



SALIENT POINTS OF THE BANGSAMORO BASIC LAW

(Prepared by the Office of the Presidential Adviser on the Peace Process [OPAPP])

Purpose of the BBL

“The purpose of this Basic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and their aspiration to chart their political future through a democratic process that will secure their identity and posterity and allow for meaningful self-governance.”

— Article I, Sec. 3

What is the “Bangsamoro”?

It is the identity of the *Bangsamoro People*.

It is the political entity—the *Bangsamoro*—that will replace the Autonomous Region in Muslim Mindanao (ARMM).

It is the government—the *Bangsamoro Government*—that will replace the ARMM Regional Government.

The Bangsamoro is the *secular* autonomous government mandated in the Constitution. It is not an Islamic state.

Inclusive and Non-Imposing Definition of the “Bangsamoro” Identity

Who is the Bangsamoro as provided for in the BBL?

“Those who, at the advent of the Spaniards, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent lands including Palawan, and their descendants, whether of mixed or full blood, *shall have the right to identify themselves as Bangsamoro by ascription or self-ascription*. Spouses and their descendants are classified as *Bangsamoro*.”

— Art. II, Sec. 1

“The *freedom of choice* of other indigenous peoples shall be respected. There shall be no discrimination on the basis of identity, religion, and ethnicity.”

— Art. II, Sec. 2

The Bangsamoro Does Not Form a Separate State

“...The Bangsamoro territory shall remain a part of the Philippines.”

— BBL, Art. III, Sec. 1

“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 this Constitution and the *national sovereignty as well as territorial integrity* of the Republic of the Philippines.”

— 1987 Constitution, Art. X, Sec. 15

Establishment of the Bangsamoro

“The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that *only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.*”

— 1987 Constitution, Art. X, Sec. 18

Proposed Bangsamoro Core Territory

It will cover the present geographical area of the ARMM.

It will include 6 municipalities in the province of Lanao del Norte: Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal.

It will include the Cities of Cotabato and Isabela (Basilan).

It will include 39 barangays in the municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato.

It will include those areas qualified for inclusion in the plebiscite, by way of resolution or petition.

The Bangsamoro territory shall remain a part of the Philippines.

Conduct of Popular Ratification on the BBL

“All registered voters in the provinces, cities, and geographical areas covered in the proposed core territory of the Bangsamoro shall be qualified to participate in the plebiscite on the establishment of the Bangsamoro.”

— Art. XV, Sec. 8

“The plebiscite shall be conducted not earlier than 90 days or later than 120 days after the effectivity of the Basic Law.”

— Art. XV, Sec. 2

Areas Where the Plebiscite will be Conducted

The establishment of the Bangsamoro shall take effect upon the ratification of the BBL by *majority of the votes cast in a plebiscite* in:

- Present ARMM
- 6 municipalities of Baloi, Munai, Nunungan, Pantar, Tagaloan, and Tangkal in Lanao del Norte
- 39 barangays in Kabacan, Carmen, Aleosan, Pigkawayan, Pikit, and Midsayap in North Cotabato
- Cotabato City and Isabela City
- Any LGU unit or geographic area outside the territorial jurisdiction of the Bangsamoro, but which are contiguous to any of the component units of the Bangsamoro, upon a verified petition for the conduct of a plebiscite of at least 10% of the registered voters, asking for inclusion at least two (2) months prior to the conduct of the plebiscite

Delimitation of the Bangsamoro

“A plebiscite shall be held in areas which were not able to join in the Bangsamoro 5 years after the ratification of the BBL and every 5 years thereafter for a period of 25 years, to determine whether or not they desire to join the Bangsamoro.”

— Art. XV, Sec. 4

“Contiguous areas mentioned in the 1976 Tripoli Agreement and the 1996 Final Peace Agreement may opt to join the Bangsamoro through a period plebiscite, provided that a petition signed by 10% of the registered voters or a resolution of the LGU of each province, city, municipality or other contiguous geographic area opting to join is

submitted to their respective election office at least 1 year prior to the scheduled plebiscite.”

