police, subject to the confirmation of the Bangsamoro Police
24 Board, and attested by the Civil Service Commission.
25

26 Other personnel for the Bangsamoro Police shall also be appointed by its head.
27

- 28 b. *Inspector to Superintendent.* – Appointed by the Chief of the Philippine National
29 Police, as recommended by the head of the Bangsamoro Police and the Chief
30 Minister, and attested by the Civil Service Commission; and
31

- 32 c. *Senior Superintendent and above.* – Appointed by the President upon
33 recommendation of the chief of the Philippine National Police, with proper
34 endorsement by the Chief Minister and the Civil Service Commission.
35

36 **Section 11. Community Policing.** – The Bangsamoro Police shall adopt community
37 policing as an essential mechanism in maintaining peace and order. It shall promote
38 organization strategies that support the systematic use of partnerships and problem
39 solving techniques to immediately address public safety issues such as crimes and
40 social disorder.
41

42 To this effect, the Bangsamoro Police and Community Relations Agency is hereby
43 created. Its organization shall be drawn up by the Parliament.
44

45 **Section 12. Law Governing the Bangsamoro Police.** – The Bangsamoro Parliament
46 is hereby authorized to enact laws to govern the Bangsamoro Police consistent with this
47 Basic Law.
48

49 **Section 13. Transitional Arrangements.** – Upon the establishment of the Bangsamoro
50 Transition Authority and pending the organization of the Bangsamoro Police, the
51 Bangsamoro Transition Authority shall have substantial participation in choosing the
52 head and in the employment and the deployment of existing Philippine National Police
53 in the Bangsamoro. The head of the Bangsamoro Police will be selected from a list of
54 three (3) eligible officers recommended by the Philippine National Police. Members of
55 the PNP who are residents of the Bangsamoro currently assigned in the Autonomous
56 Region in Muslim Mindanao shall continue in their assignments until the finality of the
57 organization of the Bangsamoro Police.

1
2 **Section 14. National Support Services.** – The relationship between the Bangsamoro
3 Police and the national support services of the Philippine National Police shall be
4 determined by the intergovernmental relations body.
5

6 **Section 15. Jail Management, Penology and Fire Protection.** –The following
7 agencies are hereby created:
8

- 9 a. *Bureau of Jail Management and Penology.* – The Bangsamoro Bureau of Jail
10 and Management Penology is hereby created to render support to the
11 Bangsamoro Police, with the following major programs, among others:
12 Livelihood Projects, Educational and Vocation Training, Recreation and Sports,
13 and the Religious and Spiritual Activities.
14
15 b. *Bureau of Fire Protection.* – The Bangsamoro Bureau of Fire Protection is
16 hereby created. It shall be responsible for the prevention and suppression of
17 destructive fires in the Bangsamoro.
18

19 The organization, composition, and functions of these agencies shall be contained in
20 the enacting laws which the Parliament shall pass.
21

22 **Section 16. Defense of the Bangsamoro.** – The defense of the Bangsamoro shall be
23 the responsibility of the Central Government. The Central Government shall create a
24 Bangsamoro Military Command of the Armed Forces of the Philippines for the
25 Bangsamoro, which shall be organized, maintained, and utilized in accordance with
26 national laws. Qualified inhabitants of the Bangsamoro territory shall be given
27 preference in the leadership of Command for assignments in the said Bangsamoro
28 Military Command.
29

30 **Section 17. Auxillary Contingent.** - A Bangsamoro auxillary contingent attached to the
31 Bangsamoro Military Command shall be organized and deployed or stationed in the
32 Bangsamoro. It shall provide support services to the Bangsamoro Military Command
33 such as administrative, medical, nutritional, recreational, and spiritual.
34

35 The members of the contingent shall have the necessary qualifications and undergone
36 training relative to their chosen assignments, developed skills and/or special training, as
37 nursing aides, nutritionists, physical therapists, or religious personalities (*ulama*).
38

39 At least fifty percent (50%) of the auxiliary contingent shall be women.
40

41 **Section 18. Calling Upon the Armed Forces of the Philippines.** – Notwithstanding
42 the provisions of the preceding sections, the Chief Minister may request the President to
43 call upon the Armed Forces of the Philippines:
44

- 45 a. To prevent or suppress lawless violence, invasion, or rebellion, when the public
46 safety so requires, in the Bangsamoro;
47
48 b. To suppress the danger to or breach of peace in the Bangsamoro, when the
49 Bangsamoro Police is not able to do so; or
50
51 c. To avert any imminent danger to public order and security in the area of the
52 Bangsamoro.
53

54 **Section 19. Coordination.** – The Central Government and the Bangsamoro
55 Government shall establish coordination protocols, which shall govern the movement of
56 Armed Forces of the Philippines in the Bangsamoro territory.
57

1
2 **Section 20. Indigenous Structure.** The Bangsamoro Government shall recognize
3 indigenous structures or systems which promote peace, and law and order. The
4 Bangsamoro Parliament shall provide institutional support to these structures and
5 systems to enhance peace and security in the Bangsamoro.
6

7
8 **Article XII**
9 **FISCAL AUTONOMY**

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

18 **Section 2. Auditing.** – All public funds of the Bangsamoro are subject to auditing. For
19 this purpose, a Bangsamoro Commission on Audit (BCA) is hereby created. It shall
20 have the primary power, authority, and duty to examine, audit, and settle all accounts
21 pertaining to the revenue and receipts of, and expenditures or uses of funds and
22 property, owned or held in trust by, or pertaining to the public funds utilized by the
23 Bangsamoro. The utilization of the revenue generated by the Bangsamoro Government
24 and block grants or subsidies from foreign or domestic donors shall be subject to the
25 auditing rules and regulations of the Bangsamoro Government and to auditing by the
26 BCA auditors.
27

28 The BCA's power, authority, and duty shall be without prejudice to the power, authority,
29 and duty of the Commission on Audit (COA) to examine, audit, and settle all accounts,
30 pertaining to the revenues and the use of funds and property owned and held in trust by
31 any government instrumentality, including GOCCs.
32

33 With due regard to the BCA's responsibility to ensure the judicious use of funds within
34 the Bangsamoro, disbursement vouchers of the Bangsamoro Government shall be
35 submitted immediately to the BCA.
36

37 **Section 3. Local Government Finance.** – The Bangsamoro Government shall create a
38 mechanism for coordinating, assisting, and monitoring the finances of the constituent
39 local government units in pursuance of good governance and local autonomy.
40

41 There is hereby created a Bureau of Local Government Finance under the Ministry of
42 Finance to direct and supervise the local government treasuries within the Bangsamoro.
43

44 **Section 4. Central Government Assistance.** – The Central Government shall extend
45 assistance to the Bangsamoro Government in the matter of tax administration and fiscal
46 management. This assistance shall include capacity building and training programs, in
47 accordance with a needs assessment and capacity building plan developed by the
48 Bangsamoro Government in consultation with the Central Government.
49

50 **Section 5. Assistance to Other Regions.** – Without prejudice to Article VI, Section 10,
51 the Bangsamoro Government may also assist the development efforts of other regions
52 once the Bangsamoro has attained financial self-sustainability.
53

54 **Sources of Revenue**

55
56 **Section 6. Revenue Sources.** – The Bangsamoro Government shall have the power to
57 create its own sources of revenues and to levy taxes, fees, and charges, subject to the

1 provisions of this law and consistent with the principles of equalization, equity,
2 accountability, administrative simplicity, harmonization, and economic efficiency, and
3 fiscal autonomy. Such taxes, fees, and charges shall accrue exclusively to the
4 Bangsamoro Government.

5
6 The sources of revenue of the Bangsamoro Government shall include, among others,
7 the following:

- 8
9 a. Taxes;
- 10
11 b. Fees and charges;
- 12
13 c. Annual block grant coming from Central Government;
- 14
15 d. Revenues from the exploration, development, and utilization of natural
16 resources derived from areas/territories, land or water, covered by and within
17 the jurisdiction of the Bangsamoro;
- 18
19 e. Share in the government revenues derived from the exploration, development,
20 and utilization of natural resources;
- 21
22 f. Share in the Central Government taxes, fees, and charges collected in the
23 Bangsamoro;
- 24
25 g. Revenues from Bangsamoro government-owned and/or –controlled
26 corporations (GOCCs), financial institutions and other corporations, and shares
27 from the revenues of national GOCCs and its subsidiaries operating in the
28 Bangsamoro, as may be determined by the intergovernmental fiscal policy
29 board;
- 30
31 h. Grants from economic agreements entered into by the Bangsamoro
32 Government and conventions to which the Central Government is a party;
- 33
34 i. Grants and donations; and
- 35
36 j. Loans and Overseas Development Assistance (ODA).

37
38 All powers over revenue generation already granted to the Autonomous Region in
39 Muslim Mindanao under the Republic Act No. 9054 and other legislations and executive
40 issuances, are transferred to the Bangsamoro.

41
42 **Section 7. *Baitalmal, Awqaf, and Zakat Regulation.*** - The Bangsamoro Parliament
43 may enact legislation on the regulation of *baitalmal*, *awqaf*, and *zakat*.

44 45 ***Taxation***

46
47 **Section 8. *Taxation.*** – The Bangsamoro Government shall exercise the power to levy
48 taxes, fees or charges, including those already granted to the Autonomous Region in
49 Muslim Mindanao under Republic Act 6734 as amended by Republic Act 9054, and
50 other legislations and executive issuances, as well as those that are provided herein.

51
52 In enacting revenue-raising measures, the Bangsamoro Government shall observe the
53 principles of uniformity and equity in taxation. Revenues shall inure solely to the benefit
54 of, and be subject to the disposition by, the Bangsamoro Government.

