



Republic of the Philippines
BANGSAMORO PARLIAMENT
Bangsamoro Autonomous Region in Muslim Mindanao
BARMM Compound, Cotabato City

BANGSAMORO TRANSITION AUTHORITY

(SECOND REGULAR SESSION)

BANGSAMORO AUTONOMY ACT NO. 13

Begun and held in Cotabato City, on Friday, the 29th day of March, 2019.

AN ACT
PROVIDING FOR THE BANGSAMORO ADMINISTRATIVE CODE
AND FOR OTHER RELATED PURPOSES

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

INTRODUCTORY PROVISIONS

Sec. 1. Title. - This Act shall be known and cited as the “**Bangsamoro Administrative Code.**”

Sec. 2. Purpose. - This Code is promulgated to prescribe the structural, functional and procedural principles and rules of governance of the Bangsamoro Autonomous Region in Muslim Mindanao.

Sec. 3. Declaration of Principles and Policies. - The Bangsamoro Government hereby declares the following principles and policies as the basic foundation of the Code:

- a. The Bangsamoro Autonomous Region in Muslim Mindanao is an autonomous regional government with asymmetrical relationship with the Republic of the Philippines and shall be parliamentary in form. Its political system is democratic, and all government authority resides in the people who have the right, in accordance with law, to freely participate in the political processes;
- b. The Bangsamoro Government recognizes and protects the customs and traditions, beliefs, and cultures of its indigenous inhabitants. The right of indigenous peoples to a just and equal treatment shall be protected. They shall be free from all forms of discrimination, oppression and exploitation;
- c. The Bangsamoro Government recognizes the vital role of women and youth, and the valuable contributions of differently abled persons in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, cultural and social well-being. It shall inculcate in the minds of the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;
- d. The Bangsamoro Government shall ensure every citizen in its territorial jurisdiction the provision of the basic necessities and equal opportunities in life. Social justice shall be

- promoted in all aspects of life and phases of development in the Bangsamoro Autonomous Region;
- e. The Bangsamoro Government shall promote unity, peace, justice, and goodwill among all peoples, encourage a just and peaceful settlement of disputes and adopt the generally accepted principles of international law;
 - f. The Bangsamoro Government, its offices, agencies, including Government -Owned and -Controlled corporations (GOCCs) shall ensure full respect for human rights. In the performance of its duties and responsibilities, offices, agencies, including GOCCs shall include human rights protection and promotion in the formulation and implementation of plans, programs, projects and activities;
 - g. The Bangsamoro Government shall ensure the autonomy of its constituent local government units (LGUs), without prejudice to the former's authority to regulate the latter's affairs for good governance guaranteed under the Organic Law and Bangsamoro Local Government Code. The privileges already enjoyed by local government units under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," as amended, and other existing laws shall not be diminished;
 - h. The Bangsamoro Government shall develop a self-reliant and independent regional economy and patrimony that are responsive to the needs of the Bangsamoro people, and effectively controlled by the Bangsamoro;
 - i. The Bangsamoro Government shall encourage the participation of non-governmental, community-based, and sectoral organizations in government affairs that promote the welfare of the region and its people;
 - j. The Bangsamoro Government, in pursuit of moral governance, shall maintain honesty, integrity, transparency and accountability, participation in governance and take positive and effective measures against graft and corruption; and
 - k. Subject to reasonable conditions prescribed by law, the Bangsamoro Government adopts and implements a policy of full public disclosure of all its transactions involving public interest;

Sec. 4. *Definition of Terms.* - The words in this Code are defined as follows:

"Asymmetrical Relationship" refers to a relationship with the national government that is unlike those of other regions, having powers which other administrative regions do not exercise, and a structure that is likewise different from the said regions. In the case of the Bangsamoro Autonomous Region, the asymmetry is reflective of the recognition of the distinct Bangsamoro identity and their aspiration for self-governance;

"Bangsamoro Government" refers to the corporate governmental entity with all the powers granted to it by the Constitution, Bangsamoro Organic Law and other statutes, as well as those necessary for, or incidental to, the governance of the Bangsamoro Autonomous Region in Muslim Mindanao, including the Bangsamoro Parliament, Bangsamoro Government of the Day, and various instrumentalities through which political authority is exercised;

"National Government" refers to the entire machinery of the central government, as distinguished from the different levels of local governments;

"Bangsamoro Autonomous Region" used interchangeably herein with the "Bangsamoro Autonomous Region in Muslim Mindanao" refers to the autonomous region

established by virtue of Republic Act No. 11054, also known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”;

“Bangsamoro Organic Law” refers to Republic Act No. 11054, also known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”, the purpose of which 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 aspirations and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines;

“Local Government” refers to the constituents units of the Bangsamoro Autonomous Region in Muslim Mindanao, such as the component provinces, cities, municipalities, barangays and such other political subdivisions established by law or in accordance with the Bangsamoro Organic Law;

“National agency” refers to a unit of the National Government;

“Ministry” refers to a cabinet portfolio in the Bangsamoro Government exercising executive authority, created by the Bangsamoro Organic Law and those that may be created by law passed by the Parliament;

“Office” refers within the framework of governmental organization, to any major functional unit of the Bangsamoro Government or its ministries. It may also refer to any position held or occupied by individual persons whose functions are defined by law;

“Instrumentality” refers to any agency of the Bangsamoro Government, not integrated within the ministry framework vested with special functions or jurisdiction by law, endowed with some if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter. This term includes regulatory agencies, chartered institutions and government-owned or -controlled corporations;

“Government of the Day” refers to the Cabinet headed by the Chief Minister, and composed of other Ministers appointed by him, majority of whom shall also be Members of the Parliament, that exercises executive authority in the Bangsamoro Government. The Government of the Day, during the transition period, is the Moro Islamic Liberation Front-led majority with the participation of the Moro National Liberation Front (MNLF) and other Members of the Bangsamoro Parliament who voted for the latter’s leadership therein;

“Popular Initiative” refers to the process whereby a bill is proposed directly by the people as part of participatory democracy in the Bangsamoro Autonomous Region;

“Bangsamoro Government-Owned or -Controlled Corporation” refers to any agency organized as a stock or non-stock corporation, vested with functions relating to public needs whether governmental or proprietary in nature, and owned by the Bangsamoro Government directly or through its instrumentalities either wholly, or, partly, subject to the applicable provisions of existing Corporation Laws;

"Officer" as distinguished from *"clerk"* or *"employee"*, refers to a person whose duties, not being of a clerical or manual nature, involves the exercise of discretion in the performance of the functions of the government. When used with reference to a person having authority to do a particular act or perform a particular function in the exercise of governmental power, *"officer"* includes any government employee, agent or body having authority to do the act or to exercise that function;

"Employee", when used with reference to a person in the public service, includes any person in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities;

"Khalifa" refers to a human as a vicegerent, trustee, steward of Allah (*Subhannahu Wa' Taalah*) on earth;

"Contracts" refer to written or unwritten agreements/meeting of the minds between two or more persons or juridical entities;

"Regular Non-Working Holidays" are those national and regional holidays provided by law, which are observed throughout the area of autonomy;

"Special Holidays" refer to non-regular holidays in the region and certain local government units in observance of historical, religious and other significant events which need official proclamation from the Chief Minister;

"Settler Communities" refer to those who are not native inhabitants of the Bangsamoro Autonomous Region, but who came to permanently reside therein as part of the Philippine Government's resettlement programs or who voluntarily opted to migrate thereto, as well as their descendants who continue to reside in the Bangsamoro;

"Non-Moro Indigenous Peoples/Non-Moro Indigenous Cultural Communities" refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. They do not ascribe to the Moro identity;

"Moral Governance" refers to the set of rules, practices, and processes completely devoid of all the evils of graft and corruption, and explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, and integrity;

“*Bangsamoro Parliament*” refers to the body in which the powers of government is vested and shall have legislative authority to enact laws on matters that are within the powers and competencies of the Bangsamoro Government.

BOOK I **BANGSAMORO AUTONOMY AND ADMINISTRATION**

Chapter 1 **The Bangsamoro Autonomous Region**

Sec. 1. *Bangsamoro People.* - Those who, at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands, whether of mixed or full blood, shall have the right to identify themselves, their spouses and descendants, as Bangsamoro.

Sec. 2. *Bangsamoro Territory.* - The territorial jurisdiction of the Bangsamoro Autonomous Region shall be composed of:

- A. The provinces of Basilan, Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi;
- B. The cities of Cotabato, Lamitan, and Marawi; and
- C. The 63 barangays that opted for inclusion in the Bangsamoro Autonomous Region, during the plebiscite called for such purpose, namely:
 1. Dunguan and Tapodoc, all in Aleosan, Cotabato;
 2. Kibayao, Kitulaan, Langogan, Manarapan, Nasapian, Pebpoloan, and Tupig, all in Carmen, Cotabato;
 3. Buluan, Nanga-an, Peditad, Sanggadong, Simbuhay, Simone, and Tamped, all in Kabacan, Cotabato;
 4. Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central Labas, Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, Tugal, and Tumbras, all in Midsayap, Cotabato;
 5. Lower Baguer, Balacayon, Buricain, Datu Binasing, Datu Mantil, Kadingilan, Libungan Torreta, Matilac, Lower Pangangkalan, Upper Pangangkalan, Patot, and Simsiman, all in Pigkawayan, Cotabato;
 6. Bagoinged, S. Balong, S. Balongis, Barungis, Batulawan, Bualan, Buliok, Bulol, Fort Pikit, Gli-Gli, Gokotan, Kabasalan, Lagunde, Macabual, Macasendeg, Manaulanan, Nabundas, Nalapaan, Nunguan, Pamalian, Panicupan, and Rajahmuda, all in Pikit, Cotabato; and
 7. Any province, city, municipality, barangay or geographic area that may opt to join through any legal process.

Sec. 3. *Constituent Units.* - The constituent units of the Bangsamoro Autonomous Region are provinces, cities, municipalities, barangays, and geographical areas within its territorial jurisdiction.

Sec. 4. *Inland Waters.* - All inland waters such as lakes, rivers, river systems, and streams within its territorial jurisdiction form part of the Bangsamoro Autonomous Region inland waters. The preservation and management of the inland waters shall be under the Bangsamoro Government as provided for in Section 22, Article XIII of the Bangsamoro Organic Law.

Sec. 5. *Bangsamoro Municipal and Regional Waters.* - The municipal and regional waters of the Bangsamoro Autonomous Region shall extend up to fifteen (15) kilometers and nineteen (19)

kilometers, respectively, from the low-water mark of the coasts that are part of the Bangsamoro territorial jurisdiction.

Where a constituent local government unit of the Bangsamoro Autonomous Region and an adjoining local government unit are so situated on opposite shores such that there is thirty (30) kilometers of waters or less between them, a line equally distant from the opposite shores shall be drawn to demarcate the Bangsamoro waters and the municipal waters of the adjoining local government unit.

In case the constituent local government unit of the Bangsamoro Autonomous Region and an adjoining local government unit are so situated on opposite shores that there is more than thirty (30) kilometers but less than thirty-four (34) kilometers of waters between them, a line shall be drawn at the edge of the fifteen-kilometer municipal waters of the adjoining local government unit to demarcate it from the Bangsamoro waters.

Chapter 2 **Bangsamoro Symbols and Emblems**

Sec. 6. *Bangsamoro Flag.* - The Bangsamoro flag shall be in the shape and dimension of a standard flag, three (3) feet by five-and-a-half (5 ½) feet, and shall contain four (4) distinctive colors, a Crescent, a seven-rayed Star, and a Kris. It shall always be regarded with utmost respect and admiration, and shall always be displayed alongside the Philippine Flag pursuant to Section 2, Article II of R.A. No. 11054.

Sec. 7. *Bangsamoro Emblem.* - The Official Bangsamoro Seal shall be circular in design. The words 'BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO' shall be clearly printed at the upper portion and the same shall be preceded and ended by stars. The year of creation of the Bangsamoro Autonomous Region in Muslim Mindanao '2019' shall be printed at the lower portion.

The outermost part of the Official Bangsamoro Seal shall be bordered by a rope. In its center shall be a Crescent with a Seven-rayed Star to its right.

The Rope, the Crescent, and the Seven-rayed Star shall be golden yellow in color. There shall be a strip, slightly red in color, in the inner portion of the rope. The crescent and the star shall be set against a green background. The words inscribed therein shall be written in green with white as its background.

Sec. 8. *Bangsamoro Hymn.* - The official lyrics and rendition of the Bangsamoro Hymn shall be in accordance with the official musical arrangement and composition embodied in Bangsamoro Autonomy Act No. 7.

Whenever the Bangsamoro Hymn is sung, it shall always be preceded by the singing of the Philippine National Anthem.

Sec. 9. *Seat of the Bangsamoro Government.* - The seat of the Bangsamoro Government shall be in Cotabato City, unless otherwise provided by the Bangsamoro Parliament in a subsequent law.

Sec. 10. *Bangsamoro Foundation Day.* - January 21 is hereby proclaimed as the Bangsamoro Foundation Day and declared a non-working holiday in celebration of the establishment of the Bangsamoro Autonomous Region, which shall be celebrated in recognition of the dreams and aspiration of the people to chart their social, political, cultural and economic destiny in exercise of their right to self-determination.

Sec. 11. *Bangsamoro Legal Holidays.* - Regular non-working holidays and special holidays provided for by laws and issuances of the National Government shall be observed in the Bangsamoro Autonomous Region.

The Bangsamoro Parliament shall enact a law to identify the holidays to be observed in the Bangsamoro Autonomous Region. The Chief Minister may likewise proclaim any local special holiday for a particular date and place in accordance with existing laws and issuances.

Chapter 3 Operation and Effects of Laws

Sec. 12. *Effectivity of Executive Issuances.* - Executive issuances shall take effect after fifteen (15) days following the completion of their publication in the Bangsamoro Gazette or in a newspaper of regional circulation, unless otherwise provided.

Sec. 13. *Interpretation of Laws and Administrative Issuances.* - In the interpretation of a law or an administrative issuance promulgated in all the official languages, the language used in the original text shall control, unless otherwise specifically provided. Only in the event of ambiguity, omission or mistake, may the other texts be consulted.

This Administrative Code shall be liberally construed in favor of giving effect to the autonomous character of the Bangsamoro Autonomous Government.

Sec. 14. *Bangsamoro Gazette.* - The Bangsamoro Gazette shall be the official gazette of the Bangsamoro Government which will publish all legislative acts and resolutions of a public nature, all executive and administrative issuances of general application, decisions or abstracts of decisions of the *Shari'ah* Courts of sufficient importance to be published, documents or classes of documents as may be required to be published by law and such documents or classes of documents of general application.

The Bangsamoro Gazette shall be published by the Bangsamoro Information Office (BIO) in the English language and whenever applicable, in Filipino and Arabic. It shall be made available to all national and local agencies upon subscription. The Bangsamoro Library and Archives shall serve as the official custodian and repository thereof.

Ministries and all offices and agencies shall submit copies of their issuances and similar documents to the Bangsamoro Information Office for publication.

Upon written request, the Bangsamoro Information Office shall translate the relevant documents in Arabic in coordination with the Bangsamoro *Darul Ifta'*.

Chapter 4 Legal Weights, Measures, and Periods

Sec. 15. Official Use of Metric System. - The metric system of weights and measures shall be used in the Bangsamoro Autonomous Region for all products, articles, goods, commodities, materials, merchandise, utilities, services, as well as for commercial transactions like contracts, agreements, deeds and other legal instruments publicly and officially attested, and for all official documents. Only weights and measures of the metric system shall be officially sealed and licensed.

Sec. 16. Legal Periods. - “Year” shall be understood to be twelve calendar months; “month” of thirty days, unless it refers to a specific Gregorian calendar month in which case it shall be computed according to the number of days the specific month contains; “day” to a day of twenty-four hours; and “night”, from sunset to sunrise.

The Gregorian calendar shall be used in the Bangsamoro alongside the *Hijri* Calendar. In cases of documents requiring official dates, the Gregorian calendar date will be shown with its counterpart *Hijri* date, as far as practicable.

Chapter 5 General Principles Governing Public Officers

Sec. 17. Nature of Public Office. - Public office is a sacred public trust. Public officers and employees must at all times be accountable to God and to the people, serve as “*khalifa*”, with the utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

Sec. 18. Declaration of Assets, Liabilities and Net Worth. - A public officer or employee shall, upon assumption to office and as often thereafter as may be required by law, submit a declaration under oath of their assets, liabilities and net worth.

