

AS OF MAY 30, 2018

CONGRESS OF THE PHILIPPINES
SEVENTEENTH CONGRESS
Second Regular Session

HOUSE OF REPRESENTATIVES

H. No. 6475

BY REPRESENTATIVES ALVAREZ (P.), FARIÑAS, SUAREZ, SEMA, SAHALI, PAPANDAYAN, TURABIN-HATAMAN, MENDING, BONDOC, DEFENSOR, ZAMORA (M.C.), BATAOIL, ACOP, ESPINO, FLORES, PANGANIBAN, VIOLAGO, SANDOVAL, SIAO, NOGRALES (J.J.), PIMENTEL, TOLENTINO, NUÑEZ-MALANYAON, VARGAS, BERNOS, LAZATIN, UNICO, GULLAS, GONZALES (A.D.), ONG (H.), SAVELLANO, AGGABAO, MATUGAS, SINGSON, ROBES, CHIPECO, SALO, PINEDA, OAMINAL, CAMPOS, BELARO, BELMONTE (J.C.), NIETO, BOLILIA, GARCIA-ALBANO, MERCADO, OLIVAREZ, RELAMPAGOS, ACOSTA-ALBA, MONTORO, TAMBUNTING, RADAZA, SAGARBARRIA, GONZALES (A.P.), MARCOLETA, CATAMCO, KHONGHUN, PALMA, FORTUNO, PANTO, LEACHON, MENDOZA, SALCEDA, CALDERON, NOEL, TUPAS, BIRON, FORTUN, PADUANO, HERRERA-DY, VARGAS-ALFONSO, BERTIZ, CASTELO, ERMITA-BUHAIN, ERIGUEL, AUMENTADO, BANAL, SALIMBANGON, FERRER (L.), ADVINCULA, REVILLA, BARZAGA, ALONTE, LOYOLA, CUARESMA, MADRONA, BORDADO, ZUBIRI, ORTEGA (P.), COLLANTES, MACAPAGAL-ARROYO, SARMIENTO (E.M.), SY-ALVARADO, SACDALAN, MANGUDADATU (Z.) AND SANGCOPAN

4 AN ACT

5 PROVIDING FOR THE BASIC LAW FOR THE AUTONOMOUS REGION IN THE
6 BANGSAMORO REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9054,
7 ENTITLED "AN ACT TO STRENGTHEN AND EXPAND THE ORGANIC ACT FOR THE
8 AUTONOMOUS REGION IN MUSLIM MINDANAO," AND REPUBLIC ACT NO. 6734,
9 ENTITLED
10 "AN ACT PROVIDING FOR AN ORGANIC ACT FOR THE AUTONOMOUS REGION IN
11 MUSLIM MINDANAO," AND FOR OTHER PURPOSES
12

13
14
15
16 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
17 *assembled:*

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1 **PREAMBLE**

2 We, the Bangsamoro people and other inhabitants, imploring the aid of the Almighty,
3 aspiring to establish an enduring peace on the basis of justice, balanced society, and asserting our
4 right to conserve and develop our patrimony; reflective of our system of life as prescribed by our
5 faith, and in harmony with our customary laws, cultures and traditions;

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

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

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

15
16 **Article I**
17 **NAME AND PURPOSE**

18
19 **Section 1. Short Title.** – This law shall be known and cited as the “Bangsamoro Basic
20 Law.”

21
22 **Section 2. Name.** – The name of the political entity under this Basic Law shall be the
23 Autonomous Region in the Bangsamoro.

24
25 **Section 3. Purpose.** – The purpose of this Basic Law is to establish a political entity,
26 provide for its basic structure of government in recognition of the justness and legitimacy of the
27 cause of the Bangsamoro people and their aspiration to chart their political future through a
28 democratic process that will secure their identity and posterity and allow for meaningful self-
29 governance within the framework of the Constitution and the national sovereignty as well as the
30 territorial integrity of the Republic of the Philippines.

31
32 **Article II**
33 **BANGSAMORO IDENTITY**

34
35 **Section 1. Bangsamoro People.** – Those who, at the advent of the Spaniards, were
36 considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent

1 islands including Palawan, and their Spouses and descendants, whether of mixed or of full blood,
2 shall have the right to identify themselves as Bangsamoro by ascription or self-ascription.
3

4 **Section 2. Freedom of Choice.** – The freedom of choice of other indigenous peoples shall
5 be respected. There shall be no discrimination on the basis of identity, religion, and ethnicity.
6

7 **Section 3. Bangsamoro Symbol.** – The Bangsamoro Parliament shall adopt the official
8 flag, emblem, and anthem of the Bangsamoro.
9

10 **Article III**
11 **GEOGRAPHICAL AREA**
12

13 **Section 1. Bangsamoro Geographical Area.** – The Bangsamoro Geographical Area refers
14 to the land mass as well as the waters over which the Autonomous Region in the Bangsamoro has
15 jurisdiction. The Autonomous Region in the Bangsamoro shall remain an integral and inseparable
16 part of the national territory of the Republic of the Philippines as defined by the Constitution and
17 national laws.
18

19 **Section 2. Core Area.** – The core area of the Autonomous Region in the Bangsamoro shall
20 be composed of:

- 21 a. the present geographical area of the Autonomous Region in Muslim Mindanao (ARMM);
22 b. the Municipalities of Munai, Baloi, Nunungan, Pantar, Tagoloan, and Tangkal in the
23 province of Lanao del Norte and all the barangays in the Municipalities of Kabacan,
24 Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap that voted for inclusion in the
25 Autonomous Region in Muslim Mindanao during the 2001 plebiscite;
26 c. the cities of Cotabato and Isabela; and
27 d. all other contiguous areas where a resolution of the local government unit or a petition of at
28 least ten percent (10%) of the registered voters in the area asks for their inclusion at least
29 two months prior to the conduct of the ratification of this Basic Law.
30

31 The establishment of the geographical area of the Autonomous Region in the Bangsamoro
32 shall take effect upon ratification of this Basic Law by majority of the votes cast in the above-
33 mentioned core areas, in a plebiscite conducted for the purpose: *Provided*, That in all cases, the
34 political units directly affected shall participate in the plebiscite, as provided in Article XV, Section
35 3 of this Basic Law.
36

1 **Section 2. Democratic Political System.** – The Autonomous Region in the Bangsamoro
2 shall have a parliamentary form of government. It shall have a democratic political system that
3 allows its people to freely participate in the political processes within its territorial jurisdiction.
4

5 **Section 3. Electoral System** - The Bangsamoro Government shall adopt an electoral
6 system, consistent with national election laws, that allows democratic participation, encourage the
7 formation of genuinely principled political parties, and ensure accountability.
8

9 **Section 4. Civilian Government.** Governance in the Bangsamoro is the responsibility of
10 the duly elected civilian government. Civilian authority is, at all times, supreme over the military.
11

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

15 The Bangsamoro abides by the principle that the country renounces war as an instrument of
16 national policy, adopts the generally accepted principles of international law as part of the law of
17 the land, and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with
18 all nations.
19

20 **Section 6. Promotion of Right.** - The Bangsamoro shall adhere to the principle of enjoining
21 what is right and forbidding what is wrong.
22

23 **Section 7. Social Justice.** - The Bangsamoro Government shall ensure that every Filipino
24 citizen in the Autonomous Region in the Bangsamoro is provided the basic necessities and equal
25 opportunities in life. Social Justice shall be promoted in all facets of life and phases of
26 development of the Bangsamoro.
27

28 **Section 8. International Treaties and Agreements.** - The Bangsamoro Government shall
29 respect and adhere to all international treaties and agreements binding upon the National
30 Government.
31

32 **Section 9. Declaration on the Rights of Non-Moro Indigenous Peoples.** – The
33 Bangsamoro Government shall recognize and promote the rights of non-Moro Indigenous Peoples
34 within the framework of the Constitution and existing Laws.
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Article V
POWERS OF GOVERNMENT

Section 1. Reserved Powers.— Reserved powers are matters over which authority and jurisdiction are retained by the National Government. The National Government shall exercise the following reserved powers:

- a. National Defense and Security, Public Order and Safety, and Coast Guard Matters;
- b. Foreign Policy;
- c. Financial and Banking System, Coinage, and Monetary Policy;
- d. Postal Service;
- e. Citizenship and Naturalization;
- f. Immigration;
- g. Customs and Tariff as qualified by Article V, Section 2, paragraph (g), of this Basic Law;
- h. Common Market and Global Trade: *Provided*, That the power to enter into economic agreements given to the Autonomous Region in Muslim Mindanao under R.A. 9054 is hereby transferred to the Bangsamoro Government as provided in Article XII, Section 27 of this Basic Law;
- i. Intellectual Property Rights;
- j. Armed Forces of the Philippines control, supervision, and administration;
- k. Philippine National Police and National Police Commission control, supervision, and administration;
- l. Jail Management and Penology;
- m. Fire Protection;
- n. Philippine Coast Guard control, supervision, and administration. The National Government shall have primary responsibility over coast guard matters. The National Government and the Bangsamoro Government shall cooperate and coordinate through the intergovernmental relations mechanism;
- o. National, Regional, and Local Elections;
- p. Powers of the Supreme Court;
- q. Powers of the Ombudsman;
- r. Administration of Justice;
- s. Quarantine; and
- t. Transportation and Communications, except for powers exercised jointly by the National Government and the Bangsamoro Government as provided for in Article V, Section 2 (t) of this Basic Law.

1
2 **Section 2. Concurrent Powers.** - Concurrent powers refer to the powers shared between
3 the National Government and the Bangsamoro Government within the Bangsamoro, as provided in
4 this Basic Law. The National Government and the Bangsamoro Government shall exercise shared
5 powers within the Bangsamoro on the following matters:

6 a. **Social security and pensions.** – The Bangsamoro Government may organize its own social
7 security and pension systems alongside the existing National Government social security
8 and pension systems.

9 The Bangsamoro Government and the National Government, through the intergovernmental
10 relations mechanism, and other consultative processes, shall, among others, ensure that the
11 investment of the contributions from the members from the Bangsamoro in the National
12 Government social security and pensions is responsive to their cultural and religious
13 sensitivities.

14 The future relationship of the National Government system with the Bangsamoro
15 Government system with respect to new government employees and other qualified
16 individuals in the Bangsamoro shall be further provided for by law duly enacted for the
17 purpose.

18 b. **Land registration.** – The Bangsamoro Government, in accordance with the land
19 registration system of the National Government, shall administer land registration in the
20 Autonomous Region in the Bangsamoro through an office it shall create for this purpose.
21 The Bangsamoro Government shall furnish copies of the titles, deeds and other instruments
22 to the relevant National Government agencies.

23 The Bangsamoro Government may institute processes to promote more efficient registration
24 of lands within the Autonomous Region in the Bangsamoro and act on *consultas*.

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

28 d. **Human Rights and Humanitarian Protection and Promotion.** – The Bangsamoro
29 Government guarantees respect for human rights and humanitarian protection and
30 promotion in the Autonomous Region in the Bangsamoro. It may, in accordance with
31 Sections 6 and 7 of Article IX of this Basic Law, create additional bodies that will work
32 cooperatively with the Commission on Human Rights and relevant national institutions.

33 e. **Auditing** – The Bangsamoro auditing body shall have internal auditing responsibility over
34 public funds utilized by the Bangsamoro, without prejudice to the power, authority, and duty

1 of the Commission on Audit (COA). The Bangsamoro Government shall ensure
2 transparency mechanisms consistent with open government practices.

- 3 f. **Civil Service.** – The Civil Service Commission shall establish a Bangsamoro Regional Civil
4 Service Field Office and such field offices as may be needed in the Bangsamoro that shall
5 administer a professional civil corps.

6 The Bangsamoro Government shall enact a civil service law: *Provided*, That the law
7 enacted shall be in accordance with existing national laws: *Provided further*, That in case of
8 conflict with the national code, the Constitution and existing National Civil Service laws,
9 rules, and regulations shall prevail.

10 This law shall govern the conduct of civil servants, the qualification for non-elective
11 positions, adopt the merit and fitness system, and protect civil service eligibles in various
12 government positions, including government-owned and/or controlled corporations with
13 original charters, in the Bangsamoro. The Bangsamoro Government shall have primary
14 disciplinary authority over its own officials and employees.

- 15 g. **Customs and Tariff.** – The Bangsamoro Government and the National Government shall
16 cooperate and coordinate through the intergovernmental relations mechanism with regard to
17 the enforcement of customs and tariff laws and regulations to ensure the effective exercise
18 of its powers on barter trade and countertrade with ASEAN countries as well as the
19 regulation of the entry of *culture-sensitive* goods in the Autonomous Region in the
20 Bangsamoro.

- 21 h. **Maintenance of Public Works and Infrastructure.** – The Bangsamoro Government shall
22 be responsible for the public works in the region. The National Government shall be
23 responsible for the funding, construction, and maintenance of national roads, bridges and
24 irrigation systems in the Bangsamoro, and shall include in the National Road Network
25 Information System all national roads and bridges in the Bangsamoro. All public works in
26 the Autonomous Region in the Bangsamoro that are funded by the National Government
27 shall be implemented by the National Government Department of Public Works and
28 Highways (DPWH).

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

- 34 i. **Disaster risk reduction and management.** – The Bangsamoro Government shall have
35 primary responsibility over disaster risk reduction and management within the Bangsamoro.

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

11 j. **Education and skills training.** – The Bangsamoro Government shall adopt an integrated
12 system of education which shall be a subsystem of the national education system. It shall
13 coordinate and cooperate with the Department of Education (DepEd), the Commission on
14 Higher Education (CHED), Technical Education and Skills Development Authority
15 (TESDA) for the enhancement and strengthening of the schools, colleges and universities in
16 the Autonomous Region in the Bangsamoro.

17 The Bangsamoro Government shall likewise coordinate with the appropriate education
18 agencies and entities for the establishment and strengthening of the Madaris Education
19 System including Islamic and Arabic studies, the vocational, technical, non-formal and
20 special education, and the Tribal University System.

21 It shall coordinate with Private Schools regulatory entities for the monitoring, supervision
22 and regulation of private schools in the autonomous region. It shall allow the participation
23 of three (3) representatives of private schools in the deliberations of the appropriate
24 Ministry, the DepEd, CHED, TESDA, and other government agencies on matters dealing
25 with private schools;

26 k. **Health** - The Bangsamoro government shall have jurisdiction over all health matters:
27 *Provided*, That it shall cooperate with and assist the National Government in the
28 prevention and control of epidemic and other communicable diseases;

29 l. **Power and Energy;**

30 m. **Natural Resources;**

31 n. **Public Utilities Operations.** – The Bangsamoro Government shall cooperate and coordinate
32 with the National Government in the regulation of public utilities operations within the
33 Autonomous Region in the Bangsamoro.