— Art. XV, Sec. 4

“At the end of the 25th year, the Bangsamoro shall have been delineated and delimited, no other plebiscite for expansions shall be held.”

— Art. XV, Sec. 5

Powers of Government

Reserved Powers are matters over which authority and jurisdiction are retained by the Central Government (Art. V, Sec 1).

Concurrent Powers shall refer to the powers shared between the Central Government and the Bangsamoro Government within the Bangsamoro (Art. V, Sec. 2).

Exclusive Powers are matters over which authority and jurisdiction shall pertain to the Bangsamoro Government (Art. V, Sec. 3).

Intergovernmental Relations

The relationship between the Central Government and the Bangsamoro Government shall be **asymmetric** (Art. VI, Sec. 1).

The Central Government and the Bangsamoro Government shall be guided by the **principles of parity of esteem and accepted by norms of good governance** (Art. VI, Sec. 2).

The President shall exercise general supervision over the Bangsamoro Government to ensure that laws are faithfully executed (Art. VI, Sec. 3).

The Central Government and Bangsamoro Government accept the concept of devolution as inspired by the principles of subsidiarity (Art. VI, Sec. 6).

The LGUs shall continue to exercise the powers granted to them as provided by law (Art. VI, Sec. 7).

Bangsamoro Council of Leaders

It shall consist of the Chief Minister, provincial governors, mayors of chartered cities, and representatives from traditional leaders, non-Moro indigenous communities, women,

settler communities, *ulama*, youth, Bangsamoro communities outside of the Bangsamoro territory, and other sectors.

It shall be chaired by the Chief Minister.

The Council shall advise the Chief Minister on matters of governance in the Bangsamoro.

The mechanisms of representation and number of representatives shall be determined by the President.

Intergovernmental Relations Mechanisms

Central Government – Bangsamoro Government Intergovernmental Relations Body

It shall be established to resolve all issues and disputes through regular consultations and continuing negotiations in a non-adversarial manner (Art. Vi, Sec. 4).

Philippine Congress – Bangsamoro Parliament Forum

It shall be established for the purposes of cooperation and coordination of legislative initiatives (Art. VI, Sec. 8)

Intergovernmental Fiscal Policy Board

It shall be established to address revenue imbalances and fluctuation in regional financial needs and revenue-raising capacity of the Bangsamoro (Art. XII, Sec. 37).

Bangsamoro Sustainable Development Board (BSDB)

It shall be established to ensure the harmonization of environmental and developmental plans (Art. XIII, Sec. 4).

The Bangsamoro Government

The Bangsamoro Government shall be *parliamentary* and its political system is *democratic* (Art. IV, Sec. 1). It shall adopt an electoral system suitable to its parliamentary form of government (Art. IV, Sec. 3).

The legislative and executive powers are to be exercised by the Bangsamoro Parliament and Cabinet, respectively (Art. VII, Sections 1-3).

The President shall exercise general supervision over the Bangsamoro to ensure that laws are faithfully executed (Art. VI, Sec. 3).

Bangsamoro Parliament

The Parliament shall have at least *80 members*:

50% of these elected through a system of proportional representation (party representatives);

40% elected through single member districts (district seats);

10% sectoral/reserved seats:

- The Parliament shall have two (2) reserved seats for the non-Moro indigenous communities (e.g., Teduray, Lambangian, Dulangan Manobo, B'laan, and Higaonon) and settler communities. Women, youth, traditional leaders, and the ulama shall also have a reserved seat each.
- The Bangsamoro Parliament shall determine the manner of election of sectoral and other representation in the Parliament
- Reserved seats for non-Moro indigenous peoples shall be pursuant to their customary laws and indigenous processes

Terms of office of the Members of Parliament shall be three (3) years, without prejudice for the Bangsamoro Transition Authority (BTA) to include in the Election Code a new term of office.