Sec. 19. Ethics in Government. - All public officers and employees shall be guided by the core values of moral governance and the Bangsamoro Civil Service Code.

Sec. 20. Liability of Superior Officers. - A public officer shall not be civilly liable for acts done in the performance of his/her official duties, unless there is a clear showing of bad faith, malice or gross negligence.

Any public officer who, without just cause, neglects to perform a duty within a period fixed by law or regulation, or within a reasonable period if none is fixed, shall be liable for damages to the private party concerned without prejudice to such other liability as may be prescribed by law; and a head of a ministry/office/agency or a superior officer shall not be civilly liable for the wrongful acts, omissions of duty, negligence, or misfeasance of his/her subordinates, unless s/he has actually authorized by order the specific act or misconduct complained of.

Sec. 21. Liability of Subordinate Officers. - No subordinate officer or employee shall be civilly liable for acts done by him in good faith in the performance of his/her duties. However, s/he shall be liable for willful or negligent acts done by him/her which are contrary to law, morals, public policy and good customs even if s/he acted under orders or instructions of his/her superiors.

Chapter 6

Bangsamoro Immunity from Suit

Sec. 22. *Non-suability of the Bangsamoro Government.* - No suit shall lie against the Bangsamoro Government except with its consent as provided by law.

Sec. 23. *Bangsamoro Government's Responsibility for Acts of Agents.* - The Bangsamoro Government shall be legally bound and responsible by acts of its officials and duly authorized representatives performed in accordance with the Bangsamoro Organic Law and other pertinent laws.

It shall not be bound by the mistakes or errors of its officers or agents in the exercise of their functions, without prejudice to any administrative, civil, and criminal liabilities in the personal capacity of the erring or negligent officer or agent.

Chapter 7

Official Oaths

Sec. 24. *Oaths of Office for Public Officers and Employees.* - All public officers and employees of the government before entering upon the discharge of their duties, shall take an oath to uphold and defend the Constitution and the Bangsamoro Organic Law; that s/he will bear true faith and allegiance to it; obey the laws, legal orders and decrees promulgated by the duly constituted authorities; will faithfully discharge to the best of his/her ability the duties of the office or position upon which s/he is about to enter; and that s/he voluntarily assumes the obligation imposed by his/her oath of office, without mental reservation or purpose of evasion. Copies of the oath shall be deposited with the Civil Service Commission regional office and the human resource department of the concerned agency.

It is also mandatory to take the Oath of Moral Governance:

"I swear to the Almighty Allah (God), the Most Supreme, the Beneficent, the Merciful, the All knowing.

I shall perform my duties and responsibilities entrusted to me as part of the Bangsamoro Government with utmost dedication, devotion, honesty, justice, integrity, completely devoid of all the evils of governance especially graft and corruption.

I shall protect the legitimate rights and interest of all people in the area, strongly fight the proliferation and use of illegal drugs and other evils of society and endeavor to promote and sustain peace and security at all times in the Bangsamoro Autonomous Region territory and in the entire country, so help me Allah (God)."

Sec. 25. *Officers Authorized to Administer Oath.* - The following officers have general authority to administer oath: *Wali*, Bangsamoro Mufti, Chief Minister, members of the Judiciary, Speaker of the Parliament, Cabinet Ministers, the Bangsamoro Attorney General, and Chief Executives of local government units.

Chapter 8 Reports

Sec. 26. *Annual and Special Reports.* - The heads of the ministries, offices, agencies or instrumentalities of the Bangsamoro Government shall prepare and submit annual or special reports to the Chief Minister who shall furnish a consolidated report to the Bangsamoro Parliament on or before the first day of March of each year, or as may be required. The contents of the annual or special reports shall be prescribed by law or, in the absence thereof, by executive order.

Sec. 27. *Repository of Reports.* - Official copies of annual reports shall be deposited with the Bangsamoro Library and Archives and shall be accessible to the public.

BOOK II INTERGOVERNMENTAL RELATIONS

Sec. 1. *Intergovernmental Relations Body.* - Pursuant to Sec. 2. Art. VI of the Bangsamoro Organic Law, the Intergovernmental Relations Body (IGRB) is created to coordinate and resolve issues on intergovernmental relations through regular consultation and continuing negotiation in a non-adversarial manner.

The Cabinet shall determine who among its members shall represent the Bangsamoro Government in the IGRB. A Special Memorandum Order shall be issued by the Chief Minister to designate the members so chosen.

Sec. 2. *Other IGR Bodies.* - The following are the other IGR Bodies, whose Bangsamoro Government representatives shall likewise be appointed or designated by the Chief Minister through a Special Memorandum Order, unless otherwise provided in the Bangsamoro Organic Law:

- a. Philippine Congress-Bangsamoro Parliament Forum;
- b. Intergovernmental Fiscal Policy Board;
- c. Joint Body for the Zones of Joint Cooperation;
- d. Intergovernmental Infrastructure Development Board;
- e. Intergovernmental Energy Board;
- f. Bangsamoro Sustainable Development Board; and
- g. Council of Leaders.

Sec. 3. *Council of Leaders.* - The Council of Leaders shall advise the Chief Minister on matters of governance in the Bangsamoro Autonomous Region. It shall consist of the following members:

- a. Chief Minister as head of the council;
- b. Members of the Congress of the Philippines from the Bangsamoro Autonomous Region;
- c. Provincial governors, and mayors of chartered cities in the Bangsamoro Autonomous Region;
- d. One (1) representative each from the traditional leaders, non-Moro indigenous communities, women, settler communities, the *Ulama*, youth, and Bangsamoro communities outside of the Bangsamoro Autonomous Region; and
- e. Five (5) sectoral representatives as provided in the succeeding section.

The officials referred to paragraphs (a), (b), and (c) shall be *ex officio* in nature without the requirement of appointment while paragraphs (d) and (e) require a selection and appointment process as hereinafter provided.

The representation of the non-Moro indigenous communities shall be pursuant to their customary laws and indigenous processes.

Sec. 4. Sectoral representatives to the Council of Leaders. - As provided in paragraph (e) of the preceding section, there shall be one (1) representative each for the following sectors: (a) professionals; (b) business; (c) private educational institutions; (d) labor sector; and (e) farmers' sector.

Sec. 5. Selection of representatives. - The Chief Minister shall select the representatives in paragraphs (d) and (e) of Section 3 above from a list of nominees based on the following qualifications:

- a. **Residency.** Representatives-nominees must be residents and registered voters of the Bangsamoro Autonomous Region, of legal age, not otherwise disqualified by law, with a proven track record in the community or sector represented, and must be willing and able to participate in all activities of the Council of Leaders.
- b. **Occupation.** A nominee must not hold any government position, whether appointive or elective and must not receive any remuneration from the government while serving as community or sectoral representative to the Council of Leaders.
- c. **Nomination.** The nominee must be formally nominated by a registered organization, association, or institution of the community or sector being represented. An organization that has government officials and employees as *ex officio* members of the Governing Board or whose operations are funded by the government are disqualified. Financial support by the government to specific projects will not be considered as funding support to operations.

If no nominations are submitted, the Chief Minister shall select and appoint any qualified person of the category to the vacant position.

Sec. 6. Compensation. - Sectoral Representatives shall not receive compensation except in the form of *per diems* and necessary expenses in attending the meetings and activities of the Council.

Sec. 7. Term of Office. - The Sectoral Representatives shall have to be coterminous with the appointing Chief Minister unless otherwise removed from cause.

Sec. 8. Secretariat. - The Office of the Senior Minister shall serve as the Secretariat of the Council.

Sec. 9. Principles of Intergovernmental Relations in the Bangsamoro. - Intergovernmental Relations (IGR) mechanisms seek the achievement of common goals through alignment and cohesion across all levels of government. As such:

- a. There should be mutual respect between the different levels of government. There must be an unequivocal recognition of each side's authority and accountability;
- b. There must be an ethos of interdependence. Each side must see the need to cooperate and collaborate to achieve the intended goal; and

- c. The IGR mechanism must be a platform for civic participation. Hence, there must be space for civil society organizations to engage in the policy-making process as well as in the implementation phase of any development program.

Sec. 10. National Government Offices and Ministries/Agencies in the BARMM. - Subject to applicable laws, orders and/or policies, the Bangsamoro Government shall be consulted on and resolve any National Government action that may affect matters of particular interest to the former. For this purpose, the National Government and the Bangsamoro Government shall regularly meet, through the IGRB, to coordinate and resolve issues on intergovernmental relations through regular consultation and continuing negotiation in a non-adversarial manner.

Other government offices, agencies, instrumentalities, entities and government-owned or -controlled corporations, including people's and non-government organizations in the Bangsamoro Autonomous Region which are not covered by the preceding paragraph shall be dealt with in accordance with the applicable existing laws, policies, orders and/or such regional laws the Parliament may enact for the purpose.

Sec. 11. Bangsamoro Government and its Constituent Local Government Units. - The authority of the Bangsamoro Government to regulate the affairs of its constituent local government units shall be guaranteed in accordance with the Bangsamoro Organic Law and a Bangsamoro Local Governance Code enacted by the Parliament, which shall provide the institutional framework to govern the relationship of the national government, the BARMM government and the LGUS within the BARMM.

The privileges already enjoyed by local government units under Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," as amended, and other existing laws shall not be diminished.

Sec. 12. Exercise of Powers of the Bangsamoro Government. - The exercise of powers granted to the Bangsamoro Government by the Bangsamoro Organic Law on matters which do not fall under the sole jurisdiction of the National Government shall include the power of administration and that of issuing internal regulations for the organization of the Bangsamoro Government.

BOOK III

THE BANGSAMORO AUTONOMOUS GOVERNMENT

TITLE I:

Bangsamoro Government

Sec 1. Powers of Government. -The powers of government shall be vested in the Parliament which shall exercise those powers and functions expressly granted to it in the Bangsamoro Organic Law, and those necessary for, or incidental to, the proper governance and development of the Bangsamoro Autonomous Region. It shall set policies, legislate on matters within its authority, and elect a Chief Minister who shall exercise executive authority on its behalf.

Sec. 2. Legislative Authority. - The Parliament shall have the authority to enact laws on matters that are within the powers and competencies of the Bangsamoro Government.

Sec. 3. *Executive Authority.* - The executive function and authority shall be exercised by the Cabinet which shall be headed by a Chief Minister. The Chief Minister shall be elected by a majority vote of all the members of the Parliament.

The Chief Minister shall nominate two (2) Deputy Chief Ministers who shall be elected by the Parliament as provided under the Bangsamoro Organic Law, and appoint the members of the Cabinet, majority of whom shall come from the Parliament.

TITLE II: Wali

Sec. 1. *Wali.*- The *Wali* shall serve as the ceremonial head of the Bangsamoro Government of the Bangsamoro Autonomous Region in Muslim Mindanao.

The 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 Autonomous Region submitted by the Council of Leaders.

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

- a. Natural-born citizen of the Philippines;
- b. Able to read and write in Filipino, English, or Arabic;
- c. At least forty (40) years of age;
- d. A resident of what now constitutes the Bangsamoro Autonomous Region for at least fifteen (15) years; and
- e. No prior conviction for any criminal or administrative offense by any court or quasi-judicial body.

Sec. 3. *Duties of the Wali.* - The *Wali* shall perform the following ceremonial duties:

- a. Opening the session of the Parliament;
- b. Administering the oath of office of the Chief Minister, Deputy Chief Ministers, Speaker of Parliament, Members of Parliament, and the Cabinet Ministers;
- c. Dissolving the Parliament upon the advice of the Chief Minister after a vote of no confidence against the government of the day;
- d. Calling for election of a new Parliament;
- e. Attending public ceremonies; and
- f. Welcoming foreign and local dignitaries.

Sec. 4. *Removal of the Wali.* - Any member of the Parliament may initiate the move for the removal of the *Wali* on any of the grounds enumerated under Section 6, Article VIII of the Bangsamoro Organic Law and, by majority vote of its members of Parliament, proceed to hear and determine the allegations against him.

The Bangsamoro Parliament may remove the *Wali* from office by $\frac{3}{4}$ vote of all its members upon finding of commission of the enumerated acts in Section 6, Article VIII of the Bangsamoro Organic Law, provided that the *Wali* shall be afforded due process. The Bangsamoro Parliament shall promulgate the necessary rules to carry out the purpose of this section.

The *Wali* may submit his resignation to the Speaker of the Bangsamoro Parliament but in no case vacate his position without the approval of majority of the Parliament.

In case the *Wali* is indisposed to perform his duties for compelling reasons, the Parliament shall designate by simple majority an Acting *Wali* from those originally listed to perform the duties appurtenant to the Office of the *Wali* until the latter resumes the performance of his duties and functions.

Sec. 5. *Vacancy of the Position of Wali.* - In case of death, permanent disability, removal from office, or resignation of the *Wali*, the Parliament shall appoint a new *Wali* within thirty (30) days from vacancy.

Sec. 6. *Term of Office.* - The *Wali* shall hold office for six (6) years. In case of vacancy, the successor shall only serve the remaining unexpired term of the predecessor. The first appointed *Wali* by the Bangsamoro Transition Authority shall hold office for three (3) years or until his successor has assumed office.

Sec. 7. *Prohibitions.* - The *Wali* shall not hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including Government - owned or controlled corporations or their subsidiaries, during his term without forfeiting his seat. The *Wali* shall not engage, directly or indirectly, in any business or commercial enterprise in the Bangsamoro Autonomous Region where there may be a conflict of interest in the exercise of his functions. The *Wali* may not personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies within the Bangsamoro Autonomous Region. Neither shall the *Wali* be, directly or indirectly, financially interested in any contract with, or in any franchise or special privilege granted by the Bangsamoro Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary, during his term of office, nor intervene in any manner before any office of the Bangsamoro Government for his pecuniary benefit or where the *Wali* may be called upon to act on account of his office.

Sec. 8. *Performance of Functions.* - The *Wali* shall act independently in the performance of his functions, and shall enjoy sufficient degree of autonomy. For this purpose, he must not receive instructions from any person, regardless of position, regarding the exercise of his tasks.

Sec. 9. *Appointments.* - The Chief Minister, upon recommendation of the *Wali*, shall appoint the support staff in the Office of the *Wali*, subject to civil service laws, rules and regulations.

Sec. 10. *Divisions.* - The Office of the *Wali* shall have the following Divisions:

- a. Administrative and Finance Services Division; and
- b. Protocol and Other Support Services Division.

Sec. 11. *Administrative and Finance Division.* - The Administrative and Finance Division shall be responsible for the day - to - day operations of the office and shall carry out the following functions:

- a. Provide administrative support to the Office;
- b. Manage the finances of the Office; and
- c. Carry out other administrative functions assigned by the *Wali*.

Sec. 12. Protocol and Other Support Services Division. - The Protocol and Other Support Services Division shall have the following functions:

- a. Provide the necessary arrangement for programs and ceremonial activities of the BARMM requiring the attendance of the *Wali*;
- b. Provide the necessary human resources for utility, food and other relevant logistical support services for the Office; and,
- c. Carry out other functions as may be assigned by the *Wali*.

Sec. 13. Per Diem and Allowances. - The *Wali* shall be entitled to receive *per diems*, representation, transportation, and living allowance, and other emoluments appropriate to his stature, in accordance with the Bangsamoro Organic Law and other regional laws, subject to the usual government accounting and auditing principles.

The *per diem* shall be sourced from the funds of the Office of the *Wali* and shall be provided for in the annual Bangsamoro Appropriations Act.

Sec. 14. Notice to the Wali. - All offices that will conduct public ceremonies requiring the attendance of the *Wali* shall give prior written notice to the Office.

Sec. 15. Facilities. - The Bangsamoro Government shall provide adequate facilities for the efficient functioning of the Office.

The *Wali* shall also be provided an official residence during his tenure with necessary supplies and equipment deserving his stature as the ceremonial head of the Bangsamoro Government of the Bangsamoro Autonomous Region in Muslim Mindanao.

TITLE III: Bangsamoro Parliament

Sec. 1. Powers of the Bangsamoro Parliament. - The Bangsamoro Parliament shall exercise the powers granted to it under Section 5, Article VII of the Bangsamoro Organic Law.

Sec. 2. Composition. - The Parliament shall be composed of eighty (80) members, unless otherwise increased by the Congress of the Philippines.