34 o. **Budgeting;**

- 1 p. **Protection of the rights of the indigenous peoples** – The Bangsamoro Government shall
2 ensure the protection and promotion of the rights of indigenous peoples in accordance with
3 the United Nations Declaration on the Rights of Indigenous Peoples, taking into account in
4 addition to economic and geographical criteria, their individual and communal property
5 rights, cultural integrity, customary beliefs, historical and community traditions. The
6 Bangsamoro Parliament shall create an appropriate office or ministry for the indigenous
7 peoples which shall develop and implement the Bangsamoro programs for the indigenous
8 peoples in accordance with a law passed by the Bangsamoro Parliament;
- 9 q. **Cadastral land survey.** – The Bangsamoro Government shall coordinate and cooperate
10 with the the National Government in the conduct of cadastral surveys, lot surveys, and
11 isolated and special surveys in the Autonomous Region in the Bangsamoro, and to ensure
12 that the results of these surveys are included in the national cadastral survey;
- 13 r. **Shari’ah courts and Shari’ah justice system** – The Bangsamoro Government shall
14 establish and strengthen the *Shari’ah* justice system which shall be under the supervision of
15 the Supreme Court;
- 16 s. **Islamic Banking System** - The Bangsamoro Government, the *Bangko Sentral ng Pilipinas*
17 (BSP), the Department of Finance (DOF), and the National Commission on Muslim
18 Filipinos (NCMF) shall jointly promote the development of an Islamic banking and finance
19 system, to include, among others, the establishment of a *Shari’ah* Supervisory Board and the
20 promotion and development of *Shari’ah* compliant financial institutions. The Islamic
21 banking system shall be subject to the policies, rules, and regulations, and monitoring of the
22 BSP;
- 23 t. **Transportation** – The Bangsamoro Government, through the appropriate regional offices of
24 the National Government, shall regulate the operations of land and water transportation
25 operating exclusively in the Autonomous Region in the Bangsamoro. It shall issue local
26 licenses and franchises for land and water transportation including Certificates of Public
27 Convenience (CPCS), special permits (SP) and provisional authority (PA) to operate.
28 The Bangsamoro Government shall coordinate with the National Government agencies
29 regarding the regulation of air transportation; and
- 30 u. **Cultural Exchange, Economic and Technical Cooperation**
- 31

32 **Section 3. Exclusive Powers.** - Exclusive powers are matters over which authority and
33 jurisdiction shall pertain to the Bangsamoro Government. The Bangsamoro Government shall
34 exercise these powers over the following matters within the Autonomous Region in the
35 Bangsamoro:

- 1 a. **Agriculture, livestock and food security;**
- 2 b. **Contract loans, credits, and other forms of indebtedness with any government or**
- 3 **private bank and other lending institutions.** – The Bangsamoro government shall
- 4 exercise jurisdiction over these matters, except those requiring sovereign guaranty which
- 5 require National Government approval;
- 6 c. **Trade, industry, investment, enterprises and regulation of businesses** taking into
- 7 consideration relevant laws;
- 8 d. **Labor, employment, and occupation;**
- 9 e. **Registration of business names.** – The Bangsamoro shall have the power to register
- 10 business names which shall be listed in the Philippine Business Registry for business
- 11 names;
- 12 f. **Barter trade with the Brunei, Indonesia, Malaysia and Philippine East Asian Growth**
- 13 **Area (BIMP-EAGA) Member States, and countertrade with the Association of**
- 14 **Southeast Asian Nations (ASEAN) Member Countries;**
- 15 g. **Economic zones and industrial centers;**
- 16 h. **Free ports.** – The Bangsamoro Government may establish free ports in the Bangsamoro.
- 17 The Bangsamoro Government shall cooperate with the National Government through the
- 18 intergovernmental relations mechanism on matters concerning customs, immigration,
- 19 quarantine service, and international commitments. Business and other enterprises
- 20 operating within the Bangsamoro free ports shall be entitled to the fiscal incentives and
- 21 other benefits provided by the National Government to special economic zones.
- 22 Bangsamoro free ports shall be located in areas contiguous or adjacent to seaport or airport
- 23 within the Autonomous Region in the Bangsamoro;
- 24 i. **Tourism;**
- 25 j. **Creation of sources of revenue;**
- 26 k. **Government-owned or controlled corporations (GOCCs) and financial institutions.** –
- 27 Subject to the provisions in Section 30 and 31, Article XII of this Basic Law, the
- 28 Bangsamoro Government shall create GOCCs in the pursuit of the common good, and
- 29 economic viability. The GOCCs shall be registered with the Securities and Exchange
- 30 Commission or shall be established by a law passed by the Bangsamoro Parliament;
- 31 l. **Receive grants and donations;**
- 32 m. **Research councils and scholarships;**
- 33 n. **Culture and Language.** – The Bangsamoro Government shall cooperate and coordinate
- 34 with the relevant national commissions, agencies, or offices, for the preservation of the
- 35 cultural heritage, language and history of the Bangsamoro.

1 o. **Sports and recreation;**

2 p. **Regulation of games and amusements operations within the Bangsamoro;**

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

13 r. **Regulation of the manufacture and distribution of food, drinks, drugs and tobacco;**

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

20 t. **Customary laws;**

21 u. **Declaration of Bangsamoro holidays;**

22 v. **Ancestral domain;**

23 w. **Environment, parks, forest management, wildlife, nature reserves and conservation.** –
24 The Bangsamoro Government shall have the authority to protect and manage the
25 environment. It shall have the power to declare nature reserves and aquatic parks, forests,
26 and watershed reservations, and other protected areas in the Autonomous Region in the
27 Bangsamoro;

28 x. **Inland waterways for navigation;**

29 y. **Inland waters,** as qualified in Article III, Section 3;

30 z. **Management, regulation and conservation of all fishery, marine and aquatic resources**
31 **within the Autonomous Region in the Bangsamoro;**

32 aa. **Bangsamoro settlements** within the Autonomous Region in the Bangsamoro;

33 bb. **Customary justice;**

34 cc. **Public administration and bureaucracy** for the Bangsamoro;

35 dd. **Social services, social welfare and charities;**

- 1 ee. **Waste Management;**
- 2 ff. **Establishment and supervision of humanitarian services and institutions;**
- 3 **Identification, generation, and mobilization of international human resources -** The
- 4 Bangsamoro Government and the National Government shall jointly cooperate and
- 5 coordinate towards ensuring access to such relevant human resource mobilization, for
- 6 capacity building and other activities through the intergovernmental relations mechanism;
- 7 gg. **Establishment of *Awqaf* (endowment) and charitable trusts;**
- 8 hh. ***Hisbah* office** – The Bangsamoro Government shall establish the *Hisbah* office in the
- 9 pursuit of accountability;
- 10 ii. **Registration of births, marriages, and deaths.** – The Bangsamoro Government shall
- 11 have jurisdiction over the registration of births, marriages, and deaths, copies of which
- 12 shall be forwarded to the Philippine Statistics Authority;
- 13 jj. **Housing and human settlements;**
- 14
- 15 kk. **Development planning** – The Bangsamoro Government shall formulate its development
- 16 plan to promote growth and full employment, human development, and address social and
- 17 economic inequities in the region, subject to the policies, programs, and projects of the
- 18 National Development Plan;
- 19 ll. **Urban and rural development;**
- 20 mm. **Water supplies and services, flood control, and irrigation systems** – The Bangsamoro
- 21 Government shall exercise jurisdiction over these matters: *Provided*, That it shall
- 22 cooperate and coordinate with the appropriate National government agencies and local
- 23 government bodies concerning water supplies and services, flood control, and irrigation
- 24 systems that connect to or from facilities outside the Bangsamoro;
- 25 nn. **Establishment of appropriate mechanisms for consultations for women and**
- 26 **marginalized sectors;**
- 27 oo. **Special development programs and laws for women, the youth, the elderly, labor, the**
- 28 **differently-abled, and indigenous people;**
- 29 pp. **Local Administration, Municipal Corporations and Other Local Authorities**
- 30 **Including the Creation of Local Governments.** – The Bangsamoro Government shall
- 31 manage and build its own bureaucracy and administrative organization, in accordance with
- 32 the parliamentary form of government;
- 33 The Bangsamoro Parliament may create, divide, merge, abolish, or substantially alter
- 34 boundaries of cities, municipalities, or barangays in accordance with a law enacted by the
- 35 Bangsamoro Parliament, and subject to the approval by a majority of the votes cast in a

1 plebiscite in the political units directly affected. Subject to the criteria provided in said
2 law, the Bangsamoro Parliament may likewise create appropriate local government units in
3 the areas inhabited predominantly by indigenous peoples; and

4 qq. **Establishment or Creation of Other Institutions.** – The Bangsamoro Government shall
5 establish policies and enact laws for the general welfare of the people in the Bangsamoro.
6

7 **Section 4. Other Exclusive Powers.** – The Bangsamoro Government shall have authority
8 over the following:

- 9 a. Regulation over foreign investments within its jurisdiction. The Central Government may
10 intervene in such matters only if national security is involved;
- 11 b. Proclamation of a state of calamity over its territorial jurisdiction or parts thereof whenever
12 typhoons, flash floods, earthquakes, tsunamis, or other natural calamities cause
13 widespread damage or destruction to life or property in the region. The state of calamity
14 proclaimed by the Chief Minister shall only be for the purpose of maximizing the efforts
15 to rescue imperiled persons and property and the expeditious rehabilitation of the
16 damaged area;
- 17 c. Temporary take over or direct operation of any privately-owned public utility or business
18 affected with public interest, in times of state of calamity declared by the Chief Minister,
19 when the public interest so requires and under such reasonable terms and safeguards as
20 may be prescribed by the Bangsamoro Parliament. The public utility or business
21 concerned may contest the take-over of its operations by the Bangsamoro Government
22 by filing a proper case or petition with the Court of Appeals;
- 23 d. Recognition of constructive or traditional possession of lands and resources by indigenous
24 people subject to judicial affirmation, the petition for which shall be instituted within a
25 period of ten (10) years from the effectivity of this Basic Law. The procedure for
26 judicial affirmation of imperfect titles under existing laws shall, as far as practicable,
27 apply to the judicial affirmation of titles to ancestral lands;
- 28 e. Adoption and implementation of a comprehensive urban land reform and land use program, to
29 ensure the just utilization of lands within its jurisdiction;
- 30 f. Creation of pioneering firms and other business entities needed to boost economic
31 development;
- 32 g. Establishment and operation of pioneering public utilities in the interest of regional welfare
33 and security. Upon payment of just compensation, transfer of the ownership of such
34 utilities to cooperatives or other collective organizations;

- 1 h. Recognition, promotion, and protection of cooperatives, the support and encouragement
2 of entrepreneurial capability in the Autonomous Region in the Bangsamoro;
- 3 i. Adoption of measures to protect and promote the rights of people's organizations and other
4 collective organizations;
- 5 j. Adoption of measures to protect the youth in the Bangsamoro and promote their welfare,
6 and create the appropriate offices and other mechanisms for the implementation of such
7 measures;
- 8 k. Enforcement of the policy against the appointment or designation of any member of the
9 Armed Forces of the Philippines in the active service to a civilian position in the
10 Bangsamoro Government, including in government-owned or controlled corporations, or
11 in any of their subsidiaries or instrumentalities within the Autonomous Region in the
12 Bangsamoro.

13
14 **Article VI**
15 **INTERGOVERNMENTAL RELATIONS**
16

17 **Section 1. Asymmetric Relationship.** – The relationship between the National
18 Government and the Bangsamoro Government shall be asymmetric. This is reflective of the
19 recognition of their Bangsamoro identity and aspiration for self-governance. This makes it distinct
20 from other regions and other local governments.

21
22 **Section 2. Parity of Esteem.** – The National Government and the Bangsamoro Government
23 shall be guided by the principles of parity of esteem and accepted norms of good governance. The
24 National Government shall respect the exercise of competencies and exclusive powers of the
25 Bangsamoro Government. The Bangsamoro Government shall respect the exercise of the
26 competencies and reserved powers of the National Government.

27
28 **Section 3. General Supervision.** Consistent with the principle of autonomy and the
29 asymmetric relation of the National Government and the Bangsamoro Government, the President
30 shall exercise general supervision over the Bangsamoro Government to ensure that laws are
31 faithfully executed.

32
33 **Section 4. Intergovernmental Relations Mechanism.** – The National Government and the
34 Bangsamoro Government shall establish intergovernmental relations mechanisms at the highest
35 levels that will coordinate and harmonize their relationships. For this purpose, a primary mechanism
36 shall be a National Government – Bangsamoro Government Intergovernmental Relations Body to

1 resolve issues on intergovernmental relations. All disputes and issues relating to these
2 intergovernmental relations shall be resolved through regular consultations and continuing
3 negotiations in a non-adversarial manner.

4 The Intergovernmental Relations Body shall exhaust all means to resolve all issues brought
5 before it. Unresolved issues shall be elevated to the President through the Chief Minister.

6 The National Government and the Bangsamoro Government shall each appoint a
7 representative in the Intergovernmental Relations Body. Both representatives shall have authority to
8 make decisions. The Body shall be supported by a joint secretariat.

9
10 **Section 5. Council of Leaders.** – The Bangsamoro Council of Leaders shall consist of the
11 Chief Minister, provincial governors, mayors of chartered cities, and representatives from
12 traditional leaders, non-Moro indigenous communities, women, settler communities, *ulama*, the
13 youth, Bangsamoro communities outside of the Autonomous Region in the Bangsamoro, and other
14 sectors. The Bangsamoro Council of Leaders shall be chaired by the Chief Minister. The Council
15 shall advise the Chief Minister on matters of governance in the Bangsamoro. The representation of
16 the non-Moro indigenous communities shall be pursuant to their customary laws and indigenous
17 processes.

18 The mechanism of representation and number of representatives shall be determined by the
19 Bangsamoro Parliament.

20
21 **Section 6. Devolution and Subsidiarity.** – The National Government and the Bangsamoro
22 Government shall accept the concept of devolution as inspired by the principles of subsidiarity.
23 Decisions are to be made at the appropriate level to ensure public accountability and transparency,
24 and in consideration of good governance and the general welfare.

25
26 **Section 7. Bangsamoro Government and Its Constituent Local Government Units.** –
27 The provinces, cities, municipalities, and barangays within its geographical area shall be the
28 constituent units of the Bangsamoro. The authority to regulate on its own responsibility the affairs
29 of the local government units is guaranteed within the limit of this Basic Law. The local
30 government units shall continue to exercise the powers granted to them as provided by law. The
31 Bangsamoro Parliament may enact a Local Government Code in support of good governance.

32
33 **Section 8. Philippine Congress - Bangsamoro Parliament Forum.** – There shall be a
34 Philippine Congress-Bangsamoro Parliament Forum for purposes of cooperation and coordination
35 of legislative initiatives

1 representation based on the whole Bangsamoro territory. Parties shall submit their respective
2 list of approved candidates prior to the election.

- 3 b. *Parliamentary District Seats.* – Forty percent (40%) of the Members of Bangsamoro
4 Parliament shall be elected from single member parliamentary districts apportioned for the
5 areas and in the manner provided in the Appendix of this Basic Law.

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

8 The district representatives shall be elected through direct, plurality vote by the registered
9 voters in the parliamentary districts.

- 10 c. *Reserved Seats; Sectoral Representatives.* – Sectoral representatives, constituting ten
11 percent (10%) of the Members of Bangsamoro Parliament, including two (2) reserved seats
12 each for non-Moro indigenous peoples and settler communities. Women, youth, traditional
13 leaders, and the *ulama* shall also have one reserved seat each.

14 The Bangsamoro Parliament shall determine the manner of election of sectoral and other
15 representation in the Bangsamoro Parliament.

16
17 **Section 7. Election for Reserved Seats for Non-Moro Indigenous Peoples.** –

18 Notwithstanding the immediately preceding sections, reserved seats for the non-Moro indigenous
19 peoples, such as Teduray, Lambangian, Dulangan Manobo, B'laan, Higaonon, shall adhere to their
20 customary laws and indigenous processes based on the following:

- 21 a. Primacy of customary laws and practices;
22 b. Primacy of consensus building;
23 c. Acceptability of the community;
24 d. Inclusivity and full participation;
25 e. Representation of the collective interests and aspirations of non-Moro indigenous peoples;
26 f. Sustainability and strengthening of Indigenous Political Structures;
27 g. Track record and capability; and
28 h. Gender equality.

29
30 **Section 8. Election of the Representatives of the Settlers, Women, Youth, and**
31 **Traditional Leaders.** - The Bangsamoro Transition Authority (BTA) shall define the manner of
32 election for the representatives of the settlers, women, youth, and traditional leaders.

33
34 **Section 9. Regional Parties.** – A free and open regional party system shall be allowed to
35 evolve according to the free choice of the people. Towards this end, only regional political parties

1 duly accredited by the Bangsamoro Electoral Office, as approved by the Commission on Election
2 (COMELEC), may participate in the parliamentary elections in the Bangsamoro.
3

4 **Section 10. Redistricting.** – The Bangsamoro Parliament shall have the power to
5 reconstitute, by law, the parliamentary districts apportioned among the provinces, cities, and
6 municipalities of the Autonomous Region in the Bangsamoro to ensure equitable representation in
7 the Bangsamoro Parliament. The redistricting, merging, or creation, of parliamentary districts shall
8 be based on the number of inhabitants and additional provinces, cities, municipalities, and
9 geographic areas, which shall become part of the territory of the Bangsamoro Government.

