

CONGRESS OF THE PHILIPPINES }
Second Regular Session }

SENATE

S. No. 907

INTRODUCED BY THE COMMITTEE ON LOCAL GOVERNMENT;
SENATORS PIMENTEL, JR., TAMANO AND RASUL, SPONSORS

AN ACT TO ADOPT AN ORGANIC ACT FOR THE
AUTONOMOUS REGION IN MUSLIM MINDANAO

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

1 ORGANIC ACT OF THE
2 AUTONOMOUS REGION IN MUSLIM MINDANAO

3 PREAMBLE

4 The people of the Autonomous Region of Muslim Min-
5 danao, through the Congress of the Philippines and
6 imploring the aid of Almighty God, in order to develop
7 a just and humane society and establish an 'Autonomous
8 Regional Government that is truly reflective of their
9 ideals and aspirations within the framework of the Con-
10 stitution and the national sovereignty as well as the
11 territorial integrity of the Republic of the Philippines

1 and secure to themselves and their posterity the blessings
2 of autonomy, democracy, peace, justice and equality, do
3 ordain and promulgate this Organic Act.

4 **ARTICLE I**

5 **NAME**

6 **SECTION 1.** The name of the autonomous region shall
7 be the Autonomous Region in Muslim Mindanao unless
8 provided otherwise by Congress upon the recommendation
9 of the Regional Legislative Assembly.

10 **ARTICLE II**

11 **AREA AND SEAT OF GOVERNMENT**

12 **SECTION 1. (a)** The area of the Autonomous Region
13 in Muslim Mindanao shall comprise only the provinces
14 and cities voting favorably in the plebiscite called for
15 the ratification of the Organic Act.

16 (b) The area of the plebiscite shall be the chartered
17 city of Zamboanga and the non-component city of Cota-
18 bato, the provinces of Basilan, Sulu, Tawi-Tawi, Zam-
19 boanga del Sur, Zamboanga del Norte, Lanao del Norte,
20 Lanao del Sur, Maguindanao, North Cotabato, Sultan
21 Kudarat, South Cotabato, Davao del Sur and Palawan
22 with the component cities therein of Pagadian, Dipolog,
23 Dapitan, Iligan, Marawi, General Santos and Puerto
24 Princesa.

1 SEC. 2. The Regional Legislative Assembly shall fix
2 by law the permanent seat of government for the Au-
3 tonomous Region in Muslim Mindanao taking into con-
4 sideration accessibility and efficiency in carrying out its
5 mandate under this Act: *Provided*, That the provisional
6 seat of the Regional Autonomous Government shall be
7 in Cotabato City.

8

ARTICLE III

9 GUIDING PRINCIPLES AND REGIONAL POLICIES

10 SECTION 1. The area of the Autonomous Region shall
11 be an integral and inalienable part of the Republic of
12 the Philippines.

13 The people of the Autonomous Region shall uphold the
14 Constitution as the fundamental law of the land and
15 unequivocally owe allegiance and fidelity to the Republic
16 of the Philippines.

17 This Autonomous Region shall be governed and admi-
18 nistered in accordance with this Organic Act.

19 SEC. 2. The Autonomous Region shall adopt the policy
20 of settlement of conflicts by peaceful means, and renounce
21 any form of violence as an instrument of redress.

22 SEC. 3. The Autonomous Region shall adopt a policy
23 on local autonomy whereby regional powers shall be de-
24 volved to local government units where appropriate:

1 *Provided, however,* That until a law implementing this
2 provision is enacted, the Local Government Code shall
3 be applicable.

4 SEC. 4. The Autonomous Region shall adopt measures
5 to ensure mutual respect for and protection of the dis-
6 tinct beliefs, customs, and traditions among its inhabitants
7 in the spirit of unity in diversity and peaceful co-existence:
8 *Provided,* That the Autonomous Region shall uphold a
9 policy of non-discrimination against any group by reason
10 of creed or tribal identity.

11 SEC. 5. The Autonomous Region shall adopt policies
12 that will promote employment and ensure decent income
13 for the workers. Local and regional manpower, all other
14 things being equal as determined by the employer, shall
15 be given preferential employment in the industries, firms
16 and businesses that may be established in the Autonomous
17 Region. Towards this end, the Autonomous Region shall
18 adopt measures for appropriate incentives to employers.

19 SEC. 6. The Autonomous Region shall adopt measures
20 to assure the protection of the fundamental rights of
21 women and children.

22 SEC. 7. The above principles and policies shall be in
23 addition to the principles and state policies embodied in
24 the Constitution.

ARTICLE IV

REGIONAL GOVERNMENT POWERS

1 SECTION 1. The Regional Autonomous Government shall
2 exercise powers and functions necessary for the proper
3 governance and development of all provinces, cities, mu-
4 nicipalities and barangays within the Autonomous Region
5 consistent with the declared constitutional policy on re-
6 gional and local autonomy and decentralization: *Provided,*
7 That nothing herein shall authorize the diminution of the
8 powers and functions already enjoyed by local govern-
9 ment units.

10 SEC. 2. The Regional Autonomous Government may
11 exercise the power of eminent domain.

12 SEC. 3. The Autonomous Region in Muslim Mindanao
13 is a territorial and political subdivision of the Republic
14 of the Philippines and is hereby constituted as a municipal
15 corporation vested with all the powers inherent in its
16 character as such and those expressly granted to it by
17 this Organic Act.

ARTICLE V

INTER-GOVERNMENTAL RELATIONS

18 SECTION 1. The President of the Philippines shall exer-
19 cise general supervision over the Regional Autonomous
20 Government, including the local government units therein

1 directly or through the regional governor to ensure that
2 national and regional laws are faithfully executed.

3 SEC. 2. There shall be a National Commissioner to the
4 Regional Autonomous Government, who shall be appointed
5 by and shall serve at the pleasure of the President of
6 the Philippines. He shall be the representative of the
7 National Government to the Regional Autonomous Gov-
8 ernment and shall be entitled to official recognition as
9 such.

10 SEC. 3. The Regional Autonomous Government shall
11 have no jurisdiction over the following matters: (1)
12 Foreign Affairs; (2) National Defense; (3) Postal Service;
13 (4) Coinage and Monetary and Central Bank Policies;
14 (5) Judiciary, except the creation of special courts pro-
15 vided under this Organic Act; (6) Quarantine; (7) Cus-
16 toms and Tariff; (8) Citizenship; (9) Naturalization, Im-
17 migration and Deportation; (10) General Auditing, Civil
18 Service and Elections without prejudice to Section 1,
19 Article XV of this Act; (11) Foreign Trade; (12) Mari-
20 time; Land and Air Transportation and Communications
21 that affect areas outside the Autonomous Region or outside
22 the country; (13) Patents, Trademarks, Tradenames, and
23 Copyrights; and all powers, functions and responsibilities
24 not granted under this Act to the Regional Autonomous
25 Government.

1 SEC. 4. The Supreme Court, the Court of Appeals, the
2 regular intermediate appellate courts and the regular lower
3 courts established by law shall continue to exercise their
4 judicial powers as provided by the Constitution and na-
5 tional laws.

6 SEC. 5. In case of conflict between the provisions of a
7 law enacted by the Autonomous Region affecting personal
8 and family relations, property relations involving lands
9 located in the Autonomous Region, and cultural heritage
10 and any national law regarding the same, the regional law
11 shall prevail unless a subsequent national law provides
12 otherwise.

13

ARTICLE VI

14

THE REGIONAL LEGISLATIVE ASSEMBLY

15

SECTION 1. The legislative power of the Regional Au-
16 tonomous Government shall be exercised by the Regional
17 Legislative Assembly unless the Constitution provides
18 otherwise.