Sec. 3. Classification and Allocation of Seats. - The seats in the Parliament shall be classified and allocated as follows:

(a) *Party Representatives.* One-half of the members of the Parliament shall be representatives of political parties who are elected through a system of proportional representation based on the Bangsamoro territorial jurisdiction.

Any organized group in the Bangsamoro Autonomous Region may register as a political party with the Bangsamoro Electoral Office, with qualifications to be prescribed by the Bangsamoro Electoral Code.

Each registered political party shall submit to the Bangsamoro Electoral Office before the election a manifestation of intent to participate in the parliamentary election of party representatives in the Bangsamoro Autonomous Region, incorporating therein a list of nominees, ranked from one (1)

to forty (40), from which party representatives shall be chosen in case they obtain the required number of votes. No person shall be nominated in more than one (1) list.

The Bangsamoro Electoral Code shall provide the manner of election of the reserved seats and sectoral representatives.

Any elected party representative who changes political party affiliation during the his/her term of office shall forfeit the seat in the Parliament: *Provided*, That if the elected party representative changes political party affiliation within six (6) months before an election, s/he shall not be eligible for nomination as party representative under the new party or organization.

(b) *Parliamentary District Seats*. Not more than forty percent (40%) of the members of Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. The allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in Section 4, Article XVI thereof. In the allocation of district seats, the Bangsamoro Transition Authority shall adhere to the standards set in Section 10, Article VII of the Bangsamoro Organic Law.

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

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

(c) *Reserved Seats and Sectoral Representatives*. Reserved seats and sectoral representatives shall constitute at least ten percent (10%) of the members of the Parliament, which shall include two (2) reserved seats each for non-Moro indigenous peoples and settler communities. Women, youth, traditional leaders, and the *Ulama* shall have one sectoral seat each: *Provided*, That the reserved seats and sectoral representatives shall in no case be less than eight (8) seats.

The Parliament shall determine the manner of election of the reserved seats and sectoral representatives.

For the first parliamentary election following the ratification of the Bangsamoro Organic Law, the allocation of reserved and sectoral representative seats shall be determined by the Bangsamoro Parliament as provided for in the Bangsamoro Organic Law.

Sec. 4. Election for Reserved Seats for Non-Moro Indigenous Peoples. - Notwithstanding the immediately preceding sections, reserved seats for non-Moro indigenous peoples such as Teduray, Lembangian, Dulangan Manobo, B'laan, and Higaonon shall be filled in accordance with the Bangsamoro Election Code and shall adhere to their customary laws and indigenous processes based on the following:

- a. Primacy of customary laws and practices;
- b. Primacy of consensus building;
- c. Acceptability to the community;
- d. Inclusivity and full participation;
- e. Representation of the collective interests and aspirations of non-Moro indigenous peoples;
- f. Sustainability and strengthening of indigenous political structures;
- g. Track record and capability; and
- h. Gender equality.

Sec. 5. *Regional Parties.* - A free and open regional party system shall be allowed to evolve according to the free choice of the people. Towards this end, only regional political parties duly accredited by the Bangsamoro Electoral Office, as approved by the Commission on Elections, shall participate in the parliamentary elections in the Bangsamoro Autonomous Region. The Bangsamoro Government shall ensure the inclusion of women's agenda and the involvement women and the youth in the electoral nominating process of the political parties.

Sec. 6. *Term of Office.* - The term of office of the Members of the Parliament shall be three (3) years: *Provided*, That no member shall serve for more than three (3) consecutive terms. Voluntary renunciation of office for any length of time or the dissolution of the Parliament by the *Wali* shall not be considered as an interruption in the continuity of the service for the full term for which the member was elected.

Sec. 7. *Qualifications.* - No person shall be a member of the Parliament unless the person is a citizen of the Philippines, at least twenty-five (25) years of age on the day of the election, able to read and write, and a registered voter in the Bangsamoro Autonomous Region.

A candidate for youth representative shall not be less than eighteen (18) years and not more than thirty (30) years of age at the time of election.

A candidate for district representative must be a registered voter of the district in which the person is a candidate, and has resided in the district for at least one (1) year immediately preceding the day of the election.

Sec. 8. *Remuneration of Members of Parliament.* - Until the Parliament provides otherwise, the remuneration of Members of Parliament shall be based on the Revised Compensation and Position Classification System of the National Government as provided under Republic Act No. 6758, as amended, and shall consist of:

- a. In the case of the Chief Minister, salaries and emoluments equivalent to Salary Grade 31;
- b. In the case of the Deputy Chief Ministers and the Speaker of the Parliament, salaries and emoluments equivalent to Salary Grade 30; and
- c. In the case of Members of Parliament, salaries and emoluments equivalent to Salary Grade 29.

No increase in the compensation shall take effect until after the expiration of the full term of all the members of the Parliament approving such increase.

Members of the Parliament shall not receive during their tenure other salary and emoluments from the Bangsamoro Government or from the National Government.

Sec. 9. *Disclosure.* - Members of the Parliament shall, upon their assumption of office, make a full disclosure of their financial and business interests, including those of their spouses and children. They shall notify the Parliament of any potential conflict of interest that may arise from the filing of bills or resolutions of which they are authors.

Sec. 10. *Prohibition Against Conflict of Interest.* - The Chief Minister, Deputy Chief Ministers, members of the Cabinet, and members of the Parliament, during their term, shall not engage, directly or indirectly, in any business or commercial enterprise in the Bangsamoro Autonomous Region where there may be a conflict of interest in the exercise of their functions.

No member of the Parliament may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies within the Bangsamoro Autonomous Region. Neither shall a member be, directly or indirectly, financially interested in any contract with, or in any franchise or special privilege granted by the Bangsamoro Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or -controlled corporation or its subsidiary, during the member's term of office, nor intervene in any manner before any office of the Bangsamoro Government for the member's pecuniary benefit or where the member may be called upon to act on account of the member's office.

Sec. 11. *Prohibited Business and Pecuniary Interest.* - (1) It shall be unlawful for the Chief Minister, Deputy Chief Ministers, members of the Cabinet, and members of the Parliament to directly or indirectly:

- a. Engage in any business transaction with the Bangsamoro Government or with any of its authorized boards, officials, agents, or attorneys, whereby money is to be paid, or property or any other thing of value is to be transferred, directly or indirectly, out of the resources of the Bangsamoro Government to such person or firm;
- b. Hold such interests in any cockpit or other games licensed by the Bangsamoro Government;
- c. Purchase any real estate or other property forfeited in favor of the Bangsamoro Government for unpaid taxes or assessment, or by virtue of a legal process at the instance of the Bangsamoro Government;
- d. Be a surety for any person contracting or doing business with the Bangsamoro Government for which a surety is required; and
- e. Possess or use any public property of the Bangsamoro Government for private purposes.

(2) All other prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interest so provided for under Republic Act No. 6713 or the "*Code of Conduct and Ethical Standards for Public Officials and Employees*" and other laws shall also be applicable to the Chief Minister, Deputy Chief Ministers, members of the Cabinet, and members of the Parliament.

Sec. 12. *Practice of Profession.* - (1) The Chief Minister, Deputy Chief Ministers, and members of the Cabinet, including members of the Parliament holding Cabinet positions, are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as officials of the Bangsamoro Government.

(2) Members of the Parliament who are not holding Cabinet positions may practice their professions, engage in any occupation, or teach in schools except during session hours: *Provided*, That members of the Parliament who are also members of the Philippine Bar shall not:

- a. Appear as counsel before any court in any civil case wherein the Bangsamoro Government or any office, agency, or instrumentality of the government is the adverse party;
- b. Appear as counsel in any criminal case wherein an officer or employee of the National Government or the Bangsamoro Government is accused of an offense committed in relation to the office;
- c. Collect any fee for appearance in administrative proceedings involving the Bangsamoro Government; and

- d. Use property and personnel of the government except when the member concerned is defending the interest of the government.

(3) Doctors of medicine may practice their profession even during official hours of work only on occasions of emergency: *Provided*, That the members concerned do not derive monetary compensation therefrom.

Sec. 13. *Forfeiture of Seat.* - A Member of Parliament shall forfeit his/her seat under any of the following circumstances:

- a. Voluntary resignation in the form of either a written or oral declaration in the Parliament;
- b. Conviction of a grave offense by a regular court or a finding of guilt of a grave offense as defined by the Rules of the Bangsamoro Parliament for treason, high crimes, heinous crimes, crimes against morality, or other crimes punishable by more than six (6) years;
- c. Permanent physical or mental incapacity, inability to discharge the duties of a member of the Bangsamoro Parliament, or death;
- d. Substitution by the party to which the member belongs with another member of the same party, the member having been elected under the proportional representation system;
- e. Transfer to another party during one's incumbency as member of the Bangsamoro Parliament, the member having been elected under the proportional representation system;
- f. Expulsion by the Bangsamoro Parliament for disorderly behavior, with the concurrence of two-thirds of all its members; and
- g. Such other grounds as may be provided in the Bangsamoro Electoral Code.

Sec. 14. *Filling of Vacancy.* - In case of a vacancy of a proportional representation seat, the party to which that seat belongs shall fill the vacancy.

In case of a vacancy of a district seat by an affiliated member of the Bangsamoro Parliament, the party to which the member belongs shall, within thirty (30) days from the occurrence of such vacancy, nominate a substitute who shall be appointed by the Chief Minister subject to the Bangsamoro Electoral Code.

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

The appointed or elected member of the Bangsamoro Parliament, as the case may be, shall serve the unexpired term of the vacant office.

Sec. 15. *Privileges and Immunities.* - Any member of the Bangsamoro Parliament who commits an offense within the Bangsamoro Autonomous Region that is punishable by not more than six (6) years imprisonment, shall be privileged from arrest while the Bangsamoro Parliament is in session.

No member of the Bangsamoro Parliament shall be questioned or be held liable in any other place for any speech or debate in the Bangsamoro Parliament or in any of its committees.

Sec. 16. *Right to Initiate Legislation.* - All members of Parliament shall have the right to initiate legislation. In the order of business, priority legislative agenda shall be determined by the Government of the Day at the start of every legislative calendar.

- (a) A Government Bill refers to a legislative initiative that the Government of the Day submits to Parliament to be approved, and possibly amended, before becoming a law.
- (b) A Private Member's Initiative refers to a legislative initiative introduced by a member of Parliament who is not a Minister to be approved, and possibly amended, before becoming a law.
- (c) District-Specific Bills may be introduced by the members of the Parliament elected from single parliamentary districts referred to in Section 7, Article VII of the Bangsamoro Organic Law.
- (d) The Parliament shall regulate popular initiative as regards the submission of bills which are to be considered by it, in accordance with whatever is established by the Parliamentary Rules and Procedures.

Draft Government Bills and all associated material are confidential to the Government. Details of bills are not to be released outside government before their introduction to the Parliament unless disclosure is authorized by the Cabinet or the Chief Minister.

Members of Parliament may, both in plenary session and in committee, table requests, questions, interpellations and motions for which presence of the Chief Minister and the Cabinet may be summoned.

Sec. 17. Appropriations. - No public money including the block grant and other national government subsidies and support funds given in lump sum shall be spent without an appropriations act clearly defining the purpose for which it is intended. The Bangsamoro Parliament shall pass an annual appropriations law.

Sec. 18. Budget. - The form, content, and manner of preparation of the Bangsamoro Government budget shall be prescribed by law enacted by the Bangsamoro Parliament, consistent with existing laws, rules and regulations, and submitted by the Bangsamoro Budget Office under the Ministry of Finance and Budget and Management.

Sec. 19. Reenacted Budget. - If, by the end of a fiscal year, the Bangsamoro Parliament shall have failed to pass the Bangsamoro appropriations bill for the ensuing fiscal year, the Bangsamoro appropriations law for the preceding fiscal year shall be deemed reenacted and shall remain in force and effect until a new Bangsamoro appropriations bill is passed by the Bangsamoro Parliament.

Only the annual appropriations for salaries and wages of existing positions, statutory and contractual obligations, and operating expenses authorized in the annual budget of the preceding year shall be deemed reenacted and the disbursement of funds shall be in accordance therewith.

TITLE IV: The Bangsamoro Cabinet

Chapter 1 Executive Officers

Sec. 1. Head of the Bangsamoro Cabinet. - The Chief Minister heads the Bangsamoro Cabinet, which consists of the ministers of the fifteen (15) primary ministries, and heads of offices or agencies, who by law, are determined to be members of the cabinet.

Sec. 2. *Qualifications of the Chief Minister.* - No person shall be elected as Chief Minister unless a member of the Parliament, a natural-born citizen of the Philippines, and at least twenty-five (25) years of age on the day of the election.

Sec. 3. *Election of the Chief Minister.* - On the first day of session following the election of the members of the Parliament, the Parliament shall elect the Chief Minister by a majority vote of all its members.

If no member of the Parliament obtains the majority vote necessary to be elected Chief Minister in the first round of voting, a runoff election shall be conducted: *Provided*, That the members of the Parliament shall elect the Chief Minister from the two (2) candidates who obtained the highest number of votes cast in the first round.

Sec. 4. *Powers, Duties, and Functions of the Chief Minister.* - The Chief Minister shall exercise the following powers, duties, and functions:

- (a.) Head the Bangsamoro Government;
- (b.) Appoint heads of ministries, agencies, bureaus, and offices of the Bangsamoro Government or other officers of Bangsamoro-owned or controlled corporations or entities with original charters;
- (c.) Appoint other officers in the Bangsamoro Government, as may be provided by the Parliament;
- (d.) Formulate a platform of government subject to the approval of the Parliament;
- (e.) Issue executive orders and other policies of the Bangsamoro Government;
- (f.) Represent the Bangsamoro Government in the affairs of the Bangsamoro Autonomous Region;
- (g.) Proclaim a state of calamity whenever typhoons, flash floods, earthquakes, tsunamis, or other natural or man-made calamities that cause widespread damage or destruction to life or property in the Bangsamoro Autonomous Region; and
- (h.) Exercise powers as provided in this Code and other laws; and
- (i.) Exercise such other powers and functions inherent to the office.

Sec. 5. *Administration of the Oath of Office.* - The oath of office and swearing of the Chief Minister and all the members of the Parliament upon their election shall be administered by the *Wali*.

Sec. 6. *Membership in Other Bodies.* - The Chief Minister shall be a member of the Mindanao Development Authority Board. The Chief Minister shall be an *ex officio* member of the National Security Council, the National Economic and Development Authority Board on matters concerning the Bangsamoro Autonomous Region, and other bodies as may be provided by law or other issuances.

Sec. 7. *Vacancy in the Office of the Chief Minister.* - In case of death, permanent disability, removal from office, or resignation of the Chief Minister, the Deputy Chief Minister, more senior in age, shall assume the Chief Minister who shall serve in acting capacity pending the election of a new Chief Minister by the Bangsamoro Parliament. The election shall be held within thirty (30) days from the occurrence of the vacancy.

In case of simultaneous permanent vacancies for the positions of the Chief Minister and the Deputy Chief Ministers, the Speaker of the Bangsamoro Parliament shall *ipso facto* becomes the officer-in-charge of the Office of the Chief Minister as its caretaker for its day to day operations and

the ministers appointed by said Chief Minister shall continue to perform their duties until their successors assume office. The Deputy Speaker shall automatically act as the Speaker of the Parliament. Upon the assumption of the new Chief Minister and the new Deputy Chief Ministers, the Speaker and the Deputy Speaker shall return to their respective positions.

In case of temporary incapacity of the Chief Minister to perform his/her duties on account of physical, or when s/he is on official leave of absence or on travel outside the territorial jurisdiction of the Republic of the Philippines, the Chief Minister may designate an Acting Chief Minister from among the Ministers who are also members of the Parliament.

Sec. 8. *The Deputy Chief Ministers.* - There shall be two (2) Deputy Chief Ministers who shall be nominated by the Chief Minister and elected by members of the Bangsamoro Parliament.

The Bangsamoro Autonomous Region shall have three (3) subregions, namely: South Western Mindanao, North Central Mindanao, and South Central Mindanao, all within the Bangsamoro territorial jurisdiction. To ensure representation of all the subregions, the two (2) Deputy Chief Ministers shall come from the other two (2) sub-regions different from that of the Chief Minister.

The Deputy Chief Ministers shall provide advisory or consultative services to the Chief Minister on matters concerning their respective subregion.

The Deputy Chief Ministers may each hold a cabinet position.