1 Taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory, or
2 contrary to public policy. The collection of Bangsamoro taxes, fees, charges, and other
3 impositions shall not be delegated to any private person.
4

5 The power to impose a tax under this Basic Law shall be exercised by the Bangsamoro
6 Parliament, through an appropriate legislation, which shall not be enacted without any
7 prior public hearing conducted for the purpose. The Bangsamoro Government shall
8 evolve a progressive, responsive, and culture sensitive system of taxation which shall,
9 among other things, provide for incentives for the prompt payment of taxes and penalize
10 tax evasion and delinquency.
11

12 **Section 9. Tax Incentives.** – To encourage investments and other economic activities,
13 the Bangsamoro Government shall have the power to grant tax exemptions, rebates,
14 tax holidays, and other incentives including those granted to the Regional Board of
15 Investment of the Autonomous Region in Muslim Mindanao, as provided in RA 6734,
16 RA 9054, other legislations, as well as, executive issuances. As part of incentives to
17 investors, the Bangsamoro may opt instead to impose a flat rate lump sum tax on small
18 and medium enterprises.
19

20 **Section 10. Taxing Powers.** The following taxes in the Bangsamoro shall be levied by
21 the Bangsamoro Government:
22

- 23 a. *Capital Gains Tax.* – Tax imposed on the gains presumed to have been realized
24 by the seller from the sale, exchange, or other disposition of capital assets,
25 including *pacto de retro* sales and other forms of conditional sale;
26
- 27 b. *Documentary Stamp Tax.* – Tax on documents, instruments, loan agreements,
28 and papers evidencing the acceptance, assignment, sale or transfer of an
29 obligation rights or property incident thereto;
30
- 31 c. *Donor's Tax.* – Tax on a donation or gift, and is imposed on the gratuitous
32 transfer of property between two or more persons who are living at the time of
33 the transfer. It shall apply whether the transfer is in trust or otherwise, whether
34 the gift is direct or indirect, and whether the property is real or personal, tangible
35 or intangible;
36
- 37 d. *Estate Tax.* – Tax on the right of the deceased person to transmit his/her estate
38 to his/her lawful heirs and beneficiaries at the time of death and on certain
39 transfers, which are made by law as equivalent to testamentary disposition;
40
- 41 e. Income tax levied on banks, non-bank intermediaries, and other financial
42 institutions operating in the bangsamoro;
43
- 44 f. Registration fees of vessels which are registered by their owners with the
45 Bangsamoro Government and wharfage on wharves constructed and
46 maintained by the Bangsamoro Government or the local government unit
47 concerned;
48
- 49 g. Tolls on bridges or roads constructed and maintained by the provinces, cities,
50 municipalities, or barangays concerned or by the Bangsamoro Government;
51
- 52 h. Taxes, fees, or charges on agricultural and aquatic products, except when sold
53 by marginal farmers or fisherfolk;
54
- 55 i. Excise taxes on articles that are not enumerated under the National Internal
56 Revenue Code;

- 1 j. Taxes, fees, and charges for passengers travelling to and from the
2 Bangsamoro;
3
4 k. Taxes, fees, or charges on countryside, barangay enterprises and cooperatives
5 not registered under Republic Act No. 6810, the "Magna Carta for Countryside
6 and Barangay Business Enterprises" and Republic Act No. 6938, the
7 "Cooperatives Code of the Philippines," respectively; and
8
9 l. Such other taxes that were allowed to be levied by the Government of the
10 Autonomous Region in Muslim Mindanao under RA 6734, RA 9054, and other
11 legislations and executive issuances.
12

13 Where all taxable elements are within the Bangsamoro territory, taxes under letters (a)
14 to (d) above shall no longer be imposed by the Bureau of Internal Revenue (BIR) of the
15 Central Government. The Intergovernmental Fiscal Policy Board shall promulgate rules
16 on the determination of taxable elements in relation to taxes (a) to (d) above and on the
17 sharing of revenues from the collection of such taxes where the taxable elements are
18 found within and outside of the Bangsamoro territory. Any dispute between the
19 Bangsamoro Government and the Central Government arising from the imposition of
20 the above taxes shall be addressed by the Intergovernmental Fiscal Policy Board.
21

22 **Section 11. Share in Taxes of the Central Government.** – Central Government taxes,
23 fees, and charges collected in the Bangsamoro, other than tariff and customs duties,
24 shall be shared as follows:
25

- 26 a. Twenty-five (25%) percent to the Central Government; and
27
28 b. Seventy-five (75%) percent to the Bangsamoro, including the shares of the local
29 government units.
30

31 The aforementioned twenty-five percent (25%) share of the Central Government shall,
32 for a period of ten (10) years, be retained by the Bangsamoro Government. The period
33 for retention may be extended upon mutual agreement of the Central Government and
34 the Bangsamoro Government.
35

36 The shares in taxes, fees, and charges provided under this section shall be an amount
37 separate and distinct from the annual block grant appropriated to the Bangsamoro
38 under Section 17 of this article.
39

40 **Section 12. Assessment and Collection of Taxes; Bangsamoro Revenue Office.** –
41 The Bangsamoro Parliament shall, by law, establish the Bangsamoro Revenue Office
42 within the Bangsamoro for the purpose of assessing and collecting Bangsamoro taxes,
43 as well as, all other collectible taxes in the Bangsamoro.
44

45 The Bangsamoro Revenue Office shall collect such taxes and remit the share of the
46 Central Government through a duly accredited depository bank.
47

48 Until such time that the Bangsamoro Revenue Office is established, the collection shall
49 be done by the Bureau of Internal Revenue (BIR). The share of the Bangsamoro
50 Government shall be retained by the Central Government collecting agencies and shall
51 be remitted or released to the Bangsamoro in lump sum without need for an
52 appropriations law.
53

54 When the Bangsamoro Revenue Office is established, and collection of the above taxes
55 is undertaken by said office, the cost of administering the tax collection shall be co-
56 shared between the Central Government and the Bangsamoro Government.
57

1 **Section 13. Payment of Taxes by Corporations, Partnerships or Firms. -**
2 Corporations, partnerships, or firms directly engaged in business in the Bangsamoro
3 shall pay their corresponding taxes, fees, and charges in the province or city, where the
4 corporation, partnership, or firm is doing business.

5
6 Corporations, partnerships, or firms whose central, main, or head offices are located
7 outside the Bangsamoro but which are doing business within its territorial jurisdiction
8 shall pay the income taxes for income derived from their business operations in the
9 Bangsamoro to the city, or municipality where their branch offices or business
10 operations or activities are located. The BIR and the Bangsamoro Revenue Office shall
11 agree on modalities for the filing of income tax returns through the Intergovernmental
12 Fiscal Policy Board.

13
14 **Section 14. Share of the Constituent Local Government Units in Taxes within the**
15 **Bangsamoro.** – The Bangsamoro Parliament shall enact a law detailing the shares of
16 constituent local government units in the 75% share of the Bangsamoro Government in
17 the taxes, fees, and charges collected in their jurisdiction for the Central Government in
18 the Bangsamoro.

19
20 **Section 15. Bangsamoro Taxes and Revenue Code.** – The Bangsamoro Parliament
21 shall enact a Bangsamoro Tax Code, which shall cover the taxing powers of the
22 Bangsamoro Government.

23
24 **Section 16. Fees and Charges.** – The Bangsamoro shall exercise the power to levy
25 fees and charges pursuant to the powers and functions that it shall exercise in
26 accordance with this Basic Law, including the powers already granted under Republic
27 Act. No. 6734, RA 9054 and other executive issuances, and memoranda of agreement.

28
29
30
31 *Block Grant*

32
33 **Section 17. Annual Block Grant.** – With the Bangsamoro enjoying the maximum form
34 of fiscal autonomy as provided in Section 1 of this Article, the Central Government shall
35 provide an annual block grant which shall be the share of the Bangsamoro in the
36 national internal revenue of the Government. The amount shall be sufficient for the
37 exercise of the powers and functions of the Bangsamoro Government under this Basic
38 Law and in no case to be less than the last budget received by the Autonomous Region
39 in Muslim Mindanao immediately before the establishment of the Bangsamoro
40 Transition Authority.

41
42 **Section 18. Formula of the Block Grant.** – For the budget year immediately following
43 the year this Act takes effect, the amount of the block grant shall be equivalent to Six
44 Percent (6%) of the net national internal revenue collection of Bureau of Internal
45 Revenue and of the Bureau of Customs.

46
47 For purposes of this Section, the net national internal revenue collection of the Bureau
48 of Internal revenue is understood to be the sum of all internal revenue tax collections
49 during the base year less the internal revenue allotment of local government units, as
50 well as, the amount released during the same year for tax refunds, payments for
51 informer's reward, and any portion of internal revenue tax collections which are
52 presently set aside, or hereafter earmarked under special laws for payment to third
53 persons.

