



Primer on the proposed

BANGSAMORO Basic Law

Republic of the Philippines
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Second Regular Session


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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

ROAD MAP TOWARDS THE CREATION OF THE BANGSAMORO

Based on the Framework Agreement on the Bangsamoro and the Annex on Transitional Arrangements and Modalities



1 CREATION OF TRANSITION COMMISSION (TC)

President Aquino signed Executive Order 120 on Dec. 17, 2012 that provided for the creation of the TC, which the Senate and Congress supported with their respective resolutions.



2 DRAFTING OF THE BANGSAMORO BASIC LAW BY THE TC



3 SUBMISSION OF THE BASIC LAW TO CONGRESS



6 PLEBISCITE FOR THE BANGSAMORO BASIC LAW

The Bangsamoro Basic Law, once enacted by Congress, shall undergo a process of popular ratification by the qualified waters in the core territory of the Bangsamoro region as identified in the FAB. The results of the plebiscite on the BBL will determine the geographical scope of the Bangsamoro. In effect, the people will decide whether they will join the Bangsamoro or not.



5 PASSAGE OF THE BASIC LAW IN CONGRESS



4 CERTIFICATION OF THE PROPOSED BANGSAMORO BASIC LAW AS AN URGENT BILL BY THE PRESIDENT



7 THE TC SHALL CEASE TO EXIST UPON THE ENACTMENT OF THE BANGSAMORO BASIC LAW



8 ARMM IS DEEMED ABOLISHED ONCE THE BANGSAMORO BASIC LAW IS RATIFIED



9 APPOINTMENT OF BANGSAMORO TRANSITION AUTHORITY (BTA) TO SERVE FOR INTERIM PERIOD



11 SIGNING OF EXIT DOCUMENT

An Exit Document officially terminating the peace negotiation may be crafted and signed by both Parties if and only when all agreements have been fully implemented.



10 ELECTION FOR BANGSAMORO GOVERNMENT BY 2016



Primer on the proposed

BANGSAMORO Basic Law

ENGLISH

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MESSAGE FROM THE CHAIRMAN

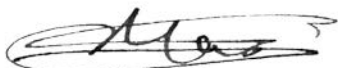
This Primer on the proposed Bangsamoro Basic Law (BBL) seeks to explain, expound and clarify the provisions of the proposed BBL. The issues and questions in this Primer are the same concerns raised in the congressional hearings and forums. The answers and explanations reflect the intent and interpretation of the Bangsamoro Transition Commission (BTC) that drafted the proposed BBL.

The Primer addresses questions not only with respect to the constitutionality and legality of the provisions but more importantly the context and problems they seek to address. The enactment of the BBL is a critical component in the over-all peace process between the Philippine government and the Moro Islamic Liberation Front as agreed upon in the Comprehensive Agreement on the Bangsamoro (CAB). Alongside the enactment of the BBL are equally critical activities such as normalization and decommissioning processes among others. I urge our readers to have a broad lens in reading and appreciating the proposed BBL provisions. This is the kind of lens that appreciates the long history of the struggle of the Moro people and attempts to address their historical grievances. It is only by taking on this lens that one can fully grasp the wisdom and noble intentions behind the BBL provisions.

Some questions currently raised proceed from lack of understanding and at times from the biases and prejudices ingrained in the culture of animosity and conflict in Mindanao. This Primer addresses these questions head-on in the spirit of transparency and accountability.

The envisioned Bangsamoro political entity will be founded among others in the same ideals that animated the Bangsamoro struggle such as responsibility and accountability to the people in whose name and behalf the struggle was waged. These ideals we continue to embrace and uphold to address fears and concerns; rumors and speculations that can potentially reverse the great strides we already achieved in the difficult road towards sustainable peace and development.

I urge everyone to read the proposed BBL and actively participate in discussions and forums for better understanding and appreciation of its provisions. Our shared future is shaped by this important document that addresses the various interests and problems of stakeholders. It is my hope that this Primer can help foster greater understanding of the complex problems we are facing and our resolve to address them through the proposed BBL. By then, we can confidently say that we are indeed brothers and sisters--- a family of peace and goodwill--- treading one common path to a shared future of peace and prosperity.



HON. MOHAGHER IQBAL



Chairman

Bangsamoro Transition Commission

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1 GENERAL PRINCIPLES AND POLICIES

1.1 *What is the proposed Bangsamoro Basic Law (BBL)?*

It is a certified urgent bill proposed to the Congress by the President to be the Basic Law of the new Bangsamoro political entity that will replace the current Autonomous Region in Muslim Mindanao (ARMM). When approved into law, the proposed BBL will implement the Framework Agreement on the Bangsamoro (FAB) and its Annexes entered into between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF).

1.2 *What is the purpose of the BBL?*

To establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and their aspiration to chart their political future through a democratic process that will secure their identity and posterity and allow for meaningful self-governance. (Art. 1, sec. 3)

1.3 *How shall the proposed BBL become a law?*

When approved by the majority of the members of the House of Representatives and the Senate, signed into Law by the President and ratified by the majority of votes cast in the plebiscite to be held in the identified Bangsamoro areas (Art. 15, sec. 1-4). The BBL will be enforced only within the provinces, cities and geographic units that ratified it. (Art. 1, sec. 3)

A. The Bangsamoro is authorized to adopt its official flag, emblem and anthem. Does this mean that it is a state within the Philippine state?

No, because this authority is not only granted to the Bangsamoro but also to local government units (LGUs) and other governmental entities. The ARMM Organic Law or R.A. 9054 already empowered the Regional Assembly of the ARMM to pass a law adopting an official regional emblem, seal and hymn. The Flag and Heraldic Code of the Philippines or R.A. 8491 authorizes any governmental entity to adopt its own heraldic devices or items.

B. Will the proposed BBL lead to the dismemberment of the Philippine republic and separation of the Bangsamoro from the Philippine state?

No. The proposed BBL envisions a genuinely autonomous not an independent Bangsamoro that is created in accordance with the Philippine constitution. The proposed BBL is to be enacted by Congress and submitted to the Bangsamoro constituents in a plebiscite. It also clearly specifies that the Bangsamoro territory shall remain part of the Republic of the Philippines. The proposed BBL is a formula for unity not dismemberment of the Philippine republic.

1.4 What are the key principles and policies in the proposed BBL?

1. The Bangsamoro is empowered to exercise self-governance and self-determination to pursue its economic, social and cultural development (Article IV, Sec. 1). It exercises self-governance under a democratic system where people freely participate in the political processes (Sec. 2) cognizant of the Philippine constitution and the universally accepted principles of human rights, liberty, justice, democracy and standards of international law (Preamble). It has the highest form of fiscal autonomy to enhance the economic, self-sufficiency and genuine development in the Bangsamoro as distinguished from the other region in the Philippines. (Art. XII, Sec. 1)
2. The Bangsamoro territory is part of the Philippines (Art. III, Sec. 1). The Bangsamoro Government shall promote unity, peace, justice and good will among all peoples as well as encourage a just and peaceful settlement of disputes (Art. IV, Sec. 5). It shall establish a government that ensures that every citizen in the Bangsamoro is provided the basic necessities and equal opportunities in life. Social Justice shall be promoted in all phases of development and facets of life within the Bangsamoro (Art. IV, Sec. 7).
3. In its relations with the Central Government, the Bangsamoro government shall be under the general supervision of the President to ensure that laws are faithfully executed consistent with the principle of autonomy and the asymmetric relations of the Central and Bangsamoro Governments (Art. VI, Sec. 1).

C. Will the proposed BBL benefit all residents of the Bangsamoro or only the Moro Islamic Liberation Front (MILF) that negotiated its terms with the Philippine Government?

Yes it will benefit all residents and not just the MILF. The proposed BBL envisions that all Filipino citizens in the Bangsamoro irrespective of identity and creed will enjoy equal rights and privileges and share responsibilities in the Bangsamoro. The proposed BBL creates democratic and inclusive institutions such as the Bangsamoro Parliament where all citizens in the Bangsamoro will be given the opportunity to participate either directly or through their elected representatives. Any Christian settler or indigenous person, shall have the same political, civil, social and economic rights of a Moro. Any citizen shall have the same rights and privileges of a member of Moro revolutionary groups such as the MILF and the Moro National Liberation Front (MNLF). The Preamble of the proposed BBL clearly provides that the source and beneficiaries of the proposed BBL are the Bangsamoro people and other inhabitants of the Bangsamoro.



2 **BANGSAMORO Identity AND Basic Rights**

2.1 Who are the Bangsamoro people?

Those who at the time of conquest and colonization were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan, and their descendants, whether of mixed or of full blood, shall have the right to identify themselves as Bangsamoro by ascription or self-ascription. Spouses and their descendants are classified as Bangsamoro. (Art. II, sec. 1)

2.2 Apart from the Bangsamoro people, who are the other inhabitants of the Bangsamoro?

The migrant settlers and other indigenous peoples (IPs). In the case of IPs, they have the freedom to choose their identity.