10 For the purpose of redistricting, parliamentary districts shall be apportioned based on
11 population and geographical area; Provided, that each district shall comprise, as far as practicable,
12 contiguous, compact, and adjacent territory, and should have at least a population of one hundred
13 thousand (100,000).
14

15 **Section 11. Bangsamoro Regional Electoral Office.** – The Commission on Elections
16 (Comelec) shall establish a Bangsamoro Regional Electoral Office under its supervision and
17 control, and which shall implement and enforce the orders, rulings, and decisions of the Comelec.
18

19 **Section 12. Budget for the Bangsamoro Regional Electoral Office.** – The Budget of the
20 Regional Electoral Office shall be be part of the yearly budget of the Commission on Elections.
21

22 **Section 13. Term of Office of Members of the Bangsamoro Parliament.**– The initial
23 term of office of the Members of the Bangsamoro Parliament shall be three (3) years without
24 prejudice to the inclusion by the Bangsamoro Transition Authority (BTA) of a new term of office.
25

26 **Section 14. Qualifications of Members of Bangsamoro Parliament.** - No person shall be
27 a Member of the Bangsamoro Parliament unless the person is a citizen of the Philippines, at least
28 twenty-five (25) years of age on the day of the election, able to read and write, and a registered
29 voter in the Autonomous Region in the Bangsamoro.

30 A candidate for district representative must be a registered voter of the district in which the
31 person is a candidate on the day of the filing of the certificate of candidacy, and has resided in said
32 district for at least three (3) years immediately preceding the day of the election.

33 A candidate for Youth Representative shall not be less than eighteen (18) years and not
34 more than thirty-five (35) years of age at the time of election.

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

4
5 **Section 15. Salaries of Bangsamoro Parliament Members, Officials and Employees. –**

6 The Bangsamoro Parliament shall determine the salaries and emoluments of its members as well as
7 the employees and officials of the different offices created therein in accordance with Republic Act
8 No. 6758, or the Revised Compensation and Classification System. No increase in said
9 compensation of Bangsamoro Parliament Members shall take effect until after the expiration of the
10 respective terms of the incumbent members of the Bangsamoro Parliament approving such increase.

11 For the first Bangsamoro Parliament, salaries and emoluments of its members shall be
12 determined by a law passed the Bangsamoro Transition Authority (BTA). It shall conform with the
13 salaries of equivalent positions in the National Government.

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

17
18 **Section 16. Disclosure. –** Members of the Bangsamoro Parliament shall, upon their
19 assumption to office, make full disclosure of their financial and business interests, including those
20 of their spouses and children. They shall notify the Bangsamoro Parliament of any potential conflict
21 of interest that may arise from the filing of bills or resolutions of which they are authors.

22
23 **Section 17. Prohibition Against Conflict of Interest. –** During their term, the Chief
24 Minister, Deputy Chief Ministers, and all the members of the Bangsamoro Parliament shall not
25 engage, directly or indirectly, in any business or commercial enterprise where a conflict of interest
26 may arise with their respective functions.

27 No member of the Bangsamoro Parliament may personally appear as counsel before courts
28 of justice or quasi-judicial and other administrative bodies. Neither shall the member directly or
29 indirectly, be interested financially in any contract with, or in any franchise or special privilege
30 granted by the National Government or by the Bangsamoro Government or any subdivision, agency
31 or instrumentality thereof, including any government-owned-or-controlled corporations or its
32 subsidiary, during the Member's term of office. A Member of the Bangsamoro Parliament shall
33 not, on account of the Member's office, intervene in any manner before any office of the
34 government for pecuniary benefit or where the Member may be called upon to act on account of
35 the Member's office.

1 **Section 18. Forfeiture of Seat.** – The seat of a Member of the Bangsamoro Parliament is
2 forfeited under any of the following conditions:

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

17
18 **Section 19. Filling of Vacancy.** – In case of a vacancy in the proportional representation
19 seat, the party to which that seat belongs shall fill the vacancy.

20 In case of vacancy in the district seat by an affiliated Member of the Bangsamoro
21 Parliament, the party to which the Member belongs shall nominate a replacement within thirty (30)
22 days from the occurrence of such vacancy, and the said nominee shall be appointed by the Chief
23 Minister.

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

28 The appointee or elected Member of the Bangsamoro Parliament, as the case may be, shall
29 serve the unexpired portion of the term of office.

30
31 **Section 20. Privileges and Immunities.** – No member of the Bangsamoro Parliament may
32 be arrested while the Bangsamoro Parliament is in session, except for crimes punishable by more
33 than six (6) years of imprisonment. The members of the Bangsamoro Parliament may not be
34 questioned in any other place or held liable for any speech or debate delivered in the Bangsamoro
35 Parliament sessions or meetings of its committees.

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

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

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

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

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

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

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

1
2 **Section 32. Powers, Duties and Functions of the Chief Minister.** - Unless otherwise
3 provided by law, the Chief Minister shall exercise the following powers, duties and functions:

- 4 a. Head the government of the Bangsamoro;
- 5 b. Appoint heads of ministries, agencies, bureaus, and offices of the Bangsamoro Government
6 or other officers of Bangsamoro owned and/or controlled corporations or entities with
7 original charters;
- 8 c. Appoint other officers in the Bangsamoro Government, as may be provided by the
9 Bangsamoro Parliament;
- 10 d. Formulate the platform of government subject to approval by the Bangsamoro Parliament;
- 11 e. Issue executive orders and other policies of the Bangsamoro Government;
- 12 f. Represent the government of the Bangsamoro in affairs outside the Bangsamoro; and
- 13 g. Exercise such other powers and functions inherent to the position.
- 14

15 **Section 33. Administration of Oath of the Chief Minister.** – The *Wali* shall administer
16 the oath of office of all the Members of the Bangsamoro Parliament, including the Chief Minister
17 upon his/her election.

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

21

22 **Section 35. Deputy Chief Ministers.** – There shall be two (2) Deputy Chief Ministers to be
23 appointed by the Chief Minister, as nominated by members of the Bangsamoro Parliament from
24 among themselves.

25 For the purpose of shared leadership, the Bangsamoro shall have three (3) sub-regions,
26 namely, South Western Mindanao, North Central Mindanao, and South Central Mindanao, all
27 within the Bangsamoro. To ensure representation of all the sub-regions, the two (2) Deputy Chief
28 Ministers shall come from the other two (2) sub-regions different from that of the Chief Minister.

29 The coverage of each sub-region, for purposes of this provision, shall be determined by the
30 Bangsamoro Parliament.

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

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

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

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

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

Article VIII
WALI

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

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

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

- a. Able to read and write in English or Arabic;
- b. At least forty (40) years old;
- c. A resident of the Bangsamoro for at least fifteen (15) years;
- d. Respected in the community;
- e. Reputable and of unquestionable integrity and moral ascendancy; and
- f. Has not been found guilty of any criminal or administrative offense by any court or quasi-judicial bodies.

Section 3. Ceremonial Duties of *Wali*. - The *Wali* shall only take on ceremonial functions, such as opening the Bangsamoro Parliament, administration of oath of officers, dissolving the Bangsamoro Parliament upon the advice of the Chief Minister after a vote of no confidence against

1 the government of the day, calling for election of a new Bangsamoro Parliament, and attendance to
2 public ceremonies.

3
4 **Section 4. Term of Office of *Wali*.** - The first *Wali* shall be appointed by the Bangsamoro
5 Transition Authority through a resolution reflecting its consensus on the selection of the *Wali*, who
6 then shall hold office for three (3) years. Each succeeding *Wali* shall have a six-year term:
7 *Provided*, That the appointed *Wali* shall continue until such time that the succeeding *Wali* is
8 appointed and has assumed office.

9
10 **Section 5. *Per Diem* of the *Wali*.** - The first *Wali*, as well as those subsequently chosen
11 shall receive *per diem*, subject to existing rules and regulations on the grant of said *per diem*.

12 Such *per diem* shall be sourced from the funds of the Bangsamoro Government and shall be
13 provided for in its annual appropriations law.

14
15 **Article IX**
16 **BASIC RIGHTS**
17

18 **Section 1. Basic Rights in the Bangsamoro.** – In addition to the basic rights already
19 enjoyed by the citizens of the Philippines, the Bangsamoro Government shall guarantee the
20 following enforceable rights:

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

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

3
4 **Section 2. Vested Property Rights.** – Vested property rights shall be recognized and
5 respected. The legitimate grievances of the Bangsamoro people arising from any unjust
6 dispossession of their territorial and proprietary rights, customary land tenure, or their
7 marginalization shall be duly acknowledged and given due course. Whenever restoration is no
8 longer possible, the National Government and Bangsamoro Government shall take effective
9 measures for the adequate reparation of the loss in such quality, quantity, and status collectively
10 beneficial to the Bangsamoro people, and to be determined mutually by both Governments.

11
12 **Section 3. Transitional Justice.** – There shall be created a transitional justice mechanism to
13 address the legitimate grievances of the Bangsamoro people, including the indigenous peoples, such
14 as historical injustices, human rights violations, marginalization through unjust dispossession of
15 their territorial and proprietary rights and customary land tenure.

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

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

29
30 **Section 5. Customary Rights and Traditions.** – The customs, beliefs, and traditions of the
31 people in the Autonomous Region in the Bangsamoro are hereby recognized, protected and
32 guaranteed.

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

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

3
4 **Section 6. Human Rights.** – The Bangsamoro Government guarantees full respect for
5 human rights.

6 All laws and policies, including customary laws, shall conform to international human rights
7 and humanitarian standards. The rights under the International Covenant on Economic, Social and
8 Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and
9 other international human rights instruments shall be guaranteed by the National Government and
10 the Bangsamoro Government.

11
12 **Section 7. Bangsamoro Regional Human Rights Office.** – The Commission on Human
13 Rights shall establish a Bangsamoro Regional Human Rights Office under its supervision which
14 shall be independent and impartial to ensure the protection and promotion of human rights in the
15 Autonomous Region in the Bangsamoro.

16 The Bangsamoro Regional Human Rights Office shall submit a report on its activities to the
17 Bangsamoro Parliament at least once a year. Other State instrumentalities in the Bangsamoro shall
18 assist the Office in ensuring impartiality, dignity, and effectiveness.

19 20 *Social Justice*

21 **Section 8. Delivery of Basic Services.** – The Bangsamoro Government shall provide,
22 maintain, and ensure the delivery of basic and responsive health programs, quality education,
23 appropriate services, livelihood opportunities, affordable and progressive housing projects, power
24 and electricity, and water supply to the Bangsamoro and other inhabitants in the Bangsamoro
25 Autonomous Region. It shall maintain appropriate disaster-preparedness units for immediate and
26 effective relief services to victims of natural and man-made calamities. It shall also ensure the
27 rehabilitation of calamity-affected areas and victims of calamities.

28
29 **Section 9. Housing and Human Settlements.** – The Bangsamoro Parliament shall pass a
30 law to create a housing and human settlements agency to address the needs or lack of shelters,
31 settlements, and livelihood for the disadvantaged and homeless Bangsamoro and non-Moro
32 indigenous peoples, especially victims of wars and atrocities. Such agency may directly solicit and
33 receive assistance, donations, aids, and grants from donors for its housing, settlements, and
34 livelihood programs and development.

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

3
4 **Section 10. Rights of Labor.** - The Bangsamoro Government shall guarantee all
5 fundamental rights of all workers to self-organization, collective bargaining and negotiations, and
6 peaceful concerted activities, including the right to strike, in accordance with law to be passed by
7 the Bangsamoro Parliament. In this regard, the rights of workers, whether publicly or privately
8 employed, to form unions, associations, or federations shall not be abridged.

9 The workers shall participate in policy and decision-making processes affecting their rights
10 and benefits, as may be provided by a law that shall be enacted by the Bangsamoro Parliament.

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

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

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

17
18 **Section 11. Participation of Women in the Bangsamoro Government.** – Aside from the
19 reserved seat for women in the Bangsamoro Parliament, there shall be at least one (1) qualified
20 woman to be appointed to the Bangsamoro Cabinet. The Bangsamoro Parliament shall enact a law
21 that gives recognition to the important role of women in nation-building and regional development,
22 and ensures representation of women in other decision-making and policy- determining bodies of
23 the Bangsamoro Government.

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

26
27 **Section 12. Rights of the Youth.** – The Bangsamoro Government recognizes the vital role
28 of the youth in nation-building and shall promote and protect their physical, moral, spiritual,
29 intellectual, and social well-being. It shall inculcate patriotism and nationalism, encourage
30 involvement in public and civic affairs, and promote mental and physical fitness through sports.

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

33
34 **Section 13. Protection of Women.** – The Bangsamoro Government shall uphold and
35 protect the fundamental rights of women including the right to engage in lawful employment and to

1 be protected from exploitation, abuse, or discrimination, as embodied in the Convention on the
2 Elimination of all Forms of Discrimination Against Women (CEDAW).

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

5
6 **Section 14. Rights of Children.** – The Bangsamoro Government shall respect, protect, and
7 promote the rights of children, especially orphans of tender age. They shall be protected from
8 exploitation, abuse, or discrimination. Their education and development, both physical and mental,
9 shall be fully addressed.

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

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

15
16 **Section 15. Settler Communities.** The Bangsamoro Government shall ensure that settlers
17 shall enjoy the rights guaranteed in this Basic Law. For this purpose, the Bangsamoro Parliament
18 shall create an Office for Settler Communities that shall promote the welfare and address issues and
19 concerns of settlers in the Autonomous Region in the Bangsamoro.

20 21 *Education*

22 **Section 16. Integrated System of Quality Education.** – Consistent with the State policy on
23 Education, the Bangsamoro Government shall establish, maintain, and support, as a top priority, a
24 complete and integrated system of quality education and adopt an educational framework that is
25 relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro, and shall promote
26 the unity of all Filipinos. It shall institutionalize peace education in all levels.

27 The education system of the regional government shall be a subsystem of the national
28 education system. The regional education subsystem shall enjoy fiscal autonomy and academic
29 freedom.

30 The schools, colleges, and universities existing in the Autonomous Region in the
31 Bangsamoro as of the effectivity of this Basic Law and such other schools and institutions that may
32 be established, except the Mindanao State University (MSU) System, shall be deemed integral
33 components of the educational system of the Bangsamoro Government. The National Government
34 shall continue to support, enhance, and strengthen the MSU System.

1 The Chairperson of the appropriate Committee in the Bangsamoro Parliament shall be a
2 member in the board of the state universities and colleges in the Autonomous Region in the
3 Bangsamoro.

4
5 **Section 17. Vocational, Technical, Non-formal, and Special Education.** - The thrusts and
6 programs of vocational, technical, non-formal, and special education of the Bangsamoro
7 educational system for the poor, illiterate, out-of-school youth, persons with special needs,
8 disadvantaged, and senior citizens shall be supportive and relevant to the human resource
9 requirements of the Bangsamoro.

10
11 **Section 18. Madaris Education, Islamic and Arabic Studies.** – In coordination with the
12 Department of Education (DepEd), the Commission on Higher Education (CHED), and the
13 Technical Education and Skills development Authority, (TESDA), the Bangsamoro Government
14 shall establish and maintain, and supervise *madaris* education within the Autonomous Region in the
15 Bangsamoro. It shall conduct periodic competitive qualifying examinations of *madaris* teachers for
16 permanent appointments to the Bangsamoro education system;

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

19 The Bangsamoro Parliament shall enact legislation for the strengthening and development of
20 *madaris* educational system in the Bangsamoro.

21
22 **Section 19. Tribal University System.** – The Bangsamoro Parliament shall create a tribal
23 university system within the Bangsamoro to address the higher educational needs of the non-Moro
24 indigenous peoples.