Sec. 9. *Dissolution of Parliament Upon a Vote of No Confidence.* - Within seventy-two (72) hours upon a vote of no confidence of at least two-thirds (2/3) of all the members of the Parliament against the Government of the Day, the Chief Minister shall advise the *Wali* to dissolve the Parliament and call for a new parliamentary election. The election for a new parliament shall be held not later than one hundred twenty (120) days from the date of dissolution.

The incumbent Chief Minister and the Cabinet shall continue to conduct the affairs of the Bangsamoro Government until a new Parliament is convened and a new Chief Minister is elected and qualified.

In no case shall the *Wali* countermand the advice of the Chief Minister.

This provision shall not be applicable during the Transition Period, with the members of the Parliament and the Chief Minister all appointed by the President.

Sec. 10. *Prohibitions During Holdover.* - After a vote of no confidence against the government of the day shall have been obtained, and before a new government is formed, the Chief Minister and the Cabinet shall not contract loans, approve new contracts, or disburse public funds except those for payment of salaries and wages and expenses for the regular operations of the government.

The Chief Minister and the Cabinet, during the holdover period, shall not make appointments, except temporary appointments to positions when continued vacancies therein will prejudice public service or endanger public safety.

Chapter 2

Administrative Organization

Sec. 11. *Organization of the Bureaucracy.* - The Bangsamoro Government shall have the power to create offices and organize its own bureaucracy. It may establish other offices and institutions necessary for the exercise of its functions and delivery of social services in the Bangsamoro Autonomous Region.

In the exercise of executive authority, the Chief Minister shall have continuing authority to reorganize executive offices, as provided under Sec. 74, Chapter 4, Title I, Book IV of this Code.

Sec. 12. *Ministers.* - Consistent with Section 1, Chapter 1 of this Title, the Chief Minister shall organize the Bangsamoro Cabinet, majority of whom shall come from the Parliament. The Chief Minister shall also appoint such other ministers and/or officers as may be necessary to perform the functions of government.

Sec. 13. *The Bangsamoro Cabinet.* - Without prejudice to the authority of the Bangsamoro Government to reorganize the Cabinet and create new offices, the Bangsamoro Cabinet shall be composed of the following primary ministries with sub-offices, namely:

- a. Finance, and Budget and Management;
- b. Social Services and Development;
- c. Trade, Investments, and Tourism;
- d. Labor and Employment;
- e. Transportation and Communications;
- f. Basic, Higher, and Technical Education;
- g. Indigenous Peoples' Affairs;
- h. Health;
- i. Public Works;
- j. Interior and Local Government;
- k. Environment, Natural Resources, and Energy;
- l. Human Settlements and Development;
- m. Science and Technology;
- n. Agriculture, Fisheries, and Agrarian Reform; and
- o. Public Order and Safety.

Sec. 14. *Deputy Ministers.* - The Chief Minister shall appoint Deputy Ministers in the ministries above-enumerated.

Sec. 15. *Term of Office of Ministers and their Deputies.* - The term of office of Ministers and their deputies shall be coterminous with the Chief Minister, unless sooner removed by the latter.

Sec. 16. *Other Cases When a Minister Ceases to Hold Office.* - A Minister shall also cease to hold office as Minister:

- a. If s/he files a certificate of candidacy for any elective position. Nominees under the party system in the Parliament are not covered by this provision;
- b. If s/he resigns as Minister; and
- c. If s/he is elected as Speaker, Deputy Speaker, Majority Floor Leader, or Minority Floor Leader of the Bangsamoro Parliament.

Sec. 17. *Ministers to Remain Members of Parliament.* - Members of Parliament who are appointed Ministers shall retain their membership in the Parliament.

Sec. 18. *Prohibition from Double Compensation.* - Consistent with the last paragraph of Section 13, Article VII of the Bangsamoro Organic Law, Ministers who are at the same time Members of the Parliament shall receive only such salaries and emoluments as Members of the Parliament. Nothing herein shall, however, proscribe ministers from receiving allowable honoraria and other allowances for services rendered as such, subject to the usual accounting and auditing rules and regulations of the government.

TITLE V: The Bangsamoro Justice System

Sec. 1. *Justice System in the Bangsamoro.* - The Bangsamoro justice system shall be administered in accordance with the unique cultural and historical heritage of the Bangsamoro.

The dispensation of justice in the Bangsamoro Autonomous Region shall be in consonance with the Constitution, *Shari'ah*, traditional or tribal laws, and other relevant laws.

Shari'ah or Islamic law forms part of the Islamic tradition derived from religious precepts of Islam, particularly the *Qur'an* and *Sunnah*.

Shari'ah shall apply exclusively to cases involving Muslims. Where a case involves a non-Muslim, *Shari'ah* law may apply only if the non-Muslim voluntarily submits to the jurisdiction of the *Shari'ah* court.

The traditional or tribal laws shall be applicable to disputes of indigenous peoples within the Bangsamoro Autonomous Region.

The provisions of this Article shall not prejudice the rights of non-Muslims and non-indigenous peoples.

A. SHARI'AH COURTS

Sec. 2. *Shari'ah Courts.* - *Shari'ah* courts within the Bangsamoro territorial jurisdiction shall form part of the Philippine judicial system subject to the supervision of the Supreme Court. The regular courts within the Bangsamoro Autonomous Region shall continue to function under the supervision of the Supreme Court.

Sec. 3. *Power of the Parliament to Enact Laws Pertaining to Shari'ah.* - The Parliament shall have the power to enact laws on personal, family, and property law jurisdiction.

For this purpose, the Parliament shall enact laws governing commercial and other civil actions not provided for under Presidential Decree No. 1083, as amended, otherwise known as "*Code of Muslim Personal Laws of the Philippines*," and criminal jurisdiction on minor offenses punishable by *arresto menor* or *ta'zir* which must be equivalent to *arresto menor* or fines commensurate to the offense.

Sec. 4. *Jurisdiction of the Shari'ah Circuit Courts.* - The *Shari'ah* Circuit Courts in the Bangsamoro Autonomous Region shall exercise exclusive original jurisdiction over the following

cases where either or both parties are Muslims: *Provided*, That the non-Muslim party voluntarily submits to its jurisdiction:

- a. All cases involving offenses defined and punishable under Presidential Decree No. 1083, where the act or omission has been committed in the Bangsamoro Autonomous Region;
- b. All civil actions and proceedings between parties residing in the Bangsamoro Autonomous Region who are Muslims or have been married in accordance with Article 13 of Presidential Decree No. 1083, involving disputes relating to:
 - i. Marriage;
 - ii. Divorce;
 - iii. Betrothal or breach of contract to marry;
 - iv. Customary dower or *mahr*;
 - v. Disposition and distribution of property upon divorce;
 - vi. Maintenance and support, and consolatory gifts; and
 - vii. Restitution of marital rights;
- c. All case involving disputes relative to communal properties;
- d. All cases involving *ta'zir* offenses defined and punishable under *Shari'ah* law enacted by the Parliament punishable by *arresto menor* or corresponding fine, or both;
- e. All civil actions under *Shari'ah* law enacted by the Parliament involving real property in the Bangsamoro Autonomous Region where the assessed value of the property does not exceed Four Hundred Thousand Pesos (₱400,000.00); and
- f. All civil actions, if they have not specified in an agreement which law shall govern their relations, where the demand or claim does not exceed Two Hundred Thousand Pesos (₱200,000.00).

Sec. 5. Jurisdiction of the Shari'ah District Courts. - The *Shari'ah* District Courts in the Bangsamoro Autonomous Region shall exercise exclusive original jurisdiction over the following cases where either or both are Muslims: *Provided*, That the non-Muslim party voluntarily submits to its jurisdiction:

- a. All cases involving custody, guardianship, legitimacy, and paternity and filiation arising under Presidential Decree No. 1083;
- b. All cases involving disposition, distribution, and settlement of the estate of deceased Muslims, probate of wills issuance of letters of administrators or executors regardless of the nature or the aggregate value of the property;
- c. Petitions for the declaration of absence and death, and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of Presidential Decree No. 1083;
- d. All actions arising from customary and *Shari'ah* compliant contracts in which the parties are Muslims, if they failed to specify the law governing their relations;
- e. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas corpus*, and all other auxiliary writs and processes, in aid of its appellate jurisdiction;
- f. Petition for the constitution of a family home, change of name, and commitment of an insane person to an asylum;
- g. All other personal and real actions not falling under the jurisdiction of the *Shari'ah* Circuit Courts wherein the parties involved are Muslims, except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the Municipal Trial Court;

- h. All special civil actions for interpleader or declaratory relief wherein the parties are Muslims residing in the Bangsamoro Autonomous Region or the property involved belongs exclusively to Muslim and is located in the Bangsamoro Autonomous Region;
- i. All civil actions under *Shari'ah* law enacted by the Parliament involving real property in the Bangsamoro Autonomous Region where the assessed value of the property exceeds Four Hundred Thousand Pesos (₱400,000.00); and
- j. All civil actions, if they have not specified in the agreement which law shall govern their relations where the demand or claim exceeds Two Hundred Thousand Pesos (₱200,000.00).

The *Shari'ah* District Court in the Bangsamoro Autonomous Region shall exercise appellate jurisdiction over all cases decided upon the *Shari'ah* Circuit Courts in the Bangsamoro Autonomous Region within its territorial jurisdiction as provided under Article 144 of Presidential Decree No. 1083, as amended.

Sec. 6. *Shari'ah High Court.* - There is hereby created within the Bangsamoro territorial jurisdiction, as part of the Philippine judicial system, a *Shari'ah* High Court. It shall exercise exclusive original jurisdiction over the following cases where either or both parties are Muslims: *Provided*, That the non-Muslim party voluntarily submits to its jurisdiction:

- a. All petitions for *mandamus*, prohibition, injunction, *certiorari*, *habeas corpus*, and all other auxiliary writs and processes, in aid of its appellate jurisdiction; and
- b. All actions for annulment of judgments of *Shari'ah* District Courts within outside the Bangsamoro Autonomous Region.

The decisions of the *Shari'ah* High Court shall be final and executory except on questions of law which may be raised before the Supreme Court following the procedure for appeals from the Court of Appeals to the Supreme Court.

Nothing contained herein shall affect the original and appellate jurisdiction of the Supreme Court as provided in the Constitution.

Sec. 7. *Composition and Organization of the Shari'ah High Court.* - The *Shari'ah* High Court shall be composed of five (5) Justices, including the Presiding Justice.

The Parliament may recommend to the Supreme Court the complete organization of the *Shari'ah* High Court in Cotabato City, where the seat of the Bangsamoro Government is located.

Sec. 8. *Shari'ah High Court Administrator and Clerk of Court.* - The Supreme Court shall, upon recommendation of the Presiding Justice of the *Shari'ah* High Court, appoint the court administrator and clerk of court of the High Court. Such other personnel as may be necessary for the *Shari'ah* High Court shall be appointed by the Presiding Justice of said court.

The pertinent provisions of existing law regarding the qualifications, appointments, compensations, functions, duties, and other matters relative to the personnel of the Court of Appeals shall apply to those of the *Shari'ah* High Court.

Sec. 9. *Compensation, Benefits, Tenure, and Privileges.* - Justices of the *Shari'ah* High Court shall have the same rank, prerogatives, salaries, allowances, benefits, tenure, and privileges as the Justices of the Court of Appeals.

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

Judges of the *Shari'ah* Circuit Courts shall have the same rank, prerogatives, salaries, allowances, benefits, tenure, and privileges as judges of the Municipal Trial Court.

Pending the complete organization of the *Shari'ah* High Court, the decisions of the *Shari'ah* Courts shall be appealable to the Court of Appeals.

Sec. 10. *Qualifications of Shari'ah Judges.* -

- a. *Shari'ah* Circuit Court - No person shall be appointed judge of the *Shari'ah* Circuit Court unless a citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least thirty (30) years of age, must have been engaged in the practice of law for five (5) years or more, and has completed at least two (2) years of *Shari'ah* or Islamic Jurisprudence.
- b. *Shari'ah* District Court - No person shall be appointed judge of the *Shari'ah* District Court unless a citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least thirty-five (35) years of age, must have been engaged in the practice of law for ten (10) years or more, and has completed at least two (2) years of *Shari'ah* or Islamic Jurisprudence.
- c. *Shari'ah* High Court - No person shall be appointed as justice of the *Shari'ah* High Court unless a natural-born citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least forty (40) years of age, must have been engaged in the practice of law for fifteen (15) years or more, and has completed at least two years of *Shari'ah* or Islamic Jurisprudence.

A *Shari'ah* Justice or Judge must be a person of competence, integrity, probity, and independence.

The Supreme Court may grant the incumbent *Shari'ah* District and Circuit Court judges who are not regular members of the Philippine Bar a reasonable period within which to qualify, pending which they shall be allowed to continue discharging their duties.

Sec. 11. *Practice of Law Before Shari'ah Courts.* - The following are eligible to practice before *Shari'ah* courts:

- a. A *Shari'ah* counselor-at-law; and
- b. A regular member of the Philippine Bar: *Provided*, that a Muslim, or non-Muslim who submits to the jurisdiction of the *Shari'ah* court, who acts on one's behalf as counsel, shall be allowed to appear as such before any *Shari'ah* court.

Sec. 12. *Appointment and Discipline of Shari'ah Court Personnel.* - The Supreme Court shall appoint the *Shari'ah* court personnel and shall have the power to discipline them.

B. SHARI'AH PUBLIC ASSISTANCE OFFICE

Sec. 13. Composition. - There is hereby created a *Shari'ah* Public Assistance Office, to be headed by a director assisted by two (2) counselors who are members of the Philippine *Shari'ah* Bar. They shall be assisted by an immediate staff.

The director and two (2) *Shari'ah* counselors shall be appointed by the Chief Minister.

Unless otherwise provided by regional law, the compensation of the director and the *Shari'ah* counselors shall be equivalent to the salary grade of a Director III and a trial lawyer of the Public Assistance Office, respectively.

The *Shari'ah* Public Assistance Office is hereby established in each of the *Shari'ah* judicial districts to provide free legal assistance to poor or indigent party litigants.

In the absence of an appropriate ministry or office to which the *Shari'ah* Public Assistance Office may be attached, it shall, in the *interim*, be attached to the Office of the Chief Minister.

Sec. 14. Functions. - The *Shari'ah* Public Assistance Office shall have the following functions:

- a. Provide free legal assistance to indigent party litigants with cases before the *Shari'ah* Courts;
- b. Prepare and file petitions, complaints and/or responsive pleadings, and represent indigent defendants in ordinary civil actions before the *Shari'ah* Courts;
- c. Prepare and file responsive pleadings and represent indigent defendants/respondents in ordinary civil actions, special civil actions, special proceedings before the *Shari'ah* Courts,
- d. Prepare affidavits and represent indigents in any stage of criminal proceedings before the *Shari'ah* Courts; and
- e. Perform such other functions as may be assigned by higher authorities.

C. SHARI'AH SPECIAL PROSECUTION SERVICE

Sec. 15. Composition. - There is hereby created a *Shari'ah* Special Prosecution Service for *Shari'ah* administration of justice in the Bangsamoro. The *Shari'ah* Special Prosecution Service shall be attached to the National Prosecutorial Service of the National Government. The Bangsamoro Government shall recommend the qualified applicants for the position of the *Shari'ah* prosecutors and personnel of the *Shari'ah* Special Prosecution Service to the Secretary of Justice of the National Government.

Sec. 16. Functions. - The *Shari'ah* Special Prosecution Service shall have the following functions:

- a. Assist in the administration of the *Shari'ah* justice system in the Bangsamoro;
- b. Provide legal assistance and advice to any resident of the Bangsamoro Region seeking to file a criminal case in the *Shari'ah* courts;

- c. Conduct the preliminary investigation and prosecution of criminal cases where both parties are Muslims and they fall under *Shari'ah* Criminal Justice System, as provided for in the Bangsamoro Organic Law;
- d. Monitor all criminal cases filed with the *Shari'ah* Courts, maintain an updated record of the status of each case, and adopt such systems and procedures as will expedite the disposition of such cases; and
- e. Perform such other functions as may be assigned by higher authorities.

D. OFFICE FOR TRADITIONAL OR TRIBAL JUSTICE SYSTEMS

Sec. 17. *Traditional or Tribal Justice Systems.* - The indigenous peoples shall have the right to use their commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms, and order customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

The traditional justice systems are the mechanisms to determine, settle, and decide controversies and enforce decisions involving disputes between members of the indigenous peoples concerned in accordance with the customary laws of these communities.