54
55 Provided, that the computation shall be based on collections from the third fiscal year
56 preceding the current fiscal year;

1 Provided, further, that the above formula shall be adjusted if, after the effectivity of this
2 Act, there occurs a change in the total land area of the Bangsamoro.
3

4 **Section 19. Automatic Appropriation.** – The annual block grant shall be automatically
5 appropriated to the Bangsamoro Government and reflected in the General
6 Appropriations Act.
7

8 The Bangsamoro Parliament shall pass an annual appropriations law that allocates the
9 block grant to various agencies and programs, according to the powers and functions of
10 the Bangsamoro Government. The Bangsamoro annual appropriations law may also
11 include performance standards and targets for each sector. Any unspent amount in the
12 current year's block grant shall revert to the Bangsamoro general fund for re-
13 appropriation.
14

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

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

- 24 a. Revenues from the additional taxes beyond those already devolved to the
25 Autonomous Region in Muslim Mindanao collected three (3) years before; and
26
- 27 b. Share of the Bangsamoro in the government income derived from the
28 exploration, development, and utilization of natural resources, as provided
29 under Article XII, Section 34 collected three (3) years before.
30

31 Provided, that the amount allocated for the operation of the Bangsamoro Sustainable
32 Development Board, as provided in Article XIII, Section 4, shall not be included in the
33 amount herein to be deducted from the block grant; Provided, further, that the
34 abovementioned deduction shall not include the shares of constituent local government
35 units and of indigenous communities in government income derived from the
36 exploration, development, and utilization of natural resources, under Article XII,
37 Sections 35 and 36, respectively.
38

39 **Section 22. Review of the Block Grant Formula.** – The formula for the Block Grant,
40 as provided above, shall be reviewed by the Intergovernmental Fiscal Policy Board ten
41 (10) years after its effectivity. The review that shall be undertaken shall consider, among
42 others, the fiscal needs of the Bangsamoro and the actual revenues it is able to
43 generate. Thereafter, the review shall be undertaken every five (5) years as agreed
44 upon in the Intergovernmental Fiscal Policy Board. Should the Central Government no
45 longer have any representative in the said Board, the review shall be undertaken by the
46 Intergovernmental Relations Body, for enactment into law.
47

48 **Section 23. Development Programs and Projects.** – Immediately after the ratification
49 of this Basic Law, and for another five (5) years thereafter, the Central Government
50 shall provide for additional funds that would subsidize expenditure for development
51 projects and infrastructure in the Bangsamoro, including provincial and municipal roads,
52 in accordance with a development plan formulated by the Bangsamoro Government.
53 The Central Government and the Bangsamoro Government shall agree on the amount
54 through the intergovernmental relations body, as well as, the manner of release of said
55 amount to the Bangsamoro Government.
56
57

Loans

1
2 **Section 24. Foreign and Domestic Loans; Bills, Bonds, Notes and Obligations.** –

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

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

17 The Central Government shall assist the Bangsamoro Government in complying with
18 the requirements for a speedy issuance of the sovereign guaranty, to finance local
19 infrastructure and other socio-economic development projects in accordance with the
20 Bangsamoro Development Plan.
21

22 Within 30 days from the submission of the Bangsamoro Government of its application
23 for sovereign guaranty, the Bangsamoro Government shall be informed by the Central
24 Government on the actions taken on the application. The application shall be resolved
25 with dispatch.
26

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

35 (c) *Payment of Loans and Indebtedness.* – The Bangsamoro Government shall
36 appropriate in its annual budget such amounts as are sufficient to pay their loans and
37 their indebtedness incurred.
38

39 **Section 25. Overseas Development Assistance.** – In its efforts to achieve inclusive
40 growth and poverty reduction, through the implementation of priority development
41 projects, the Bangsamoro Government may avail directly of Overseas Development
42 Assistance (ODA). The Bangsamoro Parliament may enact legislation governing ODA.
43

44 ***Grants and Donations***

45
46 **Section 26. Grants and Donations.** – Grants and donations from foreign and domestic
47 donors received by the Bangsamoro Government for the development and welfare of
48 the people in the Bangsamoro shall be used solely for the purpose for which they were
49 received.
50

51 Donations and grants that are used exclusively to finance projects for education, health,
52 youth and culture, and economic development, may be deducted in full from the taxable
53 income of the donor or grantor.
54

55 ***Economic Agreements and Conventions***

1 **Section 27. Economic Agreements.** –The Bangsamoro Government may enter into
2 economic agreements and receive benefits and grants derived therefrom as provided in
3 Section 1, Article V of this law.
4

5 **Section 28. Cultural Exchange, Economic and Technical Cooperation.** – Consistent
6 with the reserved powers of the Central Government and whenever necessary, the
7 Central Government shall appoint recommendees of the Bangsamoro Government to
8 Philippine embassies, consulates, and international delegations. The Bangsamoro
9 Government may establish linkages for cultural exchange, economic and technical
10 cooperation with countries with diplomatic relations with the Philippines, with assistance
11 of Philippine embassies or consulates, or through some other arrangements with
12 Central Government supporting such undertakings.
13

14 **Section 29. Benefits from Conventions.** – The Bangsamoro shall be entitled to
15 benefits resulting from conventions to which the Central Government is a party. Such
16 benefits shall be equitable and shall consider the available human and material
17 resources and comparative advantage of the Bangsamoro, as well as, its socio-
18 economic conditions and needs.
19

20 ***Government Owned and/or Controlled Corporations (GOCCs) and Financial***
21 ***Institutions***
22

23 **Section 30. GOCCs and Financial Institutions.** – The Bangsamoro shall have the
24 power to create GOCCs and financial institutions through the necessary modalities, and
25 in accordance with a law on GOCCs to be passed by the Parliament. These
26 Bangsamoro Government-created GOCCs shall be duly registered with the Securities
27 and Exchange Commission or established under legislative charter by the Bangsamoro
28 Parliament, and shall be recognized even outside the Bangsamoro. Revenues derived
29 from their operations shall pertain to the Bangsamoro.
30

31 **Section 31. Existing GOCCs Operating Exclusively in the Bangsamoro.** – The
32 Bangsamoro Government shall have the authority and control over existing GOCCs and
33 financial institutions operating exclusively in the Bangsamoro, after determination by the
34 intergovernmental fiscal policy board of its feasibility. Such transfer shall be effected
35 through the necessary changes on the GOCCs' governing boards.
36

37 **Section 32. Southern Philippine Development Authority and *Al-Amanah* Islamic**
38 **Investment Bank.** – Within six (6) months from the establishment of the BTA, the
39 Intergovernmental Fiscal Policy Board shall determine the participation of the
40 Bangsamoro in the ownership and management of *Al-Amanah* Islamic Investment Bank
41 of the Philippines and the Southern Philippines Development Authority as provided in
42 P.D. 690, as amended by P.D. 1703, and the mode of transfer of ownership to the
43 Bangsamoro Government.
44

45 **Section 33. Existing GOCCs in the Bangsamoro.** – The Bangsamoro Government
46 shall be represented in the board of directors or in the policy-making bodies of GOCCs
47 that operate a substantial portion of their businesses directly or through their
48 subsidiaries in the Bangsamoro or where the Bangsamoro has substantial interest. The
49 Intergovernmental Fiscal Policy Board (IGFPB) shall determine the extent of
50 participation. In no case shall the Bangsamoro have less than one seat in the governing
51 board of such entities.
52

53 The share of the Bangsamoro Government from the results of operations of GOCCs
54 and subsidiaries operating in the Bangsamoro shall be based on a formula determined
55 by the Intergovernmental Fiscal Policy Board under Section 36 of this Basic Law.
56

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

1
2 **Section 34. Sharing in Exploration, Development and Utilization of Natural**
3 **Resources.** –Government revenues generated from the exploration, development and
4 utilization of all natural resources in the Bangsamoro, inclusive of mines and minerals,
5 shall pertain fully to the Bangsamoro Government. In the case of fossil fuels
6 (petroleum, natural gas, and coal) and uranium, the same shall be co-managed and the
7 revenues shared equally between the Central and Bangsamoro Governments.
8

9 Such sharing scheme shall be applicable to all natural resources found in the
10 Bangsamoro territory, both the land mass and the waters under its territorial jurisdiction.
11

12 **Section 35. Share of the Constituent Local Government Units.** – The share of the
13 Bangsamoro Government in the revenues referred to in the immediately preceding
14 section shall include those for its constituent local government units. The Bangsamoro
15 Parliament shall enact a law detailing the shares of such local government units.
16

17 **Section 36. Share of Indigenous Communities.** – Indigenous peoples shall have an
18 equitable share from the revenues generated from the exploration, development, and
19 utilization of natural resources that are found within the territories covered by a native,
20 traditional or customary title in their favor. The share shall be provided for in a law to be
21 passed by the Bangsamoro Parliament.
22

23 The Bangsamoro Parliament shall enact a law that shall provide in detail said sharing
24 system, including the percentage of the shares of the indigenous peoples and
25 communities, and the mechanisms therefor.
26

27 *Intergovernmental Fiscal Policy Board*

28

29 **Section 37. Intergovernmental Fiscal Policy Board.** – There is hereby created an
30 Intergovernmental Fiscal Policy Board (IGFPB) that shall address revenue imbalances
31 and fluctuations in regional financial needs and revenue-raising capacity of the
32 Bangsamoro.
33

34 **Section 38. Functions.** – The IGFPB shall undertake the following functions:
35

36 (a) Recommend the necessary fiscal policy adjustments by undertaking a periodic
37 review of the taxing powers, tax base and rates of the Bangsamoro Government, wealth
38 sharing arrangements, and sources of revenues vis-à-vis the development needs of the
39 Bangsamoro;
40

41 (b) Address disputes between the Central Government and the Bangsamoro
42 Government involving the collection of capital gains tax, documentary stamp tax,
43 donor's tax, and estate tax in the Bangsamoro;
44

45 (c) Determine the extent of participation of the Bangsamoro Government in the board of
46 directors or the policy-making bodies of GOCCs that operate a substantial portion of
47 their businesses directly or through their subsidiaries in the Bangsamoro or where the
48 Bangsamoro has substantial interest;
49

50 (d) Determine the participation of the Bangsamoro Government in the results of
51 operations of government-owned or controlled corporations and its subsidiaries
52 operating in the Bangsamoro. The Board shall also determine a formula for the share of
53 the Bangsamoro Government from the results of said operations;
54

55 (e) Determine the participation of the Bangsamoro in the ownership and management of
56 Al-Amanah Islamic Investment bank of the Philippines and the Southern Philippines
57 Development Authority (SPDA) to the Bangsamoro; and

1
2 (f) Recommend the exercise by the Bangsamoro Government of additional fiscal
3 powers in order to attain the highest form of fiscal autonomy.
4

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

11 **Section 39. Composition.** – The Board shall be composed of the heads and/or
12 representatives of the appropriate ministries and offices in the Bangsamoro
13 Government. The Central Government shall likewise be represented in the Board by the
14 Secretary of Finance and such other officials as may be necessary.
15

16 The Board shall be headed by two co-Chairs, one representing the Bangsamoro
17 Government and the other, the Central Government.
18

19 Once full fiscal autonomy has been achieved by the Bangsamoro, it may no longer be
20 necessary to have a representative from the Central Government to sit in the Board.
21

22 **Section 40. Meetings and Annual Report.** - The Board shall meet at least once in six
23 (6) months or as often as necessary and shall adopt its own rules of procedure for the
24 conduct of its meetings.