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

27
28 **Section 20. Physical Education and Sports Development, Sports Program and**
29 **Bangsamoro Sports Commission.** – The Bangsamoro educational system shall develop and
30 maintain an integrated and comprehensive physical education program. It shall develop healthy,
31 disciplined, innovative, and productive individuals, and promote good sportsmanship, cooperation,
32 and teamwork.

33 The Bangsamoro education system shall encourage and support for sports programs, league
34 competitions, indigenous games, martial arts, and amateur sports including training for regional,
35 national, and international competitions.

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

3 *Science and Technology*

4 **Section 21. Science and Technology.** - The Bangsamoro Government recognizes Science
5 and Technology as essential to national and regional progress. The Bangsamoro Government shall
6 give priority to science, research, inventions, technology education, and their development. It shall
7 ensure the full and effective participation of all sectors in the planning, programming, coordination,
8 and implementation of scientific and technological researches. The Bangsamoro Government shall
9 prioritize the acquisition, adoption, innovation, and application of science and technology for
10 development.
11

12 *Health*

13 **Section 22. Comprehensive and Integrated Health Service Delivery.** - The Bangsamoro
14 shall adopt a policy on health that provides for a comprehensive and integrated health service
15 delivery for its constituents. It shall, by law, establish a general hospital system to serve the health
16 requirements of its people, to ensure that the individual basic right to life shall be attainable through
17 the prompt intervention of excellent and affordable medical services.

18 The Bangsamoro shall also uphold the people's right to have access to essential goods,
19 health, and other social services that would promote their well-being.
20

21 **Section 23. Support for Persons with Special Needs, Senior Citizens, and**
22 **Disadvantaged Groups.** - The Bangsamoro Government shall establish a special agency and
23 support facilities for persons with special needs, and other disadvantaged persons for their
24 rehabilitation, and livelihood or skills training to encourage their productive integration into
25 mainstream society.

26 The Bangsamoro Government shall coordinate all existing governmental and non-
27 governmental agencies concerned with the rehabilitation and education of these persons.

28 The Bangsamoro Government shall ensure the welfare of senior citizens by continuing to
29 provide rights, benefits, and privileges they presently enjoy.
30

31 *Arts and Culture*

32 **Section 24. Preservation of the Cultural Heritage of the Bangsamoro.** - The
33 Bangsamoro Government shall preserve the history, culture, arts, traditions, and the rich cultural
34 heritage of the Bangsamoro people and their Sultanates, such as the Sultanates of Sulu,
35 Maguindanao, Kabuntalan, Buayan, the Royal Houses of Ranao, and of the Iranun, and the non-

1 Moro indigenous peoples of the Bangsamoro. For this purpose, it shall, in coordination with the
2 appropriate and relevant National Government agencies, create the Bangsamoro Commission for
3 the Preservation of Cultural Heritage.
4

5 **Section 25. Primary Responsibility of the Commission.** – The Bangsamoro Commission
6 for the Preservation of Cultural Heritage shall have the primary responsibility to write the history of
7 the Bangsamoro and to establish and sustain the cultural institutions, programs, and projects in the
8 Bangsamoro component areas. The commission shall establish its own libraries and museums,
9 declare and restore historical shrines and cultural sites to preserve the Bangsamoro heritage for
10 posterity.
11

12 **Section 26. Management of Bangsamoro Historical and Cultural Sites.** – The National
13 Government shall, through the intergovernmental relations mechanism, transfer the management of
14 Bangsamoro historical and cultural sites currently under the jurisdiction of the National Museum,
15 National Historical Commission, or other agencies of the National Government to the Bangsamoro
16 Commission for the preservation of cultural heritage. The Bangsamoro Commission for the
17 Preservation of Cultural Heritage shall coordinate with relevant agencies of the National
18 Government on the regulation, excavation, and preservation of cultural artifacts and on the recovery
19 of lost historical and cultural heritage.
20

21 **ARTICLE X**
22 **BANGSAMORO JUSTICE SYSTEM**
23

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

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

30 Nothing herein shall be construed to operate to the prejudice of non-Muslims and non-
31 indigenous peoples.
32

33 ***Shari'ah Judicial System***

34 **Section 2. *Shari'ah.*** - *Shari'ah* (Islamic Law) which is the law forming part of the Islamic
35 tradition derived from religious precepts of Islam, particularly the *Qur'an* and *Hadith*, shall be

1 distinctively applied as the underlying basis of the Bangsamoro *Shari'ah* judicial system
2 exclusively over Muslims or persons who voluntarily submit to the *Shari'ah* Court.
3

4 **Section 3. Sources of *Shari'ah*.** – The following are the sources of *Shari'ah*:

5 Principal Sources:

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

8 Secondary Sources:

- 9 a. *Al-Ijma* (Consensus); and
 - 10 b. *Al-Qiyas* (Analogy).
- 11

12 **Section 4. *Shari'ah* Judicial System.** – The judicial authority shall be vested in the
13 Bangsamoro *Shari'ah* judiciary, in accordance with the power of the Supreme Court, particularly on
14 the Bangsamoro *Shari'ah* Court of Appeals, , *Shari'ah* Regional and Municipal Trial courts, and
15 other subordinate courts which Congress of the Philippines may create upon the recommendation of
16 the Bangsamoro *Shari'ah* Court of Appeals through the Supreme Court. This notwithstanding,
17 Congress, upon the recommendation of the Supreme Court, may likewise create *Shari'ah* courts
18 outside of the territorial jurisdiction of the Bangsamoro Government in areas where a considerable
19 number of Muslims reside. The Supreme Court shall station these courts.
20

21 **Section 5. Jurisdiction of *Shari'ah* Courts.** - The Bangsamoro Parliament shall enact laws
22 on persons and family relations, other civil actions, commercial actions, and criminal cases. The
23 Congress of the Philippines, through this Basic Law, confers commercial, other civil action not
24 provided for under Presidential Decree No. 1083, or the Code of Muslim Personal Laws of the
25 Philippines, and criminal jurisdiction on minor offenses as provided hereunder.

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

28 *Ta'zir* (discretionary punishment) are minor offenses shall be defined by the Bangsamoro
29 Parliament, the penalties for which is equivalent to *arresto menor* and/or fine. Criminal jurisdiction
30 over *Ta'zir* is hereby conferred on *Shari'ah* Municipal Trial courts.
31

32 **Section 6. *Shari'ah* Municipal Trial courts.** - The *Shari'ah* Municipal Trial court in the
33 Bangsamoro shall exercise exclusive original jurisdiction over the following:

- 34 a. All cases involving offenses defined and punished under Presidential Decree No. 1083,
35 where the act or omission has been committed in the Bangsamoro;

- 1 b. All civil actions and proceedings between parties residing in the Bangsamoro, and who are
2 Muslims or have been married in accordance with Article 13 of Presidential Decree No.
3 1083 involving disputes relating to:
- 4 i. Marriage;
 - 5 ii. Divorce recognized under Presidential Decree No. 1083;
 - 6 iii. Betrothal or breach of contract to marry;
 - 7 iv. Customary dower (*mahr*);
 - 8 v. Disposition and distribution of property upon divorce;
 - 9 vi. Maintenance and support, and consolatory gifts; and
 - 10 vii. Restitution of marital rights.
- 11 c. All cases involving disputes relative to communal properties;
- 12 d. All cases involving *Ta'ziri* offenses defined and punishable under *Shari'ah* law enacted by
13 the Bangsamoro Parliament punishable by *arresto menor* and/or fine.
- 14 e. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Government, involving
15 real property in the Bangsamoro, where the assessed value of the property does not exceed
16 Four Hundred Thousand Pesos (400,000.00); and
- 17 f. All civil actions in which the parties are Muslims, or where all litigants have voluntarily
18 submitted themselves to the jurisdiction of the *Shari'ah* Municipal Trial courts, if they
19 have not specified in an agreement which law shall govern their relations where the
20 demand or claim does not exceed Two Hundred Thousand Pesos (P200,000.00).
- 21

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

- 24 a. All cases involving custody, guardianship, legitimacy, and paternity and filiation arising
25 under Presidential Decree No. 1083;
- 26 b. All cases involving disposition, distribution, and settlement of the estate of deceased
27 Muslims who were residents of the Bangsamoro, probate of wills, issuance of letters of
28 administration, or appointment of administrators or executors regardless of the nature or
29 the aggregate value of the property;
- 30 c. Petitions for the declaration of absence and death for the cancellation or correction of entries
31 in the Muslim Registries mentioned in Title VI of Book Two of Presidential Decree No.
32 1083;
- 33 d. All actions arising from customary and *Shari'ah* compliant contracts in which the parties are
34 Muslims, if they have not specified which law shall govern their relations;

- 1 e. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*, and all other
2 auxiliary writs and processes in aid of its appellate jurisdiction;
- 3 f. Petitions by Muslims for the constitution of a family home, change of name, and
4 commitment of an insane person to an asylum;
- 5 g. All other personal and real actions not falling under the jurisdiction of the *Shari'ah*
6 Municipal Trial courts wherein the parties involved are Muslims, except those for forcible
7 entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the
8 Municipal Municipal Trial court;
- 9 h. All special civil actions for interpleader or declaratory relief wherein the parties are Muslims
10 residing in the Autonomous Region in the Bangsamoro or the property involved belongs
11 exclusively to Muslims and is located in the Autonomous Region in the Bangsamoro;
- 12 i. All civil actions, under *Shari'ah* law enacted by the Bangsamoro Parliament, involving real
13 property in the Bangsamoro, where the assessed value of the property exceeds Four
14 Hundred Thousand Pesos (P400, 000.00); and
- 15 j. All civil actions in which the parties are Muslims, or where all litigants have voluntarily
16 submitted themselves to the jurisdiction of the *Shar'iah* Municipal Trial court, if they have
17 not specified in an agreement which law shall govern their relations where the demand or
18 claim exceeds Two Hundred Thousand Pesos (P200, 000.00)

19 The *Shari'ah* Regional Trial Court in the Bangsamoro shall exercise appellate jurisdiction
20 over all cases decided upon by the *Shari'ah* Municipal Trial courts in the Bangsamoro within its
21 territorial jurisdiction, as provided under Article 144 of Presidential Decree No. 1083.
22

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

- 26 a. All petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*, and all other
27 auxiliary writs and processes, in aid of its appellate jurisdiction; and
- 28 b. All actions for annulment of judgments of *Shari'ah* Regional Trial Courts.

29 The Bangsamoro *Shari'ah* Court of Appeals shall exercise exclusive appellate jurisdiction
30 over cases under the jurisdiction of the *Shari'ah* Regional Trial Courts in the Bangsamoro.

31 The decisions of the Bangsamoro *Shari'ah* Court of Appeals shall be final and executory
32 except on issues of procedure or when there is manifest grave abuse of discretion tantamount to
33 lack of or in excess of jurisdiction.
34

1 **Section 9. Qualifications of *Shari'ah* Judges.** – *Shari'ah* Judges shall have the following
2 qualifications:

3 a. *Shari'ah* Municipal Trial Court. – No person shall be appointed judge of the *Shari'ah*
4 Municipal Trial court the person is a Muslim, a natural-born citizen of the Philippines, at
5 least thirty (30) years of age, of proven competence and probity, mentally and physically fit,
6 known for integrity and high moral standards, and must be a member of the Philippine Bar
7 or is a special member of the Philippine Bar allowed to practice in *Shari'ah* Courts.

8 A *Shari'ah* Counselor-at-Law must be a graduate of a four-year course on *Shari'ah* or
9 Islamic jurisprudence, and must have been engaged in the practice of *Shari'ah* law in the
10 Philippines for at least three (3) years.

11 A regular member of the Philippine Bar must have finished at least two (2) years of
12 *Shari'ah* or Islamic Jurisprudence and must have been engaged in the practice of law for at
13 least three (3) years.

14
15 b. *Shari'ah* Regional Trial Court. – No person shall be appointed judge of the *Shari'ah*
16 Regional Trial Court unless the person is a Muslim, a natural-born citizen of the Philippines,
17 at least thirty-five (35) years of age, of proven competence and probity, mentally and
18 physically fit, known for integrity and high moral standards, and must be a member of the
19 Philippine Bar or is a special member of the Philippine Bar allowed to practice in *Shari'ah*
20 Courts.

21 A *Shari'ah* Counselor-at-Law must be a graduate of a four-year course on *Shari'ah* or
22 Islamic jurisprudence, and must have been engaged in the practice of *Shari'ah* law in the
23 Philippines for at least five (5) years.

24 A regular member of the Philippine Bar must have finished at least two (2) years in *Shari'ah*
25 or Islamic Jurisprudence and must have been engaged in the practice of law for at least five
26 (5) years.

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

1 A *Shari'ah* Counselor-at-Law must be a graduate of a four-year course on *Shari'ah* or
2 Islamic Jurisprudence, and must have been engaged in the practice of *Shari'ah* law in the
3 Philippines for at least ten (10) years prior to appointment.

4 A regular member of the Philippine Bar must have finished at least two (2) years of
5 *Shari'ah* or Islamic Jurisprudence and must have been engaged in the practice of law for at
6 least ten (10) years before *Shari'ah* Courts.

7
8 **Section 10. Composition of Bangsamoro *Shari'ah* Court of Appeals.** –The Bangsamoro
9 *Shari'ah* Court of Appeals shall be composed of nine (9) justices, including the Presiding Justice. It
10 may exercise its powers, functions, and duties through three (3) divisions, each composed of three
11 (3) members. It may sit *en banc* only for the purpose of exercising administrative or ceremonial
12 functions. The Bangsamoro *Shari'ah* Court of Appeals shall hold sessions *en banc* at its main office
13 at the capital of the Bangsamoro government.

14
15 **Section 11. Compensation, benefits, tenure and privileges.** – Justices of the Bangsamoro
16 *Shari'ah* Court of Appeals shall have the same rank, prerogatives, salaries, allowances, benefits,
17 tenure, and privileges as the Justices of the Court of Appeals.

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

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

22
23 **Section 12. *Shari'ah* Judicial and Bar Council.** - The *Shari'ah* Judicial and Bar Council is
24 hereby created which shall be under the supervision of the Bangsamoro *Shari'ah* Court of Appeals.
25 It shall recommend to the Judicial and Bar Council applicants for the positions of judges and
26 justices in the *Shari'ah* Courts for appointment by the President. The President shall issue the
27 appointment within 90 days from the submission by the Judicial and Bar Council.

28
29 **Section 13. Composition of the *Shari'ah* Judicial and Bar Council.** – The *Shari'ah*
30 Judicial and Bar Council shall be composed of five (5) members: a senior member of the
31 Bangsamoro *Shari'ah* Court of Appeals, as ex-officio Chair, the Head of the *Shari'ah* Academy,
32 and one (1) representative from the Bangsamoro Parliament, as *ex-officio* member. The regular
33 members of the Council shall be one (1) representative each from the accredited organization of
34 *Shari'ah* lawyers, and accredited *Ulama* organization in the Bangsamoro.

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

3
4 **Section 14. Functions of the *Shari'ah* Judicial and Bar Council.** The *Shari'ah* Judicial
5 and Bar Council shall have the following functions:

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

11
12 **Section 15. *Shari'ah* Rules of Court.** The rules of court for the *Shari'ah* courts in the
13 Bangsamoro shall be promulgated by the Supreme Court, giving utmost consideration to the
14 recommendations of the Bangsamoro *Shari'ah* Court of Appeals. In the meantime, the special rules
15 of court for *Shari'ah* courts, as promulgated by the Supreme Court, shall continue to be in force.

16
17 **Section 16. Special Bar Examinations for *Shari'ah*.** – The Supreme Court shall administer
18 *Shari'ah* Special Bar Examinations for admission of applicants to the Philippine Bar as special
19 members thereof. A successful examinee who has qualified for special membership in the
20 Philippine Bar shall be duly conferred the title of counselor-at-law.

21
22 **Section 17. Practice of Law before *Shari'ah* Courts.** -The following are eligible to
23 practice before *Shari'ah* Courts:

- 24 a. A *Shari'ah* counselor-at-law;
25 b. A regular member of the Philippine Bar;
26 c. A Muslim who acts as counsel; and
27 d. A non-Muslim who submits to the jurisdiction of the *Shari'ah* court and chooses to act on
28 his behalf.

