

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:*

1 **TABLE OF CONTENTS**

2

3

4 **TITLE**

5

6 **PREAMBLE**

7

8 **Article I - NAME AND PURPOSE**

9 Section 1. Short Title.

10 Section 2. Name

11 Section 3. Purpose

12

13 **Article II - BANGSAMORO IDENTITY**

14 Section 1. Bangsamoro People.

15 Section 2. Freedom of Choice.

16 Section 3. Bangsamoro Symbol.

17

18 **Article III - TERRITORY**

19 Section 1. Bangsamoro Geographical Area.

20 Section 2. Core Area

21 Section 3. Inland Waters.

22 Section 4. Bangsamoro Waters.

23 Section 5. Constituent Units.

24 Section 6. Collective Democratic Rights of the Bangsamoro.

25

26 **Article IV - GENERAL PRINCIPLES AND POLICIES**

27 Section 1. Self-Governance.

28 Section 2. Democratic Political System.

29 Section 3. Electoral System

30 Section 4. Civilian Government

31 Section 5. Promotion of Unity.

32 Section 6. Promotion of Right.

33 Section 7. Social Justice.

34 Section 8. International Treaties and Agreements.

35 Section 9. Declaration on the Rights of Non-Moro Indigenous Peoples.

36

37 **Article V- POWERS OF GOVERNMENT**

38 Section 1. Reserved Powers.

39 Section 2. Concurrent Powers.

40 Section 3. Exclusive Powers.

41 Section 4. Other Exclusive Powers

42

43

44 **Article VI - INTERGOVERNMENTAL RELATIONS**

45 Section 1. Asymmetric Relationship.

46 Section 2. Parity of Esteem.

47 Section 3. General Supervision.

48 Section 4. Intergovernmental Relations Mechanism.

49 Section 5. Council of Leaders.

50 Section 6. Devolution and Subsidiarity.

51 Section 7. Bangsamoro Government and Its Constituent Local Government Units.

52 Section 8. Philippine Congress. – Bangsamoro Parliament Forum.

- 1 Section 9. Bangsamoro Participation in National Government.
2 Section 10. Assistance to Other Bangsamoro Communities.
3

4 **Article VII - THE BANGSAMORO GOVERNMENT**

5 Section 1. Seat of Government.

6 Section 2. Powers of Government.

7 Section 3. Legislative Authority.

8 Section 4. Executive Authority.
9

10 **Bangsamoro Parliament**

11 Section 5. Composition

12 Section 6. Classification and Allocation of Seats.

13 Section 7. Election for Reserved Seats for Non-Moro Indigenous Peoples.

14 Section 8. Election of the Representatives of the Settlers, Women, Youth and Traditional Leaders.

15 Section 9. Regional Parties.

16 Section 10. Redistricting.

17 Section 11. Bangsamoro Electoral Office.

18 Section 12. Budget for the Bangsamoro Electoral Office.

19 Section 13. Term of Office of Member of the Bangsamoro Parliament.

20 Section 14. Qualifications.

21 Section 15. Salaries of Parliament Members, Officials and Employees.

22 Section 16. Disclosure.

23 Section 17. Prohibition Against Conflict of Interest.

24 Section 18. Forfeiture of Seat.

25 Section 19. Filling of Vacancy.

26 Section 20. Privileges and Immunities.

27 Section 21. Sessions of the Bangsamoro Parliament.

28 Section 22. Officers of the Bangsamoro Parliament

29 Section 23. Presiding Officer.

30 Section 24. Rules of Procedure.

31 Section 25. Proceedings.

32 Section 26. General Welfare.

33 Section 27. Appropriations.

34 Section 28. Budget.

35 Section 29. Reenacted Budget.
36

37 **Executive Officers**

38 Section 30. Qualifications of the Chief Minister.

39 Section 31. Election of the Chief Minister.

40 Section 32. Powers, Duties and Functions of the Chief Minister.

41 Section 33. Administration of Oath of the Chief Minister.

42 Section 34. Ex-Officio Membership.

43 Section 35. Deputy Chief Ministers.

44 Section 36. Call for a New Bangsamoro Parliament Election.
45

46 **Article VIII - WALI**

47 Section 1. Appointment of Wali.

48 Section 2. Qualifications of Wali.

49 Section 3. Ceremonial Duties of Wali.

50 Section 4. Term of Office of Wali.

51 Section 5. Per Diem of the Wali.
52

1 **Article IX - BASIC RIGHTS**

- 2 Section 1. Basic Rights in the Bangsamoro.
3 Section 2. Vested Property Rights.
4 Section 3. Transitional Justice.
5 Section 4. Indigenous Peoples' Rights.
6 Section 5. Customary Rights and Traditions.
7 Section 6. Human Rights.
8 Section 7. Bangsamoro Regional Human Rights Office.