The **President of the Philippines** shall exercise general supervision over the **Bangsamoro Government** to ensure that laws are faithfully executed.

The **Chief Minister** heads the Bangsamoro Government and shall be elected by a majority vote of the Parliament from among its members.

The **Council of Leaders** consists of the Chief Minister, provincial governors, mayors of chartered cities, and representatives from traditional leaders, non-Moro IPs, women, settler communities, ulama, youth, and other Bangsamoro communities.

The **Cabinet** exercises executive function and authority; the Chief Minister shall appoint two (2) Deputy Chief Ministers and the members of the Cabinet.

Representation & Elections Process

The registered voters elect representatives in the Bangsamoro Parliament → the Bangsamoro Parliament elects the Chief Minister

The Chief Minister shall be elected by a *majority vote* of all the members of the Parliament (Art. VII, Sec. 31).

The Chief Minister:

- Is the **head of the Bangsamoro Government** (Art. VII, Sec. 32)
- Appoints the **two (2) Deputy Ministers and other ministers** to form the Cabinet (Art. VII, Sections 32, 35)
- Is an ex-officio member of the National Security Council (NSC) on matters concerning the Bangsamoro and of the NEDA (Art. VII, Sec. 34)
- Is the ex-officio Chair of the Bangsamoro Police Board (Art. XI, Sec. 6)

Wali

FUNCTION: The Wali shall serve as the ceremonial head of the Bangsamoro and shall only take ceremonial functions (e.g., opening of Parliament, dissolving of the Parliament, etc.).

APPOINTMENT: The Wali shall be appointed through a resolution passed by the Parliament. S/he shall be selected from a list of eminent residents of the Bangsamoro submitted by the Council of Leaders.

TERM OF OFFICE: The 1st Wali shall be appointed by the BTA for a 3-year term. Each succeeding Wali shall have a 6-year term.

OTHER DUTIES

- The Wali shall administer the oath of office of all the MPs, including the Chief Minister;
- Within 72 hours upon a 2/3 vote of no confidence of all the MP against the government of the day, the Chief shall advise the Wali to dissolve the Parliament and call for a new parliamentary election;

- The Wali shall call for the election of a new Bangsamoro Parliament on a date not later than 120 days from the date of dissolution.

The BBL Protects the Rights of All

The BBL provides for the protection of the basic rights enjoyed by all citizens residing in the Bangsamoro.

Vested property rights shall be recognized and respected.

There shall be a transitional justice mechanism to address the legitimate grievances of the Bangsamoro people, including the IPs (e.g., historical injustices, human rights violations, marginalization).

It protects the rights of the IPs.

It protects customary rights and traditions.

It respects human rights.

Plural Systems of Administration of Justice

Article X, Section 1

The justice system of the Bangsamoro shall consist of:

- Shari'ah law which shall have supremacy and application over Muslims only;
- The traditional or tribal justice system, for the indigenous peoples in the Bangsamoro;
- The local courts
- Alternative dispute resolution system

Policing in the Bangsamoro

The *Bangsamoro Government* shall have primary responsibility over public order and safety within the Bangsamoro. There shall be cooperation and coordination between the Central Government and the Bangsamoro Government through the IGR mechanism (Art. XI, Sec. 1).

The *Bangsamoro Police*:

- It shall be organized, maintained, supervised, and utilized for the primary purpose of law enforcement and maintenance of peace and order in the Bangsamoro (Art. XI, Sec. 2).
- It shall be part of the Philippine National Police (Art. XI, Sec. 2).
- It shall be professional, civilian in character, regional in scope, effective and efficient in law enforcement, fair and impartial, free from partisan political control, and accountable under the law for its actions. It shall be responsible both to the Central Government and the Bangsamoro Government, and to the communities it serves (Art. XI, Sec. 2).