19

SEC. 2. The Regional Autonomous Government shall
20 have jurisdiction and legislative powers in all matters

1 devolved to it by the Constitution and in accordance there-
2 with in this Organic Act as follows:

- 3 (a) Administrative organization;
- 4 (b) Creation of sources of revenue;
- 5 (c) Ancestral domain and natural resources;
- 6 (d) Personal, family and property relations;
- 7 (e) Regional urban and rural planning development;
- 8 (f) Economic, social and tourism development;
- 9 (g) Educational policies;
- 10 (h) Preservation and development of cultural heritage;
- 11 and
- 12 (i) Such other matters as may be authorized by law
13 for the promotion of the general welfare of the
14 people in the Autonomous Region.

15 SEC. 3. The Regional Legislative Assembly may create,
16 divide, merge, abolish, or substantially alter boundaries
17 of provinces, cities, municipalities or barangays in accord-
18 ance with the criteria laid down by existing law subject
19 to approval by a majority of the votes cast in a plebiscite
20 in the political units directly affected. It may also change
21 the names of such local government units.

22 SEC. 4. Every legislative district shall be entitled to
23 two (2) representatives.

24 SEC. 5. No person shall be a member of the Regional
25 Legislative Assembly unless he is a natural-born citizen

1 of the Philippines, and on the day of the election is at
2 least twenty-one (21) years of age, a registered voter of
3 the district which he seeks to represent, and a resident
4 thereof for a period of not less than one year immediately
5 preceding the day of the election.

6 SEC. 6. The Members of the Regional Legislative As-
7 sembly shall be elected for a term of three (3) years.
8 Unless otherwise provided by regional law, the regular
9 election for the Members of the Regional Legislative
10 Assembly shall be held on the second Monday of November.

11 No Member of the Regional Legislative Assembly shall
12 serve for more than three (3) consecutive terms. Vo-
13 luntary renunciation of the office for any length of time
14 shall not be considered as an interruption in the continuity
15 of his service for the full term for which he was elected.

16 SEC. 7. In case of vacancy in the Regional Legislative
17 Assembly occurring at least one year before the expiration
18 of the term of office, a special election shall be called to
19 fill such vacancy pursuant to the national election law:
20 *Provided, however,* That in case the vacancy occurs within
21 one year of the expiration of the term of office, the Re-
22 gional Governor shall, upon recommendation of the pro-
23 vincial governor or city mayor concerned, with the consent
24 of the Regional Commission on Appointments, appoint a

1 replacement: *Provided, further,* That the representative
2 thus elected shall serve only for the unexpired term.

3 SEC. 8. The Members of the Regional Legislative As-
4 sembly shall, unless otherwise provided by regional law,
5 receive a yearly compensation of one hundred twenty
6 thousand pesos (P120,000), excluding traveling allowances
7 to and from their respective districts. No increase in
8 said compensation shall take effect until after the expi-
9 ration of the full term of all Members of the Regional
10 Legislative Assembly approving such increase.

11 SEC. 9. The provisions of the Constitution particularly
12 Article VI, Sections 11, 12, 13, 14, 15, 16, 20, 21, 22, 25,
13 26, 27, 28, 29, 31, and 32 shall apply *mutatis mutandis*
14 to the Regional Legislative Assembly, its members and
15 the Regional Governor: *Provided,* That relative to the
16 disclosure of financial and business interest, the members
17 of the families of the Regional Assemblymen up to the
18 first civil degree of consanguinity or affinity, shall be
19 included: *Provided, further,* That any Assemblyman found
20 guilty of non-disclosure as required by Section 12 of
21 Article VI of the Constitution may be expelled by a
22 two-thirds (2/3) vote of all the Members of the Regional
23 Legislative Assembly without prejudice to his other lia-
24 bilities under pertinent legislation.

1 **SEC. 10. (a)** There shall be created a Regional Com-
2 mission on Appointments consisting of the Assemblymen
3 who have received the highest number of votes from each
4 legislative district, with the Speaker as *ex-officio* Chair-
5 man thereof. The Chairman of the Commission shall not
6 vote, except in case of a tie. The Commission shall act
7 on all appointments submitted to it within thirty session
8 days of the Regional Legislative Assembly from their
9 submission. The Commission shall rule by a majority
10 vote of all the members thereof.

11 **(b)** All original and promotional appointments to posi-
12 tions created by the Regional Legislative Assembly with
13 the rank of cabinet members and their assistants, regional
14 directors, heads of agencies, or commissioners shall be
15 subject to review and confirmation by the Regional Com-
16 mission on Appointments.

17 **(c)** The Regional Commission on Appointments shall be
18 constituted within thirty days (30) after the election of
19 the Speaker of the Regional Legislative Assembly. The
20 Regional Commission on Appointments shall meet only
21 while the Regional Legislative Assembly is in session,
22 at the call of its Chairman or a majority of all its members,
23 to discharge its powers and functions.

24 **SEC. 11.** No regional law granting any exemption from
25 regional taxes shall be passed without the concurrence of

1 a majority of all the Members of the Regional Legislative
2 Assembly.

3 SEC. 12. The Regional Legislative Assembly may require
4 any company doing business for the first time in the
5 Autonomous Region to take a local resident as a share-
6 holder.

7 SEC. 13. The Speaker of the Regional Legislative As-
8 sembly shall within three days from approval thereof,
9 submit to the President and to both houses of Congress
10 a certified true copy of all laws and resolutions approved
11 by the Regional Legislative Assembly.

12

ARTICLE VII

13 THE REGIONAL GOVERNOR AND THE CABINET

14 SECTION 1. The executive power shall be vested in the
15 Governor of the Regional Autonomous Government.

16 SEC. 2. The Regional Governor shall be assisted by a
17 Cabinet whose members shall be appointed by him subject
18 to confirmation of the Regional Commission on Appoint-
19 ments. In addition to the Governor and Vice-Governor, the
20 Cabinet shall have six members, two of whom shall pre-
21 ferably come from the tribal communities.

22 SEC. 3. No person may be elected Governor of the Auto-
23 nomous Region unless he is a natural-born citizen of the
24 Philippines, a registered voter of any province or city of

1 the Autonomous Region, able to read and write, at least
2 thirty-five (35) years of age on the day of the election, a
3 resident of the Autonomous Region for at least five (5)
4 years immediately preceding the election.

5 SEC. 4. There shall be a Vice-Governor of the Autono-
6 mous Region who shall have the same qualifications and
7 term of office and be elected with and in the same manner
8 as the Regional Governor. He may be removed from
9 office in the same manner as the Regional Governor. The
10 Vice-Governor may be appointed as a member of a regional
11 Cabinet. Such appointment requires no confirmation.

12 SEC. 5. The Governor and the Vice-Governor shall be
13 elected by direct vote of the people of the Autonomous
14 Region.

15 SEC. 6. (a) The term of office of the Governor and Vice-
16 Governor shall be for a period of three years which shall
17 begin at noon on the fifteenth day of January next follow-
18 ing the day of the election and shall end at noon of the
19 same date three years thereafter.

20 (b) No Governor or Vice-Governor shall serve for more
21 than two consecutive terms. Voluntary renunciation of
22 the office for any length of time shall not be considered
23 as an interruption in the continuity of the service for the
24 full term for which they were elected.

1 SEC. 7. Before they enter on the execution of their office,
2 the Regional Governor, the Vice-Governor or the Acting
3 Regional Governor shall take the following oath or affirma-
4 tion:

5 "I do solemnly swear (or affirm) that I will faith-
6 fully and conscientiously fulfill my duties as Governor
7 (Vice-Governor, or Acting Governor) of the Regional
8 Autonomous Government, preserve and defend the
9 Constitution of the Republic, the Organic Act for the
10 Autonomous Region, and the national and regional
11 laws, do justice to every man, and consecrate myself
12 to the service of the Autonomous Region and the
13 nation. So help me God." (In case of affirmation,
14 last sentence will be omitted.)

15 SEC. 8. The annual compensation of the Regional Gov-
16 ernor and Vice-Governor shall, unless otherwise provided
17 by national law, be fixed at two hundred four thousand
18 pesos (P204,000) and one hundred eighty thousand pesos
19 (P180,000) respectively. No increase in the compensation
20 of the Regional Governor and Vice-Governor shall take
21 effect until after the expiration of the term of the in-
22 cumbents during which such increase was approved. They
23 shall not receive during their tenure any other emolu-
24 ments from the Government or any other source.