29
30 **Section 18. Appointment and Discipline of *Shari'ah* Court Personnel.** The Supreme
31 Court shall appoint the *Shari'ah* court personnel and shall have the power of discipline over them.
32 The *Shari'ah* Judicial and Bar Council shall conduct investigations over erring personnel of the
33 *Shari'ah* courts, and submit the results of such investigations to the Supreme Court for the latter's
34 action.

1 **Section 19. Bangsamoro *Shari'ah* Integrated Bar.** - The Bangsamoro Parliament shall
2 pass a law creating the Bangsamoro *Shari'ah* Integrated Bar as the official organization for the legal
3 profession in the Bangsamoro, which shall be compulsory in membership for all *Shari'ah* lawyers.
4 The Supreme Court shall adopt the rules for the integration of the *Shari'ah* bar which shall be under
5 the supervision of the Bangsamoro *Shari'ah* Court of Appeals in accordance with the powers and
6 authority of the Supreme Court.

7
8 **Section 20. *Shari'ah* Public Attorney's Office.** – The Public Attorney's Office shall
9 establish a Bangsamoro *Shari'ah* Public Attorney's Office under its supervision. The office shall
10 be staffed by a director and two deputies who shall all be Counselors-at-Law. The Bangsamoro
11 Parliament may determine the additional staff complement for the said office. The *Shari'ah* Public
12 Attorney's Office shall provide free legal assistance to indigent party litigants with cases pending
13 before *Shari'ah* courts in the Autonomous Region in the Bangsamoro.

14
15 **Section 21. *Shari'ah* Academy.** – There is hereby created a *Shari'ah* Academy, the primary
16 function of which is to conduct courses in *Shari'ah* and *Fiqh*, civil law, commercial law, and
17 criminal law, and trainings on the practice of *Shari'ah* law in the Bangsamoro, accredit *Shari'ah*
18 courses and degrees obtained from schools and universities abroad, and develop the curricula,
19 textbooks, and learning materials of schools and universities in the Bangsamoro. The Bangsamoro
20 Parliament shall define its powers and additional functions and appropriate funds therefor. The
21 *Shari'ah* Academy may coordinate with the National Commission on Muslim Filipinos (NCMF)
22 whenever necessary.

23
24 **Section 22. Bangsamoro Jurisconsult in Islamic Law.** – There is hereby created an office
25 of Jurisconsult of Islamic law in the Bangsamoro. The Bangsamoro Parliament shall define the
26 powers and functions of this office, including the rank, salary, privileges, and benefits of the
27 Jurisconsult including its subordinate personnel.

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

31 The Jurisconsult must be a Muslim, at least forty (40) years of age, must have a Bachelor's
32 Degree in Islamic Law and Jurisprudence or the equivalent of such a degree, and member of the
33 *Shari'ah* Integrated Bar, or the Integrated Bar of the Philippines. The Jurisconsult must be an
34 eminent scholar of Islamic law and jurisprudence, fluent in Arabic language, of proven competence
35 and probity, mentally and physically fit, and known for integrity and high moral standards.

1 A Deputy Jurisconsult must be a Muslim, at least 35 years of age, a holder of a Bachelor's
2 Degree in Islamic Law and Jurisprudence, and a member of the *Shari'ah* Integrated Bar or the
3 Integrated Bar of the Philippines. A Deputy Jurisconsult must be of proven competence and probity,
4 mentally and physically fit, and known for integrity and high moral standards.

5 The term of office of the Jurisconsult and Deputies Jurisconsult shall be five (5) years
6 without prejudice to reappointment.
7

8 **Section 23. Jurisconsult Under Existing Law.** – Notwithstanding the preceding section,
9 the Office of the Jurisconsult under Presidential Decree No. 1083 shall be strengthened by
10 providing that the salary, rank, benefits, and privileges of the Jurisconsult shall be equivalent to that
11 of Justices of the Court of Appeals.
12

13 **Section 24. Justices from the Bangsamoro.** It shall be the policy of the National
14 Government that, as far as practicable, at least one (1) Justice in the Court of Appeals, at any one
15 time, shall be qualified individuals of the Bangsamoro. For this purpose, the Chief Minister may,
16 after consultation with the Bangsamoro Parliament and the *Shari'ah* Judicial and Bar Council,
17 submit the names of qualified persons to the Judicial and Bar Council for its consideration.

18 The appointments of those recommended by the Chief Minister to the judicial positions
19 mentioned above are without prejudice to appointments that may be extended to other qualified
20 inhabitants of the Bangsamoro to other positions in the Judiciary.
21

22 **Section 25. Deputy Court Administrator for the Bangsamoro.** The Office of the Deputy
23 Court Administrator for the Bangsamoro is hereby created. The Deputy Court Administrator for the
24 Bangsamoro shall be appointed by the Chief Justice of the Supreme Court from among three (3)
25 recommendees submitted by the Chief Minister upon previous consultations with the speaker of the
26 Bangsamoro Parliament, the presiding Justice of the Bangsamoro *Shari'ah* Court of Appeals, the
27 representative of the *Shari'ah* Integrated Bar, and representative of the Integrated Bar of the
28 Philippines in the Bangsamoro area.
29

30 *Traditional or Tribal Justice Systems*

31 **Section 26. Traditional or Tribal Justice Systems.** – The Bangsamoro Parliament shall
32 enact laws to promote and support the traditional or tribal justice systems that are appropriate for
33 the indigenous peoples, as defined by them. The traditional justice systems are the mechanisms to
34 determine, settle, and decide controversies and enforce decisions involving disputes between
35 members of the indigenous peoples concerned in accordance with the tribal codes of these

1 communities.

2

3 **Section 27. Office for Traditional or Tribal Justice System.** – There is hereby created an
4 Office for Tribal Justice System that shall be responsible for overseeing the study, preservation, and
5 development of the tribal justice system within the Bangsamoro. The powers and functions of the
6 office shall be defined by the Bangsamoro Parliament.

7 The Office shall ensure the full participation of indigenous peoples in the formulation,
8 implementation, and evaluation of policies related to the strengthening of tribal justice system;
9 ensuring that such systems maintain their indigenous character in accordance with the practices of
10 each tribe.

11

12 ***Regular Courts in the Bangsamoro***

13 **Section 28. Regular Courts.** - Regular courts in the Autonomous Region in the
14 Bangsamoro shall continue to exercise their judicial functions, as provided by law. The
15 Bangsamoro Government shall undertake measures to support the regular courts in the Bangsamoro
16 consistent with the powers of the Supreme Court.

17

18 ***Alternative Dispute Resolution***

19 **Section 29. Alternative Dispute Resolution.** The Bangsamoro Government shall adopt the
20 principles of conciliation and mediation in settling disputes and, through the Bangsamoro
21 Parliament, shall pass the necessary legislation to institute the mechanism for alternative dispute
22 resolution. The *Shari'ah* Courts and the traditional and tribal adjudicatory tribunal may utilize this
23 mode of settlement and resolution of cases.

24

25 **Article XI**

26 **NATIONAL DEFENSE AND SECURITY, PUBLIC ORDER AND SAFETY,**
27 **AND COASTGUARD MATTERS**

28

29 **Section 1. National Defense and Security.** – The defense and security of the Autonomous
30 Region in the Bangsamoro shall be the responsibility of the National Government.

31

32 **Section 2. Public Order and Safety.** – The Philippine National Police shall create a
33 Bangsamoro Regional Police which shall be organized, maintained, supervised, and utilized for the
34 primary purpose of law enforcement and maintenance of peace and order in the Autonomous
35 Region in the Bangsamoro. The Bangsamoro Regional Police shall be under the direct operational
36 and administrative control and supervision of the Philippine National Police.

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Section 3. Regional Office of the National Police Commission. - The National Police Commission (NAPOLCOM) shall establish the NAPOLCOM Bangsamoro Regional office under its direct control, supervision, and administration. The Secretary of the Department of the Interior and Local Government (DILG) shall appoint the Regional Director who shall head the Regional Office.

The Regional Office shall have the power to investigate complaints against members of the Bangsamoro Regional Police. Appeals from the decisions of the Regional Office shall be filed with the NAPOLCOM. Pending resolution of the appeal, its decisions may be executed.

Section 4. Jail Management and Penology. - The Bureau of Jail Management and Penology (BJMP) shall establish a Bangsamoro Regional Office under its direct operational and administrative control and supervision. The BJMP shall support the Regional Office in the establishment, maintenance, and improvement and procurement of jail facilities, the appropriation for the subsistence of detainees and prisoners, the establishment, maintenance, operation, and management of separate detention homes, and the designation of jail wardens.

Section 5. Fire Protection. - The Bureau Of Fire Protection (BFP) shall establish a Bangsamoro Regional Office under its direct operational and administrative control and supervision. The BFP shall support the Regional Office in the establishment, maintenance, and improvement and procurement of fire protection and prevention facilities, the enforcement of Republic Act 9514, or the Comprehensive Fire Code of the Philippines, and other existing laws on fire safety enforcement, fire protection, and prevention.

Section 6. Coast Guard Matters. - The Philippine Coast Guard shall establish a Bangsamoro Regional Office which shall be organized, maintained, supervised, and utilized for the primary purpose of law enforcement over coastguard matters. It shall be under the direct operational and administrative control and supervision of the Philippine Coast Guard.

**Article XII
FISCAL AUTONOMY**

Section 1. Fiscal Autonomy. - The Autonomous Region in the Bangsamoro shall enjoy fiscal autonomy with the end in view of attaining economic self-sufficiency and genuine development. It shall be entitled to all fund sources enumerated herein, and shall have the power to

1 create its sources of revenues as provided in this Basic Law, which shall in all cases be
2 programmatic, transparent, performance-based, and phased. It shall prepare its budget and shall
3 allocate funds in accordance with an annual appropriations law passed by the Bangsamoro
4 Parliament. The form, content, and manner of preparation of the budget shall be prescribed by law
5 enacted by the Bangsamoro Parliament consistent with generally accepted accounting and auditing
6 rules.

7
8 **Section 2. Auditing.** – The Bangsamoro Government shall establish an auditing body which
9 shall have internal auditing responsibility in accordance with Republic Act No. 3456, as amended,
10 or the Internal Auditing Act of 1963. The Commission on Audit as the audit institution of the
11 Philippines shall be the exclusive auditor of the Autonomous Region in the Bangsamoro and its
12 constituent local government units, pursuant to the Constitution. The Bangsamoro Government
13 shall ensure transparency and accountability mechanisms consistent with open government
14 practices and generally accepted financial management principles.

15
16 **Section 3. Local Government Finance.** – There is hereby created a Bangsamoro Regional
17 Bureau of Local Government Finance under the Ministry of Finance which shall have the
18 authority to coordinate, assist, and monitor the Treasury and assessment operations of constituent
19 Local Government Units within the Autonomous Region in the Bangsamoro, in pursuance of good
20 governance and local autonomy.

21
22 **Section 4. National Government Assistance.** – The National Government shall extend
23 assistance to the Bangsamoro Government in the matter of tax administration and fiscal
24 management. This assistance shall include capacity building and training programs, in accordance
25 with a needs tax assessment, collection, and enforcement functions and capacity building plan
26 developed by the Bangsamoro Government in consultation with the National Government.

27
28 **Section 5. Assistance to Other Regions.** – Without prejudice to Article VI, Section 10 of
29 this Basic Law, the Bangsamoro Government may also assist the development efforts of other
30 regions once the Bangsamoro has attained financial self-sustainability.

31
32 *Sources of Revenue*

33 **Section 6. Revenue Sources.** – The Bangsamoro Government shall have the power to create
34 its own sources of revenues and to levy taxes, fees, and charges, subject to the provisions of this law
35 and consistent with the principles of equalization, equity, accountability, administrative simplicity,

1 harmonization, and economic efficiency, and fiscal autonomy. Such taxes, fees, and charges shall
2 accrue exclusively to the Bangsamoro Government.

3 The sources of revenue of the Bangsamoro Government shall include, among others, the
4 following:

- 5 a. Taxes, in accordance with the provisions of this Basic law;
- 6 b. Fees and charges;
- 7 c. Annual block grant from the National Government;
- 8 d. Revenues from the exploration, development, and utilization of natural resources derived
9 from areas, land or water, covered by and within the Autonomous Region in the
10 Bangsamoro;
- 11 f. Share in the National Government taxes, fees, and charges collected in the Autonomous
12 Region in the Bangsamoro;
- 13 g. Dividends from Bangsamoro Government-Owned and/or -Controlled Corporations
14 (GOCCs), financial institutions and other corporations, and shares from the revenues of
15 national GOCCs and its subsidiaries operating in the BAR, as may be determined by the
16 Intergovernmental Fiscal Policy Board (IGFPB) ;
- 17 h. Grants from economic agreements or Conventions entered into by the Bangsamoro
18 Government;
- 19 i. Grants and donations; and
- 20 j. Loans and Overseas Development Assistance (ODA).

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

24
25 **Section 7. *Baitalmal, Awqaf, and Zakat Regulation.*** - - The Bangsamoro Parliament may
26 enact legislation on the regulation of the following, which are not sourced from government funds:

- 27 a. *Baitalmal*, or House of Wealth, which is a financial institution responsible for the
28 management of funds including *Zakat* and endowments, for proper administration and utilization;
- 29 b. *Awqaf*, or endowment or donation, which is voluntarily given by individuals for the benefit
30 of the community as a whole; and
- 31 c. *Zakat*, which is an obligation for Muslims who are supposed to pay a certain percentage of
32 their wealth and income, for distribution to the poor, needy, and indigents.

1 **Taxation**

2 **Section 8. Taxes, Fees and Charges.** – The Bangsamoro Government shall exercise, subject
3 to the provisions of the Constitution and other national laws, the power to levy taxes, fees or
4 charges provided for in this Basic Law, the power to levy taxes, fees or charges, including those
5 already granted to the Autonomous Region in Muslim Mindanao under Republic Act 6734 as
6 amended by Republic Act 9054, and other legislation and executive issuances.

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

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

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

18 Nothing in this provision shall be construed to preclude any future legislation on national
19 taxes.
20

21
22 **Section 9. Tax Incentives.** – To encourage investments and other economic activities, the
23 Bangsamoro Government shall have the power to grant tax exemptions, rebates, tax holidays, and
24 other fiscal incentives with respect to taxes and fees that the Bangsamoro Government can levy
25 under this Basic Law. In no case shall exemptions and incentives granted pursuant to this provision
26 diminish national revenues without prior consent of the National Government.
27

28 **Section 10. Taxing Powers.** - The following taxes shall be levied by the Bangsamoro
29 Government:

- 30 a. *Capital Gains Tax.* – Tax imposed on the gains presumed to have been realized by the seller
31 from the sale, exchange, or other disposition of real properties, capital assets, and shares of
32 stocks, including *pacto de retro* sales and other forms of conditional sale;
- 33 b. *Documentary Stamp Tax.* – Tax on documents, instruments, loan agreements, and papers
34 evidencing the acceptance, assignment, sale or transfer of an obligation rights or property
35 incident thereto;

- 1 c. *Donor's Tax.* – Tax on a donation or gift, and is imposed on the gratuitous transfer of
2 property between two or more persons who are living at the time of the transfer. It shall
3 apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and
4 whether the property is real or personal, tangible or intangible;
- 5 d. *Estate Tax.* – Tax on the right of the deceased persons to transmit their estate to their lawful
6 heirs and beneficiaries at the time of death and on certain transfers, which are made by law
7 as equivalent to testamentary disposition;
- 8 e. Taxes, fees, and charges for passengers travelling to and from the Bangsamoro; and
- 9 f. Such other taxes that were allowed to be levied by the Government of the Autonomous
10 Region in Muslim Mindanao under RA 6734, RA 9054, and other legislations and
11 executive issuances.