25 An annual report shall be submitted by the Board to the Central Government and the
26 Bangsamoro Government, and be made available to the public.
27

28 **Section 41. Full Disclosure Policy.** – The Bangsamoro Government hereby adopts a
29 policy of full disclosure of its budget and finances, and bids and public offerings and
30 shall provide protocols for the guidance of local authorities in the implementation of said
31 policy, which shall include, among others, the posting of the Summary of Income and
32 Expenditures, and the participation of representatives from civil society in the budget
33 process. The same policy shall apply to its constituent local government units, as may
34 be provided in the Bangsamoro Local Government Code to be enacted by the
35 Bangsamoro Parliament.
36

37 **Section 42. Additional Fiscal Powers.** – The IGFPB may recommend the exercise by
38 the Bangsamoro of additional fiscal powers in order to reach full fiscal autonomy. Such
39 recommendations shall be proposed to Congress or the appropriate agency of the
40 Central Government that has the power to effect such recommendations.
41

42 **Article XIII**
43 **ECONOMY AND PATRIMONY**
44

45 **Section 1. Social Justice, and the Bangsamoro Economic System-** The
46 Bangsamoro shall establish an economic system based on the principle of social
47 justice. Pursuant to this principle, the Bangsamoro Parliament shall legislate laws
48 pertaining to the Bangsamoro economy and patrimony that are responsive to the needs
49 of its people.
50

51 ***Sustainable Development***
52

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

1
2 The Bangsamoro Government shall promote the effective use of economic resources
3 and endeavor to attain economic development that shall facilitate growth and full
4 employment, human development, and social justice.
5

6 The Bangsamoro Government shall also provide equitable opportunities for the
7 development of constituent local government units and shall strengthen governance
8 systems to ensure people's participation.
9

10 **Section 3. Comprehensive Framework for Sustainable Development.** – The
11 Bangsamoro Government shall develop a comprehensive framework for sustainable
12 development through the proper conservation, utilization, and development of natural
13 resources. Such framework shall guide the Bangsamoro Government in adopting
14 programs and policies and establishing mechanisms that focus on the environment
15 dimensions of social and economic interventions. It shall include measures for
16 environmental justice and governance, as well as, for the reduction of vulnerability of
17 women and marginalized groups to climate change and variability.
18

19 **Section 4. Bangsamoro Sustainable Development Board.** – The Bangsamoro
20 Parliament shall create a Bangsamoro Sustainable Development Board (BSDB), an
21 intergovernmental body composed of representatives from the Bangsamoro
22 Government and the Central Government. The Board shall ensure the harmonization of
23 environmental and developmental plans, as well as, formulate common environmental
24 objectives.

25 Funding support for the Board shall be included in the annual budget of the
26 Bangsamoro Government. However, if there are revenues collected from the
27 exploration, development, and utilization of all natural resources within the Bangsamoro,
28 a certain percentage of such revenues shall be allocated for the operation of the Board,
29 as may be provided in a law to be passed by the Bangsamoro Parliament.
30

31 **Section 5. Bangsamoro Development Plan.** – The Bangsamoro Government shall
32 formulate its development plans taking into consideration the Bangsamoro people's
33 unique needs and aspirations and consistent with national development goals. The Plan
34 shall also consider the revenue generation efforts needed for the post-conflict
35 rehabilitation, reconstruction, and development of its territory.
36

37 The Plan shall include the promotion of growth and full employment, human
38 development, and address social and economic inequities that have resulted from
39 decades of neglect, historical injustice, poverty, and inequality.
40

41 For this purpose, the Bangsamoro Parliament shall create a Bangsamoro economic
42 planning, research, and development office.
43

44 **Section 6. Gender and Development.** – The Bangsamoro Government recognizes the
45 role of women in governance and shall ensure the fundamental equality before the law
46 of women and men. It shall guarantee full and direct participation of women in
47 governance and in the development process and shall, further, ensure that women
48 benefit equally in the implementation of development programs and projects.
49

50 In the utilization of public funds, the Bangsamoro Government shall ensure that the
51 needs of women and men are adequately addressed. For this purpose, at least five
52 percent (5%) of the total budget appropriation of each ministry, office, and constituent
53 local government unit of the Bangsamoro shall be set aside for gender-responsive
54 programs, in accordance with a gender and development (GAD) plan. In the same
55 manner, at least five percent (5%) up to thirty percent (30%) of the official development
56 funds received by the Bangsamoro shall be set aside to complement said GAD budget
57 allocation.

1 The Bangsamoro Government shall establish a mechanism for consultation with women
2 and local communities to further ensure the allocation and proper utilization of said
3 funds. It shall identify and implement special development programs and laws for
4 women.
5

6 **Section 7. Participation of the Bangsamoro in National Development Planning. –**

7 The preceding section, notwithstanding, and in order to ensure that the Bangsamoro
8 development plans are reflected in the national development plans, the Bangsamoro
9 shall participate in national development planning. The Chief Minister shall be a full-
10 fledged member of the Board of the National Economic and Development Authority
11 (NEDA), as well as, other related agencies. The Chief Minister or his duly-appointed
12 representative shall participate in the said offices.
13

14 *Natural Resources*
15

16 **Section 8. Natural Resources, Nature Reserves, and Protected Areas. –** The
17 Bangsamoro Government shall have the power, authority, and right to explore, develop,
18 and utilize the natural resources, including surface and sub-surface rights, inland
19 waters, coastal waters, and renewable and non-renewable resources in the
20 Bangsamoro.
21

22 The protection, conservation, rehabilitation, and development of forests, coastal, and
23 marine resources, including the adoption of programs and projects to ensure the
24 maintenance of ecological balance and biodiversity, shall be given priority.
25

26 The Bangsamoro Government shall also have the power to declare nature reserves and
27 aquatic parks, forests, watershed reservations, and other protected areas in the
28 Bangsamoro.
29

30 The Bangsamoro Parliament shall pass a law on protected areas, regarding the
31 procedure for the declaration, and the management of those that are so declared, and
32 the role of the Bangsamoro Government and other stakeholders in the process.
33

34 **Section 9. Transfer of Existing Nature Reserves and Protected Areas. –** The
35 management and protection of nature reserves and aquatic parks, forests, watershed
36 reservations, and other protected areas in the Bangsamoro territory that have already
37 been defined by and under the authority of the Central Government shall be transferred
38 to the Bangsamoro Government.
39

40 Within three months from the establishment of the Bangsamoro Transition Authority, the
41 Bangsamoro Government and Department of Environment and Natural Resources
42 (DENR), as well as, other relevant government agencies shall start the process of
43 transferring these areas, including the conduct of surveys of all affected areas and the
44 planning and transition for each and every protected area. Such process shall be
45 completed within a period not exceeding two (2) years.
46

47 **Section 10. Exploration, Development, and Utilization of Fossil Fuels and
48 Uranium. -** The Bangsamoro Government and the Central Government shall jointly
49 exercise the power to grant rights, privileges, and concessions over the exploration,
50 development, and utilization of fossil fuels (petroleum, natural gas, and coal) and
51 uranium in the Bangsamoro.
52

53 The Central Government, through the Department of Energy (DOE), and the
54 Bangsamoro Government shall adopt a competitive and transparent process for the
55 grant of rights, privileges, and concessions in the exploration, development, and
56 utilization of fossil fuels and uranium.
57

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

7 **Section 11. Preferential Rights of Bona Fide Inhabitants of the Bangsamoro. –**

8 Qualified citizens who are *bona fide* inhabitants of the Bangsamoro shall have
9 preferential rights over the exploration, development, and utilization of natural
10 resources, including fossil fuels (petroleum, natural gas, and coal) and uranium, within
11 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 12. Rights of Indigenous Peoples Over Natural Resources. –** The

16 Bangsamoro Parliament shall enact a law recognizing the rights of indigenous peoples
17 in the Bangsamoro in relation to natural resources within the territories covered by a
18 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 13. Mines and Mineral Resources. –** The Bangsamoro Government shall

25 have authority and jurisdiction over the exploration, development, and utilization of
26 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 14. Financial and Technical Assistance Agreements. –** The applications for
31 financial and technical assistance agreements (FTAAs) covering mineral resources
32 within the Bangsamoro shall be commenced at and recommended by the Bangsamoro
33 Government to the President.
34

35 The manner by which the Bangsamoro Government shall make the recommendation
36 shall be in accordance with the mining policy that shall be adopted by the Bangsamoro
37 Parliament.
38

39 **Section 15. Regulation of Small-Scale Mining. –** Small-scale mining shall be
40 regulated by the Bangsamoro Government to the end that the ecological balance, safety
41 and health, and the interests of the affected communities, the miners, the indigenous
42 peoples, and the local government units of the place where such operations are
43 conducted are duly protected and safeguarded.
44

45 **Section 16. Legislating Benefits, Compensation for Victims and Communities**

46 **Adversely Affected by Mining and Other Activities that Harness Natural**
47 **Resources. -** The Bangsamoro Parliament shall enact laws for the benefit and welfare
48 of the inhabitants injured, harmed or adversely affected by the harnessing of natural and
49 mineral resources in the Bangsamoro. Such laws may include payment of just
50 compensation to and relocation of the people and rehabilitation of the areas adversely
51 affected by the harnessing of natural and mineral resources mentioned above.
52

53 The Bangsamoro Parliament may, by law, require the persons, natural or juridical,
54 responsible for causing the harm or injury mentioned above to bear the costs of
55 compensation, relocation, and rehabilitation mentioned above wholly or partially.
56

1 **Section 17. Bangsamoro Mining Policy.** - Policies on mining and other extractive
2 industries shall be drawn up by the Bangsamoro Parliament in accordance with its
3 Comprehensive Sustainable Development Plan, as well as, its over-all medium-term
4 and long-term Bangsamoro Development Plan.
5