1 **SEC. 9.** The Regional Governor shall have an official
2 residence at the seat of the Regional Autonomous Govern-
3 ment.

4 **SEC. 10.** The Regional Governor and Vice-Governor, im-
5 mediately after the proclamation of their election, shall
6 take their oath of office and thereby assume the duties
7 and responsibilities of their respective offices.

8 **SEC. 11.** In case of death, permanent disability, removal
9 from office, or resignation of the Governor, the Vice-Gov-
10 ernor shall become the Governor to serve the unexpired
11 term. In case of death, permanent disability, removal
12 from the office, or the resignation of both the Governor
13 and the Vice-Governor, the Speaker of the Regional Legis-
14 lative Assembly shall act as Governor until the Governor
15 and Vice-Governor are elected and qualified in a special
16 election called for that purpose: *Provided*, That upon as-
17 sumption as Acting Governor, the Speaker of the Regional
18 Legislative Assembly shall forfeit his position as such and
19 a new Speaker shall be elected.

20 No special election shall be called to fill a vacancy
21 occurring within one year immediately preceding the next
22 regular election.

23 **SEC. 12.** In case of temporary incapacity of the Regional
24 Governor to perform his duties on account of physical or

1 legal causes, or when he is on official leave of absence or
2 on travel outside the territorial jurisdiction of the Republic
3 of the Philippines, the Vice-Governor, or if there be none
4 or in case of his permanent or temporary incapacity or
5 refusal to assume office, the Speaker of the Regional Legis-
6 lative Assembly shall exercise the powers, duties and func-
7 tions of the Regional Governor.

8 SEC. 13. The Regional Governor, the Vice-Governor,
9 Members of the Cabinet and their deputies or assistants
10 shall not hold any other office or employment during their
11 tenure. They shall not, during said tenure, directly or
12 indirectly, practice any other profession, participate in any
13 business, or be financially interested in any contract with,
14 or in any franchise, or special privilege granted by the
15 National Government or the Regional Autonomous Gov-
16 ernment or any subdivision, agency, or instrumentality
17 thereof, including government-owned or controlled corpo-
18 rations or their subsidiaries. They shall strictly avoid
19 conflict of interests in the conduct of their office.

20 The spouse/s, relatives by consanguinity or affinity with-
21 in the fourth civil degree of the Governor or Acting Gov-
22 ernor shall not during his tenure, be appointed as members
23 of the Regional Cabinet, regional commissions, chairmen
24 or heads of the bureaus or offices including government-

1 owned or controlled corporations and their subsidiaries
2 located in the Autonomous Region.

3 SEC. 14. Appointments extended by the Acting Governor
4 within ninety (90) days before the assumption of office
5 by the elected Governor shall remain effective, unless re-
6 voked by the elected Governor within ninety (90) days
7 from such assumption or re-assumption of office.

8 SEC. 15. The Governor of the Regional Autonomous Gov-
9 ernment is hereby prohibited from issuing appointments,
10 removing personnel and/or, unless authorized by the Com-
11 mission on Elections, executing contracts, within sixty (60)
12 days immediately prior to a regional election.

13 SEC. 16. The Regional Governor shall nominate and, with
14 the consent of the Regional Commission on Appointments,
15 appoint the Cabinet members and their deputies or assis-
16 tants, the heads of the commissions and bureaus of the
17 Regional Autonomous Government, and those whom he may
18 be authorized by regional law to appoint. The Regional
19 Legislative Assembly may, by law, vest the appointment
20 of officers or officials in the heads of departments, agencies,
21 commissions, or boards.

22 The Regional Governor shall have the power to make
23 appointments during the recess of the Regional Legislative
24 Assembly, whether voluntary or compulsory, but such

1 appointments shall be effective only until their disapproval
2 by the Regional Commission on Appointments or until the
3 next adjournment of the Regional Legislative Assembly.

4 SEC. 17. Subject to the exceptions provided for in this
5 Organic Act, the Regional Governor shall have control of
6 all the regional commissions, boards, bureaus and offices.
7 He shall ensure that the laws be faithfully executed. The
8 Regional Governor shall exercise general supervision over
9 local government units within the Autonomous Region:
10 *Provided, however,* That the powers of local executives, pro-
11 vincial governors and city mayors shall not be diminished.

12 SEC. 18. The Regional Governor shall submit to the Re-
13 gional Legislative Assembly within thirty (30) days from
14 the opening of every regular session, as the basis of the
15 Regional General Appropriations Bill, a budget of expend-
16 itures and sources of financing, including receipts from
17 existing and proposed revenue measures for the operations
18 of national government line agencies and government-
19 owned and controlled corporations absorbed by the Re-
20 gional Autonomous Government: *Provided,* That if region-
21 al revenues are insufficient to fund such operations the
22 difference shall be funded by the National Government:
23 *Provided, further,* That the projected budgetary deficit
24 which shall be funded by the National Government shall

1 not exceed ten percent (10%) of the total expenditures
 2 of the Regional Autonomous Government: *Provided, fur-*
 3 *thermore,* That if the projected budgetary deficit is in
 4 excess of ten percent (10%) of the total expenditures,
 5 the Regional Autonomous Government may request finan-
 6 cial assistance from the National Government, which shall
 7 be subject to the approval of the President: *Provided,*
 8 *finally,* That the Regional Autonomous Government may
 9 request financial assistance for teacher training, scholarship
 10 and science laboratory improvement.

11 SEC. 19. The Regional Governor shall address the Re-
 12 gional Legislative Assembly at the opening of its regular
 13 session. He may also appear before it at any other time.
 14 The Regional Legislative Assembly may invite the Presi-
 15 dent and other government officials to address it.

16 SEC. 20. No regional funds shall be disbursed unless
 17 duly approved by the Regional Governor pursuant to a
 18 duly approved appropriation measure: *Provided,* That the
 19 same may be delegated to any appropriate Member of the
 20 Cabinet.

21 ARTICLE VIII

22 SPECIAL COURTS

23 SECTION 1. There is hereby established a Muslim Ap-
 24 pellate Court. The Regional Legislative Assembly shall

1 establish such other lower Muslim Courts having special
2 jurisdiction on Muslim personal, family and property re-
3 lations.

4 SEC. 2. The Muslim Appellate Court shall be composed
5 of one Presiding Justice and two (2) Associate Justices.
6 Any vacancy shall be filled within ninety (90) days from
7 the occurrence thereof.

8 SEC. 3. All justices of the Muslim Appellate Court shall
9 possess the same qualifications as those justices of the
10 Sandiganbayan. The majority of the justices shall be
11 graduates of Islamic Law and Jurisprudence.

12 SEC. 4. The Muslim Appellate Court shall exercise the
13 following powers:

14 (a) Exercise exclusive appellate jurisdiction over all
15 cases tried in the Muslim District Courts.

16 (b) Exercise original jurisdiction over petitions for *cer-*
17 *tiorari*, prohibitions, *mandamus*, *habeas corpus*, and other
18 auxiliary writs and processes.

19 SEC. 5. The decisions of the Muslim Appellate Court
20 shall be final and executory: *Provided, however, That no-*
21 *thing herein contained shall affect the original and appel-*
22 *late jurisdiction of the Supreme Court as provided in the*
23 *Constitution.*

24 SEC. 6. (a) A Muslim Judicial and Bar Committee is
25 hereby created under the supervision of the Muslim Ap-

1 pellate Court to be composed of the Presiding Justice of
2 the Muslim Appellate Court as *ex-officio* Chairman, a rep-
3 resentative from the Regional Legislative Assembly elected
4 by it; and a representation from the *Ulama* as member
5 who shall be appointed by the Regional Governor.

6 (b) The *Ulama* representative shall have a term of four
7 (4) years. He shall receive an emolument to be deter-
8 mined by the Regional Legislative Assembly.