Sec. 18. *Office for Traditional or Tribal Justice Systems.* – The Office for Traditional or Tribal Justice Systems is hereby created, with the primary responsibility of overseeing the study, preservation, and development of traditional or tribal justice systems within the Bangsamoro Autonomous Region. It shall be attached to the Office of the Chief Minister.

The Office for Traditional or Tribal Justice Systems shall ensure the full participation of Moro or non-Moro indigenous peoples in the formulation, implementation, and evaluation of policies, related to the strengthening of tribal justice systems: *Provided*, That such system shall maintain their indigenous character in accordance with the respective practices of each tribe.

Sec. 19. *Composition.* - The Office for Traditional or Tribal Justice Systems shall be headed by a Director II and assisted by support staff, all of whom shall be appointed by the Chief Minister. Appointees shall preferably be members of tribal communities.

Sec. 20. *Functions.* - The Office for Traditional or Tribal Justice Systems shall have the following functions:

- a. Conduct the study and preservation of traditional or tribal justice systems within the Bangsamoro Autonomous Region;
- b. Promote the development, formulation, implementation, and evaluation of policies, related to the strengthening of tribal justice systems;
- c. Coordinate with ministries, offices and agencies within the Bangsamoro Autonomous Region to ensure meaningful and timely consultation with tribal leaders in relation to item (b); and
- d. Perform such other functions as may be assigned by the Chief Minister and higher authorities.

E. REGULAR COURTS

Sec. 21. *Regular Courts.* - Regular courts in the Bangsamoro Autonomous Region shall continue to exercise their judicial functions, as provided by law.

Sec. 22. *Alternative Dispute Resolution.* - The Bangsamoro Government adopts the principles of conciliation and mediation in settling disputes, with the Parliament enacting the necessary legislation to institute the mechanism for alternative dispute resolution. The *Shari'ah* courts and traditional or tribal adjudicatory tribunals may utilize this mode of settlement and resolution of cases.

BOOK IV THE OFFICE OF THE CHIEF MINISTER

TITLE I: Powers of the Chief Minister

Chapter 1 Power of Control

Sec. 1. *Power of Control.* – As Head of the Bangsamoro Government, the Chief Minister shall have control and supervision of all ministries, agencies, offices, bureaus, commissions, boards and instrumentalities of the Bangsamoro Government. The Chief Minister shall ensure that laws are faithfully executed.

Chapter 2 Rule Making Power

Sec. 2. *Executive Orders.* - Acts of the Chief Minister providing for rules of a general or permanent character in implementation or execution of powers vested by the Constitution and the Bangsamoro Organic Law or by law shall be promulgated in executive orders.

Sec. 3. *Administrative Orders.* - Acts of the Chief Minister which relate to particular aspects of governmental operations in pursuance of his/her duties as head of the Bangsamoro Government shall be promulgated in administrative orders.

Sec. 4. *Proclamations.* - Acts of the Chief Minister fixing a date or declaring a status or condition of public moment or interest, upon the existence of which the operation of a specific law or regulation is made to depend, shall be promulgated in proclamations which shall have the force of an executive order.

Sec. 5. *Memorandum Orders.* - Acts of the Chief Minister on matters of administrative details or of subordinate or temporary interest which only concern a particular officer or office of the Bangsamoro Government shall be embodied in memorandum orders.

Sec. 6. *Memorandum Circulars.* - Acts of the Chief Minister on matters relating to internal administration, which the Chief Minister desires to bring to the attention of all or some of the ministries, agencies, offices, bureaus, commissions, boards and instrumentalities of the Bangsamoro Government, for information or compliance, shall be embodied in memorandum circulars.

Chapter 3

Power of Appointment and Designation

Sec. 7. Power of Appointment. – The Chief Minister shall be the appointing authority of heads of ministries, offices, commissions, boards, agencies, bureaus, and offices of the Bangsamoro Government or, other offices of the Bangsamoro-owned or controlled corporations, or entities with original charters.

The Chief Minister shall likewise be the appointing authority of the deputy ministers, directors, or their equivalents, and all positions with a Salary Grade of 25 and above, unless otherwise expressly provided for by law.

The Speaker of the Parliament shall exercise administrative supervision over the legislative personnel, staff, and secretariat of the Bangsamoro Parliament, and shall be the appointing authority to all career positions in the Parliament including coterminous and contractual positions, as well as contracts of service thereat. *Provided*, That the Speaker shall consult with the Chief Minister on the appointment of those applying for positions with Salary Grade 25 and above: *Provided, however*, That the appointment of personnel under the office of the individual Members of Parliament shall be made only upon recommendation of the Member concerned who shall exercise direct supervision and control over such personnel.

The Heads of Offices shall appoint officials and employees to positions with Salary Grade of 24 and below in their respective agencies or offices.

Any person who fails to assume the office to which s/he is appointed within thirty (30) days from the date s/he received notice of the appointment shall forfeit the right to assume the position, subject to civil service laws and rules, except if the non-assumption is due to temporary illness or physical disabilities acquired after the said appointment was issued.

Sec. 8. Power to Issue Designation. - (1) The Chief Minister may designate an officer already in the government service to perform the functions of an office, in concurrent capacity in appropriate cases, when: (a) the officer regularly appointed to the office is unable to perform his/her duties due to lawful cause/s or by reason of serious illness, or unauthorized absence of at least fourteen (14) days; or (b) there exists a vacancy. *Provided*, That a designation shall not exceed one (1) year and subject to the limitations as provided by law.

This provision shall not apply to Members of Parliament, who can only be appointed as Ministers or Deputy Ministers, or their equivalent.

Chapter 4

Power to Contract Loans

Sec. 9. Power to Contract Domestic or Foreign Loans. - The Parliament, by a vote of the majority of all its members, may authorize the Chief Minister to contract domestic or foreign loans, credits, and other forms of indebtedness to finance the construction, installation, improvement, expansion, operation or maintenance of public utilities, infrastructure facilities, housing projects, acquisition or real property, implementation of other capital investment projects, and for the development and welfare of the people of the Bangsamoro.

Subject to acceptable credit worthiness, and in compliance with the Constitution, relevant laws and regulations, such loans may be secured from domestic loans requiring sovereign guaranty, whether explicit or implicit, which would require the approval of the National Government.

The National Government shall assist the Bangsamoro Government in complying with the requirements for a speedy issuance of the sovereign guaranty to finance local infrastructure and other socioeconomic development projects in accordance with the Bangsamoro Development Plan. Within thirty (30) days from the submission by the Bangsamoro Government of its application for sovereign guaranty, the National Government shall inform the Bangsamoro Government of the actions taken on the application.

Chapter 5 Power of Eminent Domain

Sec. 10. *Power of Eminent Domain.* - The Chief Minister shall determine when it is necessary or advantageous to exercise the power of eminent domain in behalf of the Bangsamoro Government, and direct the Bangsamoro Attorney General, whenever such action is deemed appropriate, to institute expropriation proceedings in the proper court.

TITLE II: Organization

A. OFFICE OF THE CHIEF MINISTER

Sec. 1. *Organization.* - The Office of the Chief Minister shall consist of the Office of the Chief Minister Proper and his/her immediate staff, and the offices and agencies under it.

Sec. 2. *Office of the Chief Minister Proper.* - The Office of the Chief Minister Proper shall consist of:

1. The Chief Minister;
2. The Two (2) Deputy Chief Ministers;
3. The Executive Offices, which shall include the Office of the Senior Minister, the Office of the Chief of Staff, the Office of the Cabinet Secretary, the Bangsamoro Attorney General's Office, and all offices, agencies, boards, commissions, and councils attached to it; and
4. The Bangsamoro Management and Support System (BMSS) embraces the following: The Technical Management Service (TMS), Administrative Management Service (AMS), Finance Management Service (FMS), Intelligence and Security Service (ISS), the Procurement Service (PS), the Clinic, the Bangsamoro Satellite Coordinating Offices, the Bangsamoro Liaison Office in Metro Manila, and the Bangsamoro Library and Archives.

B. THE EXECUTIVE OFFICES

Sec. 3. *Declaration of Policy.* - The Executive Offices shall provide services to deliver specific needs and requirements of the Office of the Chief Minister to achieve the purposes and objectives by which it was established.

Sec. 4. *The Office of the Senior Minister.* - The Office of the Senior Minister shall consist of the Senior Minister, who shall be assisted by one (1) Assistant Senior Minister and support staff.

Sec. 5. *Powers and Functions of the Senior Minister.* - The Senior Minister, subject to the control and supervision of the Chief Minister, shall carry out the functions assigned by law to the Executive Office and shall perform such other duties as may be delegated to him/her. S/he shall:

- a. Assist the Chief Minister in the management of the affairs of the Bangsamoro Autonomous Government;
- b. Execute the directives of the Chief Minister;
- c. Act on issues and concerns raised by the ministries and offices and such other public and private institutions;
- d. Exercise primary authority to sign official documents “By Authority of the Chief Minister”, or “For the Chief Minister”, whichever is deemed appropriate, to attest to executive orders and other Chief Minister’s issuances unless attestation is specifically delegated to other officials by him or by the Chief Minister;
- e. Recommend to the Chief Minister appropriate assignment of offices and agencies not assigned by law under any specific ministry;
- f. Provide consultative, research, fact-finding, and advisory services to the Chief Minister;
- g. Assist the Chief Minister in the administration of special projects;
- h. Perform acts that are necessary to carry out the objectives, policies, and functions of the Office of the Chief Minister Proper; and
- i. Perform such other functions as the Chief Minister may direct.

Sec. 6. *The Office of the Chief of Staff.* - The Office of the Chief of Staff shall be composed of the Chief of Staff, who shall be assisted by support staff.

Sec. 7. *Powers and Functions of the Chief of Staff.* – The Chief of Staff shall:

- a. Manage and supervise Protocols, Appointments and Special Concerns of the Office of the Chief Minister;
- b. Assist the Chief Minister in the administration of the internal affairs of the Office of the Chief Minister;
- c. Refer issues, concerns or other actionable matters for appropriate action to the proper offices within the Office of the Chief Minister;
- d. Recommend executive action on matters affecting the Office of the Chief Minister; and
- e. Perform other tasks as may be directed by the Chief Minister.

Sec. 8. *The Cabinet Secretariat.* - The Cabinet Secretariat shall consist of the Cabinet Secretary, assisted by an Assistant Cabinet Secretary and support staff.

Sec. 9. *Duties and Functions of the Cabinet Secretary.* - The Cabinet Secretary shall:

- a. Provide secretariat support and technical assistance to the Cabinet, the Cabinet Clusters, and other committees that may be created by the Cabinet;
- b. Assist the Chief Minister in the formulation and/or generation of agenda topics for cabinet deliberation or facilitate/moderate the discussion of cabinet meetings;
- c. Facilitate the formulation of Cabinet Bills and the legislative agenda of the Cabinet;
- d. Coordinate the schedules of cabinet meetings and other multi-ministry meetings;

- e. Monitor the progress and status on the implementation of the Chief Minister's directives, issuances, and instructions by concerned ministries and agencies/offices agreed during the cabinet meetings and other multi-ministry meetings;
- f. Submit updates to the Chief Minister on the status of the implementation of all directives, issuances, and instructions;
- g. Supervise special programs that may be assigned by the Chief Minister; and
- h. Perform such other functions as may be directed by the Chief Minister.

Sec. 10. *The Bangsamoro Attorney General's Office (BAGO).* - The Bangsamoro Attorney General's Office shall consist of the Bangsamoro Attorney General, assisted by a Bangsamoro Assistant Attorney General, divisions and support staff as provided for under Bangsamoro Autonomy Act No. 5.

Sec. 11. *Appointment of Attorney-General and Assistant Attorney-General.* - The Chief Minister shall appoint the Bangsamoro Attorney-General and the Bangsamoro Assistant Attorney-General. In line with the primarily confidential nature of the positions, the appointments of the Bangsamoro Attorney-General and Bangsamoro Assistant Attorney-General shall be coterminous with the appointing authority.

The appointment of all officials and employees in the Bangsamoro Attorney General's Office shall be in accordance with Section 7, Chapter 3, Title I, Book IV above.

Sec. 12. *Qualifications.* - No person shall be appointed Bangsamoro Attorney-General unless s/he is a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence, a *bona fide* resident of the Bangsamoro Autonomous Region, and has been engaged in the practice of law for at least ten (10) years.

Sec. 13. *Functions of the Bangsamoro Attorney-General.* - The Bangsamoro Attorney-General shall:

- a. Be the chief legal counsel of the Bangsamoro Government. As such, s/he shall render legal opinions in all legal matters brought to him/her, to the Parliament, the Chief Minister, and other Ministries of the BARMM, and provide legal advice to any official or agent of the BARMM, either *motu proprio* or when called upon to render such advice;
- b. Review, vet, and interpret local, national, and international documents, contracts, and agreements for and on behalf of the Chief Minister;
- c. Recommend appropriate actions on administrative complaints lodged before the Office of the Chief Minister;
- d. May be called upon by the BARMM Intergovernmental Relations officials to assist the Intergovernmental Relations Body when necessary; and
- e. Perform such other functions as may be provided by law and/or assigned by the Chief Minister.

Sec. 14. *Powers of the Bangsamoro Attorney-General.* -

- (1) The Bangsamoro Attorney-General, in discharging his/her functions, shall have the power to:
 - a. Require any officer or employee in the Bangsamoro Government to furnish any information in relation to the performance of his/her duties and functions;

- b. Summon any officer or employee in the Bangsamoro Government, except Members of Parliament, and their immediate staff, to explain and/or provide assistance including case build-up relative to any matter which is, or could be, the subject of litigation by or against the Bangsamoro Government; and
 - c. Administer oaths in relation to the performance of his/her functions.
- (2) The Bangsamoro Attorney-General shall, in exercise of executive functions:
- a. Subject to the approval of the Cabinet, propose to the Parliament the establishment, merger and/or abolition of such divisions, sections or units in the Office as may be necessary for the efficient delivery of legal service;
 - b. Supervise the formulation of policies and plans of the Office; and
 - c. Perform any other action necessary in the administrative interests of the Office.
- (3) The Bangsamoro Attorney-General shall, upon request, appear and advise on any legal matter in any committee of the Bangsamoro Parliament.

Sec. 15. *Bangsamoro Assistant Attorney-General; Powers and functions.* - The Bangsamoro Assistant Attorney-General shall:

- (1) Advise and assist the Bangsamoro Attorney-General in formulating and implementing policies and programs and in providing overall supervision and direction to divisions of the Office; and
- (2) Perform such other functions as may be assigned to him/her by the Bangsamoro Attorney-General.

Sec. 16. *Salary and Compensation.* - The Bangsamoro Attorney-General shall have the rank of a cabinet member with a Salary Grade of 28, while the Bangsamoro Assistant Attorney-General shall have a Salary Grade of 27.

The Bangsamoro Attorney-General and Bangsamoro Assistant Attorney-General shall be entitled to benefits and other emoluments as may be prescribed by the civil service law, and other applicable rules and regulations.

Sec. 17. *Divisions in the Bangsamoro Attorney-General's Office.* -

- (1) The Office consists of the following Divisions:
 - (a) Litigation Division (LD);
 - (b) Legal Research and Opinion Division (LROD);
 - (c) Intergovernmental Relations Division (IRD); and
 - (d) Administrative and Finance Division (AFD).

The following divisions shall perform their mandated functions herein enumerated under the control and supervision of the Bangsamoro Attorney-General.