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

15 **Section 19. Zones of Joint Cooperation.** – Zones of Joint Cooperation in the Sulu
16 Sea and the Moro Gulf are hereby created, the coordinates of which shall be defined by
17 an *ad hoc* joint body composed of representatives from the Department of Environment
18 and Natural Resources (DENR) and the National Mapping and Resource Information
19 Authority (NAMRIA) and an equal number of representatives from appropriate agencies
20 of the Bangsamoro Government.
21

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

29 **Section 20. Joint Body for the Zones of Joint Cooperation.** – There shall be created
30 a Joint Body for the Zones of Joint Cooperation composed of a Bangsamoro Minister as
31 Chair, at least one (1) representative of a constituent local government unit of the
32 Bangsamoro adjacent to the Sulu Sea, at least one (1) representative of a constituent
33 local government unit of the Bangsamoro adjacent to the Moro Gulf, the Secretary of
34 Environment and Natural Resources, the Secretary of Agriculture, and the Secretary of
35 Transportation and Communication of the Central Government, or their authorized
36 representatives, and their counterpart officials from the appropriate Bangsamoro offices
37 and/or agencies. There shall be at least one (1) representative from an adjoining local
38 government unit that is not part of the Bangsamoro, and adjacent to the Sulu Sea, and
39 at least one (1) representative from an adjoining local government unit that is not part of
40 the Bangsamoro, and adjacent to the Moro Gulf. The Joint Body shall be responsible for
41 drawing up of policies mentioned in the preceding Section, as well as, those necessarily
42 related thereto.
43

44 The Joint Body may invite private sector representatives from the fishing and
45 transportation industries whenever necessary.
46

47 The Bangsamoro Government and the Central Government shall work together to
48 regulate the waters that comprise the Zones of Joint Cooperation in the Sulu Sea and
49 the Moro Gulf. Policies shall be jointly drawn up for the following purposes:
50

- 51 a. protection of the traditional fishing grounds;
- 52
- 53 b. benefitting from the resources therein;
- 54
- 55 c. ensuring the interconnectivity of the islands and mainland parts of the
56 Bangsamoro so that they are parts of a cohesive Bangsamoro political entity;
57 and

- 1
2 d. ensuring the exercise of the preferential rights of the Bangsamoro people, other
3 indigenous peoples in the adjoining provinces, and the resident fishers in the
4 Bangsamoro over fishery, aquamarine, and other living resources in the Zones
5 of Joint Cooperation. The Joint Body shall promulgate rules and regulations as
6 to the exercise of these preferential rights.
7

8 The Bangsamoro Government and the Central Government shall ensure that there shall
9 be free movement of vessels, goods, and people in these Zones of Joint Cooperation.
10

11 **Section 21. Exploration, Development, and Utilization of Non-living Resources in**
12 **the Zones of Joint Cooperation.** The Joint Body for the Zones of Joint Cooperation
13 shall ensure the cooperation and coordination between the Central Government and the
14 Bangsamoro Government on the exploration, development, and utilization of non-living
15 resources in the Zones of Joint Cooperation and determine the sharing of income and
16 revenues derived therefrom.
17

18 **Section 22. Transportation in the Zones of Joint Cooperation.** Transportation plying
19 direct routes connecting the islands in Sulu, Basilan, Tawi-Tawi, and/or the mainland
20 parts of the Bangsamoro and passing through the Zones of Joint Cooperation shall be
21 considered intra-regional routes.
22

23 **Section 23. Inland Waters.** – The Bangsamoro Government shall have exclusive
24 powers over inland water, including, but not limited to lakes, marshes, rivers, and
25 tributaries. The Bangsamoro Parliament shall enact laws on the regulation,
26 conservation, management, and protection of these resources, and may classify inland
27 waters in the Bangsamoro. It shall create a Bangsamoro office and authorities for
28 specific inland bodies of water that shall exercise management and regulation powers
29 over these bodies of water.
30

31 The Bangsamoro Government shall ensure that the utilization of these waters shall
32 primarily be for the benefit of the people in the Bangsamoro and shall ensure that host
33 communities shall be given equitable share from the.
34

35 **Section 24. Agriculture, Fisheries, and Aquatic Resources.** – The Bangsamoro
36 Government's policies and laws on agriculture, fisheries, and aquatic resources shall
37 advance agriculture as a key development strategy, promote productivity measures,
38 and provide support for farmers and fishers especially small landholders and marginal
39 fishers.
40

41 42 *Trade and Industry* 43

44 **Section 25. Trade and Industry in the Bangsamoro.** –The Bangsamoro Government
45 recognizes the private sector as a mover of trade, commerce, and industry. To achieve
46 equity, social justice, and economic development, it shall encourage and support the
47 building up of entrepreneurial capability in the Bangsamoro and shall recognize,
48 promote, protect, and support the development of cooperatives and other medium,
49 small and micro enterprises. It shall adopt and implement cooperative development
50 policies and programs through the enactment of a Bangsamoro Cooperative Code.
51

52 The Bangsamoro Government shall promote trade and industry in the Bangsamoro by
53 providing avenues through which other countries can learn about its unique industries,
54 economic opportunities and culture through participation in trade missions, trade fairs,
55 and other promotional activities. It can also organize trade missions to other countries
56 observing the necessary coordination with the relevant government agencies.
57

1 The Bangsamoro Government shall also promote domestic trade preference for goods
2 produced and materials sourced from within the Bangsamoro and adopt measures to
3 increase their competitiveness. The Bangsamoro Government shall also ensure that
4 Bangsamoro products and services gain considerable access to the markets of its
5 trading partners, and particular attention should also be given to the markets of its
6 trading partners who have historic and cultural ties to the Bangsamoro.
7

8 The Bangsamoro Government shall provide technical and skills training programs,
9 create livelihood and job opportunities, and allocate equitable preferential rights to its
10 inhabitants. In this regard, the Bangsamoro Parliament may adopt laws that will
11 safeguard the rights of workers.
12

13 **Section 26. Barter Trade and Countertrade with ASEAN Countries.** – The
14 Bangsamoro Government shall regulate traditional barter trade and counter-trade with
15 ASEAN countries. The goods or items that are traded with the said countries shall not
16 be sold elsewhere in the country without payment of appropriate customs or import
17 duties.
18

19 Traditional barter trade and counter-trade refer to all cross-border trade of all goods not
20 otherwise considered illicit since time immemorial between the Bangsamoro areas with
21 ASEAN countries. The Bangsamoro Government shall ensure compliance with national
22 standards and safety product standards requirements. Any dispute in relation to
23 compliance or non-compliance shall be brought to the intergovernmental relations
24 mechanism.
25

26 **Section 27. Economic Zones, Industrial Estates, and Free Ports.** – The
27 Bangsamoro Government may establish economic zones, industrial estates, and free
28 ports in the Bangsamoro, this shall include the establishment of a Bangsamoro
29 Economic Zone Authority which shall have similar powers as the Philippine Economic
30 Zone Authority. The Bangsamoro Parliament may provide such additional powers and
31 functions to the Bangsamoro Economic Zone Authority as may be necessary to meet
32 the special circumstances of the Bangsamoro.
33

34 Once the Bangsamoro Economic Zone Authority is created by the Bangsamoro
35 Parliament, the Philippine Export Zone Authority shall no longer authorize any other
36 economic zone within the Bangsamoro. Any corporation, firm, or entity established
37 within the Bangsamoro, by authority of the Philippine Export Zone Authority, shall be
38 placed under the jurisdiction of the Bangsamoro Economic Zone Authority and shall
39 continue to enjoy the benefits granted to it by the Philippine Export Zone Authority.
40

41 Through the intergovernmental relations mechanism, the Bangsamoro Government and
42 the Central Government shall cooperate on customs, immigration, and quarantine
43 service including the attendant international commitments thereto, to implement and
44 make fully operational such economic zones, industrial estates, and free ports within
45 one (1) year from their establishment. Business and other enterprises operating within
46 the Bangsamoro economic zones, industrial estates, and free ports shall be entitled to
47 the fiscal incentives and other benefits provided by the Central Government to special
48 economic zones. The Bangsamoro Government shall implement the fiscal incentives
49 and other benefits to investors in economic zones, industrial estates, and free ports.
50 Bangsamoro free ports shall be contiguous/adjacent to a seaport or airport. The area of
51 coverage of a free port may be so much as may be necessary of that portion of the
52 constituent local government unit/s of the Bangsamoro, subject to such criteria as the
53 Bangsamoro Parliament may provide in law for that purpose. Existing free ports in the
54 Autonomous Region in Muslim Mindanao are hereby transferred to the Bangsamoro
55 Government.
56

1 **Section 28. Prohibition Against Toxic or Hazardous Substances.** – The
2 Bangsamoro Government shall regulate, restrict, or prohibit the use, importation, transit,
3 transport, deposit, disposal, and dumping of toxic or hazardous substances within the
4 Bangsamoro. It shall, in the same manner, regulate activities that may adversely impact
5 the environment and may be harmful to health, safety, and welfare of the Bangsamoro.
6

7 **Section 29. Halal Program.** – The Bangsamoro Government shall have the power to
8 accredit *halal*-certifying bodies in the Bangsamoro. It shall promote awareness through
9 the development and implementation of a halal campaign program.
10

11 The Bangsamoro Parliament shall enact laws to further strengthen its policy and
12 programs on halal development.
13

14 *Banking and Finance*

15
16 **Section 30. Banks and Financial Institutions.** – The Bangsamoro Government shall
17 encourage the establishment of:
18

- 19 a. banks and financial institutions and their branches; and
- 20
- 21 b. off-shore banking units of foreign banks
22

23 within the Bangsamoro, and in accordance with the principles of the Islamic banking
24 system.
25

26 The Bangsamoro Parliament shall enact laws on Islamic finance.
27

28 **Section 31. Islamic Banking and Finance.** – The Bangsamoro Government, the
29 *Bangko Sentral ng Pilipinas* (BSP), the Department of Finance (DOF), and the National
30 Commission on Muslim Filipinos (NCMF) shall jointly promote the development of an
31 Islamic banking and finance system, to include, among others, the establishment of a
32 *Shari'ah* Supervisory Board and the promotion and development of *Shari'ah* compliant
33 financial institutions.
34