2.3 Are the rights of migrants settlers guaranteed in the proposed BBL?

Yes. Article IX on Basic Rights in the proposed BBL guarantees the basic rights of all inhabitants in the Bangsamoro including the migrant settlers. Among these rights are the right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender and ethnicity. The right to freedom from religious, ethnic and sectarian harassment is also guaranteed. Vested property rights shall be recognized and respected.

2.4 Are the rights and welfares of the indigenous peoples recognized, guaranteed and protected in the proposed BBL?

Yes. The Bangsamoro Government recognizes the rights of the Indigenous peoples and shall adopt measures for the promotion and protection of their rights including among others:

- a. Right to their native titles and/or fusaka inged
- b. Indigenous customs and traditions
- c. Justice system and indigenous political structures
- d. Equitable share in revenues from the utilization of resources in their ancestral lands
- e. Right to free and prior informed consent in relation to development initiatives.
- f. Right to political participation in the Bangsamoro government including two (2) reserved seats in the Bangsamoro Parliament and representation in the Council of Leaders, Cabinet and the Bangsamoro Transition Authority. The Bangsamoro Parliament shall create an appropriate office or ministry for the Indigenous Peoples (Article V, Section 3, Item 30), establish a tribal university for IPs, and the Bangsamoro Parliament may likewise create appropriate local government units in the areas inhabited predominantly by indigenous peoples (Article V, Section 3, Item no. 57).
- g. Right to Basic Services
- h. Right to freedom of choice as to their identity. (Art. IX, sec. 5)

D. Is there any basis for some fears and concerns that in the Bangsamoro, the religious practices of Christians and people of other faiths will be regulated or curtailed? Will the selling and consumption of alcoholic drinks and pork be prohibited in the Bangsamoro?

There is no basis for curtailing religious practices of non-Muslims and for banning the selling and consumption of alcoholic drinks and pork in the Bangsamoro. The Bill of Rights in the Philippine Constitution is enforceable in the Bangsamoro and it guarantees the freedom and free exercise of religion. The proposed BBL guarantees right to freedom from religious, ethnic and sectarian harassment. While Islamic values underpin the Bangsamoro, they will not be imposed on non-Muslims whose religious practices and beliefs are protected by the Philippine Constitution and the Bangsamoro Basic Law. Shari'ah law, for example, shall be applicable only to Muslims.

2.5 *Are the rights and welfare of the women and children recognized and guaranteed in the proposed Bangsamoro Basic Law?*

Yes. The Bangsamoro Government shall uphold and protect the fundamental rights of women and children including the right of women to engage in lawful employment. Women and children especially orphans of tender age, shall be protected from exploitation, abuse or discrimination. The Bangsamoro Parliament shall enact the necessary laws for the implementation of this section (Art. IX, Sec. 10).

Aside from the reserved seat for women in the Parliament, there shall be at least one (1) qualified woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro Parliament is mandated to enact a law that gives recognition to the important role of women in nation-building and regional development and ensures representation of women in other decision-making and policy-determining bodies of the Bangsamoro Government (Art. IX, Sec. 11).

The Bangsamoro Government respects, protects, and promotes the rights of the children.

Bangsamoro policies and programs must take into utmost consideration the best interest of the child, non-discrimination of children, survival and development, protection and rights of children, youth and adolescents (Art. IX, Sec. 12).

No trafficking in persons and engagement of minors in any hazardous or deleterious forms of employment shall be tolerated (Art. IX, Sec. 9).

The Bangsamoro Government recognizes the role of women in governance and shall ensure the fundamental equality before the law of women and men. It guarantees full and direct participation of women in governance and in the development process and shall, further, ensure that women benefit equally in the implementation of development programs and projects.

2.6 Are labor rights guaranteed in the proposed BBL?

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

The workers shall participate in policy and decision-making processes affecting their rights and benefits, as may be provided by law to be enacted by the Bangsamoro Parliament. The right of workers to security of tenure, humane conditions of work, and a living wage shall be guaranteed. (Art. IX, Sec. 9)

2.7 Is there a mechanism to resolve complaints for human rights violations in the Bangsamoro?

Yes, there will be a Bangsamoro Human Rights Commission, which shall be independent and impartial, to ensure the promotion and protection of human rights in the Bangsamoro. In the performance of its mandate, the Commission may exercise among others, investigatory powers, prosecutorial powers and powers to compel attendance of witnesses and the production of evidence (Art. IX, sec. 7).

E. Are Bangsamoro people Filipinos?

Yes, they are. Bangsamoro is an identity not citizenship. Moro people are Filipino citizens. In fact, the proposed Basic Law requires that only Filipino citizens can be elected to be members of the Bangsamoro Parliament.



3 BANGSAMORO TERRITORY

3.1 *What is included in the Bangsamoro territory?*

Land mass as well as maritime, terrestrial, fluvial and alluvial domains, and the aerial domain above it. The Bangsamoro territory shall remain a part of the Philippines. (Art. III, Sec. 1)

3.2 *What is the core territory of the Bangsamoro?*

The core territory is composed of:

1. the present geographical areas of the Autonomous Region in Muslim Mindanao (ARMM);
2. the municipalities of Baloi, Munai, Nunungan, Panttar, Tagoloan and Tangkal in the province of Lanao del Norte and all other barangays in the Municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit and Midsayap that voted for inclusion in the ARMM during the 2001 plebiscite;
3. the Cities of Cotabato and Isabela; and
4. all other contiguous areas where there is a resolution of the local government unit or a petition of at least ten percent (10%) of the registered voters in the area asking for their inclusion at least two months prior to the conduct of the ratification of the Bangsamoro Basic Law and the process of delimitation of the Bangsamoro. (Art. III, Sec. 2)

3.3 Is there an opportunity for geographic areas outside the core territory to become part of the Bangsamoro territory after the ratification of the BBL?

Yes, the areas which are contiguous and outside the core territory may opt at any time to be part of the territory upon petition of at least ten percent (10%) of the registered voters and approved by a majority of qualified votes cast in a plebiscite. (Art. III, Sec. 3)

3.4 What are the Bangsamoro waters?

These are territorial waters where the Bangsamoro government will exercise maritime jurisdiction, and exclusive powers over preservation and utilization of marine and aquatic resources. Bangsamoro waters shall extend up to 22, 224 kilometers (12 nautical miles) from the low-water mark of the coasts that are part of the Bangsamoro territory (Art. II, sec. 5).



4 Political Autonomy and BANGSAMORO GOVERNMENT

4.1 What is the legal basis for the grant of political autonomy and the establishment of the Bangsamoro Government?

Art. X Section 15 of the Philippine Constitution. It provides for the creation of an autonomous region in Muslim Mindanao consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

Sec. 18 of Art. X mandates that the organic act of the autonomous region shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The proposed BBL is the organic act that defines the Bangsamoro as the basic structure of government.

4.2 Is the Bangsamoro a state or a sub-state within the Republic of the Philippines?

No. It is an autonomous region in contemplation of Art. X Sections 15 - 21 of the Philippine Constitution that mandate the establishment of autonomous region in Muslim Mindanao.

4.3 *Why is the parliamentary system a more appropriate system of government for the Bangsamoro?*

The parliamentary/ministerial system will provide more avenues of participation for a greater number. This system is more akin to the best practices of participatory governance of the old Sultanates, Moro liberation fronts, and of indigenous communities. It is a more appropriate system of government because the powers of government are vested in the Bangsamoro Parliament. The members of the Bangsamoro Parliament will be directly elected by the people either through party representatives, district representatives and the reserved seats for settler communities, women, and indigenous peoples. The Chief Minister who heads the ministerial government of the Bangsamoro will be elected by a majority vote of the Parliament from among its members. (Article VII, Sections 1-3). It is, therefore, an inclusive government where all inhabitants of the Bangsamoro can exercise their political rights through democratic process. It will encourage genuine and principled political parties where even sectors with little resources can be elected.

4.4 *Is the Bangsamoro ministerial and parliamentary system allowed by the Philippine constitution?*

Yes. Art. X, Section 17 of the constitution provides that the organic act (proposed BBL) shall define the basic structure of government for the region. The only requirement is that the government shall consist of “the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units.” Under the Bangsamoro parliamentary system, legislative authority is vested in the Parliament and executive function and authority shall be exercised by the Cabinet, which shall be headed by a Chief Minister. (Art. VII, Secs. 2 and 3)

4.5 What is the role of political parties under the ministerial and parliamentary system?

Political parties play a central role because the majority party or the ruling coalition of parties in the Parliament not only sets the policies and programs of government but also ensures that they are effectively implemented. Thus, it is necessary to develop genuinely principled political parties in the Bangsamoro. In the proposed BBL, a free and open regional party system shall be allowed to evolve according to the free choice of the people. Towards this end, only regional political parties duly accredited by the Bangsamoro Electoral Office may participate in the parliamentary elections in the Bangsamoro (Art. VII, Sec. 7).