- (2) The Litigation Division shall provide services related to the function of the Bangsamoro Attorney-General as the legal counsel of the Bangsamoro Government, as hereunder provided:
 - (a) Represent the Bangsamoro Government in all its civil and administrative

- proceedings, as well as in criminal proceedings where the Bangsamoro Government is the plaintiff,
- (b) Appear before any court in actions involving the validity of any law, executive order, proclamation, or regulations when, in the BAGO's judgment, intervention is necessary or when requested or directed by the court;
 - (c) Initiate court action against any person, corporation, or firm for the enforcement of a contract with the Bangsamoro Government;
 - (d) Upon request of the Chief Minister or other proper office of the Bangsamoro Government, prepare documents for use in official transactions with conformity to law and public interest in mind;
 - (e) Deputize government legal officers to assist the BAGO, with the concurrence of the head of office to which the legal officers belong;
 - (f) Upon directive of the Chief Minister and in coordination with the Office of Attorney-General, represent the Bangsamoro in international litigations, negotiations, or conferences where the legal position of the Bangsamoro must be defended or represented; and
 - (g) Carry out other functions assigned by the Bangsamoro Attorney-General.
- (3) The Legal Research and Opinion Division (LROD) shall assist the Bangsamoro Attorney-General in providing legal advice to the Chief Minister, the Bangsamoro Cabinet, and ministries, agencies, offices and instrumentalities of the Bangsamoro Government as may be established. In particular, the LROD shall carry out the following functions:
- (a) Review, recommend, draft legal orders, and/or conduct due diligence on the following matters that are subject to the decision of the Chief Minister, such as:
 - i. Executive orders, proclamations, administrative orders, memorandum orders, and other legal documents initiated or issued by the Chief Minister;
 - ii. Decisions reversing or modifying the decisions, resolutions or orders of a head of ministry; and
 - iii. Other matters that the Chief Minister, may refer to the Bangsamoro Attorney-General.
 - (b) Provide legal assistance to the Chief Minister on the Parliamentary agenda of the Bangsamoro Government;
 - (c) Draft and/review contracts and legal documents for approval of the Chief Minister and the various Ministers;
 - (d) Formulate and review policies on *Shari'ah* matters to ensure compliance with *Shari'ah* rules and principles, and provide written *Shari'ah* opinions to the Chief Minister and the Cabinet; and
 - (e) Exercise functions as may be delegated by the Bangsamoro Attorney-General.
- (4) The Administrative and Finance Division shall be established to carry out the following functions:
- a. Provide administrative support to the Office;
 - b. Manage the finances of the Office; and
 - c. Carry out other administrative functions assigned by the Bangsamoro Attorney-General.

Sec. 18. *Legal Liaison Network.* - The Legal Officers in the Bangsamoro Attorney- General's Office and the legal officers in various Bangsamoro ministries, agencies, offices, or instrumentalities who carry out legal services or other legal duties, shall form and compose the Legal Liaison Network (LLN) of the Bangsamoro Government. They shall cooperate and coordinate on legal, policy, and legislative matters. The Bangsamoro Attorney-General shall be the *ex officio* Chairperson of the LLN.

Sec. 19. *Legal Services.* -

- (1) Ministries, agencies, and offices of the Bangsamoro Government that engage the services of a lawyer in private practice or any other person to carry out a legal service shall notify the Bangsamoro Attorney-General of such engagement, for records purposes.
- (2) A Ministry, agency or office of the Bangsamoro Government may, in writing, request the Bangsamoro Attorney-General to provide legal service as may be necessary in the efficient discharge of public functions.
- (3) A legal service requested under the immediately preceding paragraph may be provided only when no conflict of interest will arise and in case the agency does not have the legal capacity to carry out the functions.

Sec. 20. *Administrative Support.* — The Bangsamoro Attorney-General shall manage the budget allocated to its office. For this purpose, the Bangsamoro Government shall directly transfer and release to the Bangsamoro Attorney-General's Office its regular fund allocation.

Sec. 21. *Referral of Matters for Opinion of the Bangsamoro Attorney-General.* - All Bangsamoro ministries, agencies, offices, or instrumentalities may seek the opinion of the Bangsamoro Attorney-General on matters involving constitutional issues.

Legal officers of ministries, agencies, offices, and other instrumentalities of the Bangsamoro Government may render legal opinions on other matters, copy-furnished the Bangsamoro Attorney-General's Office.

Sec. 22. *Notice to the Bangsamoro Attorney-General.* - All Bangsamoro ministries, agencies, offices, or instrumentalities shall notify the Bangsamoro Attorney-General of all litigation within three (3) days upon notice. No case or litigation of any kind shall be filed or commenced in behalf of the Bangsamoro Government, its ministries, commissions, agencies and other offices without prior notice to the Bangsamoro Attorney-General.

Sec. 23. *Nature of Offices.* - The Senior Minister, Assistant Senior Minister, Chief of Staff, Cabinet Secretary, Assistant Cabinet Secretary, Bangsamoro Attorney General, and Bangsamoro Assistant Attorney General shall all hold office coterminous with that of the appointing Chief Minister.

Sec. 24. *Protection from Personal Liability.* -

- (1) No criminal civil or administrative suit shall be brought against the Bangsamoro Attorney-General, the Bangsamoro Assistant Attorney-General or a subordinate officer in respect of any proceeding in a court of law or in the course of discharging of the functions of the Bangsamoro Attorney-General under this Act.
- (2) The Bangsamoro Attorney-General, the Bangsamoro Assistant Attorney-General or a subordinate officer shall, if the exercise of official function is done in good

faith, not be personally liable for any action, claim or demand whatsoever.

C. BANGSAMORO MANAGEMENT SUPPORT SYSTEM

Sec. 25. *Functions of the Bangsamoro Management Support System (BMSS).* – The various support offices in the Office of the Chief Minister Proper, namely: Technical Management Service (TMS), Administrative Management Service (AMS), Finance Management Service (FMS), Intelligence and Security Service (ISS), the Procurement Service (PS), the Clinic, the Bangsamoro Satellite Coordinating Offices, the Bangsamoro Liaison Office in Metro Manila, and the Bangsamoro Library and Archives shall constitute the Bangsamoro Management Support System and shall be organized to carry out the following functions:

(1) Technical Management Service (TMS)-

- a. Consolidate and prepare annual accomplishment report of the services including foreign assisted and national programs and projects lodge at the Office of the Chief Minister;
- b. Prepare programs and project plans and designs for the Office of the Chief Minister;
- c. Provide research support to the Office of the Chief Minister in the formulation of regional policies, guidelines, and legislative agenda;
- d. Provide technical support to the BARMM ministries, agencies, offices, and bureaus, when necessary;
- e. Assist the services within the OCM and offices that are under the direct control and supervision of the OCM in the preparation of annual budget;
- f. Develop a system that will assess the performance of ministries, offices, and bureaus under the Office of the Chief Minister;
- g. Regularly apprise the Chief Minister on the status of all plans/programs/projects implemented by BARMM ministries, agencies, offices, and bureaus; and
- h. Perform other functions, as may be directed by the Chief Minister.

(2) Administrative Management Service (AMS) - The Administrative Management Service shall be composed of a Director III as head, and support staff. It shall:

- a. Recommend policies and develop guidelines for an efficient and effective management of personnel, records, supplies, equipment, collections, and property of the Office of the Chief Minister;
- b. Plan and direct administrative services of all units under its supervision and coordinate administrative services and concerns with all other ministries or offices;
- c. Recruit and recommend personnel for appointment and implement an effective system of personnel management;
- d. Consolidate all Strategic Performance Management System (SPMS) ratings of all employees in the Office of the Chief Minister, attached offices thereto, ministries and offices thereunder;
- e. Conduct inspections and inventory of all properties and assets of the Office of the Chief Minister;
- f. Maintain an effective, systematic, and timely disposition of records; and
- g. Perform other functions as maybe directed by Chief Minister and other authorized officials of the Office of the Chief Minister.

(1) Finance Management Service (FMS) - The Finance Management Service shall be

composed of a Director III as head, and support staff. It shall:

- a. Provide support to the Chief Minister to determine that funds are properly accounted for in accordance with existing auditing rules and regulations;
 - b. Undertake all operations relative to budget execution and control;
 - c. Issue sub-allotment advice to the different offices under the Office of the Chief Minister in accordance with the approved work and financial plan in support of its operational requirements;
 - d. Undertake regular management audit system reviews on organizational structures, manpower and financial operations, and existing methods and procedures of the Office of the Chief Minister and all agencies and offices under its supervision and submit recommendation to the Chief Minister, for consideration;
 - e. Undertake a cost-benefit analysis on the financial requirements of the Office of the Chief Minister, its attached agencies and offices under its supervision;
 - f. Adopt a system of proper recording of all financial transactions of the Office of the Chief Minister and its attached agencies, in accordance with existing government rules and regulations;
 - g. Ensure that all budgeting, accounting, and auditing rules and regulations are observed and complied with by the Office of the Chief Minister and all agencies and offices under the latter's supervision;
 - h. Prepare and submit financial reports to the Chief Minister and other government entities authorized to receive the same;
 - i. Implement an effective system of cashiering services in accordance with existing government rules and regulations; and
 - j. Perform other functions as may be directed by the Chief Minister.
- (4) **The Intelligence and Security Service (ISS)** - The Intelligence and Security Service shall be composed of a Director III as head, who shall be coterminous with the appointing Chief Minister, and shall be assisted by support staff. It shall:
- a. Prepare and implement approved security plans for the Office of the Chief Minister and the entire Bangsamoro Government Center;
 - b. Gather and analyze intelligence reports to strengthen the security plan for the Office of the Chief Minister, and ensure protection of lives, properties, and facilities of the Bangsamoro Government Center;
 - c. Coordinate with the Philippine National Police, Armed Forces of the Philippines, National Bureau of Investigation, and other security/peace keeping agencies in the performance of its mandates; and
 - d. Perform other functions as may be directed by the Chief Minister.
- (5) **Procurement Service** - The Procurement Service shall be composed of Director III, as head, and support staff. It shall:
- a. Identify those supplies, materials, and such other items, including equipment and construction materials, which can be economically purchased through central procurement within the Office of the Chief Minister;
 - b. Determine the technical specifications of items that it will procure for the Office of the Chief Minister and its attached agencies, offices, bureaus, or councils;
 - c. Identify the sources of supply which are able to offer the best prices, terms, and other conditions for the items procured by the Bangsamoro Government;

- d. Procure and distribute supplies, materials and equipment needs of all operating units in the Office of the Chief Minister and maintain all equipment, machineries, and facilities in serviceable condition;
 - e. Properly store and warehouse items procured by the Office of the Chief Minister; and
 - f. Perform other functions as may be directed by the Chief Minister.
- (6) **The Clinic** - The Clinic shall be composed of the Medical Officer V as head, and support staff. It shall:
- a. Provide basic treatment for medical consultations at the Office of the Chief Minister using standard treatment protocol;
 - b. Examine patients and investigate the diseases through available clinical examination and other diagnostic tests, whenever necessary;
 - c. Review and follow up patients under treatment to ensure the completion of treatment and monitor the progress of the patients;
 - d. Perform standard government medical clearances within the Office of the Chief Minister.
- (7) **Bangsamoro Satellite Coordinating Offices** - The Chief Minister shall be represented by his/her Deputy Chief Ministers in the Bangsamoro Satellite Coordinating Offices (BASCOs), for Mainland and Island Provinces. The BASCOs shall:
- a. Serve as coordinating offices of the Chief Minister in the represented sub-regions; and
 - b. Perform other functions as directed by the Chief Minister or by his/her authorized representative.

The Deputy Chief Ministers shall provide advisory or consultative services to the Chief Minister on matters concerning their respective sub-region.

The Deputy Chief Ministers shall each be assisted by five (5) support staff assigned to the BASCOs.

- (8) **Bangsamoro Liaison Office in Metro Manila** - The Chief Minister shall be represented in the Bangsamoro Liaison Office in Metro Manila by a Director II, assisted by support staff. The Office shall:
- a. Serve as liaison office of the Chief Minister to international offices/embassies, national offices/departments, agencies, and bureaus;
 - b. Provide administrative and technical support to the Chief Minister and BARMM officials/employees while on official business in Metro Manila;
 - c. Coordinate with National Government Agencies in Metro Manila on matters related to the BARMM;
 - d. Act as coordinating office of foreign scholarship programs; and
 - e. Perform other functions as directed by the Chief Minister or by his/her authorized representative.

The Chief Minister may create other liaison offices within or outside the Bangsamoro Autonomous Region, as may be necessary.

- (9) **Bangsamoro Library and Archives** - The Bangsamoro Library and Archives is mandated to collect, maintain, and preserve regional vital documents and laws, legislations, reports, orders/issuances, and other documents of similar importance. It shall also serve as the primary instrumentality of the Bangsamoro Government in providing free library services to as many people as possible and to maintain a viable cooperation with the National Library together with other public libraries in providing the maximum benefits of a wider variety of data and information. It shall be headed by a Licensed Librarian with the rank of Director II, assisted by support staff.

The Bangsamoro Library and Archives shall have the following powers and functions:

- a. Serve as repository of reports of the BARMM;
- b. Provide free library service to the public;
- c. Catalog and classify books and other reading materials for easy reference;
- d. Maintain cooperation with the National Library for book allocations and reading materials;
- e. Encourage and assist local government units in the Bangsamoro Autonomous Region in cooperation with the National Library in the establishment of provincial, city, municipal, and barangay libraries in their respective area of jurisdiction;
- f. Establish and maintain a children's library that will help develop future leaders;
- g. Establish linkage with other government and non-government agencies with similar functions and services; and
- h. Perform such other functions as may be provided by law.

TITLE III: Functions

Chapter 1 Different Offices in the Office of the Chief Minister Proper

A. INTERNAL AUDIT OFFICE

Sec. 1. *Internal Audit Office.* - The Internal Audit Office shall be directly under the Office of the Chief Minister, and shall be composed of an Internal Auditor V as Chief of Division, and support staff. It shall:

- a. Advise the Chief Minister on all matters relating to management control and operations audits;
- b. Conduct management and operations audits of the Office of the Chief Minister's functions, programs, projects, activities with outputs, and determine the degree of compliance with its mandate, policies, government regulations, established objectives, systems, and procedures/processes and contractual obligations;
- c. Review and appraise systems and procedures, organizational structures, asset management practices, financial and management records, reports and performance standards of the Office of the Chief Minister;
- d. Analyze and evaluate management deficiencies and assist top management by recommending realistic courses of action; and

- e. Perform such other related duties and responsibilities as may be assigned or delegated by the Chief Minister or as may be required by law.

B. INFORMATION AND COMMUNICATIONS OFFICE

Sec. 2. *Information and Communications Office.* - The Information and Communications Office shall be directly under the Office of the Chief Minister, and shall be composed of an Information Technology Officer III as Chief of Division, and support staff. It shall:

- a. Implement proper information and communication technology security measures to ensure the efficient operation of the available information-technology facilities in the Office of the Chief Minister Proper;
- b. Administer, maintain, and enhance existing network infrastructure, application systems, websites, and other information and communication technology systems that serve as tools in administration of the Management Information System (MIS) of the Office of the Chief Minister;
- c. Provide strategic technical support in the storage, collection, and generation of data and information both from primary and secondary data sources, necessary for monitoring, oversight committees, decision-making, and dissemination in the Office of the Chief Minister;
- d. Monitor and ensure Office of the Chief Minister's compliance to national government's ICT standards and policies, such as compliance to the Transparency Seal;
- e. Provide advice and technical reviews in the procurement of ICT-related items by the Bangsamoro Ministries, Offices, Agencies, and units thereof for purposes of endorsement to the Ministry of Finance, and Budget and Management;
- f. Propose management policies, systems, and processes to ensure economical and efficient delivery of information and communication technology support service to all offices of the Office of the Chief Minister;
- g. Provide accountability for information technology resources through accurate analysis and evaluation of the Office's ICT needs, sound procurement, cost-effective installation and maintenance, maintaining software/hardware standards, and regular accurate inventory and reporting of hardware, peripherals and software;
- h. Ensure the confidentiality, integrity, and availability of the ICT system, LAN and data security, including user access to computer and telecommunications facilities;
- i. Monitor and support Inter-/Intra-net functionality, security, and integrity in the Office of the Chief Minister;
- j. Coordinate with the Bangsamoro Information and Communications Technology Office on all ICT issues of common interest for cost effective resolutions; and
- k. Perform other office functions that may be directed by the Chief Minister.

C. LEGAL AND LEGISLATIVE LIAISON OFFICE

Sec. 3. *Legal and Legislative Liaison Office.* - The Legal and Legislative Liaison Office shall be headed by an Attorney V, assisted by support staff. It shall:

- a. Form part of the Legal Liaison Network of the Bangsamoro Government, to cooperate and coordinate on legal, policy, and legislative matters concerning the Office of the Chief Minister;
- b. Assist the Office of the Chief Minister in the promulgation of rules governing the

- activities of the Office of the Chief Minister Proper; and
- c. Perform such other functions as may be provided by law.

Sec. 4. *Nature of Offices.* - The Information Technology Officer III and attorneys appointed in the Legal and Legislative Liaison Office shall all hold office coterminous with that of the appointing Chief Minister.

