



## The Proposed Bangsamoro Basic Law and the Constitution

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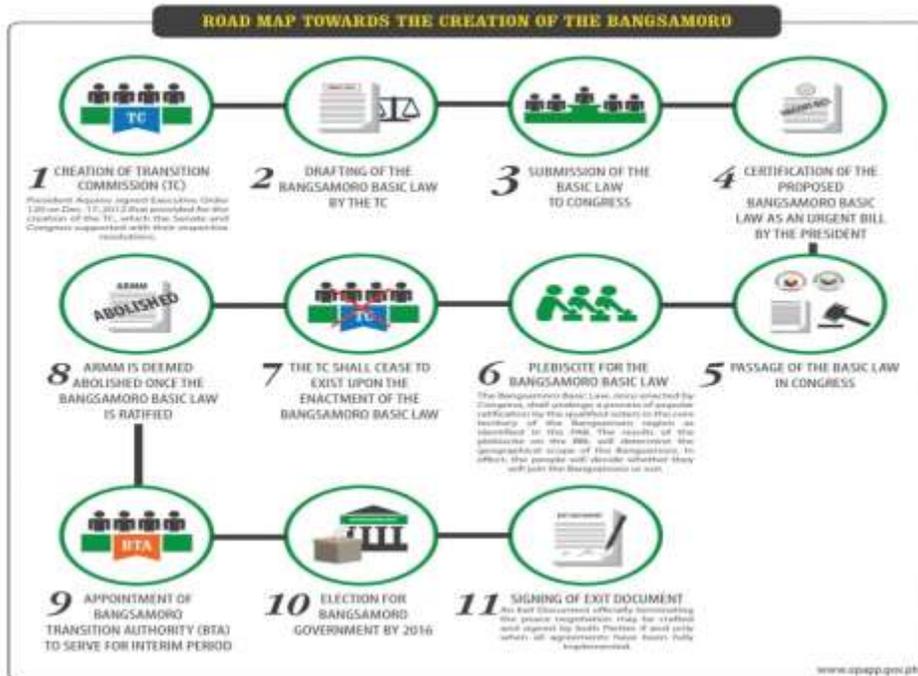
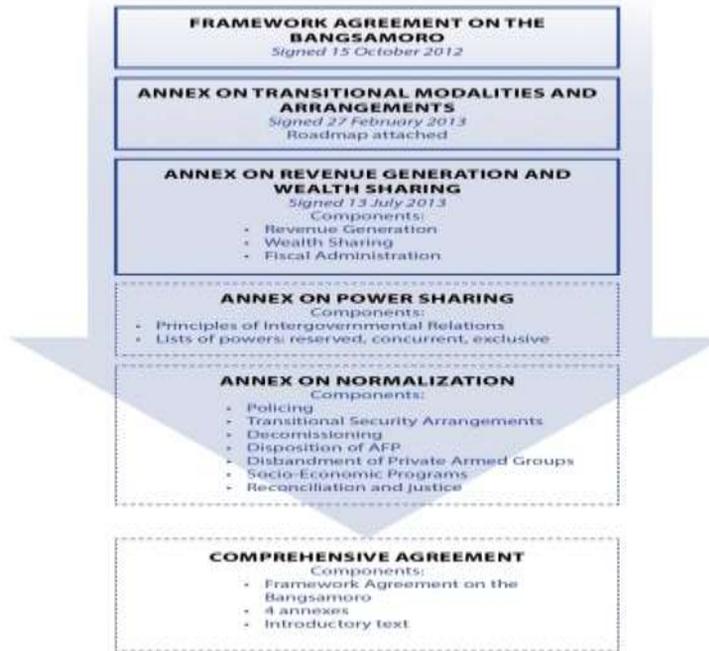


## Constitutional Basis for the creation of the Bangsamoro

- 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
- MOA-AD in 2008 declared unconstitutional in Oct. 14, 2008
- 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



Major pillars of the framework for peace are the following:

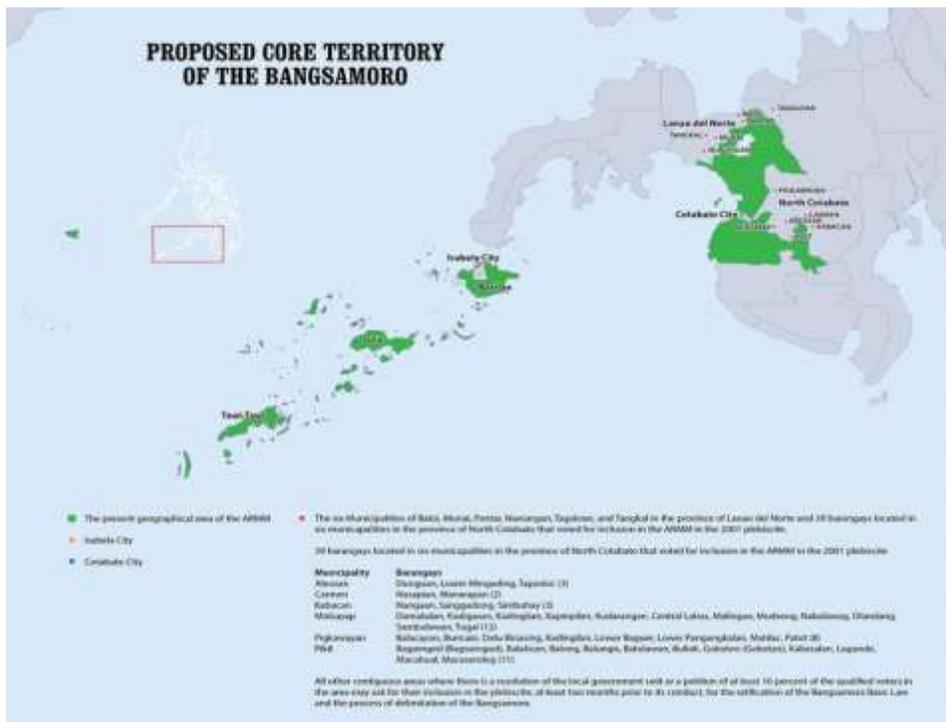
- POLITICAL
- SECURITY
- SOCIO-ECONOMIC

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 reaources
  - 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 assymmetric 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 inter governmental 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 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?”



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Primer

Sixteenth Congress of Republic of the Philippines  
Second Regular Session

**HOUSE BILL NO:**  
**4994**

**SENATE NO:**  
**2408**

**AN ACT PROVIDING FOR THE BASIC LAW FOR THE BANGSAMORO AND ABOLISHING THE AUTONOMOUS REGION IN MUSLIM MINDANAO, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9054, ENTITLED "AN ACT TO STRENGTHEN AND EXPAND THE ORGANIC ACT FOR THE AUTONOMOUS REGION IN MUSLIM MINDANAO," AND REPUBLIC ACT NO. 6734, ENTITLED "AN ACT PROVIDING FOR AN ORGANIC ACT FOR THE AUTONOMOUS REGION IN MUSLIM MINDANAO," AND FOR OTHER PURPOSES**

# Muchisimas Gracias