9 (c) The Muslim Judicial and Bar Committee shall re-
10 commend to the Judicial and Bar Council nominees to the
11 Muslim courts in the Autonomous Region.

12 (d) The Clerk of the Muslim Appellate Court shall be
13 the *ex-officio* Secretary of the Committee and shall keep
14 a record of its proceedings.

15 SEC. 7. Members of the Muslim Appellate Court and
16 judges of lower Muslim courts in the Autonomous Region
17 shall be appointed by the President from a list of nominees
18 prepared by the Judicial and Bar Council based on the
19 list of nominees submitted by the Muslim Judicial and
20 Bar Committee. Such appointment shall need no confirm-
21 ation by the Regional Commission on Appointments and
22 shall be made within ninety (90) days from the submission
23 of the recommendation by the Judicial and Bar Council.

24 SEC. 8. The Presiding and Associate Justices of the
25 Muslim Appellate Court shall serve during good behavior,

1 until they reach the age of seventy (70) years, unless
2 sooner removed for cause and in the same manner as
3 Justices of the Sandiganbayan or become incapacitated to
4 discharge the duties of his office. The Supreme Court *en*
5 *banc* shall have the power to discipline judges of special
6 courts provided for in this Article or order their dismissal
7 by a vote of a majority of members who actually took
8 part in the deliberations on the issues in the case and
9 voted thereon.

10 SEC. 9. The Presiding Justice and Associate Justices of
11 the Muslim Appellate Court shall receive the same com-
12 pensation and enjoy the same privileges as the Presiding
13 Justice and Associate Justices of the Sandiganbayan res-
14 pectively.

15 SEC. 10. (a) The Supreme Court shall upon the recom-
16 mendation of the Presiding Justice of the Muslim Appellate
17 Court, appoint the Court Administrator and the Clerk of
18 the Muslim Appellate Court.

19 (b) All other personnel of the Muslim Appellate Court
20 shall be appointed by the Presiding Justice of the Muslim
21 Appellate Court.

22 (c) The pertinent provisions of existing law regarding
23 the qualifications, appointment, compensation, functions,
24 duties and other matters relative to the personnel of the

1 Sandiganbayan shall apply to those of the Muslim Ap-
2 pellate Court.

3 SEC. 11. The Members of the Muslim Appellate Court
4 and other Muslim courts established by law shall not be
5 designated to any agency performing quasi-judicial and
6 administrative functions.

7 SEC. 12. The official seat of the Muslim Appellate Court
8 shall, unless the Supreme Court decides otherwise, be in
9 the place where the Regional Autonomous Government
10 holds office.

11 SEC. 13. Proceedings in the Muslim Appellate Court and
12 in the Muslim lower courts as are established in the
13 Autonomous Region shall be governed by such rules as the
14 Supreme Court may promulgate.

15 SEC. 14. (a) A Muslim Conciliation Council (*Majlis Al-*
16 *Islah Al Shar-e*) shall be created by regional law in cities,
17 municipalities or barangays predominantly Muslim in the
18 Autonomous Region.

19 (b) A Tribal Conciliation Council shall be created by
20 the Regional Legislative Assembly in every city, munic-
21 ipality or barangay predominantly inhabited by a tribal
22 indigenous cultural community.

23 SEC. 15. There shall be established a Tribal Appellate
24 Court and other lower tribal courts, as may be necessary.

1 The Tribal Appellate Court and lower tribal courts for the
2 indigenous cultural communities in the Autonomous Region
3 shall determine, settle, decide controversies, and enforce
4 decisions involving tribal, personal, family and property
5 rights in accordance with the tribal code of these com-
6 munities.

7 SEC. 16. (a) The provisions of the Muslim Code and the
8 Tribal Code shall be applicable only to Muslims and tribal
9 indigenous cultural communities respectively and nothing
10 herein shall be construed to operate to the prejudice of
11 non-Muslims and non-tribal indigenous cultural communi-
12 ties.

13 (b) In case of conflict between the Tribal Code and
14 the Muslim Code, the national law shall apply.

15 (c) In case of conflict between Tribal Code and/or
16 Muslim Code on the one hand, and the national law on
17 the other, the latter shall prevail.

18 SEC. 17. Subject to the provision of the Constitution,
19 the Muslim Judicial System shall interpret the Muslim
20 Law based on the following sources:

21 (a) The *Qur' an* (The holy book of Islam);

22 (b) *Al Hadith* (The sayings and practices of prophet
23 Mohammad);

24 (c) *Al Quiyas* (Analogy);

25 (d) *Al Ijma* (Consensus);

- 1 (e) *Al Aadat* (Customs);
- 2 (f) *Al Talfeg* (Cases);
- 3 (g) *Al tagleed* (traditions);
- 4 (h) *Al ijtehad* (opinions of distinguished *ulama*); and
- 5 (i) relevant national legislation.

6 SEC. 18. The Regional Legislative Assembly shall create
7 a regional prosecution office, determine its composition, and
8 define its powers and functions subject to the supervision
9 of the Department of Justice.

10

ARTICLE IX

11

TAXATION AND SOURCES OF REVENUES

12

SECTION 1. The Regional Legislative Assembly may
13 enact measures for revenue-raising purposes. In enacting
14 revenue-raising measures, the Regional Legislative Assem-
15 bly shall observe the principle of uniformity and equity in
16 taxation and shall not impose confiscatory taxes or fees of
17 any kind. Income taxation, however, shall be solely the
18 concern and prerogative of the National Government.

19

The Regional Legislative Assembly shall not revoke or
20 amend directly or indirectly any city or municipal ordi-
21 nances imposing taxes or fees on purely local businesses.

22

No tax, impost or assessment shall be imposed or charged
23 upon goods or merchandise coming into, going out of or
24 passing through the Autonomous Region to other places
25 of the Philippines and vice versa.

1 SEC. 2. All corporations, partnerships, and other busi-
2 ness entities directly engaged in business in the Autonomous
3 Region shall pay through the Regional Autonomous Govern-
4 ment that portion of their annual income tax corresponding
5 to the net income generated from business done in the
6 area of the autonomy.

7 All corporations, partnerships or business entities
8 directly engaged in business in the Autonomous Region
9 shall pay their corresponding taxes, fees, and charges in
10 the province, city, or municipality where the establishment
11 is doing business.

12 SEC. 3. A province or city shall retain thirty percent
13 (30%) of total collections of the National Internal Revenue
14 taxes and fees therefrom and remit the balance to the
15 Regional Autonomous Government. The thirty percent
16 (30%) share of a province shall be distributed as follows:
17 ten percent (10%) to the province; ten percent (10%)
18 to the municipality; and ten percent (10%) to the barangay.

19 Of the seventy percent (70%) remitted to the Regional
20 Autonomous Government, the latter shall, in turn, retain
21 thirty percent (30%) as its share. It shall remit the
22 balance to the National Government on a monthly basis so
23 that of the 100% collected by the province, city or munici-
24 pality, 30% goes to the province or city, 30% to the

1 Regional Autonomous Government, and 40% to the Na-
2 tional Government.

3 The remittance procedure within the Autonomous Region
4 shall be in accordance with the rules and regulations pro-
5 mulgated by the Regional Autonomous Government and
6 remittances to the National Government by the rules and
7 regulations promulgated by the Department of Finance.

8 SEC. 4. The National Government shall provide the Re-
9 gional Autonomous Government at least five billion pesos
10 (P5,000,000,000) as yearly assistance, for five (5) years to
11 fund infrastructure projects duly identified, endorsed and
12 approved by the Regional Planning and Development
13 Board. The amount may be increased upon representation
14 by the Regional Autonomous Government: *Provided, how-*
15 *ever,* That the yearly assistance may be adjusted propor-
16 tionately to the number of provinces and cities joining
17 the Autonomous Region.