The *Bangsamoro Police Board*:

- It shall perform the functions of the National Police Commission (NAPOLCOM) in the Bangsamoro. The board shall be part of the NAPOLCOM. The NAPOLCOM shall ensure that the BPB performs its powers and functions within the bounds of its authority (Art. XI, Sec. 5).
- It shall have the power to investigate complaints against the Bangsamoro Police. Appeals from its decisions may be lodged with the National Appellate Board (Art. XI, Sec. 5).

Clarifications on the Policing in the Bangsamoro

The Bangsamoro will not have a separate police. The Bangsamoro police force shall be a regional unit of the Philippine National Police. All regions have the same such regional commands, including the ARMM today.

There is no automatic/wide-scale integration of the Moro Islamic Liberation Front (MILF combatants to the PNP or the AFP

- All police officers, from regional director down to the municipal police, shall come from the PNP.
- The MILF combatants will not become the police force of the Bangsamoro. If they wish to apply, they will have to comply with the requirements set by the national PNP.
- The MILF will not be issued firearms.
- Hiring will still be conducted at the national level.

There is no religious text for membership in the Bangsamoro police.

Disciplinary authority exercised by the Police Board does not remove the disciplining powers of other officials/agencies (e.g. Chief PNP, Provincial Director, Chief of Police, Regional Director, Ombudsman, Civil Service Commission, etc.).

Under the PNP Law (Republic Act 6795 of 1990, as amended by RA 8551 in 1998), local executives have operational control over the Police, and certain disciplinary powers. That the draft BBL gives the same powers to the chief executive of the Bangsamoro Government is nothing new.

Fiscal Autonomy and Revenue Generation in the Bangsamoro

The Bangsamoro shall enjoy the maximum form of fiscal autonomy with the end in view of attaining economic self-sufficiency and genuine development (Art. XII, Sec. 1).

Apart from the taxes that were granted previously to ARMM, the Bangsamoro Government can now impose and collect four (4) national taxes when all the taxable elements are found therein—**Capital Gains Tax, Donor's Tax, Estate Tax and Documentary Stamp Taxes** provided that all the taxable elements are within the Bangsamoro (Art. XII, Sec. 10).

The Bangsamoro Government is also entitled to a 75% share in all national taxes, fees and charges collected in the Bangsamoro (Art. XII, Sec. 11).

Enhanced Sharing of National Tax Collection

ARMM (RA 9054)

ARMM 70%--35% goes to province/city; 35% goes to regional government.

Central Government Tax Collection in the Bangsamoro (except tariffs and customs duties)

Bangsamoro 75%

Central Government 25%

Annual Block Grant

The Central Government shall provide an annual block grant which shall be the share of the Bangsamoro in the national internal revenue of the Government, which shall be

sufficient for the exercise of the powers and functions of the Bangsamoro Government (Art. XII, Sec. 17).

It shall be automatically appropriated to the Bangsamoro Government and reflected in the General Appropriations Act (GAA) (Art. XII, Sec. 19), and regularly released (Art. XII, Sec. 20).

Formula:

Annual Block Grant = 6% (Net national internal revenue [NIR] collection of the Bureau of Internal Revenue + Collection from Bureau of Customs)

Where, **net national internal revenue collection of the BIR** is the sum of all internal revenue tax collections during the base year less the internal revenue allotment of LGUs, as well as the amount released during the same year for tax refunds, payments for informer's reward, etc.

Deductions from Annual Block Grants

The following will be deducted from the block grants 10 years from the operationalization of the regular Bangsamoro Government.

1. Revenues from additional taxes beyond those already devolved to the ARMM collected three (3) years before.
2. Share of the Bangsamoro in the government income derived from the exploration, development and utilization of natural resources collected three (3) years before.

(This is without prejudice to the just share of the LGUs under the Bangsamoro.)

The Bangsamoro Government's economic policies and programs shall be based on the principle of social justice (Art. XIII, Sec. 1).