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

20
21 **Section 11. Share in Taxes of the National Government.** – National Government taxes,
22 fees, and charges collected in the Autonomous Region in the Bangsamoro, other than tariff and
23 customs duties, shall be shared as follows:

- 24 a. Twenty-five (25%) percent to the National Government; and
- 25 b. Seventy-five (75%) percent to the Bangsamoro, including the shares of the local government
26 units.

27 The aforementioned twenty-five percent (25%) share of the National Government shall, for
28 a period of ten (10) years, be retained by the Bangsamoro Government. The period for retention
29 may be extended upon mutual agreement of the National Government and the Bangsamoro
30 Government.

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

1 **Section 12. Assessment and Collection of Taxes; Bangsamoro Revenue Office.** – The
2 Bangsamoro Parliament shall, by law, establish the Bangsamoro Revenue Office for the purpose of
3 assessing and collecting Bangsamoro taxes, as well as all other collectible taxes in the Autonomous
4 Region in the Bangsamoro.

5 The Bangsamoro Revenue Office shall collect such taxes and remit the share of the National
6 Government through a duly accredited government depository bank. The Bangsamoro Government
7 through the Bangsamoro Revenue Office, and the National Government through the Bureau of
8 Internal Revenue (BIR), shall share tax information for tax assessment, collection and enforcement
9 purposes.

10 Until such time that the Bangsamoro Revenue Office is established, the collection shall be
11 done by the Bureau of Internal Revenue (BIR). The share of the Bangsamoro Government shall be
12 retained by the National Government collecting agencies and shall be remitted or released to the
13 Bangsamoro in lump sum without need for an appropriations law.

14 When the Bangsamoro Revenue Office is established, and collection of the above taxes is
15 undertaken by said office, the cost of administering the tax collection shall be co-shared between
16 the National Government and the Bangsamoro Government.

17
18 **Section 13. Payment of Taxes by Corporations, Partnerships or Firms.** - Corporations,
19 partnerships, or firms directly engaged in business in the Bangsamoro shall pay their corresponding
20 taxes, fees, and charges in the province or city, where the corporation, partnership, or firm is doing
21 business.

22 Corporations, partnerships, or firms whose central, main, or head offices are located outside
23 the Autonomous Region in the Bangsamoro but are doing business within its territorial jurisdiction,
24 shall pay the income taxes for income derived from their business operations in the Bangsamoro to
25 the city, or municipality where their branch offices or business operations or activities are located.
26 The BIR and the Bangsamoro Revenue Office shall agree on modalities for the filing of income tax
27 returns through the Intergovernmental Fiscal Policy Board (IGFPB).

28 The IGFPB shall promulgate rules to implement this provision, including the determination
29 of covered entities and the allocation of income for covered entities.

30
31 **Section 14. Share of the Constituent Local Government Units in Taxes within the**
32 **Bangsamoro.** – The Bangsamoro Parliament shall enact a law detailing the shares of constituent
33 local government units in the seventy-five percent (75%) share of the Bangsamoro Government in
34 the taxes, fees, and charges collected in their jurisdiction for the National Government in the
35 Autonomous Region in the Bangsamoro.

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

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

Block Grant

Section 17. Annual Block Grant. – The National Government shall provide an annual block grant which shall be the share of the Bangsamoro Government in the National Internal Revenue (NIR) of the National Government and collections of the Bureau of Customs (BoC). The amount shall be sufficient for the exercise of the powers and functions of the Bangsamoro Government under this Basic Law and in no case shall be less than the last budget received by the ARMM immediately before the establishment of the Bangsamoro Transition Authority.

The block grant shall be released based on development plans and programs and performance-based criteria as may be prescribed by the IGFPB.

Section 18. Block Grant Amount and Mode of Transfer. – For the budget year immediately following the year of the effectivity of this Basic Law, the amount of the block grant shall be equivalent to five percent (5%) of the net National Internal Revenue (NIR) collection of Bureau of Internal Revenue (BIR) and the net collection of the Bureau of Customs (BoC).

For purposes of this Section, the NIR is the sum of all internal revenue tax collections during the base year less the internal revenue allotment of local government units (LGUs), as well as, the amount released during the same year for tax refunds, payments for informer’s reward, and any portion of internal revenue tax collections which are presently set aside, or hereafter earmarked under special laws for payment to third persons.

The Intergovernmental Fiscal Policy Board (IGFPB) shall determine, from time to time, the amounts that must be transferred by the National Government to the Bangsamoro Government, including the manner and mode of transfers, and the standards and conditions therefor.

The IGFPB shall take into consideration the following factors: a) total land area and population of the Bangsamoro; and b) priority development plans and programs of the Bangsamoro Government.

1 The IGFPB shall allocate funds for health, tourism, and infrastructure as priority areas for
2 development.

3
4 **Section 19. Automatic Appropriation.** – The annual block grant as determined by the
5 IGFPB shall be automatically appropriated to the Bangsamoro Government and reflected in the
6 General Appropriations Act.

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

12
13 **Section 20. Regular Release.** – The block grant shall be released, without need of any
14 further action, directly and comprehensively, to the Bangsamoro Government, and which shall not
15 be subject to any lien or holdback that may be imposed by the National Government for whatever
16 purpose.

17
18 **Section 21. Deductions from the Block Grant; Exceptions.** – Ten (10) years from the
19 operationalization of the regular Bangsamoro Government, the following shall be deducted from the
20 block grants:

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

26 *Provided*, That the amount allocated for the operation of the Bangsamoro Sustainable Development
27 Board, as provided in Article XIII, Section 4, shall not be included in the amount herein to be
28 deducted from the block grant: *Provided further*, That the abovementioned deduction shall not
29 include the shares of constituent local government units and of indigenous communities in
30 government income derived from the exploration, development, and utilization of natural resources,
31 under Article XII, Sections 35 and 36, respectively.

32
33 **Section 22. Review of the Block Grant Formula.** – The formula for the Block Grant, as
34 provided above, shall be determined and reviewed by the IGFPB six (6) years after the effectivity

1 of this Basic Law. The review that shall be undertaken shall consider, among others, the fiscal
2 needs of the Autonomous Region in the Bangsamoro, and the actual revenues it is able to generate.

3 Ten (10) years after the effectivity of this Basic Law, the review shall be undertaken every
4 five (5) years as agreed upon in the IGFPB. Should the National Government no longer have any
5 representative in the IGFPB, the review shall be undertaken by the Intergovernmental Relations
6 Body, for enactment into law.

7
8 **Section 23. Development Programs and Projects.** – Immediately after the ratification of
9 this Basic Law, and for another five (5) years thereafter, the National Government shall provide for
10 additional funds that would subsidize expenditure for development projects and infrastructure in the
11 Bangsamoro, including provincial and municipal roads, in accordance with a development plan
12 formulated by the Bangsamoro Government. The National Government and the Bangsamoro
13 Government shall agree on the amount through the intergovernmental relations body, as well as, the
14 manner of release of said amount to the Bangsamoro Government.

15 16 *Loans*

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

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

23 Subject to acceptable credit worthiness, such loans may be secured from domestic and
24 foreign lending institutions, except foreign and domestic loans requiring sovereign guaranty,
25 whether explicit or implicit, which would require the approval of the National Government. The
26 Bangsamoro Parliament may authorize the Chief Minister to contract such domestic or foreign
27 loans. The loans so contracted may take effect upon approval by a majority of all the members of
28 the Bangsamoro Parliament.

29 The National Government shall assist the Bangsamoro Government in complying with the
30 requirements for a speedy issuance of the sovereign guaranty, to finance local infrastructure and
31 other socio-economic development projects in accordance with the Bangsamoro Development Plan.

32 Within thirty (30) days from the submission of the Bangsamoro Government of its
33 application for sovereign guaranty, the National Government shall inform the Bangsamoro
34 Government on the actions taken on the application. The application shall be resolved with
35 dispatch.

1
2 **Section 29. Benefits from Conventions.** – The Bangsamoro shall be entitled to benefits
3 resulting from conventions to which the National Government is a party. Such benefits shall be
4 equitable and shall consider the available human and material resources and comparative advantage
5 of the Bangsamoro, as well as, its socio-economic conditions and needs.
6

7 ***Government-Owned and/or -Controlled Corporations (GOCCs) and Financial Institutions***

8 **Section 30. GOCCs and Financial Institutions.** – After coordinating with the National
9 Government, the Bangsamoro Government may create GOCCs and financial institutions through
10 the necessary modalities, and in accordance with a law on GOCCs to be passed by the Bangsamoro
11 Parliament.

12 These Bangsamoro Government-created GOCCs shall be duly registered with the Securities
13 and Exchange Commission or established under legislative charter by the Bangsamoro Parliament,
14 and shall be recognized even outside the Autonomous Region in the Bangsamoro. Revenues
15 derived from their operations shall pertain to the Bangsamoro.
16

17 **Section 31. Existing GOCCs Operating Exclusively in the Bangsamoro.** – The
18 Bangsamoro Government shall have the authority and control over existing GOCCs and financial
19 institutions operating exclusively in the Bangsamoro, after determination by the IGFPB of its
20 feasibility: *Provided*, That the GOCC concerned shall be given the option to transfer its operations
21 outside of the Autonomous Region in the Bangsamoro. Such transfer shall be effected through the
22 necessary changes on the GOCCs' governing boards.
23

24 **Section 32. Southern Philippine Development Authority and *Al-Amanah* Islamic**
25 **Investment Bank.** – Within six (6) months from the establishment of the BTA, the
26 Intergovernmental Fiscal Policy Board shall determine the participation of the Bangsamoro in the
27 ownership and management of *Al-Amanah* Islamic Investment Bank of the Philippines and the
28 Southern Philippines Development Authority (SPDA) as provided in Presidential Decree No. 690,
29 as amended by Presidential Decree No. 1703, and the mode of transfer of ownership to the
30 Bangsamoro Government.
31

32 **Section 33. Existing GOCCs in the Bangsamoro.** – The Bangsamoro Government shall be
33 represented in the board of directors or in the policy-making bodies of GOCCs that operate a
34 substantial portion of their businesses directly or through their subsidiaries in the Bangsamoro or
35 where the Bangsamoro has substantial interest. The Intergovernmental Fiscal Policy Board (IGFPB)

1 shall promulgate rules to implement this provision including determination of covered GOCCs and
2 the extent of participation in the covered GOCCs.

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

6

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

8 **Section 34. Sharing in Exploration, Development and Utilization of Natural Resources.**

9 – Government revenues generated from the exploration, development and utilization of all natural
10 resources in the Autonomous Region in the Bangsamoro, inclusive of mines and minerals, shall
11 pertain fully to the Bangsamoro Government. In the case of fossil fuels (petroleum, natural gas, and
12 coal) and uranium, the same may be co-managed and the revenues shared equally between the
13 National and Bangsamoro Governments, subject to the limitations provided in the Constitution.

14

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

19

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

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

28

29 ***Intergovernmental Fiscal Policy Board***

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

33

34

35

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

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

5 (b) Address disputes between the National Government and the Bangsamoro Government
6 involving the collection of capital gains tax, documentary stamp tax, donor’s tax, and estate tax in
7 the Bangsamoro;

8 (c) Determine the extent of participation of the Bangsamoro Government in the board of
9 directors or the policy-making bodies of GOCCs that operate a substantial portion of their
10 businesses directly or through their subsidiaries in the Bangsamoro or where the Bangsamoro has
11 substantial interest;

12 (d) Determine the participation of the Bangsamoro Government in the results of operations
13 of government-owned or controlled corporations and its subsidiaries operating in the Bangsamoro.
14 The Board shall also determine a formula for the share of the Bangsamoro Government from the
15 results of said operations;

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

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

21 (g) Define the modalities for the filing of income tax returns for corporation or firms whose
22 central, main, or head offices are located outside the Bangsamoro but are doing business within its
23 territorial jurisdiction so that income realized from such operations in the Bangsamoro shall be
24 attributed as income derived therein and subject to the sharing scheme between the National
25 Government and the Bangsamoro Government
26

27 **Section 39. Composition of the IGFPB.** – The IGFPB shall be composed of the heads or
28 representatives of the appropriate departments and agencies of the National Government and heads
29 or representatives of the ministries and offices in the Autonomous Region in the Bangsamoro
30 Government. The IGFPB shall be co-chaired by the Secretary of the Department of Finance (DOF)
31 and a Minister of the appropriate ministry from the Autonomous Region in the Bangsamoro. The
32 Secretary of the Department of Budget and Management (DBM), Secretary of the Department of
33 Trade and Industry (DTI), and the Director-General of the National Economic Development
34 Authority (NEDA) shall be members of the IGFPB.
35

1 The Bangsamoro Government shall also provide equitable opportunities for the
2 development of constituent local government units and shall strengthen governance systems to
3 ensure people's participation.
4

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

13 **Section 4. Bangsamoro Sustainable Development Board.** – The Bangsamoro Parliament
14 shall create a Bangsamoro Sustainable Development Board (BSDB), an intergovernmental body
15 composed of representatives from the Bangsamoro Government and the National Government. The
16 Board shall ensure the harmonization of environmental and developmental plans, as well as,
17 formulate common environmental objectives.

18 Funding support for the Board shall be included in the annual budget of the Bangsamoro
19 Government. However, if there are revenues collected from the exploration, development, and
20 utilization of all natural resources within the Bangsamoro, a certain percentage of such revenues
21 shall be allocated for the operation of the Board, as may be provided in a law to be passed by the
22 Bangsamoro Parliament.
23

24 **Section 5. Bangsamoro Development Plan.** – In consonance with the policies, projects and
25 programs of the National Development Plan, the Bangsamoro Government shall formulate its
26 development plans taking into consideration the Bangsamoro people's unique needs and aspirations
27 and consistent with national development goals. The Bangsamoro Development Plan shall also
28 consider the revenue generation efforts needed for the post-conflict rehabilitation, reconstruction,
29 and development of the region.

30 The Bangsamoro Development Plan shall include the promotion of growth and full
31 employment, human development, and address social and economic inequities.

32 For this purpose, the Bangsamoro Parliament shall create a Bangsamoro economic planning,
33 research, and development office.
34

1 The Bangsamoro Parliament shall, consistent with national laws, pass a law on protected
2 areas regarding the procedure for the declaration, and the management of those declared protected
3 areas, and the role of the Bangsamoro Government and other stakeholders in the process.
4

5 **Section 9. Transfer of Existing Nature Reserves and Protected Areas.** – The
6 management and protection of nature reserves and aquatic parks, forests, watershed reservations,
7 and other protected areas in the Bangsamoro geographical area that have already been defined by
8 and under the authority of the National Government shall be transferred to the Bangsamoro
9 Government.

10 Within three months from the establishment of the Bangsamoro Transition Authority, the
11 Bangsamoro Government and Department of Environment and Natural Resources (DENR), as well
12 as, other relevant government agencies shall start the process of transferring these areas, including
13 the conduct of surveys of all affected areas and the planning and transition for each and every
14 protected area. Such process shall be completed within a period not exceeding two (2) years.
15

16 **Section 10. Exploration, Development, and Utilization of Fossil Fuels and Uranium.** -
17 The Bangsamoro Government and the National Government shall jointly exercise the power to
18 grant rights, privileges, and concessions over the exploration, development, and utilization of fossil
19 fuels (petroleum, natural gas, and coal) and uranium in the Bangsamoro.

20 The National Government, through the Department of Energy (DOE), and the Bangsamoro
21 Government shall adopt a competitive and transparent process for the grant of rights, privileges, and
22 concessions in the exploration, development, and utilization of fossil fuels and uranium.

23 The DOE and the Bangsamoro Government shall identify and select prospective contract
24 areas to be offered for exploration and development. A qualified Filipino citizen who is a *bona fide*
25 resident of the Bangsamoro shall receive a rating higher than other proponents during the evaluation
26 process. The award of the service contract shall be made jointly by the DOE and the Bangsamoro
27 Government.
28

29 **Section 11. Preferential Rights of Bona Fide Inhabitants of the Bangsamoro.** –
30 Qualified citizens who are *bona fide* inhabitants of the Autonomous Region in the Bangsamoro
31 shall have preferential rights over the exploration, development, and utilization of natural resources,
32 excluding fossil fuels (petroleum, natural gas, and coal) and uranium, within the Bangsamoro
33 territory. Existing rights over the exploration, development, and utilization of natural resources shall
34 be respected until the expiration of the corresponding leases, permits, franchises, or concessions,
35 unless legally terminated.