18 ARTICLE X

19 REGIONAL ECONOMY AND PATRIMONY

20 SECTION 1. Except for strategic minerals such as
21 uranium, coal, petroleum, and other fossil fuels, mineral
22 oils, all sources of potential energy, as well as national
23 reserve and marine parks, forests and watershed reserva-
24 tions, the supervision and control over the exploration,
25 utilization and development of the natural resources of the

1 Autonomous Region is hereby delegated to the Regional
2 Autonomous Government in accordance with the Constitu-
3 tion and the national laws.

4 The Regional Governor shall have the authority to grant
5 leases, permits and licenses for not more than twenty-five
6 (25) years. The Regional Legislative Assembly shall have
7 the authority to grant franchises and concessions: *Pro-*
8 *vided, however,* That any franchise or concession shall
9 cover an area not exceeding 10,000 hectares. Existing
10 leases, permits, licenses, franchises and concessions shall
11 have force and effect for twenty-five (25) years or until
12 legally terminated whichever is earlier as provided by law.

13 SEC. 2. The Regional Autonomous Government shall
14 adopt measures to give the residents of the Autonomous
15 Region preferential rights in the exploration, utilization and
16 development of its natural resources without prejudice to
17 the rights of the indigenous cultural communities to their
18 ancestral domain.

19 SEC. 3. Small-scale mining shall receive support from
20 and be regulated by the Regional Autonomous Government,
21 considering ecological balance, the safety and health and
22 the interest of the communities and the miners where such
23 operations are conducted.

24 SEC. 4. The Regional Autonomous Government may
25 establish, operate and manage pioneering public utilities.

1 **SEC. 5.** The Regional Autonomous Government may
2 require companies operating in its territorial jurisdiction
3 to have a training program for local residents which shall
4 constitute a pool for possible employment in their
5 companies.

6 Preference in the recruitment and training of personnel
7 among companies operating in the Autonomous Region shall
8 be given to the disadvantaged local inhabitants, unless a
9 particular expertise or skill is unavailable in which case
10 the hiring of non-residents of the region may be allowed.

11 **SEC. 6.** The Regional Autonomous Government may
12 require companies allowed to do business for the first time
13 in the region to adopt a system of profit-sharing, broad-
14 based ownership and participation in their decision-making
15 process.

16 **SEC. 7.** The Regional Legislative Assembly may create
17 a Regional Electrification Administration, whose composi-
18 tion, duties and functions shall be determined by law. In
19 the delivery of power services, priority shall be given to
20 provinces, cities and municipalities in the area of auto-
21 nomy, which do not have direct access to such services.

22 **SEC. 8.** The Regional Autonomous Government shall
23 recognize, promote and protect the rights and welfare of
24 farmers, farmworkers, fishermen and fishfarm workers as

1 well as cooperatives and other independent farmers' asso-
2 ciations and fishermen's associations.

3 SEC. 9. The Regional Autonomous Government shall give
4 top priority to conservation, protection, and the utilization
5 and development of water and soil resources for agri-
6 cultural purposes.

7 SEC. 10. The Regional Legislative Assembly shall enact
8 a Regional Fisheries Code: *Provided*, That the jurisdiction
9 of the Regional Autonomous Government shall extend over
10 all bodies of water such as rivers, streams, creeks, brooks,
11 ponds, swamps, lakes, lagoons, gulfs and bays within the
12 area of the autonomy and over marine waters, regardless
13 of depth, the seabed and the subsoil that are included
14 between two lines drawn perpendicular to the general coast-
15 line from points where the boundary lines of the Auto-
16 nomous Region touch the sea at low tides and a third line
17 parallel to the general coastline and twelve nautical miles
18 from such coastline: *Provided, further*, That all living
19 organisms, marine and mineral resources and other
20 elements except those that are defined by law or pres-
21 idential proclamation as strategic are subject to the juris-
22 diction of the Regional Autonomous Government: *Provided*,
23 *furthermore*, That the Regional Autonomous Government
24 shall share with the National Government any revenue
25 derived from the recovery of such strategic minerals in

1 the area: *Provided, finally,* That nothing herein contained
2 shall diminish existing rights of local governments within
3 the Autonomous Region over their municipal waters.

4 SEC. 11. Preferential rights to utilize, develop, collect,
5 process and market marine and other aquatic resources
6 within five kilometers from the baselines of the seas of the
7 Autonomous Region shall be granted to bonafide residents
8 of the region.

9 SEC. 12. The Regional Autonomous Government shall
10 encourage and promote the development of trade and in-
11 dustry in the Autonomous Region.

12 In accordance with national laws it shall likewise en-
13 courage and support the establishment of banks especially
14 those that adhere to the concept of the Islamic Banking
15 System.

16 SEC. 13. An office of barter trade having authority on
17 barter trading as defined by national policy and regional
18 laws shall be created.

19 SEC. 14. The Regional Autonomous Government shall
20 encourage, promote and support the establishment of eco-
21 nomic zones, industrial centers, and development ports in
22 strategic areas and growth centers in the Autonomous
23 Region, including the necessary infrastructures therefor.

24 SEC. 15. The Regional Autonomous Government shall
25 regulate monopolies and if the public interest so requires,

1 they shall be prohibited. No combination in restraint of
2 trade and unfair competition shall be allowed.

3 SEC. 16. The Regional Autonomous Government, in con-
4 sultation and coordination with the National Government,
5 shall regulate foreign investments within its regional juris-
6 diction in accordance with its goals and priorities.

7 SEC. 17. The Regional Autonomous Government shall
8 encourage and promote the development of tourism, par-
9 ticularly domestic tourism, as a means of promoting
10 greater pride in, and commitment to the nation.

11 SEC. 18. Subject to the Constitution and national laws,
12 the Regional Autonomous Government shall undertake
13 measures to protect the ancestral domain of indigenous
14 cultural communities.

15 The ancestral domain of each indigenous cultural com-
16 munity shall embrace all lands and resources in the actual
17 possession of the community and its members: *Provided,*
18 That the constructive or traditional possession of lands and
19 resources of the indigenous cultural community may also
20 be recognized subject to judicial affirmation.

21 In determining the location and boundaries of the
22 ancestral domain of an indigenous cultural community, the
23 proper court, subject to vested rights, especially those
24 acquired under and/or arising from the operation of the

1 Torrens System, shall consider the following evidence of
2 ownership and possession:

- 3 (1) Burial grounds;
- 4 (2) Testimony of elder occupants;
- 5 (3) Customary laws governing property rights and
6 relations, including local land use patterns;
- 7 (4) Rice terraces and other signs of long-established
8 permanent improvements and features such as
9 boulders, hills, trees, rivers, streams, and other
10 physical markers or signs establishing the tradi-
11 tional boundaries known to the community;
- 12 (5) Old clearings, grazing grounds, secondary forests
13 and other signs of long-term cultivation and usage;
- 14 (6) Places of worship and other sacred areas; and
- 15 (7) Any other reliable evidence of long term occupancy
16 and utilization.

17 Resources means everything on the land including
18 plants, fruit trees, flora and fauna. The State shall how-
19 ever continue to own and control all rivers, lakes, lagoons,
20 sources of energy, minerals, public forests, and natural
21 resources, subject to the preferential rights of the in-
22 habitants of the Autonomous Region to explore, use and
23 develop the same in accordance with the requirements of
24 the Constitution and national laws.

1 SEC. 19. The Regional Legislative Assembly shall,
2 within twelve (12) months from its organization, create
3 a Regional Commission on Ancestral Domain and define
4 its functions and duties subject to the Constitution and
5 national laws.

6 SEC. 20. The Regional Autonomous Government and the
7 Commission on Ancestral Domain shall promulgate rules
8 and regulations regarding lands in the ancestral domain
9 titled to or owned by members of the indigenous cultural
10 communities.

11 SEC. 21. Subject to the provisions of national laws, no
12 part of the ancestral domain shall be open to resettlement
13 by non-members of the indigenous cultural communities.

14 SEC. 22. Subject to the provisions of the Constitution
15 and the Comprehensive Agrarian Reform Law, the Regional
16 Legislative Assembly may enact an Agrarian Reform Law
17 suited to the peculiar situation and cultural realities pre-
18 vailing in the area of autonomy.