9
10 **Social Justice**

- 11 Section 8. Delivery of Basic Services.
12 Section 9. Housing and Human Settlements.
13 Section 10. Rights of Labor.
14 Section 11. Participation of Women in the Bangsamoro Government.
15 Section 12. Rights of the Youth.
16 Section 13. Protection of Women
17 Section 14. Rights of Children.
18 Section 15. Settler Communities.

19
20 **Education**

- 21 Section 16. Integrated System of Quality Education.
22 Section 17. Vocational, Technical, Non-formal, and Special Education.
23 Section 18. Madaris Education, Islamic and Arabic Studies.
24 Section 19. Tribal University System.
25 Section 20. Physical Education and Sports Development, Sports Program and Bangsamoro Sports
26 Commission.

27
28 **Science and Technology**

- 29 Section 21. Science and Technology

30
31 **Health**

- 32 Section 22. Comprehensive and Integrated Health Service Delivery
33 Section 23. Support for Persons with Special Needs, Senior Citizens, and Disadvantaged Groups

34
35 **Arts and Culture**

- 36 Section 24. Preservation of the Cultural Heritage of the Bangsamoro.
37 Section 25. Primary Responsibility of the Commission.
38 Section 26. Management of Bangsamoro Historical and Cultural Sites.

39
40 **Article X - BANGSAMORO JUSTICE SYSTEM**

- 41 Section 1. Justice System in the Bangsamoro.

42
43 **Shari'ah Judicial System.**

- 44 Section 2. Shari'ah.
45 Section 3. Sources of Shari'ah.
46 Section 4. Shari'ah Justice System
47 Section 5. Jurisdiction of Shari'ah Courts.
48 Section 6. Shari'ah Municipal Trial Courts.
49 Section 7. Shari'ah Regional Trial Courts.
50 Section 8. Bangsamoro Shari'ah Court of Appeals.
51 Section 9. Qualifications of Shari'ah Judges.
52 Section 10. Composition of Bangsamoro Shari'ah Court of Appeals.

- 1 Section 11. Compensation, benefits, tenure and privileges.
- 2 Section 12. Shari'ah Judicial and Bar Council.
- 3 Section 13. Composition of the Shari'ah Judicial and Bar Council.
- 4 Section 14. Functions of the Shari'ah Judicial and Bar Council.
- 5 Section 15. Shari'ah Rules of Court.
- 6 Section 16. Special Bar Examinations for Shari'ah.
- 7 Section 17. Practice of law before Shari'ah Courts
- 8 Section 18. Appointment and Discipline of Shari'ah Court Personnel
- 9 Section 19. Bangsamoro Shari'ah Integrated Bar.
- 10 Section 20. Shari'ah Public Attorney's Office.
- 11 Section 21. Shari'ah Academy.
- 12 Section 22. Bangsamoro Jurisconsult in Islamic Law.
- 13 Section 23. Jurisconsult Under Existing Law.
- 14 Section 24. Justices from the Bangsamoro.
- 15 Section 25. Deputy Court Administrator for the Bangsamoro.
- 16
- 17 **Traditional or Tribal Justice Systems**
- 18 Section 26. Traditional or Tribal Justice Systems.
- 19 Section 27. Office for Traditional or Tribal Justice System.
- 20
- 21 **Regular Courts in the Bangsamoro**
- 22 Section 28. Regular Courts.
- 23
- 24 **Alternative Dispute Resolution**
- 25 Section 29. Alternative Dispute Resolution
- 26
- 27 **Article XI – NATIONAL DEFENSE AND SECURITY, PUBLIC ORDER AND SAFETY,**
- 28 **AND COASTGUARD MATTERS**
- 29 Section 1. National Defense and Security.
- 30 Section 2. Public Order and Safety.
- 31 Section 3. Regional Office of the National Police Commission.
- 32 Section 4. Jail Management and Penology.
- 33 Section 5. Fire Protection.
- 34 Section 6. Coast Guard Matters.
- 35
- 36 **Article XII - FISCAL AUTONOMY**
- 37 Section 1. Fiscal Autonomy.
- 38 Section 2. Auditing.
- 39 Section 3. Local Government Finance
- 40 Section 4. National Government Assistance
- 41 Section 5. Assistance to Other Regions.
- 42
- 43 **Sources of Revenue**
- 44 Section 6. Revenue Sources.
- 45 Section 7. Baitalmal, Awqaf, and Zakat Regulation.
- 46
- 47 **Taxation**
- 48 Section 8. Taxes, Fees, And Charges.
- 49 Section 9. Tax Incentives.
- 50 Section 10. Taxing Powers.
- 51 Section 11. Share in Taxes of the National Government.
- 52 Section 12. Assessment and Collection of Taxes; Bangsamoro Revenue Office.