D. OFFICE FOR OTHER BANGSAMORO COMMUNITIES

Sec. 5. *Office for Other Bangsamoro Communities.* - The Office for Other Bangsamoro Communities is created to ensure the protection of the rights and enhance the economic, social, and cultural development of Bangsamoro people residing in communities outside the Bangsamoro Autonomous Region.

Sec. 6. *Mandate.* - The Office shall be the primary unit in the Office of the Chief Minister that recommends policies and systematic programs for promoting the welfare of Bangsamoro communities outside the region, including provision of services, in coordination with local government units as well as appropriate national government agencies.

Sec. 7. *Organization and Composition.* - The Office shall be headed by an Executive Director assisted by a Deputy Executive Director, with the ranks of Director II and Director I, respectively, who shall both be appointed by the Chief Minister. Their appointments shall be coterminous with the appointing authority.

The Office of the Chief Minister may propose the appropriate structure for this Office.

Sec. 8. *Functions.* – The Office shall have the following functions:

- a. Gather information on and assess the economic, social, and cultural needs of Bangsamoro communities located outside of the region;
- b. Recommend to the Chief Minister projects and activities for the promotion of the welfare of Bangsamoro communities outside the region;
- c. Coordinate with the appropriate ministry, office, or agency, including the Bangsamoro Satellite Coordinating Offices in the conduct of activities that provide social, economic, and cultural interventions to the other Bangsamoro communities; and
- d. Perform such other functions as may be directed by the Chief Minister or other proper authorities.

Chapter 2 Councils in the Office of the Chief Minister

A. BANGSAMORO DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL

Sec. 9. *Bangsamoro Disaster Risk Reduction and Management Council.* - The Bangsamoro Regional Disaster Risk Reduction and Management Council (Bangsamoro DRRMC) shall be chaired by the Chief Minister with the Minister of Science and Technology as Vice-Chair for Disaster Mitigation and Prevention, the Minister of the Interior and Local Government as Vice-Chair for Disaster Preparedness, the Minister of Social Services and Development as Vice-Chair for Disaster

Response, and the Bangsamoro Director-General of the Bangsamoro Planning and Development Authority (BPDA) as Vice-Chair for Disaster Recovery and Rehabilitation. The Chief Minister shall identify the member-agencies of the Bangsamoro DRRMC.

The Bangsamoro Regional Disaster Risk Reduction and Management Office (BRDRRMO) of the Ministry of the Interior and Local Government shall serve as Secretariat of the Bangsamoro DRRMC.

Sec. 10. *Functions of the Bangsamoro DRRMC.* - The Bangsamoro DRRMC shall coordinate, integrate, supervise, and evaluate the activities of the Local Disaster Risk Reduction Management Councils (LDRRMCs) in the Bangsamoro Autonomous Region. The Bangsamoro DRRMC shall be responsible in ensuring disaster- sensitive regional development plans, and in case of emergencies, shall convene the different regional line agencies and concerned institutions and authorities.

The Bangsamoro DRRMC, in discharging its functions, shall utilize the facilities and services of the Bangsamoro Rapid Emergency Action on Disaster Incidence (READI) to undertake operations on DRRM in the region.

Sec. 11. *Declaration of State of Calamity.* – The Chief Minister may proclaim a state of calamity whenever typhoons, flash floods, earthquakes, tsunamis, or other natural or man-made calamities that cause widespread damage or destruction to life or property occurs in the Bangsamoro Autonomous Region, and the lifting thereof, based on the criteria set by the Bangsamoro DRRMC. The Chief Minister’s declaration may warrant domestic and international humanitarian assistance as deemed necessary.

B. BANGSAMORO ECONOMIC AND DEVELOPMENT COUNCIL

Sec. 12. *Declaration of Policy.* - It is the declared policy of the Bangsamoro Government to pursue the acceleration of the socio-economic development of the region and promote the welfare of its constituents through a holistic, effective and responsive planning, coordination, and monitoring and evaluation of the implementation of policies, plans, programs, and projects in the region.

Towards this end, the Bangsamoro Government shall ensure that socio-economic development programs and activities in the region are well coordinated and responsive to the needs of its constituents and reflected in the national development plans such as the Philippine Development Plan. It shall encourage the active participation of various government agencies, local government units (LGUs), non-government organizations (NGOs) as well as private sector at the regional and local levels in the formulation of development plans and other planning and development activities in the BARMM.

Sec. 13. *The Bangsamoro Economic and Development Council.* - The Bangsamoro Economic and Development Council (BEDC), otherwise known as the “Council”, shall serve as the socio-economic planning, monitoring, and coordinating agency for all development plans, programs, and projects of the Bangsamoro Government. It shall evaluate and recommend short-, medium-, and long-term comprehensive development plans, programs, and projects for the Bangsamoro Autonomous Region, for approval by the Parliament. The development plans, programs, and projects

shall take into account the development plans of the provinces, cities, municipalities, and barangays as approved by their respective local development councils.

Sec. 14. Composition. - The BEDC shall be composed of the following regular members:

Chairperson: Chief Minister

Vice-Chairperson: BPDA Bangsamoro Director General

Members:

- a. Speaker of the Bangsamoro Parliament
- b. Majority Floor Leader of the Bangsamoro Parliament
- c. Minority Floor Leader of the Bangsamoro Parliament
- d. Minister of Finance, Budget and Management
- e. Senior Minister
- f. Chairpersons of the five (5) Sectoral Committees
- g. All Provincial Governors
- h. All Mayors of independent component cities and highly urbanized component cities
- i. Five (5) private sector and civil society organizations (CSO) representatives

The five private sector and civil society organizations (CSO) representatives shall be chosen by the Council, in accordance with the guidelines and qualification criteria to be formulated and approved by the Council. Voting and non-voting *ex officio* members shall be determined in the internal rules and regulations to be formulated by the BEDC.

Additional members from other sectors may be considered upon recommendation and approval of the BEDC.

Sec. 15. Powers and Functions. - The Council shall have the following powers and functions:

1. Direct the plan formulation and recommend for approval by the Parliament the Bangsamoro Development Plan;
2. Review, prioritize, and endorse the annual and multi-year investment program of BARMM to the Parliament for approval, and possible funding by the national government and other partners;
3. Ensure that the approved development plans of provinces, cities and municipalities, and barangays are taken into consideration in the Bangsamoro Development Plan;
4. Represent the Bangsamoro Government in the National Development Planning Steering Committee or its equivalent, and participate in the relevant national planning activities;
5. Ensure that regional development plans are annexed to the national development plans;
6. Promote an enabling environment for regional investments;
7. Coordinate the implementation of programs and projects of various ministries or LGUs in the BARMM to ensure their effectiveness and responsiveness to the needs of the Bangsamoro;
8. Upon resolution of the Parliament, recommend programs and projects for consideration of National Economic Development Authority-Investment Coordinating Committee (NEDA-ICC);
9. Monitor and evaluate all development programs and projects implemented by the national government, Bangsamoro ministries/line agencies/offices, local government units, and government-owned or -controlled corporations in the BARMM; and
10. Perform such other functions as may be necessary for the socio-economic development of the BARMM.

Sec. 16. *Executive Committee.* - There shall be an Executive Committee that shall prepare for the convening of the Council and to act on matters that require immediate attention for and on behalf of the Council, when it is not in session. The Executive Committee shall be composed of the following:

- a) Chief Minister, Chairperson
- b) Bangsamoro Director General of the BPDA, Vice Chairperson

Members:

- c) Executive Secretary or its equivalent
- d) Minister of Finance, Budget and Management
- e) All Sectoral Committee Chairpersons

The Executive Committee shall meet on such time, place, and date as it may be determined.

Sec. 17. *Council Secretariat.* - The Bangsamoro Planning and Development Authority (BPDA) serves as the Technical Secretariat of the Council.

Sec. 18. *Council Sectoral Committees.* - There shall be sectoral committees to assist the Council in the performance of its mandate powers and functions, namely:

- a) Economic Development Committee (EDCom);
- b) Social Development Committee (SDCom);
- c) Infrastructure Development Committee (IDCom);
- d) Development Administration Committee (DACom); and
- e) Peace, Public Order, Safety, and Security Committee (PPOSSCom).

The Council may create other committees it deems necessary.

Sec. 19. *Functions of the Council Sectoral Committees.* - The sectoral committees shall have the following functions:

- a) Coordinate the formulation and implementation of policies, plans, programs, and projects related to the specific sectoral concern of the committee;
- b) Coordinate investment programming, budgeting, project development, and preparation of performance report of the respective sectors;
- c) Assist the Council in the analysis and translation of regional development goals and policies into specific sectoral objectives;
- d) Recommend policies and programs that will improve the performance of the respective sectors for consideration of the Council;
- e) Formulate and monitor implementation of policies, programs, and projects that will promote economic growth and equitable allocation of resources for local development;
- f) Endorse to the Council upon recommendation of various Local Development Councils policies, programs, and projects consistent and supportive to the development goals and priorities of the BARMM; and
- g) Perform such other functions that may be assigned by the Council.

Sec. 20. *Composition of the Sectoral Committees.* - The membership and the chairpersons of the sectoral committees shall be determined by the Council.

Sec. 21. *Technical and Secretariat Services.* - Technical and secretariat services shall be provided by the Bangsamoro Planning and Development Authority (BPDA).

C. BANGSAMORO PEACE AND ORDER COUNCIL

Sec. 22. *Bangsamoro Regional Peace and Order Council (BRPOC).* – The Bangsamoro Regional Peace and Order Council is composed of a Chairperson, Vice Chairperson, Co-Vice Chairperson, and the regional counterparts of the ministries, offices, and agencies represented at the National level.

The Chief Minister and the Minister of the Interior and Local Government shall serve as Chairperson and Vice-Chairperson, respectively, with the Regional Director of the Philippine National Police Regional Office in the Bangsamoro Autonomous Region as Co-Vice Chairperson. Members of the Council are the Chairpersons of the Parliament Committees on Local Governments and Public Order and Security, Ministers, and heads of offices and bureaus as may be designated by the Chief Minister, subject to existing laws.

Sec. 23. *Duties and Functions.* - The duties and functions of the Bangsamoro Regional Peace and Order Council are, as follows:

- a. Formulate plans and recommend such measures to improve or enhance peace and order and public safety in the Bangsamoro;
- b. Monitor the implementation of peace and order programs and projects at the provincial, city/municipal level, the operations of civilian volunteers and such other counter-insurgency and peace programs. The Chairpersons of the respective Provincial, City/Municipal Peace and Order Councils shall be responsible for the proper management and supervision of their respective civilian volunteers in coordination with other concerned government entities;
- c. Make periodic assessment of the prevailing peace and order situation and submit reports thereon with their recommendations to the Chairperson of the National Peace and Order Council;
- d. Receive complaints against government personnel, civilian or military, endorse the same to the agency concerned and demand/compel such agency to submit report or action taken thereon; and
- e. Perform functions as may be provided by law or executive issuances issued by the Chief Minister.

Sec. 24. *Organizational Relationship.* - Lower level Peace and Order Council shall be under the functional supervision of the next higher Peace and Order Council.

Chapter 3 Attached Agencies and Offices

A. BANGSAMORO BOARD OF INVESTMENTS

Sec. 25. *The Bangsamoro Board of Investments (BBOI).* - There is hereby created the Bangsamoro Board of Investments mandated to promote the development of the regional and national economy in consonance with the principles and objectives of achieving global competitiveness, fostering economic efficiency, encouraging and supporting investments that promote region-wide development, and creating productive and quality employment.

Accordingly, and consistent with Article XII, Section 8 of the Bangsamoro Organic Law:

- a. The Parliament may grant tax exemptions incentives under the Bangsamoro Organic Law upon a vote of majority of all its members: *Provided*, That these tax exemptions and incentives shall not diminish national revenues; and
- b. *Provided, further*, That the grant of tax exemptions and incentives administered by the Regional Board of Investments (RBOI) of the Autonomous Region in Muslim Mindanao as provided for in Executive Order No. 458, Series of 1991, in relation to Executive Order No. 226, Series of 1987, otherwise known as the “Omnibus Investment Code” shall continue to apply.

Sec. 26. Powers and Functions of the Bangsamoro Board of Investments. – In accordance Executive Order No. 458, Series of 1991, and consistent with Article XII, Section 8 of the Bangsamoro Organic Law, the following powers and functions of the Board of Investments (BOI) over investments within the BARMM shall be exercised by the Bangsamoro Board of Investments (BBOI) of the Bangsamoro Government:

- a. Approval/denial of applications for registration under the Omnibus Investments Code of 1987;
- b. Cancellation of certificates of registration of enterprises registered with the Bangsamoro Government, and including those enterprises previously registered with the BOI;
- c. Evaluation of incentives to be availed by enterprises registered with the Bangsamoro Government;
 1. Special tax credit on raw materials and supplies, net value earned and net local content and domestic capital equipment;
 2. Income Tax holiday; and
 3. Reduced income tax.
- d. Grant additional incentives, aside from those incentives under Book I, Title III, Article 39 of Executive Order No. 226, series of 1987; *Provided*, That the grant of tax incentives shall be in accordance with Section 8, Article XII of the Bangsamoro Organic Law.

Sec. 27. Regional Investment Priorities Plan. - The Bangsamoro Government shall prepare a Regional Investment Priorities Plan, through the Bangsamoro Board of Investments, consistent with Articles 27 to 31, Chapter II of the Omnibus Investment Code of 1987.

The preferred areas of investment to be listed in the Regional Investment Priorities Plan shall be based on long-run comparative advantage, taking into account the value of social objectives and employing economic criteria along with market, technical, and financial analysis.

The Regional Investment Priorities Plan as formulated shall be integrated in the national Investment Priorities Plan upon the approval of the President of the Republic of the Philippines.

Sec. 28. Composition of the Board of Governors. - The Board of Governors shall be composed of the BBOI Chairperson as Chair, the Minister of Trade, Industry and Tourism as *ex officio* Vice-Chair, the Minister of Finance, and Budget and Management and Minister of Agriculture, Fisheries, and Agrarian Reform as *ex officio* members, and two (2) member-Governors.

The Chairperson and the two (2) member-Governors shall be appointed by the Chief Minister and shall be coterminous with the appointing authority.

Sec. 29. *Qualifications of Governors of the Board.* - The Governors of the Board must be citizens of the Philippines, residents of the Bangsamoro Autonomous Region for at least six (6) months prior to their appointment, at least thirty (30) years old, of good moral character and of recognized competence in any of the following fields: law, economics, finance, banking, commerce, industry, agriculture, engineering, and management.

Sec. 30. *Secretariat to the BBOI.* - The BBOI Secretariat shall provide technical support to the Board, and shall be headed by a Board Secretary VI, with support staff.

Its functions include:

- a. Preparing the agenda and all other necessary documents and materials for the meetings of the Board;
- b. Notifying Board members of the meeting and recording their attendance;
- c. Recording each action taken up during the meetings; preparing and signing appropriate resolutions, if needed;
- d. Maintaining all records of the Board;
- e. Coordinating with the Bureau of Investments under the Ministry of Trade, Investments, and Tourism on policy matters that may need cooperation and coordination; and
- f. Performing other related functions as may be directed by the Board.

B. BANGSAMORO INFORMATION OFFICE

Sec. 31. *Bangsamoro Information Office.* - The Bangsamoro Information Office (BIO) shall serve as the communications arm and center of information of the Bangsamoro Government. It shall be an attached office to the Office of the Chief Minister.

Sec. 32. *Mandate.* - The Bangsamoro Information Office is mandated to be the center of information through the Bangsamoro Autonomous Region's communication platforms to promote transparency, moral governance, and to enrich the quality of public discourse.

Sec. 33. *Powers and Functions.* - The Bangsamoro Information Office shall have the following powers and functions:

- a. Provide an institutional and effective information arm in the Bangsamoro Government;
- b. Develop a well-managed information feedback and feed forward mechanism between the Bangsamoro Government and its constituents;
- c. Establish a network of information officers within the Bangsamoro Government;
- d. Conduct continuing research necessary in the performance of its functions;
- e. Strengthen communication linkages with local government units in the Bangsamoro Autonomous Region;
- f. Coordinate with public and private media outlets and practitioners; and
- g. Perform such other functions as may be directed by the Chief Minister or other proper authorities.

Sec. 34. *Organization and Composition.* - The Bangsamoro Information Office shall be headed by an Executive Director assisted by a Deputy Executive Director, with the ranks of Director

II and Director I , respectively, who shall be appointed by the Chief Minister. Their appointments shall be coterminous with the appointing authority.