- Equitable and sustainable development to protect and improve the quality of life of the inhabitants of the Bangsamoro, taking into consideration ecological balance (Sec. 2)
 1. Comprehensive Framework for sustainable development
 2. Bangsamoro Development Plan
 3. Bangsamoro Sustainable Development Board

- Women must have a role in governance and development (Sec. 6).
 - The Bangsamoro participates in national development planning (Sec. 7).
 - The bona fide inhabitants of the Bangsamoro enjoy preferential rights over the EDU of natural resources within the Bangsamoro (Sec. 11)
 - The indigenous peoples in the Bangsamoro enjoy rights over the natural resources (Sec. 12).
1. Share in revenues
 2. Preferential rights in the EDU of natural resources within their area
 3. Right to free and prior informed consent

The Bangsamoro Will Not Have Its Own Constitutional Commissions

The Bangsamoro Commission on Audit shall be created without prejudice to the power of the national COA.

The Bangsamoro auditing body follows internal audit already present in all government agencies, LGUs, etc. (RA 3456, as amended by RA 4177).

The Bangsamoro Electoral Office is the regional office of the Commission on Elections (COMELEC), performing the functions of the COMELEC in the Bangsamoro.

The Bangsamoro Civil Service Office is similar to the human resources offices of other agencies.

The Bangsamoro Commission on Human Rights (CHR) already exists in ARMM

All these are without prejudice to the mandate of the constitutional bodies.

Zones of Joint Cooperation (ZJC) in the Sulu Sea and the Moro Gulf

These zones are found in parts of the Sulu Sea and the Moro Gulf; excluding the Bangsamoro Waters and the municipal waters of adjoining LGUs.

These zones are established for the purposes of:

- Protection of traditional fishing grounds
- Benefitting from the resources

- Interconnectivity of the islands and the mainland parts of a cohesive Bangsamoro political entity
- Ensuring the exercise of the preferential rights of the Bangsamoro people, other than IPs in the adjoining provinces, and the resident fishers in the Bangsamoro over fishery, aquamarine, and other living resources in the ZJC

Special Development Fund

A Special Development Fund shall be set up for the rehabilitation and development programs of the Bangsamoro.

It shall be in an amount of Php100B for the twenty (20) years from the ratification of the BBL.

For the first year following the ratification of this Basic Law, the amount of ten billion pesos (Php10B) shall be given to the Bangsamoro Government. From the second to the fifth year, the amount shall be eight billion pesos (Php8B) each year, and six billion pesos (Php6B) for each year from the sixth to the tenth year. Henceforth up to the twentieth year, the amount shall be two point two billion pesos (Php2.2B) annually. Such an amount shall be released at the beginning of each fiscal year to the Bangsamoro Government (Art. XIV, Sec. 2).

Bangsamoro Transition Authority

The BTA shall function as the interim government or the governing body in the Bangsamoro during the transition period, and shall exercise executive and legislative functions for this purpose (until the May 2022 national elections). The interim Chief Minister and the BTC shall exercise executive and legislative authorities, respectively.

All devolved authorities shall be vested in the BTA during the transition period.

It shall be composed of 80 members, all of whom shall be appointed by the President.

Non-Moro indigenous communities, women, settler communities, traditional leaders, and other sectors shall have representatives in the BTA. The Council of Leaders shall also be organized.

The BTA shall be led by the MILF.

To foreclose any political interregnum in the governance of the region, the Bangsamoro Transition Commission (BTC), an independent body created by Executive Order 08, shall continue to exist to wind up and caretake of the administration of the region until the Bangsamoro Transition Authority (BTA) is constituted (Art. XVI, Sec. 5).

The amount of Php1B shall be allocated for the BTA's operation. The current year's appropriation to the ARMM shall also be transferred to the BTA.

The BTA is dissolved immediately upon the qualification of the elected Chief Minister under the first Bangsamoro Government.

The BTA shall submit its report and recommendations to the Bangsamoro Parliament, House of Representatives, the Senate, and the Office of the President on the status of the government during the transition period within 60 days from the assumption into office of all MPs.