- 1 Section 13. Payment of Taxes by Corporations, Partnerships or Firms.
- 2 Section 14. Share of the Constituent Local Government Units in Taxes within the Bangsamoro.
- 3 Section 15. Bangsamoro Taxes and Revenue Code.
- 4 Section 16. Fees and Charges.
- 5
- 6 **Block Grant**
- 7 Section 17. Annual Block Grant.
- 8 Section 18. Block Grant Amount and Mode of Transfer.
- 9 Section 19. Automatic Appropriation.
- 10 Section 20. Regular Release.
- 11 Section 21. Deductions from the Block Grant; Exceptions.
- 12 Section 22. Review of the Block Grant Formula.
- 13 Section 23. Development Programs and Projects.
- 14
- 15 **Loans**
- 16 Section 24. Foreign and Domestic Loans; Bills, Bonds, Notes and Obligations.
- 17 Section 25. Overseas Development Assistance.
- 18
- 19 **Grants and Donations**
- 20 Section 26. Grants and Donations.
- 21
- 22 **Economic Agreements and Conventions**
- 23 Section 27. Economic Agreements.
- 24 Section 28. Cultural Exchange, Economic and Technical Cooperation.
- 25 Section 29. Benefits from Conventions.
- 26
- 27 **Government Owned and/or Controlled Corporations (GOCCs) and Financial Institutions**
- 28 Section 30. GOCCs and Financial Institutions.
- 29 Section 31. Existing GOCCs Operating Exclusively in the Bangsamoro.
- 30 Section 32. Southern Philippine Development Authority and Al-Amanah Islamic Investment Bank.
- 31 Section 33. Existing GOCCs in the Bangsamoro.
- 32
- 33 **Sharing in the Exploration, Development, and Utilization of Natural Resources**
- 34 Section 34. Sharing in Exploration, Development and Utilization of Natural Resources.
- 35 Section 35. Share of the Constituent Local Government Units.
- 36 Section 36. Share of Indigenous Communities
- 37
- 38 **Intergovernmental Fiscal Policy Board**
- 39 Section 37. Intergovernmental Fiscal Policy Board.
- 40 Section 38. Functions.
- 41 Section 39. Composition of the IGFPB.
- 42 Section 40. Meetings and Annual Report.
- 43 Section 41. Full Disclosure Policy.
- 44 Section 42. Additional Fiscal Powers.
- 45
- 46 **Article XIII - ECONOMY AND PATRIMONY**
- 47 Section 1. Bangsamoro Social Justice, and Economic System.
- 48
- 49 **Sustainable Development**
- 50 Section 2. Equitable and Sustainable Development.
- 51 Section 3. Comprehensive Framework for Sustainable Development.
- 52 Section 4. Bangsamoro Sustainable Development Board.