35 To facilitate the establishment of an Islamic banking and finance system, the
36 Bangsamoro Government and the Central Government shall review existing market
37 environment and policies and adopt measures to enhance the competitiveness of
38 Islamic finance products and ensure that Islamic financial players are not inhibited from
39 introducing Islamic finance products. It shall further promote investor awareness and
40 acceptance in order to build a broader customer and asset base.
41

42 **Section 32. Islamic Banking Unit in the *Bangko Sentral ng Pilipinas*.** - An Islamic
43 Banking Unit shall be established in the *Bangko Sentral ng Pilipinas* which shall be
44 headed and staffed by qualified Islamic Banking experts, recommended by the Chief
45 Minister of the Bangsamoro Government. The head of the Islamic Banking Unit shall be
46 chosen from among the three (3) recommended as of by the Chief Minister.
47

48 The Chief Minister shall nominate at least three (3) qualified persons from the
49 Bangsamoro.
50

51 **Section 33. Functions of the *Shari'ah* Supervisory Board And Qualifications of its
52 Members.** - Without prejudice to the crafting of the Bangsamoro Islamic banking and
53 finance framework by the Bangsamoro Parliament, the following are the functions and
54 qualifications of the *Shari'ah* Supervisory Board:
55

- 56 a. *Functions.* – The *Shariah* Supervisory Board shall be responsible for monitoring
57 the compliance of *Shari'ah* rules in banking and finance transactions and

1 issuance of *Shari'ah* products. Furthermore, as a representative of the various
2 *ulama*, it shall have the authority to issue *fatwas* regarding the products and
3 practices employed by banks and other institutions.
4

- 5 b. *Qualifications.* – Subject to other qualifications that the Parliament may enact,
6 the members of the Board shall have the necessary knowledge of both Islamic
7 jurisprudence and conventional banking and finance.
8

9 *Public Utilities And Infrastructure*

10
11 **Section 34. Energy and Power Generation.** – The Bangsamoro Government shall
12 have authority to regulate power generation, transmission, and distribution operating
13 exclusively in the Bangsamoro through a Ministry of Energy which it shall create. It may
14 likewise create its own public utilities in the Bangsamoro, including power generation
15 utilities.
16

17 It shall promote investments, domestic and international, in the power sector industry in
18 the Bangsamoro.
19

20 Power plants and distribution networks in the Bangsamoro shall be able to interconnect
21 and sell power over the National Transmission Grid to electric consumers. When
22 power generation, transmission, and distribution facilities are connected to the National
23 Transmission Grid, the Central Government and the Bangsamoro Government shall
24 cooperate and coordinate through the intergovernmental relations mechanism.
25

26 The Bangsamoro Government may assist electric cooperatives to ensure their financial
27 and operational viability. Assistance may be in the form of restructuring of debts, with
28 rehabilitation and efficiency improvement measures based on a set of clear time-bound
29 operational reform programs. Other measures may be brought to the Intergovernmental
30 Relations Mechanism Body.
31

32 In the event of the privatization of the PSALM/Mindanao Generator *Agus* Grid
33 Hydroelectric Plants, such as *Agus* 1, 2, 4, 5, 6 and 7, the Bangsamoro Government
34 shall have the preferential rights to acquire the said hydroelectric plants situated within
35 its territory.
36

37 This is without prejudice to the payment of the obligation of NAPOCOR/PSALM to the
38 Autonomous Region in Muslim Mindanao which now accrues to the Bangsamoro
39 Government.
40

41 **Section 35. Roads, Bridges, And Irrigation.** – The Bangsamoro Government shall be
42 responsible for the public works in the Bangsamoro. However, the Central Government
43 shall continue to fund the construction and maintenance of national roads and bridges
44 and national irrigation systems in the Bangsamoro. Central Government shall include in
45 the national Road Network Information System all national roads and bridges in the
46 Bangsamoro. Funding for national roads, bridges, and irrigation systems shall be
47 automatically provided and regularly released by the central government.
48

49 *Transportation and Communications*

50
51 **Section 36. Reserved, Concurrent, And Exclusive Powers.** – The Central
52 Government and the Bangsamoro Government shall have reserved, concurrent, and
53 exclusive powers, based on the principles of subsidiarity, technical and financial
54 viability, harmonization, compliance with international standards, treaties and
55 conventions, mutual respect and recognition, and recognition of the aspiration of the
56 Bangsamoro to assume further powers as may be practically operational as its capacity
57 develops. The intergovernmental mechanism shall harmonize policies, programs,

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

3
4 **Section 37. Reserved powers.** – The Central Government shall exercise reserved
5 powers over the airside operation of all existing airports within the Bangsamoro.

6
7 **Section 38. Concurrent Powers.** – The Central Government and Bangsamoro
8 Government shall have concurrent powers over the following:

- 9
10 a. The Bangsamoro Government and the Central Government shall exercise
11 concurrent powers in transportation and communications in the Zones of Joint
12 Cooperation;
- 13
14 b. The issuance of franchises, permits, provisional authorities for inter-regional
15 operation of land, air, and water transportation, as well as, telecommunications
16 facilities for non-Bangsamoro residents shall pertain to the Central Government
17 while the issuance of the same for Bangsamoro residents shall be the authority
18 of the Bangsamoro Government;
- 19
20 c. Establishment and regulation of inter-regional routes, zones or areas of
21 operation that pass through, include or involve the territory of the bangsamoro;
22 provided, that when the origin and the destination of a route are within the
23 bangsamoro territory and it passes through the zones of joint cooperation, it
24 shall be considered an intra-regional route;
- 25
26 d. Designation and establishment of inter-regional airways; and
- 27
28 e. Promulgation of rules and regulations to promote safety and security in the
29 airside operation of civil aviation in the Bangsamoro.

30
31 **Section 39. Exclusive Powers.** – The Bangsamoro Government shall have the
32 following exclusive powers:

- 33
34 a. Exercise of the powers granted under RA 6734 and RA 9054 on transportation
35 and communications;
- 36
37 b. Regulate the operation of land, air, and water transportation, as well as,
38 telecommunication facilities in the Bangsamoro, provided, that the Central
39 Government shall continue to fund the construction and maintenance of airports
40 and wharves;
- 41
42 c. Issuance of licenses, Certificates Of Public Convenience (CPCS), special
43 permits (SP) and provisional authority (PA) to operate land, air, and water
44 transportation and telecommunication companies in the Bangsamoro;
- 45
46 d. Registration of land, air, and water transportation of all kinds and
47 telecommunication companies in the Bangsamoro; and
- 48
49 e. Exercise quasi-judicial powers over the operation of land, air, and water
50 transportation and telecommunication companies in the Bangsamoro in
51 accordance with the rules of procedure established by the Bangsamoro
52 Parliament.

53
54 **Section 40. Intergovernmental Relations Mechanism.** – The intergovernmental
55 relations mechanism may harmonize policies, programs, regulations and standards, and
56 resolve problems of implementation between the Central Government and the
57 Bangsamoro Government.

1
2
3 **Article XIV**
4 **REHABILITATION AND DEVELOPMENT**

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

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

20 The amount equivalent to One Hundred Billion Pesos (P100B) shall be allocated for this
21 purpose to be utilized by the Bangsamoro Government for twenty (20) years from the
22 ratification of this Basic Law. For the first year following the ratification of this Basic Law,
23 the amount of Ten Billion Pesos (P10B) shall be given to the Bangsamoro Government.
24 From the second to the fifth year, the amount shall be Eight Billion Pesos (P8B) each
25 year, and Six Billion Pesos (P6B) for each year from the sixth to the tenth year.
26 Henceforth up to the twentieth year, the amount shall be Two point Two Billion Pesos
27 (P2.2B) annually. Such amount shall be released at the beginning of each fiscal year to
28 the Bangsamoro Government.
29

30 The utilization of the funds shall be in accordance with the Bangsamoro Development
31 Plan to be adopted by the Bangsamoro Government, as provided in Article XIII, Section
32 5 of this law.
33

34 **Article XV**
35 **PLEBISCITE**
36

37 **Section 1. Establishment of the Bangsamoro.** – (1) The establishment of the
38 Bangsamoro and the determination of the Bangsamoro territory shall take effect upon
39 ratification of this Basic Law by majority of the votes cast in a plebiscite in the following:
40

- 41 a. The present geographical area of the Autonomous Region in Muslim Mindanao;
42
- 43 b. The Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in
44 the province of Lanao del Norte;
45
- 46 c. The following thirty nine (39) Barangays in the Municipalities of Kabacan,
47 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato that
48 voted for inclusion in the Autonomous Region in Muslim Mindanao during the
49 2001 plebiscite under Republic Act No. 9054:
 - 50
 - 51 i. Dungan, Lower Mingading, and Tapodoc in the municipality of Aleosan
52 (3);
53
 - 54 ii. Manarapan and Nasapian in the municipality of Carmen (2);
55
 - 56 iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of Kabacan (3);
57

- 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,
9 Gokotan, Kabasalan, Lagunde, Macabual, and Macasendeg, in the
10 municipality of 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 2. Territorial Jurisdiction.** – The plebiscite herein mentioned shall be
17 conducted, not earlier than 90 days or later than one hundred twenty (120) days after
18 the effectivity of this Basic Law.
19

20 For this purpose, the COMELEC shall undertake the necessary steps to enable the
21 holding of the plebiscite within the said period.
22
23