19 SEC. 23. Within eighteen (18) months after its organiza-
20 tion, the Regional Autonomous Government shall initiate
21 and formulate special development programs and projects
22 for the underdeveloped indigenous cultural communities
23 responsive to their particular aspirations, needs and values.

24 SEC. 24. The Regional Autonomous Government shall
25 provide equitable access to the resources of the Autonomous

1 Region to all provinces, cities, municipalities and barangays
2 within its jurisdiction.

3 SEC. 25. The Regional Legislative Assembly shall create
4 a Regional Planning and Development Board which shall
5 serve as the planning, monitoring and coordinating agency
6 for the Autonomous Region and which shall ensure that the
7 principle of people's participation in the planning, moni-
8 toring and coordinating of all economic activities in the
9 respective local government units is duly considered. It
10 shall perform such other powers and duties as may be
11 provided by law.

12 SEC. 26. (a) In line with national environmental policies
13 and goals, the Regional Autonomous Government shall
14 formulate policies and implement programs to protect the
15 environment and to maintain a balanced and healthful
16 ecology in accord with the rhythm and harmony of nature
17 that will sustain human progress.

18 (b) In amplification of and in accordance with national
19 laws, inclusive of binding international agreements to which
20 the Philippines is a signatory, the Regional Legislative As-
21 sembly shall enact supplementary laws for the purpose of con-
22 trolling, preventing or reducing pollution and degradation
23 of the land, air and marine environment in the area of the
24 region including the territorial seas of its component units,

1 from land-based sources or seabed activities, or from dump-
2 ing of toxic, harmful or noxious substances from vessels,
3 aircrafts or installations.

4 SEC. 27. The Regional Autonomous Government shall
5 promote a program of responsible parenthood which shall
6 be based on the parents' free and informed choice on the
7 number of children and the manner of managing family
8 size without prejudice to their religious and cultural values.

9 SEC. 28. The Regional Autonomous Government shall ac-
10 tively and immediately pursue reforestation measures to
11 insure that at least fifty *per centum* (50%) of the land sur-
12 face shall be covered with trees, giving priority to land
13 strips along the edges of rivers and streams and shorelines
14 of lakes.

15 It shall adopt such appropriate measures and relevant
16 technologies for the development of lands eighteen *per cen-*
17 *tum* (18%) in slope or over and assist upland communities
18 to raise their standard of living.

19 SEC. 29. Subject to the provision of the Constitution, the
20 Regional Autonomous Government shall specify the limits
21 of forest lands, regional parks and watershed areas in
22 accordance with law, marking clearly their boundaries on
23 the ground. Thereafter, such areas shall be strictly con-

1 served and may not be diminished, except by law. It shall
2 develop local capabilities on tropical forest management.

3 SEC. 30. The Regional Autonomous Government shall
4 implement the nuclear-free provision of the Constitution
5 and shall likewise prohibit the use, importation, deposit,
6 and disposal of nuclear materials and the dumping of toxic
7 or hazardous substances within the Autonomous Region, as
8 may be provided by national law.

9 SEC. 31. The Regional Autonomous Government shall
10 take steps to ensure and maintain ecological balance and the
11 continuous usefulness of lakes and watershed areas in the
12 Autonomous Region.

13 ARTICLE XI

14 EDUCATION, SCIENCE AND TECHNOLOGY, ARTS
15 AND SPORTS

16 SECTION 1. The Regional Autonomous Government shall,
17 consistent with the Constitution and national laws, exer-
18 cise legislative powers over regional educational policies
19 and cultural matters which shall include:

20 a) The authority to establish educational institutions,
21 colleges and universities: *Provided*, That regional colleges
22 and universities created by the Autonomous Region shall
23 enjoy fiscal and administrative autonomy subject to regional
24 laws;

1 b) The development of curricula relevant to the cultural
2 heritage, and to the economic, social, political, and moral
3 needs of the people in the Autonomous Region, consistent
4 with the national goals of education.

5 SEC. 2. The Regional Autonomous Government adopts
6 the educational policies that are enunciated in the Consti-
7 tution and national laws.

8 SEC. 3. The Regional Legislative Assembly may create
9 a Regional Commission on Language for the purpose of
10 developing a regional language from the different langu-
11 ages or dialects in the Autonomous Region to enrich the
12 national language.

13 SEC. 4. The educational system in the Autonomous Region
14 shall develop consciousness and appreciation of one's ethnic
15 identity and shall provide a better understanding of each
16 other's cultural heritage for the attainment of national
17 unity and harmony.

18 SEC. 5. Subject to the transitory provisions, the Regional
19 Autonomous Government shall provide free elementary and
20 high school education.

21 SEC. 6. All private educational institutions, including
22 those that adopt the *Madrrasah* System, shall be under the
23 supervision of the Regional Autonomous Government as may
24 be provided by the regional law. The Regional Autonomous

1 Government shall institute a system of accreditation for the
2 purpose of ensuring quality and support to private educa-
3 tion.

4 SEC. 7. The Regional Legislative Assembly shall provide
5 a system of incentives and assistance to private education,
6 including the *madaris*.

7 SEC. 8. The Regional Legislative Assembly may provide
8 by law a one year preschool, a four-year primary and a
9 three-year intermediate education; a 2-2 year secondary
10 education; and a four-year or more college education in
11 schools within the Autonomous Region.

12 SEC. 9. Professional and, subject to the approval of the
13 Supreme Court, bar testing centers may be established in
14 the Autonomous Region.

15 SEC. 10. Consistent with national policies and goals of
16 education, the regional educational system shall develop
17 curricula that are relevant to the economic, social, political,
18 cultural, moral and spiritual needs of the people in the
19 Autonomous Region. To this end,

20 (a) The cultural heritage of the inhabitants of the Auto-
21 nomous Region shall be taught in all the schools in the Auto-
22 nomous Region to develop, promote and enhance unity in
23 diversity.

1 (b) Where feasible, the Arabic language shall be a
2 compulsory subject for Muslims and optional for non-Mus-
3 lims in all schools in the Autonomous Region.

4 (c) The study of the Philippine Constitution, the Organic
5 Act of the Autonomous Region, ecology, peace as a way of
6 life and health education shall be an integral part of the
7 curriculum in all schools in the Autonomous Region.

8 SEC. 11. State colleges and universities within the Auto-
9 nomous Region shall enjoy fiscal and administrative auto-
10 nomy subject to regional law.

11 SEC. 12. The Regional Autonomous Government shall
12 promote and develop the opportunities for educational ad-
13 vancement of the tribal communities including the estab-
14 lishment of schools, institutes and universities.

15 SEC. 13. The Regional Legislative Assembly may enact
16 laws to implement the constitutional provision on Science
17 and Technology.

18 SEC. 14. The educational system shall develop and main-
19 tain an integrated and comprehensive physical education
20 program, including, if necessary, a regional center for the
21 training of outstanding athletes, sports and physical educa-
22 tion teachers, coaches, referees and administrators.

23 SEC. 15. The Regional Legislative Assembly may create
24 a Regional Bureau of Cultural Heritage and define its com-
25 position, duties and functions.

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ARTICLE XII

2

SOCIAL JUSTICE, SERVICES, AND THE FAMILY

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SECTION 1. The Regional Legislative Assembly shall give highest priority to the enactment of measures that protect and enhance human dignity, reduce income inequality, and afford equal economic, cultural and political opportunity for the common good.

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SEC. 2. The Regional Legislative Assembly shall create the Regional Commission on Human Rights and define its powers and functions subject to the Constitution and national laws, and to the supervision of the national Commission on Human Rights.

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SEC. 3. (a) The Regional Commission on Human Rights shall be composed of a chairman and two (2) members, who shall be appointed by the Regional Governor subject to the confirmation by the Regional Commission on Appointments. The Chairman shall be a member of the bar. The term of office and other qualifications and disabilities of the members of the Commission shall be provided for by law.

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(b) The members of the Commission shall be appointed within six (6) months after the election of the Regional Governor.