4.6 Will the Bangsamoro have its own electoral system apart from the national electoral system?

Yes, the Bangsamoro will have an electoral system suitable to a parliamentary system. The Bangsamoro Transition Authority (BTA) shall enact the Bangsamoro Electoral Code which shall allow democratic participation, ensure accountability of public officers primarily to their constituents and encourage formation of genuinely principled political parties. A Bangsamoro Electoral Office, which is part of the Commission on Elections (COMELEC), will perform the functions of the COMELEC in the Bangsamoro. (Art. VII, sec. 9)

F. In the proposed BBL, the Bangsamoro Government shall have exclusive power to regulate power generation, transmission and distribution. What will be the implications of this power in cases where hydroelectric power is produced in the Bangsamoro territory such as in Lake Lanao which is a major source of electricity for the whole Mindanao?

The exclusive power of the Bangsamoro Government is enforceable only in cases when generation, transmission and distribution of electricity are exclusively within the Bangsamoro territories. Once the system is connected to the national grid and extends outside the Bangsamoro territories, the intergovernmental relations mechanism shall provide for the acceptable and mutually beneficial arrangement. This non-adversarial formula will promote a healthy balance between the historical rights of the Bangsamoro people over their natural resources and the urgent need to stabilize the power situation in Mindanao.

4.7 What is the composition and functions of the Bangsamoro Electoral Office (BEO)?

A Director General of the Bangsamoro Electoral Office will be appointed by the President from the list of three (3) nominees submitted by the Bangsamoro Parliament. Aside from enforcing national election laws in the Bangsamoro, the BEO shall also implement the Bangsamoro Electoral Code and perform the following:

1. Register and accredit regional political parties;
2. In relation to plebiscite for joining the Bangsamoro, receive petitions/resolutions to join from geographic areas;
3. Schedule plebiscites for expansion; and
4. Prepare rules and regulations for Bangsamoro elections and plebiscites, for the promulgation of the Commission on elections. All rules and regulations governing Bangsamoro elections and plebiscites shall emanate from the Bangsamoro Electoral Office. (Art. VII, Sec. 9)

4.8 What is the composition of the Bangsamoro Parliament?

The Bangsamoro Parliament shall be composed of at least sixty (60) members, unless otherwise provided by the Parliament. The members are representatives of political parties elected through a system of proportional representation (50% of members), those elected from single member districts (40%) and sectoral representatives constituting 10% of the members of Parliament including reserved seats for non-moro indigenous communities, settler communities and women. It shall be headed by a Speaker chosen by majority vote of members, a Deputy Speaker and the other officers of the Bangsamoro Parliament as may be provided by its rules. (Art. VII, Sec. 20)

4.9 How are members of Parliament chosen?

Under the system of proportional representation (PR system), the voter will vote for political parties duly accredited by the Bangsamoro Electoral Office to participate in the PR system. The political parties shall win seats allocated for the PR system based on the percentage of the total votes cast for them under this system. Out of the total of sixty (60) seats in the Bangsamoro Parliament, 50% or 30 seats will be voted according to the PR system.

For the single member districts, voters will elect one candidate from among the candidates in the district where the voter resides. The candidate who gets the highest number of votes wins the single district seat.

There will be two (2) reserved seats for non-Moro indigenous communities, two (2) for settler communities, one (1) seat for the women sector and one (1) seat for other sector. The holders of these reserved seats shall be elected pursuant to the Bangsamoro Electoral Code that will be legislated by the Bangsamoro Transition Authority (BTA). For the reserved seats of non-Moro indigenous groups, elections will be according to their customary laws and indigenous processes.

4.10 Who are qualified to be members of Parliament?

1. Citizen of the Philippines
2. At least twenty-five (25) years of age on the day of the election
3. Able to read and write
4. Registered voter in the Bangsamoro.
5. For district representatives, he/she must be a registered voter of the district in which he/she is a candidate on the day he or she files his or her certificate of candidacy and has resided in said district for at least three (3) years immediately preceding the day of the election. For the first regular elections immediately following the enactment of the Bangsamoro Basic Law, residency requirement is one (1) year immediately preceding the day of the election. (Art. VII, sec. 22)

4.11 *Will the ministerial and parliamentary system ensure accountability and good governance?*

Yes. The ruling political party/parties in the Parliament must meet the expectations of the people and members of Parliament, otherwise a vote of no-confidence against the government of the day can dissolve the government and the parliament, and a new Parliamentary election shall be held. The dissolution of the Parliament shall be declared by the Wali upon advice of the Chief Minister. The Wali is Bangsamoro's titular head performing ceremonial functions only. The Wali is chosen by the Bangsamoro Parliament from a list of names of eminent residents of the Bangsamoro submitted by the Council of leaders. (Art. 7, Sec. 34; Art. VII)

4.12 *Who are the executive officers in the Bangsamoro government?*

1. Chief Minister who heads the government of the Bangsamoro. He/she shall be elected from among the members of the Parliament by a majority vote. The Chief Minister must be at least twenty-five (25) years of age at the time of election, a bona fide resident of the Bangsamoro for three (3) years immediately preceding the days of the elections and with proven competence and probity, mentally fit and known for his/her integrity and high moral standards. (Art. VII, sec. 28).
2. Deputy Chief Minister appointed by the Chief Minister from among the members of the Parliament. He/she may hold a cabinet position.
3. Members of the cabinet to be appointed by the chief Minister and majority of whom must come from among the members of the Parliament.



5 INTER-GOVERNMENTAL RELATIONS

5.1 *How does the proposed BBL describe the relationship between the Bangsamoro and Central Governments?*

It is described as asymmetric relationship that reflects the recognition of the Bangsamoro identity and their aspirations for self-governance. This indicates that the Bangsamoro is distinct from other regions and other local governments. The proposed BBL is providing a higher form of political and fiscal autonomy to the Bangsamoro to realize the mandate of the Constitution for genuine and meaningful autonomy for Muslim Mindanao.

5.2 *What is the meaning of parity of esteem as a guiding principle in the relations between the Central Government and the Bangsamoro?*

Parity of esteem does not mean parity of power or authority. It simply means that the central government and the Bangsamoro will treat each other with respect. The Central Government shall respect the exercise of competencies and exclusive powers of the Bangsamoro Government. The Bangsamoro Government shall respect the exercise of the competencies and reserved powers of the Central Government.

5.3 *What are "reserved powers" of the Central government?*

Reserved powers are powers over which authority and jurisdiction are retained by the Central Government. These are:

- | | |
|------------------------------------|----------------------------------|
| 1. Defense and external security; | shall coordinate through the |
| 2. Foreign policy; | intergovernmental relations |
| 3. Coinage and monetary policy; | mechanism with regard to barter |
| 4. Postal service; | trade and countertrade with |
| 5. Citizenship and naturalization; | ASEAN countries and regulation |
| 6. Immigration; | of entry of <i>haram</i> goods; |
| 7. Customs and tariff subject | 8. Common market and global |
| to qualification that the | trade and; |
| Bangsamoro Government | 9. Intellectual property rights. |
| and the Central Government | (Art. V, Sec. 1) |

5.4 What are "concurrent powers" of the Central Government and the Bangsamoro Government?

These are powers shared between the Central Government and the Bangsamoro namely:

1. Social security and pensions;
2. Quarantine which refers to forced isolation of persons suspected of having been infected by communicable diseases;
3. Land registration;
4. Pollution control;
5. Human rights and humanitarian protection and promotion;
6. Penology and penitentiary;
7. Auditing;
8. Civil Service;
9. Coastguard;
10. Customs and tariff;
11. Administration of justice;
12. Funding for the maintenance of national roads, bridges and irrigation systems;
13. Disaster risk reduction and management; and
14. Public order and safety (Art. V, Sec. 2)

5.5 What are "exclusive powers" of the Bangsamoro Government and what are these powers?

Exclusive powers are matters over which authority and jurisdiction shall pertain to the Bangsamoro Government. There are 58 items under the list of exclusive powers of the Bangsamoro Government, which include, among others, matters on agriculture, environment, natural resources, land management, health, education, trade, manufacturing and public utilities, establishment of government-owned and controlled corporations (GOCC's), financial institutions and free ports, tourism, creation of sources of revenue, and local administration. The full list of exclusive powers can be found in Section 3, Article V of the proposed BBL.