24 **Section 3. 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
37 (c) For other barangays in the municipalities of Kabacan, Carmen, Aleosan,
38 Pigcawayan, Pikit, and Midsayap as enumerated in Article XV Section 1 (c) that
39 voted for inclusion in the Autonomous Region in Muslim Mindanao during the
40 2001 plebiscite: If the majority of the votes cast in each of these barangays
41 vote in favor of their inclusion in the Bangsamoro, the respective barangays
42 shall be included in the Bangsamoro.
43
44 (d) For the cities of Cotabato and Isabela: If the majority of the votes cast in each
45 of these cities vote in favor of their inclusion in the Bangsamoro, the respective
46 cities shall be included in the Bangsamoro.
47
48 (e) For all other contiguous areas where there is a resolution of the local
49 government unit or a petition of at least ten percent (10%) of the registered
50 voters in the geographic area asking for their inclusion at least two months prior
51 to the conduct of the ratification of the Basic Law: If the majority of the votes
52 cast in each of these local government units vote in favor of their inclusion in the
53 Bangsamoro, the respective local government units shall be included in the
54 Bangsamoro.
55

56 **Section 4. Delimitation of the Bangsamoro; Periodic Plebiscite.** - Five years after
57 the ratification of this Basic Law and every five years thereafter for a period of 25 years,

1 a plebiscite shall be held in the cities, municipalities, and other geographic areas which
2 were not able to join the Bangsamoro as a result of the plebiscite mentioned in the three
3 preceding sections, to determine whether or not they desire to join the Bangsamoro.
4

5 The contiguous provinces, cities, municipalities, barangays, and other geographic areas
6 particularly mentioned in the 1976 Tripoli Agreement and 1996 Final Peace Agreement,
7 other than those mentioned in the preceding three sections, may opt to join the
8 Bangsamoro through the periodic plebiscite mentioned in the preceding paragraph,
9 provided, that a petition signed by 10 percent of the registered voters or a resolution of
10 the local government units of each province, city, municipality or other contiguous
11 geographic area opting to join is submitted to their respective election offices at least
12 one (1) year prior to the scheduled plebiscite.
13

14 If the majority of the votes cast in each of the provinces, cities, municipalities, and other
15 contiguous areas participating in the periodic plebiscite voted in favor of joining the
16 Bangsamoro, they shall form part of the Bangsamoro.
17

18 At the end of the 25th year, the Bangsamoro shall have been delineated and delimited,
19 no other plebiscite for expansion shall be held, except those allowed under expressed
20 provision of law or by command of the Constitution.
21

22 **Section 5. Reconstitution of Local Government Units.** – The Bangsamoro
23 Parliament, may, by law, provide for the constitution of geographic areas in the
24 Bangsamoro into appropriate territorial or political subdivisions depending on the results
25 of any of the plebiscites herein. Nothing herein shall be construed to allow the
26 Bangsamoro Parliament to create congressional districts.
27

28 **Section 6. Plebiscite Questions.** The questions to be asked of the voters in the
29 plebiscite shall be as follows:
30

- 31 1. For the Autonomous Region in Muslim Mindanao: Do you approve of the
32 Bangsamoro Basic Law?
33
- 34 2. For the areas mentioned in (b), (c), (d), and (e) of Article XV, Section 3: Do you
35 vote for the inclusion of your city, municipality or barangay in the Bangsamoro
36 territory?
37

38 Aside from English and Filipino, these questions shall be in the dominant languages of
39 the people in the areas which shall be covered by the plebiscite.
40

41 **Section 7. Plebiscite Monitoring.** – The COMELEC shall also provide for the
42 accreditation of plebiscite monitors, including the international-domestic monitoring body
43 created by the GPH and the MILF peace panels, in accordance with established
44 international standards on election monitoring. The monitoring body will have access to
45 all operations related to the conduct of the plebiscite and be able to conduct regular and
46 random checks. The reports of the international-domestic monitoring body shall be
47 made available to the Panels for their disposition.
48

49 **Section 8. Qualified Voters.** – All registered voters in the provinces, cities, and
50 geographical areas mentioned under Article XV, Section 1, shall be qualified to
51 participate in the plebiscite on the establishment of the Bangsamoro. Notwithstanding
52 existing laws, rules, and regulations on overseas and local absentee voters, the
53 COMELEC shall ensure that qualified voters for the plebiscite who are located outside
54 the Bangsamoro on the date of the plebiscite shall be given the opportunity to vote, and
55 that voters who are currently registered outside the areas specified but are otherwise
56 qualified to be registered voters of the areas, complying with residency requirements

1 under the law, shall be given the opportunity to transfer their registration accordingly, in
2 time for the conduct of the plebiscite.

3
4 **Section 9. Special Registration.** – The COMELEC shall conduct a special registration
5 before the date of the plebiscite on the Bangsamoro Basic Law.

6
7 **Section 10. Promulgation of Rules for the Conduct of Plebiscite.** – The COMELEC
8 shall promulgate rules necessary for the conduct of plebiscite, including those for the
9 accreditation of plebiscite monitors, voluntary inclusion in the plebiscite, and the special
10 registration of voters as provided herein, within fifteen (15) days from the effectivity of
11 this Basic Law, with the primary objective of optimizing the opportunity for participation
12 in the plebiscite of qualified voters in the areas specified for the establishment of the
13 Bangsamoro.

14
15 **Section 11. Information Campaigns.** – The Commission on Elections, shall supervise
16 the conduct of information campaigns on the plebiscite, including sectoral campaigns for
17 indigenous communities, women, youth, religious, professionals and public and private
18 sector employees, in every barangay, municipality, city, and province where the
19 plebiscite is to be conducted.

20
21 Public conferences, assemblies, or meetings on dates before the plebiscite day itself
22 shall be held to inform the residents thereof regarding the significance and meaning of
23 the plebiscite and to help them to cast their votes intelligently. Free, full, and
24 constructive discussion and exchange of views on the issues shall be encouraged.

25
26 For this purpose, the BTC shall assist in the information dissemination campaign.
27 Likewise the assistance of persons of known probity and knowledge may be enlisted by
28 the Commission on Elections, the local government units or interested parties to act as
29 speakers or resource persons.

30
31 Such campaign will be without prejudice to other information dissemination and public
32 advocacy initiatives by the other government or non-government groups or individuals.

33
34 For information campaigns and other public advocacy initiatives with indigenous
35 communities, local leaders shall be engaged to lead discussions in their respective
36 communities.

37
38 Public advocacy initiatives shall be conducted within the framework of solidarity,
39 cooperation, and unity among Bangsamoro, non-Moro indigenous peoples, and settler
40 communities. Consultations shall give due respect to the roles of non-Moro indigenous
41 and Moro women, and encourage their active participation.

42
43 **Section 12. Appropriation.** – A sufficient amount is hereby appropriated for the
44 requirements of the conduct of the plebiscite, including the monitoring, information
45 campaign and the registration of voters; provided, that the Commission on Elections
46 shall determine the manner of campaigning and the deputization of government and
47 non-government agencies for the purpose.

48
49 **Article XVI**
50 **BANGSAMORO TRANSITION AUTHORITY**

51
52 **Section 1. Transition Period.** – The transition or interim period for the establishment of
53 the Bangsamoro shall commence upon ratification of this Basic Law.

54
55 The law shall be deemed ratified when approved by a majority votes cast in a plebiscite
56 as proclaimed by the Commission on Election, or its duly authorized officers, that a
57 majority of the votes cast in the plebiscite in the constituent units are in favor of the

1 establishment of the Bangsamoro. The fact of ratification shall be confirmed by the GPH
2 and MILF peace panels.

3
4 Transition period shall end upon the dissolution of the Bangsamoro Transition Authority,
5 as provided in this Basic Law.

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

10
11 **Section 2. Bangsamoro Transition Authority.** – There is hereby created a
12 Bangsamoro Transition Authority (BTA) which shall be the interim government or the
13 governing body in the Bangsamoro during the transition period. The Moro Islamic
14 Liberation Front (MILF), being the principal party to the Comprehensive Agreement on
15 the Bangsamoro, shall lead the BTA, in its leadership and membership.

16
17 The BTA shall be composed of eighty (80) members, all of whom shall be appointed by
18 the President; Provided that, non-Moro indigenous communities, youth, women, settler
19 communities, traditional leaders, and other sectors shall have representatives in the
20 BTA. Nominations may be submitted to the office of the President for this purpose.

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

23
24 **Section 3. Powers and Authorities.** – Legislative and executive powers in the
25 Bangsamoro during transition shall be vested in the BTA. During the transition period,
26 executive authority shall be exercised by the interim Chief Minister, who shall be
27 appointed by the President as such, while legislative authority shall be exercised by the
28 BTA.

29
30 All powers and functions of the Bangsamoro Government as provided in this law is
31 vested in the BTA during the transition period.

32
33 For purposes of mechanisms for intergovernmental relations with the Central
34 Government and local governments units in the Bangsamoro, the BTA shall be deemed
35 as the Bangsamoro Government for the duration of the transition period.

36
37 **Section 4. Functions and Priorities** –The BTA shall ensure the accomplishment of the
38 following priorities during the transition period:

39
40 a. Enactment of priority legislations such as the Bangsamoro Administrative Code,
41 the Bangsamoro Revenue Code, the Bangsamoro Electoral Code, Bangsamoro
42 Local Government Code, and Bangsamoro Education Code consistent with
43 powers and prerogatives vested in the Bangsamoro Government by this Basic
44 Law; Provided that, until the abovementioned laws are enacted for the
45 Bangsamoro, Muslim Mindanao Autonomy Act No. 25 or the Autonomous
46 Region in Muslim Mindanao Local Government Code, and subsisting laws on
47 elections and other electoral matters shall apply in the Bangsamoro.