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(c) The Regional Legislative Assembly shall appropriate an annual budget for the Regional Commission on Human

1 Rights which shall be automatically and regularly released
2 to the Commission.

3 SEC. 4. (a) The Regional Autonomous Government re-
4 cognizes health as a basic human right and shall, by law,
5 protect, promote, maintain and enhance the health of every
6 resident of the Autonomous Region.

7 (b) It shall provide free medical care to paupers.

8 SEC. 5. The Regional Autonomous Government shall es-
9 tablish and maintain an effective food and drug regulatory
10 system. It shall encourage the rational use of drugs
11 through an essential drug list and the use of generic medi-
12 cines or drugs as well as promote the use of herbal medi-
13 cines and indigenous health resources whenever appropriate.

14 SEC. 6. The Regional Autonomous Government recognizes
15 labor as a primary social economic force for development.
16 It shall afford full protection to labor, promote full employ-
17 ment, ensure equal work opportunities regardless of sex,
18 race or creed, and regulate the relations between workers
19 and employers.

20 SEC. 7. The Regional Autonomous Government ensures
21 the right of labor to its just share in the fruits of produc-
22 tion, and the right of enterprise to reasonable returns on
23 investments and to expansion and growth.

1 **SEC. 8.** The Regional Autonomous Government shall en-
2 courage and support the formation of cooperatives and
3 credit unions and other mass-based economic enterprises.

4 **SEC. 9.** The Regional Legislative Assembly shall within
5 one year from its organization enact measures embodying
6 reintegration programs responsive to the needs of returnees
7 and rejoiners. A rehabilitation program shall be provided
8 for displaced persons and/or communities and victims of
9 man-made or natural calamities.

10 **SEC. 10.** The care and welfare of the elderly, disabled,
11 retirees and veterans shall enjoy regional support and
12 protection of the Regional Autonomous Government.

13 **SEC. 11.** The Regional Autonomous Government shall en-
14 courage and support a social housing program for its under-
15 privileged and homeless residents. To that end, it may
16 provide tax, fiscal and other incentives to homeowners and
17 home developers.

18 **SEC. 12.** The Regional Autonomous Government shall
19 protect the rights and respect the role of people's voluntary
20 organizations.

21 **SEC. 13.** Marriage, as an inviolable social institution, is
22 the foundation of the family and shall be protected by the
23 Regional Autonomous Government in accordance with the

1 beliefs, customs and traditions of the inhabitants of the
2 Autonomous Region.

3 SEC. 14. The Regional Legislative Assembly may, when
4 its finances permit, create the Office of Youth Affairs and
5 define its composition, powers and functions.

6 SEC. 15. The Regional Autonomous Government recog-
7 nizes the vital role of women in nation-building and regional
8 development.

9 It shall take appropriate measures against all forms of
10 exploitation, harassment and discrimination of women. It
11 shall formulate affirmative action programs to ensure their
12 well-being.

13 SEC. 16. The Regional Legislative Assembly may, when
14 its finances permit, create the Regional Bureau on Women
15 and define its composition, powers and functions.

16 ARTICLE XIII

17 GENERAL PROVISIONS

18 SECTION 1. The Regional Legislative Assembly is hereby
19 empowered to enact measures for the adoption of an official
20 regional flag, seal and hymn of the Autonomous Region.

21 In public displays of the regional flag, the national flag
22 shall occupy the place of honor. The regional hymn when
23 sung or played must be preceded by the National Anthem.
24 Filipino, English and Arabic shall be the official regional
25 languages.

1 SEC. 2. This Organic Act shall be officially promulgated
2 in Filipino, English and Arabic, and translated into other
3 languages or dialects widely spoken in the Autonomous Re-
4 gion. In case of conflict, the English text shall prevail.

5 SEC. 3. The defense and regional security of the Auto-
6 nomous Region shall be the responsibility of the National
7 Government. The National Government shall have the un-
8 hampered authority to station and deploy in the Auto-
9 nomous Region sufficient elements of the Armed Forces of
10 the Philippines which shall maintain a central command
11 with general headquarters at the seat of the Regional
12 Autonomous Government: *Provided*, That military men
13 who are residents of the Autonomous Region shall be given
14 preferential consideration for assignment to the region.

15 SEC. 4. (a) The Regional Governor or the Vice-Gover-
16 nor may be recalled once during his term of office for loss
17 of confidence.

18 (b) The Regional Legislative Assembly shall provide the
19 procedure and system whereby such recall can be made:
20 *Provided*, That no recall shall take place within one year
21 from the date of the official's assumption of office or one
22 year immediately preceding a regional election.

23 SEC. 5. The Regional Autonomous Government shall give
24 highest priority to the pursuit, maintenance and restoration
25 of peace and order in the area of autonomy.

1 directly proposed by the people through initiative upon
2 a petition of at least twelve *per centum* (12%) of the total
3 number of registered voters, of which every legislative dis-
4 trict must be represented by at least three *per centum* (3%)
5 of the registered votes therein. No amendment under this
6 Section shall be authorized within five (5) years following
7 the ratification of this Organic Act or oftener than once
8 every five years thereafter.

9 The Regional Legislative Assembly shall provide for
10 the implementation of the exercise of this right.

11 **SEC. 3.** Any amendment under Section 2 hereof shall
12 be valid when ratified by a majority of the votes cast
13 in a plebiscite which shall be held not earlier than sixty
14 (60) days nor later than ninety (90) days after the
15 certification by the Commission on Elections of the
16 sufficiency of the petition.

17 ARTICLE XV

18 TRANSITORY PROVISIONS

19 **SECTION 1.** The Civil Service Commission, the Commis-
20 sion on Elections and the Commission on Audit shall
21 consolidate their offices in provinces and cities which will
22 vote for inclusion in the area of autonomy to conform with
23 the requirements of the Autonomous Region.

1 **SEC. 2. Upon the organization of the Regional Auto-**
2 **nomous Government, line agencies of the National Govern-**
3 **ment dealing with agriculture, social welfare and develop-**
4 **ment, education, environment and natural resources, fish-**
5 **eries and aquatic resources, health, and mining, including**
6 **their personnel, equipment, property and budget, shall be**
7 **placed under the control and supervision of the Regional**
8 **Autonomous Government.**

9 **Within one month from the organization of the Regional**
10 **Autonomous Government, an Ad-Hoc Committee composed**
11 **of the Executive Secretary, as Chairman, the Secretary of**
12 **Budget and Management, the Secretary-General of the**
13 **National Economic and Development Authority (NEDA),**
14 **the Governor of the Autonomous Region, and the Speaker**
15 **of the Regional Legislative Assembly, as members, and**
16 **the National Commissioner to the Autonomous Region as**
17 ***ex-officio* member, shall be organized for the purpose of**
18 **identifying the other line agencies and government-owned**
19 **or controlled corporations that may be absorbed by the**
20 **Regional Autonomous Government and, with respect to the**
21 **latter, also the terms and conditions of their turnover.**

22 **Within six (6) months from its organization, the Ad**
23 **Hoc Committee shall submit its report and recommenda-**
24 **tions to the President of the Philippines who shall act**

1 on the said report and recommendations within ninety
2 (90) days after receipt thereof: *Provided, however,*
3 That if the President fails to act within said period of
4 ninety (90) days, the recommendations of the Ad Hoc
5 Committee shall be effective.

6 SEC. 3. All personnel of the National Government and
7 government-owned or controlled corporations who are ab-
8 sorbed by the Regional Autonomous Government shall retain
9 their seniority, compensation and benefits. Nothing in
10 this Organic Act will derogate from any right or privi-
11 lege enjoyed by any public official or employee under
12 existing laws. Those who opt to retire will be given
13 full benefits under existing laws. Those who opt to trans-
14 fer to another region shall be allowed to do so, subject
15 to the Civil Service Rules and Regulations.

16 SEC. 4. Notwithstanding the provisions of the preceding
17 Section, the Government Service Insurance System, the
18 Social Security System, the Pag-ibig and other funds of
19 similar trust or fiduciary nature shall be exempt from
20 the coverage of this Organic Act.