5.6 What is the legal basis for recognition by the proposed BBL of the exclusive powers of the Bangsamoro Government?

Article X, Section 20 of the Philippine constitution provides for the legislative powers of the autonomous region that includes matters that may be authorized by law for the promotion of the general welfare of the people of the region. The list of exclusive powers of the Bangsamoro Government in the proposed BBL are the detailed and specific powers on matters under the legislative powers of the autonomous region provided in the Constitution as well as powers authorized by law to be exercised by the ARMM and local government units. The above enumerated exclusive powers for the Bangsamoro in the proposed BBL and in addition, the powers previously granted to the ARMM under R.A. No. 6734, and R.A. no. 9054, are now being transferred to the Bangsamoro Government as part of its exclusive powers.

5.7 How will greater coordination and harmonious relations between the Central Government and the Bangsamoro be realized?

The Central Government and the Bangsamoro Government shall establish a mechanism at the highest levels that will coordinate and harmonize their relationship. For this purpose, a primary mechanism shall be a Central Government-Bangsamoro Government Intergovernmental Relations Body. (Art. VI, Sec. 4) This high-level mechanism not present in current ARMM structures will certainly promote better and productive inter-governmental relations.

Another key coordinating body to be created is the Philippine Congress-Bangsamoro Parliament Forum for purposes of cooperation and coordination of legislative initiatives. (Art. VI, Sec. 8)

5.8 *The proposed BBL creates Bangsamoro offices that exercise functions related to those vested in constitutional bodies. How will these bodies relate to each other?*

The proposed Basic Law creates the following bodies:

1. The Bangsamoro auditing body which shall have auditing responsibility over public funds utilized by the Bangsamoro Government without prejudice to the power, authority, and duty of the national Commission on Audit to examine, audit, and settle all accounts pertaining to the revenues and the use of funds and property owned and held in trust by any government instrumentality, including GOCCs (Art. V, Sec. 2, No. 7);
2. The Bangsamoro Civil Service Office which shall develop and administer Bangsamoro government employees and officers without prejudice to the Civil Service Commission's powers (Art. V, Sec. 2, No. 8);
3. The Bangsamoro Electoral Office which shall be part of the Commission on Elections (Art. VII, Sec. 9);
4. The Bangsamoro Police which shall be part of the Philippine National Police (Art. XVI, Sec. 2);
5. The Bangsamoro Commission on Human Rights (BCHR) which shall have investigatory and prosecutorial powers; In the performance of its functions, the BCHR may coordinate with the Commission on Human Rights (Art. IX, Sec. 7);
6. The Bangsamoro Police Board which shall be part of the NAPOLCOM and will perform the functions of the NAPOLCOM in the Bangsamoro (Art. XVI, Secs. 5, 6).

5.9 Will the Bangsamoro have significant participation in the central government?

Yes. It is essential that residents of the Bangsamoro participate in the organs and agencies of the central government to promote productive inter-governmental relations and the interests of the Bangsamoro in the Central Government. Under the proposed BBL, it shall be the policy of the Central Government to appoint competent and qualified inhabitants of the Bangsamoro in the following offices in the Central Government: at least one (1) Cabinet Secretary, at least one (1) in each of the other departments, offices and bureaus, holding executive, primarily confidential, highly technical, policy determining position; and one (1) Commissioner in each of the constitutional bodies. (Art. VI, Sec. 9)

It shall also be the policy of the Central Government that there shall be at least one (1) Justice in the Supreme Court and two (2) justices in the Court of Appeals at any one time who shall be qualified individuals of the Bangsamoro. The Chief Minister may, after consultations with the Bangsamoro Parliament and Shari'ah Judicial and Bar Council, submit the names of qualified persons to the Judicial and Bar Council for its consideration. (Art. V, Sec. 27)

5.10 What is the role of LGUs in the Bangsamoro and the relationship between the Bangsamoro government and its constituent local government units (LGUs)?

The BBL provides that the privileges already enjoyed by the local government units under existing laws shall not be diminished unless otherwise altered, modified or reformed for good governance in accordance with a law to be enacted by the Bangsamoro Parliament (Art. V, Sec. 7). Provinces, Cities, Municipalities, Barangays and geographic areas within the Bangsamoro are its constituent units (Art. III, Sec. 6). The role of LGUs and their relationship with the Bangsamoro Government are to be established in the Bangsamoro Local Government Code to be enacted by the Bangsamoro Parliament. In enacting the Code and policies affecting LGUs, the Parliament shall be bound by the limitations in the proposed BBL. Until the Bangsamoro Parliament enacts the Bangsamoro Local Government Code, the current ARMM Local Government Code (MMAA No. 25) and suppletorily the national Local Government Code (R.A. 7160) shall govern the affairs of the LGUs in the Bangsamoro.

5.11 *Is the Bangsamoro empowered to create LGUs?*

Yes, under the proposed BBL, the Bangsamoro Parliament may create, divide, merge, abolish or substantially alter boundaries of provinces, cities, municipalities or barangays in accordance with a law enacted by the Bangsamoro Parliament, and subject to the approval by a majority of the votes cast in a plebiscite in the political units directly affected. Subject to the criteria provided in the said law, the Bangsamoro Parliament may likewise create appropriate local government units in the areas inhabited predominantly by indigenous peoples.

However, when such acts require the creation of a congressional district, the Bangsamoro Government shall cooperate and coordinate with Central Government through the Philippine Congress – Bangsamoro Parliament Forum to prioritize the deliberations on the creation of the congressional district. (Art. V, Sec. 3, No. 57).

5.12 *Is there a mechanism to promote coordination and harmony of policies and actions between the Bangsamoro Government and LGUs?*

Yes. This mechanism is the Bangsamoro Council of Leaders, which shall consist of the Chief Minister, provincial governors, mayors of chartered cities, and representatives from the non-Moro indigenous communities, women, settler communities, and other sectors. The Bangsamoro Council of Leaders shall be chaired by the Chief Minister. The Council shall advise the Chief Minister on matters of governance in the Bangsamoro (Art. VI, Sec. 5). This advisory and coordinating mechanism is absent in the current autonomous region. With this mechanism, there will be better coordination of policies and programs of LGUs and the Bangsamoro government for the benefit of the people.

G. What will be the effect of the enactment of the proposed BBL on the Internal Revenue Allotment (IRA) of LGUs that will be part of the Bangsamoro?

The LGUs in the Bangsamoro will continue to receive the same level of IRA. The proposed BBL clearly provides that in the Bangsamoro, privileges already enjoyed by the local government units under existing laws shall not be diminished. On the contrary, with the additional powers and resources granted by the proposed BBL to the Bangsamoro, its constituent LGUs are expected to get more benefits to the powers and resources granted to the Bangsamoro.



6 JUSTICE SYSTEM IN THE BANGSAMORO

6.1 *What is the justice system in the Bangsamoro?*

The justice system in the Bangsamoro consists of Shari'ah law which has supremacy and application over Muslims only; the traditional or tribal justice system for the indigenous peoples in the Bangsamoro; the local courts; and alternative dispute resolution systems (Art. X, Sec. 1).

6.2 *What is the basis for the creation of the justice and court system in the Bangsamoro?*

Article X, Section 18 of the Philippine Constitution provides that the organic act of the autonomous region shall provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of the Constitution and national laws. Further, the organic act (proposed BBL) of autonomous regions shall provide for legislative powers over matters as may be authorized by law for the promotion of the general welfare of the people of the region within its territorial jurisdiction and subject to the provisions of the Constitution and national laws. Moreover, Congress has the power to define, prescribe, and apportion the jurisdiction of the various courts in the country (Art. VIII, Sec. 2).

6.3 *What are the main features of the Shari'ah law and courts?*

1. The Shari'ah Courts in the Bangsamoro shall have jurisdiction over Shari'ah law enacted by the Bangsamoro Parliament pertaining to persons and family relations, and other civil law matters, commercial law, and criminal law. There shall be cooperation and coordination with Central Government regarding the Shari'ah justice system, through the different mechanisms in the proposed BBL. (Art. X, sec. 2)



6.3 What are the main features of the Shari'ah law and courts?

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2. Shari'ah laws shall only be applicable to Muslims. Criminal laws enacted by the Bangsamoro Parliament shall be effective within the territory of the Bangsamoro and shall be in accordance with the universally accepted principles and standards of human rights. (Art. X, sec. 3)

3. There will be three levels of Shari'ah courts: Shari'ah Circuit Courts, Shari'ah District Courts and the Bangsamoro Shari'ah Court. The Shari'ah High Court shall be composed of nine (9) justices, including the Presiding Justice. It may exercise its powers, functions and duties through three (3) divisions, each composed of three (3) members. It may sit en banc only for the purpose of exercising administrative or ceremonial functions. The stations of the three divisions shall be Cotabato City, Marawi City and Jolo, Sulu.

The types of cases that can be decided upon by the three levels of courts are provided for in Article X, Sections 5-7 of the proposed BBL.

6.4 What is the tribal justice system?

It is the justice system appropriate for the indigenous peoples as defined by them. This includes mechanisms to determine, settle and decide controversies and enforce decisions involving disputes between members of the indigenous peoples concerned in accordance with the tribal codes of these communities.