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

The right of indigenous peoples to free and prior informed consent in relation to development initiatives shall be respected.

Section 13. Mines and Mineral Resources. – Subject to the limitations provided in the Constitution, the Bangsamoro Government shall have authority and jurisdiction over the exploration, development, and utilization of mines and minerals in the autonomous region, taking into consideration environmental protection and ecological balance. Permits and licenses and the granting of contracts for this purpose shall be within the powers of the Bangsamoro Government.

Section 14. Financial and Technical Assistance Agreements. – The applications for financial and technical assistance agreements (FTAAs) covering mineral resources within the Bangsamoro shall be commenced at and recommended by the Bangsamoro Government to the President.

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

Section 15. Regulation of Small-Scale Mining. – 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 miners, the indigenous peoples, and the local government units of the place where such operations are conducted are duly protected and safeguarded.

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

1 The Bangsamoro Parliament may, by law, require the persons, natural or juridical,
2 responsible for causing the harm or injury mentioned above to bear the costs of compensation,
3 relocation, and rehabilitation mentioned above wholly or partially.
4

5 **Section 17. Bangsamoro Mining Policy.** - Policies on mining and other extractive
6 industries shall be drawn up by the Bangsamoro Parliament in accordance with its Comprehensive
7 Sustainable Development Plan, as well as, its over-all medium-term and long-term Bangsamoro
8 Development Plan.
9

10 **Section 18. Land management, land distribution, and agricultural land use**
11 **reclassification.** - The classification of public lands in the Autonomous Region in the Bangsamoro
12 into alienable and disposable lands shall be initiated and recommended by the Bangsamoro
13 Government to the President for the timely implementation of Bangsamoro development plans and
14 targets.
15

16 **Section 19. Land Tenure And Conflicting Claims.** - In order to address conflicting land
17 claims, the Bangsamoro Government shall develop a land tenure improvement program to be
18 designed and implemented by the concerned ministries of the Bangsamoro. Measures shall be
19 undertaken to facilitate the identification of land ownership and the generation of land titles. The
20 plan may include measures that would provide the necessary titling assistance for legitimate
21 landowners and abbreviated procedures for the registration of lands. For this purpose, the
22 Bangsamoro Parliament may enact a law and create the necessary office.
23

24 **Section 20. Zones of Joint Cooperation.** - Zones of Joint Cooperation in the Sulu Sea and
25 the Moro Gulf are hereby created, the coordinates of which shall be defined by an *ad hoc* joint body
26 composed of representatives from the Department of Environment and Natural Resources (DENR),
27 Department of Agriculture (DA) and the National Mapping and Resource Information Authority
28 (NAMRIA) and an equal number of representatives from appropriate agencies of the Bangsamoro
29 Government.
30

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

1 **Section 21. Joint Body for the Zones of Joint Cooperation.** – There shall be created a
2 Joint Body for the Zones of Joint Cooperation composed of the Secretary of the Department of
3 Agriculture (DA) and a Bangsamoro Minister as co-Chairs, at least one (1) representative of a
4 constituent local government unit of the Autonomous Region in the Bangsamoro adjacent to the
5 Sulu Sea, at least one (1) representative of a constituent local government unit of the Bangsamoro
6 adjacent to the Moro Gulf, the Secretary of Environment and Natural Resources, and the Secretary
7 of Transportation of the National Government, or their authorized representatives, and their
8 counterpart officials from the appropriate Bangsamoro offices or agencies. There shall be at least
9 one (1) representative from an adjoining local government unit that is not part of the Bangsamoro,
10 and adjacent to the Sulu Sea, and at least one (1) representative from an adjoining local government
11 unit that is not part of the Autonomous Region in the Bangsamoro, and adjacent to the Moro Gulf.
12 The Joint Body shall be responsible for drawing up of policies mentioned in the preceding Section,
13 as well as, those necessarily related thereto.

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

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

- 19 a. Protection of the traditional fishing grounds;
- 20 b. Benefitting from the resources therein; and
- 21 c. Ensuring the interconnectivity of the islands and mainland parts of the Bangsamoro so that
22 they are parts of a cohesive Bangsamoro political entity.

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

25

26 **Section 22. Exploration, Development, and Utilization of Non-living Resources in the**
27 **Zones of Joint Cooperation.** – Subject to the limitations provided in the Constitution, the Joint
28 Body for the Zones of Joint Cooperation shall ensure the cooperation and coordination between the
29 National Government and the Bangsamoro Government on the exploration, development, and
30 utilization of non-living resources in the Zones of Joint Cooperation, and determine the sharing of
31 income and revenues derived therefrom.

32

33 **Section 23. Transportation in the Zones of Joint Cooperation.** – Direct transportation
34 routes connecting the islands in Sulu, Basilan, Tawi-Tawi, or the mainland parts of the Autonomous

1 Region in the Bangsamoro and passing through the Zones of Joint Cooperation shall be considered
2 intra-regional routes.

3
4 **Section 24. Inland Waters.** – The Bangsamoro Government shall have exclusive powers
5 over inland waters, including lakes, marshes, rivers, and tributaries, except those that provide
6 energy to power generating plants. The Bangsamoro Parliament shall enact laws on the regulation,
7 conservation, management, and protection of these resources, and may classify inland waters in the
8 Bangsamoro. It shall create a Bangsamoro office and authorities for specific inland bodies of water
9 that shall exercise management and regulation powers over these bodies of water.

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

13
14 **Section 25. Agriculture, Fisheries, and Aquatic Resources.** – The Bangsamoro
15 Government’s policies and laws on agriculture, fisheries, and aquatic resources shall advance
16 agriculture as a key development strategy, promote productivity measures, and provide support for
17 farmers and fishers especially small landholders and marginal fishers.

18
19 ***Trade and Industry***

20 **Section 26. Trade and Industry in the Bangsamoro.** –The Bangsamoro Government
21 recognizes the private sector as a mover of trade, commerce, and industry. To achieve equity, social
22 justice, and economic development, it shall encourage and support the building up of
23 entrepreneurial capability in the Bangsamoro and shall recognize, promote, protect, and support the
24 development of cooperatives and other medium, small and micro enterprises. It shall adopt and
25 implement cooperative development policies and programs through the enactment of a Bangsamoro
26 Cooperatives Code.

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

32 The Bangsamoro Government shall also promote domestic trade preference for goods
33 produced and materials sourced from within the Bangsamoro and adopt measures to increase their
34 competitiveness. The Bangsamoro Government shall also ensure that Bangsamoro products and
35 services gain considerable access to the markets of its trading partners, and particular attention

1 should also be given to the markets of its trading partners who have historic and cultural ties to the
2 Bangsamoro.

3
4 **Section 27. Barter Trade and Countertrade with ASEAN Countries.** – The Bangsamoro
5 Government shall, in coordination with the National Government, regulate traditional barter trade
6 with the Brunei, Indonesia, Malaysia and Philippines East-Asian growth Area (BIMP-EAGA)
7 member states, and counter-trade with the Association of South East Asian Nations (ASEAN)
8 member countries. The goods or items that are traded with the said countries shall not be sold
9 elsewhere in the country without payment of appropriate customs or import duties.

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

15
16 **Section 28. Economic Zones, Industrial Estates, and Free Ports.** – The Bangsamoro
17 Government may establish economic zones, industrial estates, and free ports in the Bangsamoro,
18 this shall include the establishment of a Bangsamoro Economic Zone Authority which shall have
19 similar powers as the Philippine Economic Zone Authority. The Bangsamoro Parliament may
20 provide such additional powers and functions to the Bangsamoro Economic Zone Authority as may
21 be necessary to meet the special circumstances of the Bangsamoro.

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

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

1 Bangsamoro free ports shall be contiguous/adjacent to a seaport or airport. The area of coverage of
2 a free port may be so much as may be necessary of that portion of the constituent local government
3 unit/s of the Bangsamoro, subject to such criteria as the Bangsamoro Parliament may provide in law
4 for that purpose. Existing free ports in the Autonomous Region in Muslim Mindanao are hereby
5 transferred to the Bangsamoro Government.

6
7 **Section 29. Prohibition Against Toxic or Hazardous Substances.** – The Bangsamoro
8 Government shall, in accordance with national laws, regulate, restrict, or prohibit the use,
9 importation, transit, transport, deposit, disposal, and dumping of toxic or hazardous substances
10 within the Autonomous Region in the Bangsamoro. It shall, in the same manner, regulate activities
11 that may adversely impact the environment and may be harmful to health, safety, and welfare of the
12 Bangsamoro.

13
14 **Section 30. Halal Program.** – The Bangsamoro Government shall have the power to
15 accredit *halal*-certifying bodies in the Bangsamoro. It shall promote awareness through the
16 development and implementation of a *halal* campaign program.

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

19 20 ***Banking and Finance***

21 **Section 31. Banks and Financial Institutions.** – The Bangsamoro Government shall, in
22 accordance with the principles of Islamic Banking System, and in consonance with the policies,
23 rules and regulations of the *Bangko Sentral ng Pilipinas*, encourage the establishment of:

- 24 a. Banks and financial institutions and their branches; and
25 b. Off-shore banking units of foreign banks.

26 The Bangsamoro Parliament shall enact laws on Islamic finance.

27
28 **Section 32. Islamic Banking and Finance.** – The Bangsamoro Government, the *Bangko*
29 *Sentral ng Pilipinas* (BSP), the Department of Finance (DOF), and the National Commission on
30 Muslim Filipinos (NCMF) shall jointly promote the development of an Islamic banking and finance
31 system, to include, among others, the establishment of a *Shari'ah* Supervisory Board and the
32 promotion and development of *Shari'ah*-compliant financial institutions.

33 To facilitate the establishment of an Islamic banking and finance system, the Bangsamoro
34 Government and the National Government shall review existing market environment policies and
35 adopt measures to enhance the competitiveness of Islamic finance products and ensure that Islamic

1 financial players are not inhibited from introducing Islamic finance products. It shall further
2 promote investor awareness and acceptance in order to build a broader customer and asset base.

3
4 **Section 33. Islamic Banking Unit in the *Bangko Sentral ng Pilipinas*.** - An Islamic
5 Banking Unit shall be established in the *Bangko Sentral ng Pilipinas* which shall be headed and
6 staffed by qualified Islamic Banking experts, as recommended by the Chief Minister of the
7 Bangsamoro Government. The head of the Islamic Banking Unit shall be chosen from among three
8 (3) nominees of the Chief Minister.

9
10 **Section 34. Functions of the *Shari'ah* Supervisory Board And Qualifications of its**
11 **Members.** -Without prejudice to the crafting of the Bangsamoro Islamic banking and finance
12 framework by the Bangsamoro Parliament, the following are the functions and qualifications of the
13 *Shari'ah* Supervisory Board:

- 14 a. *Functions.* – The *Shariah* Supervisory Board shall be responsible for monitoring the
15 compliance of *Shari'ah* rules in banking and finance transactions and issuance of *Shari'ah*
16 products. Furthermore, as a representative of the various *ulama*, it shall have the authority
17 to issue *fatwas* regarding the products and practices employed by banks and other
18 institutions.
- 19 b. *Qualifications.* – Subject to other qualifications that the Bangsamoro Parliament may enact,
20 the members of the Board shall have the necessary knowledge of both Islamic
21 jurisprudence and conventional banking and finance.

22 23 ***Public Utilities***

24 **Section 35. Energy and Power.**– Subject to the regulatory power of the National
25 Government, the Bangsamoro Government may own or operate entities engaged in the business of
26 power transmission, distribution, and generation.

27 It shall promote investments, domestic and international, in the power sector industry in the
28 Autonomous Region in the Bangsamoro.

29 Power plants and distribution networks in the Bangsamoro shall be able to interconnect and
30 sell power over the National Transmission Grid to electric consumers. When power generation,
31 transmission, and distribution facilities are connected to the National Transmission Grid, the
32 National Government and the Bangsamoro Government shall cooperate and coordinate through the
33 intergovernmental relations mechanism.

34 The Bangsamoro Government may assist electric cooperatives to ensure their financial and
35 operational viability. Assistance may be in the form of restructuring of debts, with rehabilitation

1 and efficiency improvement measures based on a set of clear time-bound operational reform
2 programs. Other measures may be brought to the Intergovernmental Relations Mechanism Body.

3 In the event of the privatization of the Power Sector Assets and Liabilities Management
4 (PSALM) or Mindanao Generator *Agus* Grid Hydroelectric Plants, such as *Agus* 1, 2, 4, 5, 6 and 7,
5 the Bangsamoro Government shall have the preferential rights to acquire the said hydroelectric
6 plants situated within the Autonomous Region in the Bangsamoro.

7 This is without prejudice to the payment of the obligation of the national Power Corporation
8 (NAPOCOR) or PSALM to the Autonomous Region in Muslim Mindanao which now accrues to
9 the Bangsamoro Government.

10 11 *Transportation and Telecommunications*

12 **-Section 36. Transportation.** - The National Government shall regulate the airside
13 operations of all existing airports. The National Government and Bangsamoro Government shall
14 coordinate over the following:

- 15 a. The regulation of transportation in the Zones of Joint Cooperation;
- 16 b. The issuance of local franchises, permits, provisional authorities for inter-regional and
17 intra-regional operation of land and water transportation;
- 18 c. Establishment and regulation of inter-regional routes, zones or areas of operation that pass
19 through, include or involve the territorial jurisdiction of the Bangsamoro: *Provided*, That
20 when the origin and the destination of a route are within the Bangsamoro geographical
21 area, it shall be considered an intra-regional route;
- 22 d. Registration of land, and water transportation operating exclusively within the region; and
- 23 e. Exercise quasi-judicial powers over the operation of land and water transportation in the
24 Autonomous Region in the Bangsamoro in accordance with the rules of procedure
25 established by the Bangsamoro Parliament.

26 The National Government shall continue to fund the construction and maintenance of
27 airports and seaports.

28
29 **Section 37. Telecommunications.** - Subject to the limitations provided in the Constitution
30 and national laws, the Bangsamoro Government shall have monitoring powers over
31 telecommunication facilities in the Autonomous Region in the Bangsamoro. It shall, in
32 coordination with the relevant national agencies, exercise quasi-judicial powers over
33 telecommunication companies and have jurisdiction over the following:

- 1 a. Issuance of local licenses, Certificates Of Public Convenience (CPCS), special permits (SP)
2 and provisional authority (PA) to operate telecommunication companies in the
3 Bangsamoro;
- 4 b. Registration of telecommunication companies in the Bangsamoro Autonomous Region;
5 and
- 6 c. Exercise quasi-judicial powers over the operation of telecommunication companies in the
7 Bangsamoro in accordance with the rules of procedure established by the Bangsamoro
8 Parliament.

9

10 **Section 38. Intergovernmental Relations Mechanism.** – The intergovernmental relations
11 mechanism shall harmonize policies, programs, regulations and standards, and resolve problems of
12 implementation between the National Government and the Bangsamoro Government.

13

14 **Article XIV**
15 **REHABILITATION AND DEVELOPMENT**
16

17 **Section 1. Rehabilitation and Development.** –The Bangsamoro Government, with funding
18 support from the National Government, shall intensify development efforts for the rehabilitation,
19 reconstruction, and development of the Bangsamoro as part of the normalization process. It shall
20 formulate and implement a program for rehabilitation and development that will address the needs
21 of Moro Islamic Liberation Front (MILF) and Bangsamoro Islamic Armed Force (BIAF) members
22 and its decommissioned women auxiliary force, the Moro National Liberation Front (MNLF) and
23 Bangsamoro Armed Forces (BAF) members, and address the needs of internally displaced persons,
24 widows and orphans, and poverty-stricken communities.