48
49 The BTA may also enact a Bangsamoro Civil Service Code, as provided in this
50 Basic Law. In the absence of the latter, national civil service laws and
51 regulations are primarily applicable in the Bangsamoro;

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

56

1 These rights shall be promoted, protected, and enforced by the Ministry of
2 Indigenous People's Affairs, as provided under Article XVI, Section 8.
3

- 4 b. Organization of the bureaucracy of the Bangsamoro Government during
5 transition, including the approval and implementation of a transition plan, and
6 the institution of a placement process for hiring of personnel during transition.
7 This shall also include the setting up of offices and other institutions necessary
8 for the continued functioning of government and delivery of social services in
9 the region, as well as, those necessary for the smooth operations of the first
10 elected Bangsamoro Government in 2022;
11
- 12 c. Full transfer of powers and properties of the ARMM Regional Government to
13 the Bangsamoro Government, and the disposition of personnel, as provided in
14 this Basic Law;
15
- 16 d. Transition from the ARMM Regional Government to the Bangsamoro
17 Government, as provided in this Basic Law; and
18
- 19 e. Other matters that may be necessary for the protection and promotion of
20 general welfare of the constituents of the Bangsamoro.
21

22 **Section 5. Continuity of Government** – To foreclose any political interregnum in the
23 governance of the region, the Bangsamoro Transition Commission (BTC), an
24 independent body created by E.O. 08, shall continue to exist to wind up and caretake
25 the administration of the region until the Bangsamoro Transition Authority (BTA) is
26 constituted.
27

28 **Section 6. Transition Plan.** – Within the first sixty (60) days of the transition period,
29 the interim Chief Minister shall submit to the BTA a transition plan that shall contain the
30 proposed organizational plan, as well as, the schedule for implementation therefor. The
31 BTA shall, by a majority vote of all its members, approve or otherwise act on the
32 proposed transition plan within ten (10) days upon submission by the interim Chief
33 Minister. If the plan is not acted within 60 days, the plan shall be deemed approved. It
34 shall be implemented within fifteen (15) days from its approval.
35

36 **Section 7. Interim Officers.** – The interim Chief Minister shall organize the interim
37 Cabinet and shall appoint two interim Deputy Chief Ministers, who shall also be
38 members of the BTA. The interim Chief Minister shall also appoint such other ministers
39 as may be necessary to perform the functions of government during transition, a
40 majority of whom shall be from among members of the BTA.
41

42 Members of the BTA who are appointed to cabinet positions shall serve their offices
43 concurrently; Provided that, no member of the BTA may be appointed, elected or
44 otherwise hold more than two (2) positions at the same time.
45

46 **Section 8. Interim Cabinet.** - The Interim Cabinet shall be composed of fifteen (15)
47 primary ministries with sub-offices, namely:
48

- 49 a. Finance, and Budget and Management;
50
- 51 b. Social Services;
52
- 53 c. Trade, Investments, and Tourism;
54
- 55 d. Labor and Employment;
56

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

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

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

32 **Section 9. Organization of the Bureaucracy.** – The authority of the BTA to create
33 offices and organize the bureaucracy during transition is without prejudice to the
34 authority of the Bangsamoro Government to reorganize the bureaucracy upon its
35 constitution, or any time thereafter. In the exercise of this authority, the BTA shall
36 ensure the least possible disruption to the functioning of government and the delivery of
37 services in the region.
38

39 All offices and institutions created by laws enacted by the Regional Legislative
40 Assembly of the Autonomous Region in Muslim Mindanao shall be deemed part of the
41 ARMM Regional Government and shall be subject to the phase out plan that will be
42 adopted by the BTA.
43

44 **Section 10. Transfer of Powers and Properties and Disposition of Personnel.** – All
45 powers, functions, assets, capital, records, funds, receivables, equipment, and facilities
46 of the ARMM Regional Government at the time of the ratification of this Basic Law shall
47 be transferred to the Bangsamoro Government.
48

49 The BTA shall schedule the gradual phasing out of offices of the Autonomous Region in
50 Muslim Mindanao, which are deemed abolished upon the ratification of this Basic Law.
51 In consideration of public interest and the delivery of services, officials holding
52 appointive positions shall continue to perform their functions in accordance with the
53 schedule.
54

55 The Central Government shall provide the necessary funds for the benefits and
56 entitlements of affected employees in the Autonomous Region in Muslim Mindanao.
57

1 An inventory will be conducted by an inter-agency headed by the Office of the
2 President, Department of Budget and Management, Commission on Audit, and Civil
3 Service Commission, to ensure that the liabilities of the Autonomous Region in Muslim
4 Mindanao under law, contracts or others will be settled by the Central Government prior
5 to the turnover to the BTA.
6

7 For this purpose, the Office of the Regional Governor of the Autonomous Region in
8 Muslim Mindanao shall turnover to the BTA, upon the latter's constitution, a summary
9 report on the status of the Regional Government as of the date of the ratification of this
10 Basic Law, including information on the status of devolution, personnel, properties, and
11 assets of the Regional Government.
12

13 Employees separated from the service as a result of the abolition of the Autonomous
14 Region in Muslim Mindanao under the provisions of this Act shall within two (2) months
15 from the date of their separation, receive separation pay equivalent to three (3) month's
16 salary per year of service. In addition, those who are qualified to retire from the service
17 shall be entitled to the benefits provided under existing retirement laws.
18

19 Qualified employees may reapply subject to qualification standard that may be set by
20 the Bangsamoro Transition Authority and CSC rules and regulations.
21

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

26 **Section 11. Disposition of Personnel and Assets of Central Government**
27 **Offices/Agencies.** – The Central Government shall provide for the disposition of
28 personnel of Central Government or National GOCCs whose mandate and functions are
29 transferred to or now vested in the Bangsamoro Government by virtue of this Basic
30 Law. Properties and assets shall be transferred to the Bangsamoro Government within
31 three (3) months from the organization of the BTA. The transfer of properties and assets
32 is without prejudice to the power of the BTA to organize the bureaucracy during
33 transition.
34

35 **Section 12. Dissolution of the BTA.** – Immediately upon the qualification of the
36 elected Chief Minister under the first Bangsamoro Parliament, the Bangsamoro
37 Transition Authority shall be deemed dissolved.
38

39 The BTA shall submit its final report and recommendations to the Bangsamoro
40 Parliament, as well as, to the House of Representatives, the Senate, and the Office of
41 the President, on the status of government during the transition period within sixty (60)
42 days from the assumption into office of all members of the first Parliament.
43

44 **Section 13. Regular Elections.** – The first regular elections for the Bangsamoro
45 Government under this Basic Law shall be held on the first Monday of April 2022. It
46 shall be governed by the Bangsamoro Electoral Code. The National Omnibus Election
47 Code shall apply suppletorily, whenever appropriate. The Commission on Elections
48 (COMELEC), through the Bangsamoro Electoral Office, shall promulgate rules and
49 regulations, as may be necessary, for the conduct of said elections, and enforce and
50 administer the same, consistent with this Basic Law and the Bangsamoro Electoral
51 Code, as correlated with relevant national laws.
52

53 **Section 14. Initial Funding for Transition.** – To carry out the requirements of
54 transition, including the organizational activities of the BTA, organization of the
55 bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA,
56 as provided in this Basic Law, the amount of One Billion Pesos (1,000,000,000.00) is
57 hereby appropriated for the BTA, charged against the General Funds of the Central

1 Government. In addition, the current year's appropriations for the Autonomous Region
2 in Muslim Mindanao shall also be transferred to the BTA for this purpose.
3 This shall be without prejudice to any supplemental budget that may be appropriated by
4 Congress to support the transition.
5

6 Government functions falling within the reserved powers of the Central Government in
7 the Bangsamoro shall continue to be financed by the Central Government funds.
8

9
10 **Article XVII**
11 **AMENDMENTS AND REVISIONS**

12 **Section 1. Amendments and Revisions.** – All proposals to amend or revise the
13 provisions of this Basic Law shall be endorsed by the Bangsamoro Parliament to
14 Congress for prior hearings and due enactment into law.
15

16 Such amendment or revision, as enacted by Congress, shall become effective upon
17 approval by a majority vote of qualified voters in the Bangsamoro cast in a plebiscite
18 called for the purpose.
19

20 The plebiscite shall be held not earlier than sixty (60) days or later than ninety days after
21 the approval of such amendment or revision.
22

23 **Article XVIII**
24 **FINAL PROVISIONS**

25
26 **Section 1. Separability Clause.** – The provisions of this Basic Law are deemed
27 separate. If, for any reason, any section or provision of this Basic Law is declared
28 unconstitutional, other sections or provisions, which are not affected by such
29 declaration, shall continue to be in full force and effect.
30

31 **Section 2. Repealing Clause.** – All laws, decrees, orders, rules and regulations, and
32 other issuances or parts thereof, which are inconsistent with this Basic Law, are hereby
33 repealed or modified accordingly.
34

35 **Section 3. Subsisting Regional Laws.** – All subsisting laws enacted by the Regional
36 Legislative Assembly of the Autonomous Region Muslim Mindanao by virtue of
37 authorities provided under Republic Act No. 6734, as amended by Republic Act No.
38 9054, shall be deemed in effect, unless inconsistent with this Basic Law or repealed by
39 laws passed by the Bangsamoro.
40

41 **Section 4. Effectivity Clause.** – This Basic Law shall take effect fifteen (15) days
42 following its complete publication in at least two (2) national newspapers of general
43 circulation and one (1) local newspaper of general circulation in the autonomous region.
44

45 **Section 5. Abolition of the Autonomous Region in Muslim Mindanao.** – The
46 Autonomous Region in Muslim Mindanao created under Republic Act No. 6734
47 (Organic Act of the Autonomous Region in Muslim Mindanao), as expanded and
48 strengthened by Republic Act No. 9054, is hereby abolished.
49

50 All powers, duties, and rights vested by law and exercised by the Autonomous Region
51 in Muslim Mindanao is hereby transferred to the Bangsamoro.
52

53 All assets, real and personal properties, funds, and revenues owned by or vested in the
54 different offices of the Autonomous Region in Muslim Mindanao are transferred to the
55 Bangsamoro.
56

1 All contracts, records, and documents relating to the operations of the Autonomous
2 Region in Muslim Mindanao are transferred to the Bangsamoro. Any real property
3 owned by the national government or government-owned corporation or authority which
4 is being used and utilized as office or facility by the Autonomous Region in Muslim
5 Mindanao shall be transferred and titled in favor of the Bangsamoro.

6
7

8 *Approved,*