6.5 What will be the state of local courts under the Bangsamoro?

The local courts will continue to exercise their judicial functions as provided by law.

6.6 What is the place of Bangsamoro justice system and courts in the national justice and court system?

They shall be part of the justice and court system of the Philippines.

6.7 How will the Shari'ah Judges be appointed?

The President shall appoint Shari'ah judges from the nominees submitted by the Judicial and Bar Council (JBC). But the JBC shall give utmost consideration to the Shari'ah Judicial and Bar Council nominees in recommending appointees to the President. The Chief Minister shall appoint the regular members of the Shari'ah Judicial and Bar Council composed of five (5) members: a senior member of the Shari'ah High Court as ex-officio Chairman, the Head of the Shari'ah Academy, and one (1) representative from the Bangsamoro Parliament, as ex-officio members. Other regular members of the Council shall be one (1) representative each from the accredited organizations of Shari'ah lawyers and other appropriate accredited organizations in the Bangsamoro. (Art. X, Sec. 10)



7 Public Order AND Safety

7.1 What is the responsibility of the Bangsamoro Government in maintaining public order or security in the Bangsamoro?

While the power over public order and safety in the Bangsamoro is a concurrent power of the Central Government and the Bangsamoro Government, the Bangsamoro Government shall have primary responsibility over internal security in the Bangsamoro. This is consistent with the Constitution which provides that the preservation of peace and order within the (autonomous) region shall be the responsibility of the local police agencies which shall be organized, maintained, supervised, and utilized in accordance with applicable laws (Art. 10, Sec. 21). The proposed BBL provides that there shall be cooperation and coordination between the Central Government and the Bangsamoro Government through the intergovernmental relations mechanism (Art. XI, Sec. 1).

7.2 What is the system of policing in the Bangsamoro?

The proposed BBL creates a Bangsamoro Police which shall be organized, maintained, supervised, and utilized for the primary purpose of law enforcement and maintenance of peace and order in the Bangsamoro. It shall be part of the Philippine National Police.

The Bangsamoro Police shall be professional, civilian in character, regional in scope, effective and efficient in law enforcement, fair and impartial, free from partisan political control, and accountable under the law for its actions. It shall be responsible to both the Central Government and the Bangsamoro Government, and to the communities it serves. (Art. XI, Sec. 2)

7.3 What are the powers and functions of the Bangsamoro Police?

The Bangsamoro Police shall exercise within the Bangsamoro the following powers and functions:

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

(Art. XI, Sec. 3)

H. Will MILF fighters be integrated in the Philippine National Police (PNP) and/or in the Armed Forces of the Philippines?

No. The program for MILF combatants shall be in accordance with the agreement on the annex on normalization between the Philippine government and the MILF. This agreement essentially calls for decommissioning of MILF troops, putting them beyond use and their eventual return to civilian/normal life. They may however become part of the Bangsamoro Police in the future but they will have to undergo the qualification process like any other applicants.

7.4 How will the Bangsamoro Police be organized?

It shall be headed by a Bangsamoro Police Director, who shall be assisted by at least two (2) deputies. They shall be professional police officers with the rank of, at least, Police Chief Superintendent. For a period of ten (10) years, immediately following the enactment of the BBL, the head of the Bangsamoro Police and his deputies may be selected from a list of Bangsamoro Police officers with a rank of Police Senior Superintendent.

It shall have regional, provincial, and city or municipal offices;

The provincial office shall be headed by a provincial director, who shall be a professional police officer with the rank of, at least, police superintendent; and

The city or municipal office or station shall be headed by a Chief of Police, who shall be a professional police officer with the rank of, at least, police superintendent for the city and police inspector for the municipality.
(Art. XI, sec. 4)

I. Why are the provisions on normalization in the Comprehensive Agreement on the Bangsamoro (CAB) particularly decommissioning of MILF troops not included in the proposed BBL?

The normalization process is based on the Framework Agreement on the Bangsamoro (FAB) of the CAB between the Philippine government and the MILF and shall proceed independently from the enactment of the BBL. The BBL is the basis for the establishment of the Bangsamoro while the normalization process seeks to prepare MILF combatants and communities to have a constructive and productive role in the new Bangsamoro political entity. The normalization process is proceeding even before the BBL is enacted. The enactment of the BBL and the normalization process while intimately linked are two distinct processes that will contribute to the same goal of evolving a peaceful and progressive Bangsamoro.

7.5 What is the relationship of the Bangsamoro Police with the National Police Commission?

The National Police Commission shall exercise its powers over the Bangsamoro Police through the Bangsamoro Police Board, which shall perform the functions of the National Police Commission in the Bangsamoro. The board shall be part of the National Police Commission (NAPOLCOM). The NAPOLCOM shall ensure that the Bangsamoro Police Board performs its powers and functions within the bounds of its authority. One of the powers of the Bangsamoro Police Board is to recommend to appropriate authorities the appointments of the Bangsamoro Police Director and his Deputies, the Provincial Directors, and City and Municipal chiefs of the Bangsamoro Police. (Art. XI, Sec. 5)

The Board shall be composed of eleven (11) members. Six (6) members of the Board shall come from the Bangsamoro Parliament and five (5), from various sectors. All the six (6) members from the Parliament shall not hold any ministerial post. All the members thereof shall be appointed by the Chief Minister in accordance with the rules promulgated by the Bangsamoro Parliament for this purpose.

The Chairman of the Board shall be an ex-officio commissioner of the National Police Commission on matters dealing with the Bangsamoro Police. (Art. XI, Sec. 6)

J. What is the process for the decommissioning of the MILF forces and weapons?

Under the FAB of the CAB, there will be a ceremonial turn-over of 20 crew-served weapons and 55 high-powered firearms to the Independent Decommissioning Body (IDB) at the beginning of the decommissioning process. The IDB is composed of experts from Brunei, Turkey and Norway and four (4) local experts.

Once the Bangsamoro bill is ratified in Congress and through a plebiscite, the MILF will decommission 30% of its forces and weapons. Another 35% of MILF forces and weapons will be decommissioned once the Bangsamoro police force has been established.

The rest of MILF forces and weapons will be decommissioned once both sides have agreed – with the evaluation of the Third Party Monitoring Team (TPMT) assessing the process – that all commitments in the peace deal have been completed (see attachment to the Annex on Normalization-Program for Normalization in the Bangsamoro).

7.6 What are the powers of the Chief Minister over the Bangsamoro Police?

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

- a. To act as deputy of the National Police Commission in the Bangsamoro and as ex officio chair of the Bangsamoro Police Board;
- b. To select the head of the Bangsamoro Police and his deputies;
- c. To exercise operational control and supervision and disciplinary powers over the Bangsamoro Police;
- d. To employ or deploy the elements of and assign or reassign the Bangsamoro Police through the Bangsamoro Police Director. The Bangsamoro Police Director shall not countermand the order of the Chief Minister unless it is in violation of the law;
- e. To oversee the preparation and implementation of the Integrated Bangsamoro Public Safety Plan;
- f. To impose, after due notice and summary hearings of the of the citizen's complaints, administrative penalties on personnel of the Bangsamoro Police except those appointed by the President; and
- g. Do everything necessary to promote widespread support for the Bangsamoro Police by residents of the Bangsamoro. (Art. XI, sec. 8)

7.7 How are Officers and Members of the Bangsamoro Police appointed?

Police Officer I to Senior Police Officer IV. – Appointed by the head of the Bangsamoro Police and attested by the Civil Service Commission. Personnel for the Bangsamoro Police shall also be appointed by its head.

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

Senior Superintendent and above. – Appointed by the President upon recommendation of the chief of the Philippine National Police, with proper endorsement by the Chief Minister and the Civil Service Commission, and subject to confirmation by the Commission on Appointments. (Art. XI, Sec. 10)

7.8 What is the role of the Central Government in the defense of the Bangsamoro?

The defense and security of the Bangsamoro shall be the responsibility of the Central Government. The Central Government may create a Bangsamoro Command of the Armed Forces of the Philippines for the Bangsamoro, which shall be organized, maintained, and utilized in accordance with national laws. Qualified inhabitants of the Bangsamoro shall be given preference for assignments in the said Bangsamoro Command. (Art. XI, Sec. 15)

7.9 Who has authority over the Armed Forces of the Philippines in the Bangsamoro?

The President, being the Commander-in-chief, has the sole authority over the Armed Forces of the Philippines (AFP). This is one of the reserved powers of the Central Government, which is defense and external security. However, the Chief Minister may request the President to call upon the Armed Forces of the Philippines:

- a. To prevent or suppress lawless violence, invasion, or rebellion, when the public safety so requires, in the Bangsamoro;
- b. To suppress the danger to or breach of peace in the Bangsamoro, when the Bangsamoro Police is not able to do so; or
- c. To avert any imminent danger to public order and security in the area of the Bangsamoro. (Art. XI, sec. 16)



8 Fiscal Autonomy

8.1 What is fiscal autonomy and why is it important for the Bangsamoro?

The Bangsamoro can attain the highest form of economic and self-sufficiency and genuine development. One of the most significant innovations in the proposed BBL is the entitlement of the Bangsamoro to an annual block grant from the Central Government and the improved sharing of revenues in exploration, development, and utilization of the natural resources within its territorial jurisdiction in the Bangsamoro.