25

26 **Section 2. Special Development Fund.** – In order for the Bangsamoro to rebuild its
27 conflict-affected communities, the National Government shall provide for a Special Development
28 Fund to the Bangsamoro for the rehabilitation and development of its conflict-affected
29 communities.

30 The amount equivalent to Fifty billion Pesos (PhP50B), at Five billion Pesos (PhP5B) per
31 year, for a period of ten (10) years from the ratification of this Basic Law, shall be allocated for this
32 purpose.

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

1 **Article XV**
2 **PLEBISCITE**
3

4 **Section 1. Establishment of the Bangsamoro.** – The establishment of the Autonomous
5 Region in the Bangsamoro and the determination of its geographical area shall take effect upon
6 ratification of this Basic Law by majority of the votes cast in a plebiscite in the following:

- 7 a. The present geographical area of the Autonomous Region in Muslim Mindanao;
8 b. The Municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in the
9 province of Lanao del Norte;
10 c. The following thirty nine (39) Barangays in the Municipalities of Kabacan, Carmen,
11 Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato that voted for inclusion in
12 the Autonomous Region in Muslim Mindanao during the 2001 plebiscite under Republic
13 Act No. 9054:
14 i. Dungan, Lower Mingading, and Tapodoc in the municipality of Aleosan (3);
15 ii. Manarapan and Nasapian in the municipality of Carmen (2);
16 iii. Nanga-an, Simbuhay, and Sanggadong in the municipality of Kabacan (3);
17 iv. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central Labas,
18 Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, and Tugal in the
19 municipality of Midsayap (12);
20 v. Lower Baguer, Balacayon, Buricain, DatuBinasing, Kadingilan, Matilac, Patot, and
21 Lower Pangangkalan in the municipality of Pigkawayan (8);
22 vi. Bagoinged, Balatican, S. Balong, S. Balongis, Batulawan, Buliok, Gokotan,
23 Kabasalan, Lagunde, Macabual, and Macasendeg, in the municipality of Pikit (11)
24 d. The Cities of Cotabato and Isabela; and
25 e. Those qualified for inclusion in the plebiscite, by way of resolution or petition.
26

27 **Section 2. Conduct of Plebiscite.** – The plebiscite herein mentioned shall be conducted, not
28 earlier than 90 days or later than one hundred twenty (120) days after the effectivity of this Basic
29 Law.

30 For this purpose, the COMELEC shall undertake the necessary steps to enable the holding
31 of the plebiscite within the said period.
32

33 **Section 3. Results of the Plebiscite.** –

- 34 (a) The Autonomous Region in the Bangsamoro shall be established and all the provinces and
35 cities of the Autonomous Region in Muslim Mindanao shall form part of the Bangsamoro

1 if the majority of the votes cast in the Autonomous Region in Muslim Mindanao is in favor
2 of the approval of this Basic Law.

- 3 (b) Any of the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in the
4 Province of Lanao del Norte that votes favorably for its inclusion in the Autonomous
5 Region in the Bangsamoro shall form part of the autonomous region: *Provided*, That the
6 majority of the votes cast in the Province of Lanao del Norte is in favor of the inclusion of
7 the municipality in the Autonomous Region in the Bangsamoro.
- 8 (c) Any of the barangays in the municipalities of Kabacan, Carmen, Aleosan, Pigcawayan,
9 Pikit, and Midsayap as enumerated in Article XV, Section 1(c) that votes favorably for its
10 inclusion in the Autonomous Region in the Bangsamoro shall form part of the autonomous
11 region: *Provided*, That the majority of the votes cast in the municipality to which the
12 barangay belongs is in favor of the inclusion of the barangay in the Autonomous Region in
13 the Bangsamoro.
- 14 (d) The City of Cotabato shall form part of the Autonomous Region in the Bangsamoro if the
15 majority of the votes cast in the city is in favor of its inclusion.
- 16 (e) The City of Isabela shall form part of the Autonomous Region in the Bangsamoro if the
17 majority of the votes cast in the city is in favor of its inclusion in the autonomous region:
18 *Provided*, That the majority of the votes cast in the Province of Basilan is in favor of the
19 inclusion of the City of Isabela in the Autonomous Region in the Bangsamoro.
- 20 (f) Any other contiguous area where there is a resolution of the local government unit or a
21 petition of at least ten percent (10%) of the registered voters in the local government unit
22 asking for its inclusion at least two months prior to the conduct of the ratification of this
23 Basic Law shall form part of the Autonomous Region in the Bangsamoro if the majority
24 of the votes cast in the political units directly affected is in favor of the inclusion of the
25 petitioning local government unit in the Autonomous Region in the Bangsamoro.
- 26

27 **Section 4. Reconstitution of Local Government Units.** – The Bangsamoro Parliament,
28 may, by law, provide for the constitution of geographic areas in the Bangsamoro into appropriate
29 territorial or political subdivisions depending on the results of any of the plebiscites herein. Nothing
30 herein shall be construed to allow the Bangsamoro Parliament to create congressional districts.

31

32 **Section 5. Plebiscite Questions.** The questions to be asked of the voters in the plebiscite
33 shall be determined by the COMELEC.

34

1 **Section 6. Plebiscite Monitoring.** – The COMELEC shall also provide for the accreditation
2 of plebiscite monitors, including the international-domestic monitoring body created by the GPH
3 and the MILF peace panels, in accordance with established international standards on election
4 monitoring. The monitoring body will have access to all operations related to the conduct of the
5 plebiscite and be able to conduct regular and random checks. The reports of the international-
6 domestic monitoring body shall be made available to the Panels for their disposition.

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

17
18 **Section 8. Special Registration.** – The COMELEC shall conduct a special registration
19 before the date of the plebiscite.

20
21 **Section 9. Promulgation of Rules for the Conduct of Plebiscite.** – The COMELEC shall
22 promulgate rules necessary for the conduct of plebiscite, including those for the accreditation of
23 plebiscite monitors, voluntary inclusion in the plebiscite, and the special registration of voters as
24 provided herein, within fifteen (15) days from the effectivity of this Basic Law, with the primary
25 objective of optimizing the opportunity for participation in the plebiscite of qualified voters in the
26 areas specified for the establishment of the Bangsamoro.

27
28 **Section 10. Information Campaigns.** – The Commission on Elections, shall supervise the
29 conduct of information campaigns on the plebiscite, including sectoral campaigns for indigenous
30 communities, women, youth, religious, professionals and public and private sector employees, in
31 every barangay, municipality, city, and province where the plebiscite is to be conducted.

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

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

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

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

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

12
13 **Section 11. Appropriation.** – The amount necessary for the requirements of the conduct of
14 the plebiscite, including the monitoring, information campaign and the registration of voters is
15 hereby appropriated: *Provided*, That the Commission on Elections shall determine the manner of
16 campaigning and the deputization of government and non-government agencies for the purpose.

17
18 **Article XVI**
19 **BANGSAMORO TRANSITION AUTHORITY**
20

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

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

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

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

32
33 **Section 2. Bangsamoro Transition Authority.** – There is hereby created a Bangsamoro
34 Transition Authority (BTA) which shall be the interim government or the governing body in the
35 Bangsamoro during the transition period. The Moro Islamic Liberation Front (MILF), being the

1 principal party to the Comprehensive Agreement on the Bangsamoro, shall lead the BTA, in its
2 leadership and membership.

3 The BTA shall be composed of eighty (80) members, all of whom shall be appointed by the
4 President: *Provided*, That non-Moro indigenous eommunities, youth, women, settler communities,
5 traditional leaders, shall have representatives in the BTA, without prejudice to the participation of
6 the Moro National Liberation Front (MNLF) and other sectors in its leadership and membership.

7 Nominations may be submitted to the office of the President for this purpose.

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

10

11 **Section 3. Powers and Authorities.** – Legislative and executive powers in the Bangsamoro
12 during transition shall be vested in the BTA. During the transition period, executive authority shall
13 be exercised by the interim Chief Minister, who shall be appointed by the President as such, while
14 legislative authority shall be exercised by the BTA.

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

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

20

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

23 a. Enactment of priority legislations such as the Bangsamoro Administrative Code, the
24 Bangsamoro Revenue Code, the Bangsamoro Electoral Code, Bangsamoro Local
25 Government Code, and Bangsamoro Education Code consistent with powers and
26 prerogatives vested in the Bangsamoro Government by this Basic Law; *Provided* that, until
27 the abovementioned laws are enacted for the Bangsamoro, Muslim Mindanao Autonomy
28 Act No. 25 or the Autonomous Region in Muslim Mindanao Local Government Code, and
29 subsisting laws on elections and other electoral matters shall apply in the Bangsamoro.

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

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

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

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

17 **Section 5. Continuity of Government** – To foreclose any political interregnum in the
18 governance of the region, the Bangsamoro Transition Commission (BTC), an independent body
19 created by E.O. 08, shall continue to act as caretakers of the administration of the region until the
20 Bangsamoro Transition Authority (BTA) is constituted.

21

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

28

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

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

4
5 **Section 8. Interim Cabinet.** - The Interim Cabinet shall be composed of fifteen (15)
6 primary ministries with sub-offices, namely:

- 7 a. Finance, and Budget and Management;
- 8 b. Social Services;
- 9 c. Trade, Investments, and Tourism;
- 10 d. Labor and Employment;
- 11 e. Transportation and Communications;
- 12 f. Education, Commission on Higher Education (CHED), and Technical Education and Skills
13 Development Authority (TESDA);
- 14 g. Indigenous Peoples' Affairs;
- 15 h. Health;
- 16 i. Public Works;
- 17 j. Local Government;
- 18 k. Environment, Natural Resources, and Energy;
- 19 l. Human Settlements and Development;
- 20 m. Science and Technology;
- 21 n. Agriculture, Fisheries, and Agrarian Reform; and
- 22 o. Public Order and Safety.

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

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

28
29 **Section 9. Organization of the Bureaucracy.** - The authority of the BTA to create offices
30 and organize the bureaucracy during transition is without prejudice to the authority of the
31 Bangsamoro Government to reorganize the bureaucracy upon its constitution, or any time
32 thereafter. In the exercise of this authority, the BTA shall ensure the least possible disruption to the
33 functioning of government and the delivery of services in the region.

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

5 **Section 10. Transfer of Powers and Properties and Disposition of Personnel.** – All
6 powers, functions, assets, capital, records, funds, receivables, equipment, and facilities of the
7 ARMM Regional Government except those properties, land, and structures located outside the
8 Autonomous Region in Muslim Mindanao at the time of the ratification of this Basic Law shall be
9 transferred to the Bangsamoro Government: *Provided*, That any disposition to the National
10 government of ARMM properties located outside of the ARMM/Bangsamoro shall be subject the
11 Intergovernmental Relations Body or mechanism.

12 All regular or permanent employees of the ARMM shall be absorbed or transferred to the
13 Bangsamoro Government: *Provided*, That they possess the necessary qualifications, and shall not
14 suffer any loss of seniority or rank or decrease in emoluments.

15 No officer or employee in the career service shall be removed except for a valid cause and
16 after due notice and hearing. A valid cause for removal exists when, pursuant to a bonafide
17 reorganization, a position has been abolished or rendered redundant or there is a need to merge,
18 divide or consolidate positions in order to meet the exigencies of the service, or other lawful causes
19 allowed by Civil Service laws.

20 Employees separated or retired from service as a result of the abolition of the ARMM under
21 the provision of this law shall, within three (3) months from their separation or retirement from the
22 service receive a separation pay or retirement benefits in accordance with existing laws, rules and
23 regulations.

24 Employees separated or retired from the ARMM shall not be eligible for reappointment to
25 or employment with the Bangsamoro Government whether on a permanent, temporary, casual or
26 contractual status within a period of five (5) years after separation or retirement.

27 The BTA shall institute an independent, strictly merit-based and credible placement and
28 hiring process for all offices, agencies, and institution in the Bangsamoro and ensure equitable
29 ethnic and gender balance.
30

31 **Section 11. Disposition of Personnel and Assets of National Government**
32 **Offices/Agencies.** – The National Government shall provide for the disposition of personnel of
33 National Government or National GOCCs whose mandate and functions are transferred to or now
34 vested in the Bangsamoro Government by virtue of this Basic Law. Properties and assets shall be
35 transferred to the Bangsamoro Government within three (3) months from the organization of the

1 BTA. The transfer of properties and assets is without prejudice to the power of the BTA to organize
2 the bureaucracy during transition.

3
4 **Section 12. Dissolution of the BTA.** – Immediately upon the qualification of the elected
5 Chief Minister under the first Bangsamoro Parliament, the Bangsamoro Transition Authority shall
6 be deemed dissolved.

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

11
12 **Section 13. Regular Elections.** – The first regular elections for the Bangsamoro
13 Government under this Basic Law shall be held on the first Monday of April 2022. It shall be
14 governed by the Bangsamoro Electoral Code. The National Omnibus Election Code shall apply
15 suppletorily, whenever appropriate. The Commission on Elections (COMELEC), through the
16 Bangsamoro Electoral Office, shall promulgate rules and regulations, as may be necessary, for the
17 conduct of said elections, and enforce and administer the same, consistent with this Basic Law and
18 the Bangsamoro Electoral Code, as correlated with relevant national laws.

19
20 **Section 14. Initial Funding for Transition.** – To carry out the requirements of transition,
21 including the organizational activities of the BTA, organization of the bureaucracy, hiring of
22 personnel, and the exercise of functions and powers of the BTA, as provided in this Basic Law, the
23 amount of One Billion Pesos (1,000,000,000.00) is hereby appropriated for the BTA, charged
24 against the General Funds of the National Government. In addition, the current year's
25 appropriations for the Autonomous Region in Muslim Mindanao shall also be transferred to the
26 BTA for this purpose.

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

29 Government functions falling within the reserved powers of the National Government in the
30 Bangsamoro shall continue to be financed by the National Government funds.

31
32
33
34
35

1 **Article XVII**
2 **AMENDMENTS AND REVISIONS**
3

4 **Section 1. Amendments and Revisions.** – Any Member of Congress may propose
5 amendments or revisions to this Basic Law. Such amendment or revision, as enacted by Congress,
6 shall become effective upon approval by a majority vote of qualified voters in the Bangsamoro cast
7 in a plebiscite called for the purpose.

8 The plebiscite shall be held not earlier than sixty (60) days nor later than ninety (90) days
9 after the approval of such amendment or revision
10

11 **Article XVIII**
12 **FINAL PROVISIONS**
13

14 **Section 1. Existing Regional Laws.** – All subsisting laws enacted by the Regional
15 Legislative Assembly of the Autonomous Region Muslim Mindanao by virtue of authorities
16 provided under Republic Act No. 6734, as amended by Republic Act No. 9054, shall be deemed in
17 effect, unless inconsistent with this Basic Law or repealed by laws passed by the Bangsamoro.
18

19 **Section 2. Separability Clause.** – The provisions of this Basic Law are deemed separate. If,
20 for any reason, any section or provision of this Basic Law is declared unconstitutional, other
21 sections or provisions, which are not affected by such declaration, shall continue to be in full force
22 and effect.
23

24 **Section 3. Repealing Clause.** – Republic Act No. 6734, as amended, and Republic Act No.
25 9054, are hereby repealed. All laws, decrees, orders, rules and regulations, and other issuances or
26 parts thereof, which are inconsistent with this Basic Law, are hereby repealed or modified
27 accordingly.
28

29 **Section 4. Abolition of the Autonomous Region in Muslim Mindanao.** – Upon
30 ratification of this Basic Law, the Autonomous Region in the Bangsamoro is hereby established,
31 and the Autonomous Region in Muslim Mindanao, created under Republic Act No. 6734 or the
32 Organic Act of the Autonomous Region in Muslim Mindanao, as expanded and strengthened by
33 Republic Act No. 9054, is hereby abolished.
34

1 **Section 5. Effectivity.** – This Basic Law shall take effect fifteen (15) days following its
2 complete publication in at least two (2) national newspapers of general circulation and one (1) local
3 newspaper of general circulation in the autonomous region.

4

5 Approved,