21 SEC. 5. Pending the enactment of a regional budget-
22 ary law, the budgeting requirements of the Regional Auto-
23 nomous Government shall be governed by pertinent laws
24 and rules and regulations prescribed by the Department
25 of Budget and Management (DBM).

1 **SEC. 6.** The present regional autonomous governments
2 of Regions IX and XII are hereby abolished upon the
3 assumption of office by the elected officials of the newly
4 formed Regional Autonomous Government. The officials
5 of the autonomus governments of Regions IX and XII
6 shall turn over all the assets and liabilities and records
7 of the present regional autotomous governments to the
8 Regional Autonomous Government. Where feasible, qua-
9 lified personnel of the autonomous governments of Regions
10 IX and XII shall be given preference for employment
11 in the new Regional Autonomous Government.

12 **SEC. 7.** The first regular elections of the Governor,
13 Vice-Governor and Members of the Regional Legislative
14 Assembly under this Organic Act shall be held not earlier
15 than forty-five days nor later than sixty days after the
16 ratification of this Act.

17 **SEC. 8.** Within one year from its organization, the
18 Regional Legislative Assembly shall create a Code Com-
19 mission on Muslim Laws and a Code Commission on
20 Tribal Laws and shall define their composition which
21 shall not exceed three members per commission, their
22 powers, functions, and compensation.

23 **SEC. 9.** The Code Commissions shall codify tribal laws
24 and Islamic Laws and Jurisprudence within three years

1 and submit the same to the Regional Legislative Assem-
2 bly for enactment into law.

3 SEC. 10. The sum of fifteen million pesos (P15,000,000)
4 is hereby appropriated, out of any funds in the National
5 Treasury not otherwise appropriated, for the initial or-
6 ganization requirements of the Regional Autonomous
7 Government: *Provided*, That five million pesos
8 (P5,000,000) thereof shall be allotted to the Commission
9 on Elections for it to undertake an information campaign
10 on this Organic Act: *Provided, further*, That the Com-
11 mission on Elections shall have discretion on the mode
12 of campaign and which government agencies and ins-
13 trumentalities to deputize for the purpose, which may
14 include the existing regional assembly: *Provided, finally*,
15 That the Comelec shall adopt such measures that will
16 ensure an impartial information campaign.

17 SEC. 11. All laws, decrees, executive orders, rules and
18 regulations, issuances or parts thereof inconsistent with
19 this Act are hereby repealed or amended accordingly.

20 SEC. 12. If, for any reason any section or provision
21 of this Act is declared null and void, no other section,
22 provision, or part thereof shall be affected and the same
23 shall remain in full force and effect.

1 **SEC. 13.** This Organic Act shall take effect immediately
2 upon its ratification by a majority of the votes cast in a
3 plebiscite which shall be held not earlier than sixty days
4 nor later than ninety days from its publication in at least
5 two national and one local newspapers of general circu-
6 lation in the Autonomous Region.

7 Provinces and cities which in the plebiscite do not vote
8 to ratify this Organic Act shall remain in the existing
9 administrative regions: *Provided, however,* That the
10 President may, by administrative determination, merge the
11 regions.

Approved,

032356



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GLOSSARY

"Autonomous Region in Muslim Mindanao"—covers the provinces and cities mentioned in Article II, Section 1, paragraph b, of this Organic Act voting favorably in the plebiscite called for its ratification.

"Autonomy"—the degree of political control possessed by a territorial division or political unit in its relation to the state or political community of which it forms a part.

"Autonomous"—having the right or capacity to exercise powers of government as authorized in this Organic Act.

"Muslim"—a person who believes in the oneness of God and the prophethood of Mohammad, and professes Islam.

"Christian"—a person who believes in Christianity or in the teachings and divinity of Jesus Christ.

"Tribal Community"—refers to the ethnic group indigenous to the Autonomous Region regardless of their religious belief.

"Organic Act"—this Act which confers powers of government to the autonomous region pursuant to Article X of the Philippine Constitution.

"Inalienable Part of the Territory of the Philippines"—the area of the autonomy forms an integral and inseparable part and parcel of the territory of the Republic of the Philippines.

"People of the Region"—refers to the people dwelling or residing within the Autonomous Region regardless of religious or cultural affiliation.

"Constitution"—refers to the 1987 Constitution.

"Regional Autonomous Government"—the government organized under or pursuant to this Act.

"Customary Laws"—a rule of conduct formed by repetition of acts, uniformly observed (practised) as a social rule, legally binding and obligatory.

"Legislative District"—a geographic-political subdivision based on the ordinance appended to the 1987 Constitution, apportioning the seats of the House of Representatives of the Congress of the Philippines.

"Muslim Appellate Court"—a court to be constituted pursuant to this Act which shall exercise appellate jurisdiction over all cases tried in the Muslim District Courts relating to Muslim personal, family and property relations.

"Lower Muslim Court"—the Sharia District Courts and Sharia Circuit Courts under existing laws and courts still to be constituted.

"Tribal Courts"—courts to be constituted pursuant to this Act and which have jurisdiction over cases involving tribal persons, family and property relations.

"Tribal Appellate Court"—a court to be constituted pursuant to this Act having appellate jurisdiction over cases decided by lower tribal courts in accordance with customary laws and practices of tribal minorities (not yet codified).

"Ulama"—a Muslim scholar or jurist.

"Muslim Conciliation Council"—a body composed of a chairman and a representative of each of the parties whose function is to help resolve conflicts between the party litigants.

"Tribal Indigenous Cultural Communities"—non-Muslim or non-Christian tribal groups who inhabit the Autonomous Region.

"Tribal Code"—refers to a written compilation of laws, customs, practices, beliefs and traditions of indigenous cultural communities within the Autonomous Region.

"Muslim Judicial System"—refers to the Sharia Court System in the Philippines, which has exclusive jurisdiction over cases involving Muslim (Sharia) law.

"Al-Hadith"—Prophetic traditions of Prophet Mohammad. His sayings and deeds. Also known as *Sunna*.

"Al Quiyas"—the fourth foundation of Islam referring to the analogical reasoning of the learned with regard to the teaching of the Quran, Hadith and Ijma.

"Al Ijma"—the third foundation of Islam. It literally means "collecting" or "assembling" and in Muslim divinity it expresses the unanimous consent of the Mujtahidun (learned doctors).

"Al Aadat" (customary law)—local customs or practices of Muslim Filipinos.

"Al Talfeq"—eclectic selection of established dicta from the four Sunni schools of law.

"Al Tagleed"—adherence to a particular Muslim school.

"Al Ijtihad"—independent legal reasoning by mujtahid or the learned.

"Islamic Banking System"—a banking system based on profit-sharing (*mudarabah*).

"Madaris"—plural form for *madrasah* or Islamic religious school.

"Returnees and Rejoinees"—refers to members of the MNLF, MILF, NPA and other rebel groups, who have decided to abandon their revolutionary activities and return to the side of the law and the National Government.

"Doing business"—a continuity of commercial dealings and arrangements and contemplates, to that extent the performance of acts or works on the exercise of some of the functions normally incident to, and in progressive prosecution of, the purpose and object of its organization.

"Directly Engaged in Business"—means presence in a province, city or municipality with sufficient continuity of substantial business in the area of autonomy by the performance of acts or exercise of functions incident to the prosecution of commercial gain.

"Disadvantaged Sectors"—refers to evicted families, disaster victims, homeless families, people who are discriminated for social, political, economic and religious reasons.

"Office" or *"Employment"*—refers to a position, public or private, including those in business entities with government interests where the Government has direct investments in the form of shareholdings or participation regardless of the amount or percentage thereof, and other private business units where by reason of a loan or any other agreement, the Government is entitled to representation in the board of directors or the management thereof, and by virtue of which duties are performed and rights are exercised, including the right to receive compensation and emoluments appertaining thereto.

"National Commerce"—refers to the economic movement of goods and persons from the Autonomous Region to the other areas of the country and vice versa.