8.2 Will the Bangsamoro have more funds than the current ARMM to improve the living conditions of the Bangsamoro people?

The proposed BBL provides significant additional sources of funds for the Bangsamoro. The Bangsamoro Government shall have the power to create its own sources of revenues which shall include:

- a. Taxes;
 - b. Fees and charges;
 - c. Annual block grant coming from Central Government;
 - d. Revenues from the exploration, development and utilization of natural resources derived from areas/territories, land or water, covered by and within the jurisdiction of the Bangsamoro;
 - e. Revenues from Bangsamoro government-owned and/or controlled corporations (GOCCs), financial institutions and other corporations, and shares from the revenues of national GOCCs and its subsidiaries operating in the Bangsamoro, as may be determined by the intergovernmental fiscal policy board;
 - f. Grants from economic agreements entered into by the Bangsamoro Government and conventions to which the Central Government is a party;
 - g. Grants and donations; and
 - h. Loans and Overseas Development Assistance (ODA)
- (Art. XII, Sec. 6)

8.3 What are the taxes that can be fully imposed by the Bangsamoro Government?

Capital gains tax, documentary stamp tax, Donor's tax, estate tax, income tax levied on banks and other financial institutions, registration fees of vessels registered with the Bangsamoro Government and wharfage on wharves constructed and maintained by the Bangsamoro Government or the local government unit concerned; tolls on bridges and roads; taxes, fees, or charges on agricultural and aquatic products; excise taxes on articles that are not enumerated under the National Internal Revenue Code; taxes, fees or charges on countryside, barangay enterprises and cooperatives and such other taxes that were allowed to be levied by the Government of the Autonomous Region in Muslim Mindanao under RA 6734, RA 9054, and other legislations and executive issuances. (Art. XII, sec. 9)

8.4 How about the share of the Bangsamoro from national taxes?

The proposed BBL provides for a higher share of the Bangsamoro from Central Government taxes, fees, and charges collected in the Bangsamoro, other than tariff and customs duties. The Bangsamoro shall get 75% and the Central Government 25% of the total collection. The share of the Central Government shall, for a period of ten years, be retained by the Bangsamoro Government. This period may be extended by mutual agreement of the Central and Bangsamoro Governments. (Art. XII, Sec. 10)

8.5 Does the proposed BBL address the perennial administrative gaps that cause slow or non-remittance of the fair share of the autonomous region from national taxes?

Yes. First, the proposed BBL authorizes the Bangsamoro Parliament to establish the Bangsamoro Tax Office for the purpose of assessing and collecting Bangsamoro taxes. The Bangsamoro Government and the Central Government may come to an agreement as to modalities for the collection and remittance of national taxes, including costs in the Bangsamoro. Second, until such time that the Bangsamoro Tax Office is established, the collection shall be done by the Bureau of Internal Revenue (BIR). The share of the Bangsamoro Government shall be directly remitted to it. Third, to insure that the Bangsamoro gets the rightful share of income from business activities of corporations in the Bangsamoro but pay their income taxes in their main offices elsewhere, corporations are required to pay the income taxes corresponding to the income realized from their business operations in the Bangsamoro to the city, or municipality where their branch offices or business operations or activities are located. The BIR and the Bangsamoro Tax Office shall agree on modalities for the filing of income tax returns through the Intergovernmental Fiscal Policy Board. (Art. XII, Sec. 11)

8.6 What is the Intergovernmental Fiscal Policy Board (IGFPB)?

The Intergovernmental Fiscal Policy Board (IGFPB) is the body that shall address revenue imbalances and fluctuations in regional financial needs and revenue-raising capacity of the Bangsamoro. It shall also address disputes between the Central Government and the Bangsamoro Government involving collection of taxes. It shall be composed of the heads and/or representatives of the appropriate ministries and offices in the Bangsamoro Government. The Central Government shall be represented in the Board by the Secretary of Finance and such other officials as may be necessary. (Art. XII, Sec. 35)

8.7 What is the annual block grant to the Bangsamoro?

It is the share of the Bangsamoro in the national internal revenue of the Government. The amount shall be sufficient for the exercise of the powers and functions of the Bangsamoro Government under the BBL which shall in no case be less than the last budget received by the ARMM immediately before the establishment of the Bangsamoro Transition Authority. This annual block grant shall be equivalent to four percent (4%) of the net national internal revenue collection of the Bureau of Internal Revenue less the internal revenue allotment of local government units. To promote fiscal autonomy of the Bangsamoro, the annual block grant shall be automatically appropriated to the Bangsamoro Government and reflected in the General Appropriations Act. The block grant shall be released without need of any further action, directly and comprehensively to the Bangsamoro Government, and which shall not be subject to any lien or holdback that may be imposed by the Central Government for whatever purpose. (Art. XII, Sec. 15, 16)

8.8 What other sources of funds can be tapped by the Bangsamoro Government for the development of the Bangsamoro?

1. Foreign and domestic loans after approval by a majority of all the members of the Bangsamoro Parliament except those that require sovereign guaranty in which case Central Government approval has to be obtained.
2. Bills, bonds, notes, debentures and obligations issued by the Bangsamoro Government pursuant to a law enacted by the Bangsamoro Parliament.
3. Overseas Development Assistance which shall be governed by a legislation of the Parliament.
4. Grants and donations from foreign and domestic donors.
5. Economic agreements subject to the reserved powers of the Central Government over foreign affairs.
6. Cultural Exchange, Economic and Technical Cooperation with other countries with assistance of Philippine embassies and consulates.
7. Government Owned and/or Controlled Corporations and Financial Institutions which the Bangsamoro is empowered to create in accordance with the law passed by the Parliament. (Art. XII, secs. 22-31)

8.9 What will happen to the Southern Philippine Development Authority (SPDA) and Al-Amanah Islamic Investment Bank?

Within six (6) months from the establishment of the Bangsamoro Transition Authority (BTA), the Intergovernmental Fiscal Policy Board shall determine the participation of the Bangsamoro in the ownership and management and mode of transfer of ownership of the of Al-Amanah Bank and the SPDA to the Bangsamoro Government. (Art. XII, Sec. 30)

8.10 How will the income from the exploration, development and utilization of natural resources in the Bangsamoro be shared between the Bangsamoro and Central Governments?

- | | |
|--|---|
| a. For non-metallic minerals (sand, gravel, and quarry resources), such revenues shall pertain fully to the Bangsamoro and its local government units; | c. For fossil fuels (petroleum, natural gas, and coal) and uranium, income shall be shared equally between the Central and Bangsamoro Government. |
| b. For metallic minerals, seventy-five percent (75%) shall pertain to the Bangsamoro; | |

This sharing scheme shall be applicable to the natural resources found in the land mass that comprise the Bangsamoro territory as well as the waters that are within the territorial jurisdiction of the Bangsamoro. (Art. Art. XII, sec. 32)

8.11 How can we ensure that public funds are used judiciously in the Bangsamoro?

The proposed BBL has additional and stricter mechanisms to promote accountability and transparency in the disposition of public funds in the Bangsamoro. Apart from the National Commission on Audit (COA), a Bangsamoro Commission on Audit (BCA) is created which shall have the power, authority and duty to examine, audit, and settle all counts pertaining to the revenue and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to the public funds utilized by the Bangsamoro. (Art. XII, Sec. 2). With both COA and BCA's oversight of public funds, actions of public officials in disposition of public funds will be subjected to greater scrutiny and accountability.



9 Economy AND Patrimony

9.1 *What are the basic policies on Bangsamoro economy and patrimony?*

First, social justice and the Bangsamoro Parliament is mandated to legislate laws on Bangsamoro economy and patrimony that are responsive to the needs of the people. Second, equitable and sustainable development where development in the Bangsamoro must be carefully planned taking into consideration the natural resources that are available for its use and for the use of future generations. (Art. XIII, Secs. 1, 2)

9.2 *Is there a mechanism to ensure observance and implementation of these policies?*

Yes, the Bangsamoro Parliament shall create the Bangsamoro Sustainable Development Board (BSDB), an intergovernmental body composed of representatives from the Bangsamoro Government and the Central Government. The Board shall ensure the harmonization of environmental and development plans, as well as to formulate common environmental objectives. (Art. XIII, sec. 4)



10 NATURAL RESOURCES

10.1 *What is the scope of the Bangsamoro Government's powers over natural, energy, and mining resources?*

The Bangsamoro Government's authority over the exploration, development, and utilization of resources include:

First, the Bangsamoro Government shall have the power to declare nature reserves, aquatic parks, forests, watershed reservations, and protected areas in the Bangsamoro. Protected areas that are currently under the management of the National Government shall be transferred to the Bangsamoro Government within a period not exceeding two (2) years (Art. XIII, Secs. 8, 9).