- 1 Section 5. Bangsamoro Development Plan.
2 Section 6. Gender and Development
3 Section 7. Participation in National Development Planning.
4

5 **Natural Resources**

- 6 Section 8. Natural Resources, Nature Reserves, and Protected Areas.
7 Section 9. Transfer of Existing Nature Reserves and Protected Areas.
8 Section 10. Exploration, Development, and Utilization of Fossil Fuels and Uranium.
9 Section 11. Preferential Rights of Bona Fide Inhabitants of the Bangsamoro.
10 Section 12. Rights of Indigenous Peoples Over Natural Resources.
11 Section 13. Mines and Mineral Resources.
12 Section 14. Financial and Technical Assistance Agreements.
13 Section 15. Regulation of Small-Scale Mining.
14 Section 16. Legislating Benefits, Compensation for Victims and Communities Adversely Affected
15 by Mining and Other Activities that Harness Natural Resources.
16 Section 17. Bangsamoro Mining Policy.
17 Section 18. Land management, land distribution, and agricultural land use reclassification
18 Section 19. Land Tenure And Conflicting Claims.
19 Section 20. Zones of Joint Cooperation.
20 Section 21. Joint Body for the Zones of Joint Cooperation.
21 Section 22. Exploration, Development, and Utilization of Non-living Resources in the Zones of
22 Joint Cooperation.
23 Section 23. Transportation in the Zones of Joint Cooperation.
24 Section 24. Inland Waters.
25 Section 25. Agriculture, Fisheries, and Aquatic Resources.
26

27 **Trade and Industry**

- 28 Section 26. Trade and Industry in the Bangsamoro.
29 Section 27. Barter Trade and Countertrade with ASEAN Countries.
30 Section 28. Economic Zones, Industrial Estates, and Free Ports.
31 Section 29. Prohibition Against Toxic or Hazardous Substances.
32 Section 30. Halal Program.
33

34 **Banking and Finance**

- 35 Section 31. Banks and Financial Institutions.
36 Section 32. Islamic Banking and Finance.
37 Section 33. Islamic Banking Unit in the Bangko Sentral ng Pilipinas.
38 Section 34. Functions of the Shari'ah Supervisory Board and Qualifications of its Members.
39

40 **Public Utilities**

- 41 Section 35. Energy and Power.
42

43 **Transportation and Telecommunications**

- 44 Section 36. Transportation.
45 Section 37. Telecommunications.
46 Section 38. Intergovernmental Relations Mechanism.
47
48

49 **Article XIV - REHABILITATION AND DEVELOPMENT**

- 50 Section 1. Rehabilitation and Development.
51 Section 2. Special Development Fund.
52

1 **Article XV- PLEBISCITE**

2 Section 1. Establishment of the Bangsamoro.

3 Section 2. Conduct of the Plebiscite.

4 Section 3. Results of the Plebiscite.

5 Section 4. Reconstitution of Local Government Units.

6 Section 5. Plebiscite Questions.

7 Section 6. Plebiscite Monitoring.

8 Section 7. Qualified Voters.

9 Section 8. Special Registration.

10 Section 9. Promulgation of Rules for the Conduct of Plebiscite.

11 Section 10. Information Campaigns.

12 Section 11. Appropriation.

13

14 **Article XVI - BANGSAMORO TRANSITION AUTHORITY**

15 Section 1. Transition Period.

16 Section 2. Bangsamoro Transition Authority.

17 Section 3. Powers and Authorities.

18 Section 4. Functions and Priorities

19 Section 5. Continuity of Government.

20 Section 6. Transition Plan.

21 Section 7. Interim Officers.

22 Section 8. Interim Cabinet.

23 Section 9. Organization of the Bureaucracy.

24 Section 10. Transfer of Powers and Properties and Disposition of Personnel.

25 Section 11. Disposition of Personnel and Assets of National Government Offices/Agencies.

26 Section 12. Dissolution of the BTA.

27 Section 13. Regular Elections.

28 Section 14. Initial Funding for Transition.

29

30

31 **Article XVII - AMENDMENTS AND REVISIONS**

32 Section 1. Amendments and Revisions.

33

34 **Article XVIII- FINAL PROVISIONS**

35 Section 1. Existing Regional Laws.

36 Section 2. Separability Clause.

37 Section 3. Repealing Clause.

38 Section 4. Abolition of the Autonomous Region in Muslim Mindanao.

39 Section 5. Effectivity.

40

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.**