The Proposed Bangsamoro Basic Law and the Constitution

By: Pedrito A. Eisma
Commissioner
Bangsamoro Transition Commission
Constitutional Basis for the creation of the Bangsamoro

- Art. X, Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of the constitution and national sovereignty as well as territorial integrity of the Republic of the Philippines.

- MILF-GPH Peace Talks started in 1997
- Pres. Aquino-Chairman Murad meeting in Tokyo on Aug. 4, 2011
- Decision Points of Principles on April 25, 2012
- Framework agreement on the Bangsamoro signed on October 15, 2012
FRAMEWORK AGREEMENT ON THE BANGSAMORO
Signed 15 October 2012

ANNEX ON TRANSITIONAL MODALITIES AND ARRANGEMENTS
Signed 27 February 2013
Roadmap attached

ANNEX ON REVENUE GENERATION AND WEALTH SHARING
Signed 13 July 2013
Components:
- Revenue Generation
- Wealth Sharing
- Fiscal Administration

ANNEX ON POWER SHARING
Components:
- Principles of intergovernmental relations
- Lists of powers: reserved, concurrent, exclusive

ANNEX ON NORMALIZATION
Components:
- Policing
- Transitional Security Arrangements
- Decommissioning
- Disposition of AFP
- Dissolution of Private Armed Groups
- Socio-Economic Programs
- Reconciliation and Justice

COMPREHENSIVE AGREEMENT
Components:
- Framework Agreement on the Bangsamoro
- 4 annexes
- Introductory text

ROAD MAP TOWARDS THE CREATION OF THE BANGSAMORO

1. Creation of Transition Commission (TC)
2. Drafting of the Bangsamoro Basic Law by the TC
3. Submission of the Basic Law to Congress
4. Certification of the Proposed Bangsamoro Basic Law as an Urgent Bill by the President
5. Passage of the Basic Law in Congress
6. Plebiscite for the Bangsamoro Basic Law
7. The TC shall cease to exist upon the enactment of the Bangsamoro Basic Law
8. ARMM is deemed abolished once the Bangsamoro Basic Law is ratified
9. Appointment of Bangsamoro Transition Authority (BTA) to serve for interim period
11. Signing of exit document

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Major pillars of the framework for peace are the following:

- POLITICAL
- SECURITY
- SOCIO-ECONOMIC

Foundation for peace is built on the following tenets:

- Inclusivity
- Accountability
- Good governance
- Protection and empowerment of minorities within the minorities
Territory

• The core territory of the Bangsamoro shall be determined through a plebiscite
• Contiguous LGUs outside the core territory before the plebiscite: 10% of voters petition for inclusion
• Contiguous territories and outside the core territory after the plebiscite: 10% of the voters may at any time petition to join
• Inland waters
• Waters extending up to 22.224 kl (12 nautical miles) from low water mark of the coast
The Powers of Government

- **Reserved Powers** are powers or matters over which authority and jurisdiction are retained by the Central Government.
- **Concurrent powers** shall refer to the shared powers between the Central government and the Bangsamoro government.
- **Exclusive powers** shall refer to powers or matters over which authority and jurisdiction pertain to the Bangsamoro government. It include powers previously granted to ARMM under RA 6734 as amended by RA 9054.

Constitutional parameter for the autonomous jurisdiction of BMG

- Art.X,Sec.20. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act for the autonomous regions shall provide powers over:
  - Administrative organization
  - Creation of sources of revenues
  - Ancestral domain and natural resources
  - Education policies
  - Other matters for the promotion of the general welfare of the people in the region
General supervision of the President

- Art. X, Sec. 16: “The President shall exercise general supervision over Autonomous regions to ensure that the laws are faithfully executed.” (1987 Constitution)

- Art.VI, Sec.3. General Supervision. Consistent with the principle of autonomy and the asymmetric relation of the Central government and the Bangsamoro government, the President shall exercise general supervision over the Bangsamoro government to ensure that laws are faithfully executed. (Draft BBL)

Intergovernmental Relations

- IGR – disputes relating to an intergovernmental conflict between the national and the Bangsamoro gov’t. in the exercise of their respective powers shall be resolved thru the National gov’t. – Bangsamoro gov’t
  Intergovernmental Relations Body
  - Council of leaders
  - Phil congress-Bangsamoro Parliament Forum
  - Authority over Local government Units
The Bangsamoro Government

- Parliamentary in form
- Compose of the chief Minister, Cabinet and members of the Parliament
- Apportionment of seats
- Wali
- Dissolution of the government by a (2/3) vote of no confidence of all members of the Parliament

Constitutional basis for a ministerial form of government

Art. X, Sec. 18. “The Congress shall enact an organic act for each autonomous region xxx. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly both of which shall be elective and representative of the constituent political units.”
Basic Rights

- The Bangsamoro Government guarantees the basic rights already enjoyed by the citizens residing in the Bangsamoro including the following rights:
  - Right to freedom and expression of religion and belief;
  - Right to establish cultural and religious association
  - Right to freedom from religious, ethnic and sectarian harassment

- Collective rights
- Vested property rights
- Indigenous People's right
- Customary Rights and Traditions

Art. XI, Sec. 6 of the draft BBL

- “The customs, beliefs and traditions of the people in the Bangsamoro are recognized, protected and guaranteed.

- No person in the Bangsamoro shall be subjected to any form of discrimination on account of creed, religion, ethnic origin, parentage, or sex.”
Art.IX, Sec. 13 of the draft BBL

“ The Bangsamoro Government shall establish, maintain, and support, as top priority, a complete and integrated system of quality education and adopt an educational framework that is relevant, and responsive to the needs, ideals, and aspirations of the Bangsamoro”

Justice system in the Bangsamoro

- The justice system in the Bangsamoro shall consist of Shari’ah law, which shall have supremacy and application over Muslims only,
- Customary rights and traditions of indigenous peoples (IP)
- National law which shall be applied by local and civil courts
- Alternative dispute resolution system
Public order and safety

- There shall be created a Bangsamoro Regional Police, which is part of the PNP
- The Bangsamoro Regional Police shall be professional and civilian in character
- Members of the BIAF may be recruited to the BRP subject to qualification standards
- Bangsamoro Regional Police Board shall be under the control and supervision of NAPOLCOM

Fiscal Autonomy

- Sources of revenues
  1. Taxes
  2. Fees and charges
  3. Block Grant
  4. Revenues from natural resources
  5. Grants from economic agreements
  6. Grants and donations
  7. Loans and overseas development assistance
Constitutional basis for wealth sharing:

- On national Economy and Patrimony (Art. XII, Sec. 1) “The goals of the national economy are a more equitable distributions of opportunities, income and wealth...”

- On Social Justice & Human Rights (Art. XIII, Sec.1) “The Congress shall give highest priority to the enactment of measures that... remove cultural inequities by equitably diffusing wealth...”

Bangsamoro Transition Authority

- BTA shall be created which shall be the interim government or the governing body in the Bangsamoro during the transition period.

- The MILF shall lead the BTA, in its leadership and membership

- It shall composed of 50 members appointed by the President
Plebiscite

- The creation of the Bangsamoro shall be effective when approved by a majority of the vote cast in provinces, cities and geographical areas.

- Voluntary inclusion in the Plebiscite: 10% before and after first plebiscite.

- Plebiscite question: “Do you approve of the Bangsamoro Basic law?”
Muchisimas Gracias