Second, the Bangsamoro Government shall have exclusive powers to regulate, manage, and protect inland waters in the Bangsamoro (Art. XIII, Secs. 22).

Third, the National and Bangsamoro Governments shall jointly explore, develop, and utilize fossil fuels and uranium in the Bangsamoro (Art. XIII, Sec. 10).

Fourth, the entry into Financial and Technical Assistance Agreements over mineral resources in the Bangsamoro by the President shall be upon the recommendation of the Bangsamoro Government (Art. XIII, Sec. 14).
(From the FAQ on the BBL, www.opapp.gov.ph)

10.2 What is the scope of the power of the Bangsamoro Government over exploration, development and utilization of fossil fuels and uranium?

The Bangsamoro Government shall jointly exercise this power with the Central Government. This power includes the power to grant rights, privileges and concessions over the exploration, development and utilization of fossil fuels (petroleum, natural gas, and coal) and uranium in the Bangsamoro. In the process for the grant of rights and privileges and concessions, qualified citizens and a bona fide resident of the Bangsamoro will receive a rating higher than other proponent during the evaluation process (Art. XIII, Sec. 10)

10.3 Will inhabitants of the Bangsamoro enjoy preferential rights over exploration, development and utilization of natural resources in the Bangsamoro?

Yes. Qualified citizens who are bona fide inhabitants of the Bangsamoro shall have preferential rights over the exploration, development and utilization of natural resources, including fossil fuels (petroleum, natural gas, and coal) and uranium with the Bangsamoro territory. (Art. XIII, Sec. 11)

10.4 What are the policies of the Bangsamoro on mining?

The Bangsamoro Government shall have authority and jurisdiction over the exploration, development and utilization of mines and minerals in its territory. Permits and licenses and the granting of contracts for this purpose shall be within the powers of the Bangsamoro Government. (Art. XIII, Sec. 13) These policies are still to be drawn up by the Bangsamoro Parliament according to the Comprehensive Sustainable Development Plan, as well as its over-all medium term and long-term Bangsamoro Development Plan. In any case, small scale mining shall be regulated by the Bangsamoro Government to the end that the ecological balance, safety and health, and the interests of the affected communities, the miner, the indigenous peoples, and the local government units of the place where such operations are conducted are duly protected and safeguarded. (Art. XIII, Secs. 15, 17)

10.5 *What are Zones of Joint Cooperation?*

These are areas in Sulu Sea and the Moro Gulf, the coordinates of which shall be defined by a joint body composed of representatives from the Department of Environment and Natural Resources (DENR) and the National Mapping and Resource Information Authority (NAMRIA) and an equal number of representatives from appropriate agencies of the Bangsamoro Government. The establishment of the Zones recognizes the significant role and responsibility of the Bangsamoro in regulating, utilizing and protecting its key water resources. The Zones are not considered part of the Bangsamoro territory. (Art. XIII, Sec. 18)

10.6 *How will the Zones of Joint Cooperation be administered?*

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

The joint body may invite private sector representatives from the fishing and transportation industries whenever necessary. (Art. XIII, Sec. 19)

(More detailed answer from proposed BBL)

10.7 *What are the policies on trade and industry in the Bangsamoro?*

The Bangsamoro Government recognizes the private sector as a mover of trade, commerce, and industry. It shall encourage and support the building up of entrepreneurial capability in the Bangsamoro and shall recognize, promote, and protect cooperatives.

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

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

The Bangsamoro Government provides technical and skills training programs, create livelihood and job opportunities, and allocate equitable preferential rights to its inhabitants. In this regard, the Bangsamoro Parliament may adopt laws that will safeguard the rights of workers. (Art. XIII, Sec. 24)

(More detailed answer as per proposed BBL)

10.8 *What is the scope of the power of the Bangsamoro Government over barter trade and countertrade with ASEAN countries?*

The Bangsamoro Government shall regulate these historical economic activities that have been taking place since time immemorial. The goods or items that are traded with ASEAN countries shall not be sold elsewhere in the country without payment of appropriate customs or import duties. (Art. XIII, Sec. 25)

10.9 *Can the Bangsamoro Government create economic zones?*

Yes. The Bangsamoro Government may establish economic zones, industrial estates and free ports in the Bangsamoro. Through the intergovernmental relations mechanism, the Bangsamoro Government and the Central Government shall cooperate on customs, immigration, quarantine service including the attendant international commitments thereto, to implement and make fully operational such economic zones, industrial estates, and free ports within one (1) year from their establishment. Business and other enterprises operating within the Bangsamoro economic zones, industrial estates and free ports shall be entitled to the fiscal incentives and other benefits provided by the Central Government to special economic zones. (Art. XIII, Sec. 26)

(as per proposed BBL)

10.10 *What are the powers of the Bangsamoro Government over banking and finance? Can there be Islamic banking and finance in the Bangsamoro?*

Banking and finance remains to be under the Central Government. However, the Bangsamoro Government shall encourage the establishment of banks and financial institutions and their branches and off-shore banking units of foreign banks within the Bangsamoro and principles of the Islamic banking system. The Bangsamoro Government, the Bangko Sentral ng Pilipinas (BSP), the Department of Finance and the National Commission on Muslim Filipinos shall jointly promote the development of an Islamic banking and finance system to include among others the establishment of a Shari'ah Supervisory Board. (Art. XIII, Sec. 30)

10.11 *What are the powers of the Bangsamoro over transportation and communications?*

The Bangsamoro Government shall exercise such other powers, functions, and responsibilities that have been devolved or decentralized to the ARMM. Furthermore, the Bangsamoro and Central Governments, will, through the intergovernmental relations body, determine the exercise of additional powers, functions and responsibilities relating to transportation and communications in the Bangsamoro in recognition of the Bangsamoro's aspiration to assume further powers as may be practically operationalized as its capacity develops. All revenues derived by the Bangsamoro Government from the exercise of its powers, functions and responsibilities shall pertain to the Bangsamoro Government. (Art. XIII, Sec. 31)

10.12 *Does the Bangsamoro Government have a role in the rehabilitation and development of former combatants?*

Yes, the Bangsamoro Government with support from the Central Government is mandated to intensify development efforts for rehabilitation and development of MILF combatants/BIAF members and decommissioned women auxiliary forces, internally displaced persons and poverty-stricken communities (Art. IV, Sec. 1). Moreover, according to the Framework Agreement on the Bangsamoro's Annex on Normalization provision under "J. Confidence-Building Measures": (J.2) "To facilitate the healing of the wounds of conflict and the return to normal life, the government shall take immediate steps through amnesty, pardon and other available processes towards the resolution of cases of persons charged with or convicted of crimes and offenses connected to the armed conflict in Mindanao."

10.13 *Is there a dedicated fund for rehabilitation and development?*

Yes, the Central Government shall provide for a Special Development Fund consisting of Php 7 Billion for the first year following ratification of the Basic Law, Php 10 Billion for the next five (5) years at the rate of Php 2 Billion a year. (Art. IV, Sec. 2)



11 Plebiscite

11.1 Which areas will participate in the plebiscite for the ratification of the BBL?

The following provinces, cities and geographic areas will participate in the conduct of Plebiscite:

- a. The present geographical areas of the Autonomous Region in Muslim Mindanao (ARMM);
- b. The municipalities of Baloi, Munai, Nunungan, Panttar, Tagoloan and Tangkal in the province of Lanao del Norte;
- c. The thirty-nine (39) Barangays in the Municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato that voted for inclusion in the ARMM during the 2001 plebiscite under Republic Act No. 9054;
- d. The Cities of Cotabato and Isabela; and
- e. Those qualified for inclusion in the plebiscite, by way of resolution or petition. (Art. XV, Sec. 1)

K. How will the six (6) municipalities and the thirty-nine (39) barangays included in the plebiscite and voted yes for their inclusion in the Bangsamoro be governed? Of which municipality or province will they be part of?

Until the BTA or the Bangsamoro Parliament constitutes a new political subdivision out of these barangays and municipalities, they will remain part of their respective municipalities and provinces.

The same rule will apply to those LGUs or geographic areas included in the plebiscite via petition by 10% of registered voters two (2) months before the plebiscite.

11.2 Can other areas still opt to join the Bangsamoro after the plebiscite is conducted?

Yes, any local government or geographic area outside the territorial jurisdiction of the Bangsamoro, but which are contiguous to any of the component units of the Bangsamoro, upon verified petition for the conduct of a plebiscite of at least ten percent (10%) of the registered voters, submitted to the Bangsamoro Electoral Office. The inclusion of said local government unit or geographic area in the Bangsamoro shall be effective when approved by a majority of the registered voters within that local government unit in the plebiscite called for the purpose. (Art. XV, Sec. 4)

11.3 How will the Bangsamoro Government govern LGUs and geographic areas that opted to be part of the Bangsamoro but may be geographically dispersed?

The Bangsamoro Parliament will decide on the modalities for governing these geographic areas. The Bangsamoro Parliament, may by regional law, provide for the constitution of geographic areas in the Bangsamoro into appropriate territorial or political subdivisions depending on the results of any of the plebiscites. (Art. XV, Sec. 5)



12 BANGSAMORO TRANSITION AUTHORITY

12.1 *What is the Bangsamoro Transition Authority (BTA)?*

It is the interim government or governing body during the transition period which commences after the ratification of the Bangsamoro Basic Law and ends immediately upon the qualification of the elected Chief Minister. (Art. XVI, Sec. 2)

12.2 *What is the composition of the BTA?*

It shall be composed of fifty (50) members to be appointed by the President. The Moro Islamic Liberation Front (MILF), being the principal party to the Comprehensive Agreement on the Bangsamoro, shall lead the BTA, in its leadership and membership. Non-Moro indigenous communities, women, settler communities and other sectors shall have representatives in the BTA. (Art. XVI, Sec. 2)

12.3 *What are the powers of the BTA?*

The BTA shall exercise both legislative and executive powers. Executive authority shall be exercised by the interim Chief Minister, who shall be appointed by the President while legislative authority shall be vested in the BTA. (Art. XVI, Sec. 3)

12.4 What are the functions and priorities of the BTA?

The BTA shall ensure the accomplishment of the following priorities during the transition period:

- a. Enactment of priority legislations such as the Bangsamoro Administrative Code, the Bangsamoro Revenue Code and the Bangsamoro Electoral Code. The BTA may also enact a Bangsamoro Civil Service Code.
- b. Organization of the bureaucracy of the Bangsamoro Government, approval and implementation of a transition plan and the placement process for hiring of personnel during transition.
- c. Transfer of powers and properties of the ARMM Regional Government to the Bangsamoro Government, and the disposition of personnel.
- d. Other matters that may be necessary for the transition from the ARMM Regional Government to the Bangsamoro Government, as provided in this Basic Law. (Art. XVI, Sec. 4)

12.5 How will the transition plan be formulated?

Within the first sixty (60) days of the transition period, the Interim Chief Minister shall submit to the BTA a transition plan which shall approve or otherwise act on the proposed transition plan within ten (10) days upon submission by the interim Chief Minister. It shall be implemented within fifteen (15) days from its approval. (Art. XVI, Sec. 5)

12.6 Who shall perform the functions of government during the transition period?

The interim Chief Minister will organize the interim Cabinet and will appoint an interim Deputy Chief Minister, who will also be a member of the BTA. The interim Chief Minister will also appoint such other ministers as may be necessary to perform the functions of government during transition, a majority of whom shall be from among members of the BTA. (Art. XVI, Sec. 6)

12.7 *What is the composition of the Interim Cabinet?*

There will be ten (10) priority offices with sub-offices for matters covered and priority ministries namely:

- a. Governance, in charge of budget and finance, accountability and such similar or related matters;
 - b. Social serves;
 - c. Development in charge of transportation and communications, regional investments, trade and industry, agriculture, forestry and environment, urban and rural development and such similar or related matters;
 - d. Education;
 - e. Public Order and Safety;
 - f. Indigenous People's Affairs;
 - g. Health;
 - h. Public Works;
 - i. Local Government; and
 - j. Finance
- (Art. XVI, Sec. 7)

12.8 *Can the Bangsamoro Government still change the bureaucracy created by the BTA?*

Yes. The authority of the BTA to create offices and organize the bureaucracy during the transition is without prejudice to the authority of the Bangsamoro Government to reorganize the bureaucracy upon its constitution or any time thereafter. (Art. XVI, Sec. 8)

12.9 *When the BTA is in place, will all offices and positions in the current ARMM be deemed abolished that personnel will have to immediately vacate their positions?*

No. The BTA shall schedule the gradual phasing out of offices of the ARMM. In consideration of public interest and the delivery of services, officials holding appointive positions shall continue to perform their functions in accordance with the schedule. (Art. XVI, Sec. 9)

12.10 *Will affected ARMM personnel separated from service by the organization of the Bangsamoro government be entitled to benefits?*

Yes, the Central Government shall provide for necessary funds for the benefits and entitlements of affected employees in the ARMM. (Art. XVI, Sec. 9)

12.11 *Is there a requirement in the BTA in the hiring and placement of personnel during the transition period?*

Yes, the BTA must institute an independent, strictly merit-based and credible placement and hiring process for all offices, agencies, and institutions in the Bangsamoro shall consider gender and ethnic balance. (Art. XVI, Sec. 9)

12.12 *Will there be funding for the BTA and the transition process?*

Yes, Php 1 billion is proposed to be appropriated for the BTA to carry out the transition process. In addition, the current year's appropriations for the ARMM shall be transferred to the BTA. (Art. XVI, Sec. 13)

12.13 *When will the first regular election for the Bangsamoro Government be held?*

The first regular elections for the Bangsamoro Government shall be held on the first Monday of May 2016. It shall be governed by the Bangsamoro Electoral Code. The Commission on Elections (COMELEC) through the Bangsamoro Electoral Office, shall promulgate, administer and enforce the rules and regulations as may be necessary for the conduct of the elections. (Art. XVI, Sec. 12)

L. What I can I do to help in the approval of the proposed BBL?

First, understand the provisions of the proposed BBL by reading, studying and participating in discussions. The proposed BBL must be understood in the context of the history of the Bangsamoro, the CAB and the Mindanao peace process. There are false information, rumors and speculations around that tend to divide and inflame emotions. Please do not believe these. Instead, read information materials like this Primer and participate in public consultations.

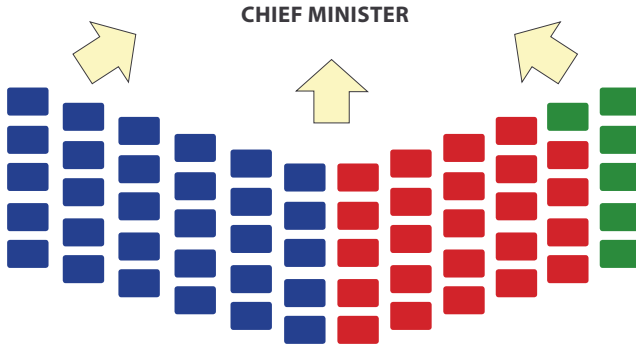
Second, help educate others on the proposed BBL as a crucial part in building peace and development in Mindanao. Please share correct information and reading materials that you have and explain to your family, relatives, co-workers, neighbors and friends how important it is that they understand and support the approval of the Basic Law.

Third, please express your support to the enactment of the proposed BBL by calling, meeting and sending letters to your representatives in Congress and the Senate. If you are a member of an organization, please initiate a campaign for your organization to issue a statement of support to the proposed BBL.

Fourth, go out and vote in the plebiscite and encourage others to vote “yes” to the proposed BBL.

BANGSAMORO PARLIAMENT

The Bangsamoro Parliament shall be composed of at least sixty (60) members, unless otherwise provided by the parliament



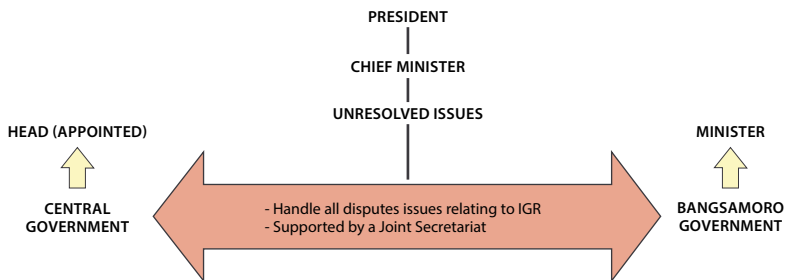
50% Party representatives who win seats through a system of proportional representation

40% Single parliamentary district representatives who win seats through direct plurality votes

10% Sectoral Representatives including 3 reserved seats. 2 for non-moro indigenous communities and 1 for women

INTERGOVERNMENTAL RELATIONS (IGR)

Central Government - Bangsamoro Government IGR Body



BANGSAMORO TRANSITION COMMISSION

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EJERCITO, BINAY, ESCUDERO, AQUINO IV, ANGARA, (P) CAYETANO,
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House Bill No. 4994 sponsored by

Introduced by Representatives FELICIANO BELMONTE, JR.,
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PANGALIAN M. BALINDONG, CARLOS M. PADILLA, ROBERTO V. PUNO,
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