It shall be composed of the following:

- A. **Administrative Section** which shall be responsible in providing administrative support to the office; and
- B. **Operations Division** which shall consist of the following sections:
 - a. Print Section;
 - b. Broadcast Section;
 - c. Research, Planning, and Monitoring Section;
 - d. Media Relations Section;
 - e. Provincial Field Section; and
 - f. New Media Section.

Other divisions may be created by the office with the concurrence of the Cabinet.

C. OFFICE FOR SETTLER COMMUNITIES

Sec. 35. *Office for Settler Communities.* - The Office for Settler Communities shall serve as the primary agency responsible in promoting the welfare and addressing issues and concerns of settlers in the Bangsamoro Autonomous Region. It shall be attached to the Office of the Chief Minister.

Sec. 36. *Mandate.* - The Office for Settler Communities is mandated to ensure that settlers enjoy the rights guaranteed to them by the Bangsamoro Organic Law, the Constitution, and all other laws as may be enacted by the Bangsamoro Parliament.

Sec. 37. *Powers and Functions.* - The Office for Settler Communities enjoys powers and authority on the following matters as provided for under the Bangsamoro Organic Law and sanctioned by existing laws and regulations:

- a. Provide advice and assistance to the Chief Minister in the formulation, coordination, implementation, and monitoring of policies, plans, programs, and projects affecting settler communities;
- b. Coordinate with concerned ministries, agencies, and other offices, when necessary, in the performance of its functions; and
- c. Act as the primary agency for coordination with Settler Communities for the purpose of raising their concerns requiring assistance from the Bangsamoro Government, and as the primary agency for coordination with relevant ministries and agencies of the Bangsamoro Government in addressing redress and concerns of the Settler Communities;
- d. When necessary, provide additional support to ministries, agencies and offices in implementing programs and projects assistance in relation to Settler Communities; and
- e. Perform other functions as may be provided by law or assigned by the Chief Minister.

Sec. 38. *Organization and Composition.* - The Office for Settler Communities shall be headed by an Executive Director assisted by a Deputy Executive Director, with the ranks of Director II and Director I, respectively, who shall be appointed by the Chief Minister. Both shall be members of settler communities. Their appointments shall be coterminous with the appointing authority.

It shall be composed of the following:

- a. Technical Division;
- b. Administrative Section; and
- c. Such other units as may be created by the office with the concurrence of the Chief Minister.

D. BANGSAMORO PLANNING AND DEVELOPMENT AUTHORITY

Sec. 39. *Bangsamoro Planning and Development Authority.* - The Bangsamoro Planning and Development Authority (BPDA) shall serve as the planning, coordinating, and monitoring agency for all development plans, policies, programs and projects of the Bangsamoro Government. The BPDA shall act as the counterpart of the National Economic Development Authority (NEDA) in the Bangsamoro Autonomous Region. The BPDA shall also serve as the Technical Secretariat of the Bangsamoro Economic and Development Council (BEDC).

Sec. 40. *Functions and Responsibilities of the BPDA.* - The BPDA shall have the following functions and responsibilities:

- a. Coordinate the formulation, and undertake monitoring and evaluation, of socio-economic development policies and plans, of the Bangsamoro Government;
- b. Review, evaluate and recommend short, medium and long-term development plans, and proposed programs and projects for consideration by the Bangsamoro Economic and Development Council;
- c. Coordinate the annual and multi-year investment programming of the Bangsamoro Government ministries, line agencies and offices;
- d. Provide technical assistance to the ministries, agencies and instrumentalities, local government units and other development partners in the Bangsamoro in identifying and developing plans, programs and projects;
- e. Coordinate all regional, national and foreign assisted programs and projects in the Bangsamoro;
- f. Conduct research and statistics administration, knowledge product development, information management and related activities in support to planning, policy formulation, project development and monitoring and evaluation; and
- g. Perform such other appropriate tasks as may be assigned by the Council or other competent authorities.

Sec. 41. *Organizational Structure of BPDA.* - The BPDA shall be headed by a Bangsamoro Director-General to be assisted by a Deputy Director-General and three (3) Bureau Directors. The BPDA shall be composed of the following bureaus, services and divisions:

1. **Planning and Policies Bureau (PPB)** - The PPB shall be responsible in providing assistance and support to development planning, programming, budgeting, monitoring and evaluation of policies, plans, and programs and projects in the Bangsamoro. This bureau shall be composed of the following divisions:
 - a. Macro-Economic Planning Division;
 - b. Economic Planning Division;
 - c. Social Planning Division;
 - d. Infrastructure Planning Division;
 - e. Peace, Public Order, Safety and Security Division;

- f. Monitoring and Evaluation Division; and
- g. Local Planning and Coordinating Division.

2. Research Development and Special Projects Bureau (RDSPB) - The RDSPB shall lead the preparation of relevant studies, researches and accurate statistical data of the BARMM for timely and evidence-based planning, project development and research agenda of the Bangsamoro Government. The bureau will also coordinate activities related to the review and evaluation of projects intended for Official Development Assistance (ODA) and national government assistance for the socio-economic development of the BARMM. This bureau shall be composed of the following divisions:

- a. Research and Development Division;
- b. Information and Knowledge Management Division;
- c. ODA/Nationally Funded Programs and Projects Coordination Division; and
- d. Economic Intelligence Division.

3. Finance and Administrative Support Services (FASS) - The FASS shall provide financial and administrative support services to the BPDA. This bureau shall be composed of the following divisions:

- a. Finance Division; and
- b. Administrative Division.

Sec. 42. Office of the Bangsamoro Director-General. - The operations and management functions of the BPDA shall be vested in the Bangsamoro Director-General who shall be appointed by the Chief Minister with a rank of a cabinet member with a Salary Grade of 28, while the Deputy Bangsamoro Director General shall have a Salary Grade of 27. Both shall serve until the expiration of the Chief Minister's term unless sooner terminated without prejudice to reappointment or extension of services beyond of his/her earlier term by the newly elected Chief Minister. The Bangsamoro Director-General shall have the following functions:

- 1. Provide executive direction and supervision over the entire operation of the BPDA;
- 2. Establish policies and standards for the effective and efficient operation of the BPDA in accordance with the programs of the Bangsamoro government;
- 3. Promulgate policies as may be necessary in carrying out the BPDA mandates, plans, programs and projects;
- 4. Appoint, subject to civil service laws, rules and regulations, all subordinate officers and employees, who shall enjoy security of tenure and may be removed only for cause in accordance with law;
- 5. Exercise the power to discipline subordinate officials and employees under the provisions of law; and
- 6. Perform such other functions as may be assigned by the Chief Minister or directed by the Council.

E. BANGSAMORO PILGRIMAGE AUTHORITY

Sec. 43. The Bangsamoro Pilgrimage Authority. - The Bangsamoro Government shall have primary jurisdiction over *Hajj* and *Umrah* matters affecting pilgrims from within the Bangsamoro. The Bangsamoro Pilgrimage Authority shall act in close coordination with the National Commission

on Muslim Filipinos on *Hajj* and *Umrah* matters to ensure that the pilgrims from the Bangsamoro are provided with the same level of services as those from outside.

Sec. 44. *Mandate.* - The Bangsamoro Pilgrimage Authority is primarily responsible for the administration of the annual Muslim pilgrimage to Mecca, Kingdom of Saudi Arabia of pilgrims from within the Bangsamoro. It shall formulate and implement programs, projects and activities for the efficient and effective administration and supervision of the conduct of pilgrimage activities of Bangsamoro pilgrims.

Sec. 45. *Functions.* - The Bangsamoro Pilgrimage Authority shall formulate the necessary guidelines to ensure the timely processing of the Bangsamoro pilgrim's travel documents and the equitable and reasonable collection of fees. It shall also accredit qualified and deserving *sheikhs*. It shall likewise formulate, subject to the approval of the Chief Minister, the time table of annual *Hajj* activities which must be posted in all areas accessible to Bangsamoro Muslims.

Pursuant to the above, collections shall be limited to *mutawiff* and passporting and/or processing fees only. Collected fees shall be deposited in a special trust fund which shall be established by the Authority, the expenses from which shall be subject to existing auditing laws, rules and regulations.

The pilgrims shall be accorded free choice of travel agencies and airlines or other means of transportation to and from the site of pilgrimage: *Provided*, That pilgrims comply with the prescribed arrival and departure schedule fixed by the Ministry of Hajj of the Kingdom of Saudi Arabia: *Provided, further*, That all pilgrims shall be legitimate holders of round-trip tickets to and from the Kingdom of Saudi Arabia: *Provided, furthermore*, That the pilgrims shall be free to choose on where to purchase or acquire other logistics, materials and supplies for the pilgrimage.

In no instance shall the pilgrims be forced to purchase such logistics, materials and supplies from the Authority or its authorized agents or representatives.

The Authority shall directly engage and enter into agreements with the appropriate authorities in the Kingdom of Saudi Arabia, upon consultation with, and prior approval by, the Chief Minister.

Sec. 46. *Organization and Composition.* - The Office of the Bangsamoro Pilgrimage Authority shall be headed by an Executive Director assisted by a Deputy Executive Director, with the ranks of Director II and Director I, respectively, who shall be appointed by the Chief Minister. Their appointments shall be coterminous with the appointing authority.

It shall be composed of the following divisions:

- a. Pilgrimage Operations Division;
- b. Endowment Administration Division;
- c. Administration and Finance Division; and
- d. Such other divisions as may be created by the office with the concurrence of the Chief Minister.

F. DEVELOPMENT ACADEMY OF THE BANGSAMORO

Sec. 47. *Development Academy of the Bangsamoro.* - The Development Academy of the Bangsamoro shall be the central human capital development training and research arm of the

Bangsamoro Government for its agencies and employees. It shall be attached to the Office of the Chief Minister and shall have the following powers and functions:

- a. Provide training programs and technical assistance services to BARMM officials and employees, with the end in view of maintaining high-efficient workforce, output-producing bureaucracy, and socially-responsible institutions;
- b. Conduct development-oriented research projects and policy studies that promote institutional productivity and address issues affecting government service delivery;
- c. Conduct knowledge exchange programs with BARMM officials and employees that promote discussions on the best practices and strategies, challenges, and opportunities affecting government service delivery;
- d. Create, update, and manage a pool of external experts and specialists that shall be tapped for the institutional development needs of agencies of the Bangsamoro government;
- e. Create, update, and manage a pool of external experts and specialists that shall be utilized as technical resource for training and research services of the Academy;
- f. Call upon any official, employee, or agency of the Bangsamoro Government to participate in the training and other capacity-development services of the Academy;
- g. Call upon any official, employee, or agency of the Bangsamoro Government to participate in interviews/ surveys necessary for the conduct of its research projects and policy studies;
- h. Call upon provide feedback, and offer assistance to any agency or employee of the Bangsamoro Government regarding its performance and service delivery reflected from the latest performance assessment and needs analysis of the Academy;
- i. Adopt and promulgate policies and guidelines governing human capital development of all agencies of the Bangsamoro government designed to strengthen workforce capacity and institutional productivity;
- j. Adopt and promulgate policies and guidelines governing the design and conduct of capacity-development programs of all agencies of the Bangsamoro government, with an end view of ensuring that such programs are implemented with socio-economic development outcomes, aligned to the regional plans and interests, effectively achieving its program objectives; and
- k. Establish and maintain training and research center/s in the region with spaces that shall cater to various trainings, conferences, seminars, workshops, researches, and other related activities.

Sec. 48. Organizational Structure. - The Academy shall be headed by an Executive Director with a rank of Director II to be assisted by five (5) Division Chiefs, with support staff. It shall be composed of the following divisions:

1. **Finance and Administrative Division (FAD)** - The FAD shall provide for the administrative and financial support services needed by the Academy.
2. **Center of Training and Assessment (CTA)** - The CTA shall offer and implement development services such as training and other capacity building programs, projects, services and activities for Bangsamoro Government employees;
3. **Center of Research and Policy Development (CRPD)** - The CRPD shall design, conduct and formulate research and policy development agenda of the Bangsamoro Autonomous Region.
4. **Center of Education and Extension (CEE)** - Designs and implements short-term course offerings and specialized graduate degree programs for qualified Bangsamoro employees;

and prepares curricula, modules and other instructional technologies; and conducts regular reviews of the same.

5. **Center of Knowledge Management (CKM)** - The CKM shall develop and maintain technologies or communication channels, implement programs and activities to allow the exchange of knowledge, practices and strategies among the Bangsamoro's workforce towards improved performance and competitive advantage.

Sec. 49. Executive Committee. - There shall be an Executive Committee composed of the Academy's Executive Director II as Chairperson, with the Division Chiefs as members.

Sec. 50. Functions of Executive Committee. - The Executive Committee shall administer the affairs of the Academy in accordance with such powers, functions and responsibilities as may be delegated by the Office of the Chief Minister.

Sec. 51. Office of the Executive Director. - The operations and the management functions of the Academy shall be vested in the Executive Director with a Salary Grade of 26 and who shall be appointed by the Chief Minister. S/he shall serve for a fixed term of six (6) years without prejudice to reappointment. The Executive Director shall have the following powers, duties and functions:

- a. Serve as the head of the Academy;
- b. Preside over meetings of the Academy;
- c. Represent the Academy in all meetings and other undertakings relevant to the mandates of the Academy;
- d. Manage the day-to-day affairs of the Academy;
- e. Sign contracts with donor institutions, partners and other institutions relevant to the mandates of the Academy;
- f. Issue orders and directives to all Academy's officers, consultants and employees in the exercise of the Academy's mandates;
- g. Promulgate policies and guidelines governing human capital development and conduct of capacity-development programs in the region;
- h. Receive in trust legacies, gifts, donations of real properties and personal property of all kinds and administer the same in behalf and for the benefit of the Academy; and
- i. Perform such other powers and functions as delegated by a competent authority.

G. BANGSAMORO DARUL-IFTA'

Sec. 52. Bangsamoro Darul-Ifta'. - The Bangsamoro *Darul-Ifta'* shall serve as the consultative body for policy-making through Islamic jurisprudence in the Bangsamoro Autonomous Region. As such, it shall promulgate, adopt and implement policy guidelines, procedure, rules and regulations necessary for the proper management and operation of the Office. It shall be attached to the Office of the Chief Minister.

The Bangsamoro *Darul Ifta'* shall be composed of the Bangsamoro *Mufti* and six (6) duly recognized *ulama* representing each of the provinces of Lanao del Sur (including Marawi City), Maguindanao (including Cotabato City), Sulu, Basilan (including Lamitan City), Tawi-Tawi, and one (1) from the Special Geographic Area composed of the barangays that joined the Bangsamoro Autonomous Region. The manner of selection of the provincial representatives shall be through a consultative process (*mashuwarah*).

Sec. 53. *Mandate.* - The Bangsamoro *Darul-Ifta'* is mandated to strengthen Islamic preaching and guidance, and utilize knowledge and social capital of the Ulama for the common good.

Sec. 54. *Powers and Functions.* - The Bangsamoro *Darul-Ifta'* shall have the following powers and functions:

- a. Promulgate *fatwa* (religious edicts) pertaining to the whole breadth of Islamic jurisprudence;
- b. Spearhead the promotion of intrareligious and interreligious dialogues for the attainment of peaceful co-existence;
- c. Serve as consultant to the Office of the Chief Minister pertaining to religious affairs;
- d. Collaborate and exchange information pertaining to *Ramadhan* moon-sighting locally and internationally specially among nearby South East Asian Muslim Countries; and
- e. Perform other functions as may be provided by law or assigned by the Chief Minister.

Sec. 55. *Organization and Composition.* - The Bangsamoro *Darul-Ifta'* shall be headed by the Bangsamoro *Mufti*, assisted by a Secretariat headed by an Executive Director. The Bangsamoro *Mufti* shall be appointed by the Chief Minister and shall preferably be from among the resident *Ulama* of the Bangsamoro Autonomous Region. Their appointments shall be coterminous with the appointing authority.

It shall be composed of the following:

- a. *Fatwa* Division;
- b. Research Division;
- c. Information and Communications Division;
- d. Administration Section; and
- e. Such other units as may be created by the office with the concurrence of the Cabinet.

Sec. 56. *Bangsamoro Mufti.* - The Bangsamoro *Mufti* shall have the following powers and functions:

- a. Call for regular and special sessions with his Islamic Jurist in promulgating *fatawa*;
- b. Act as the presiding officer during the regular and special sessions of the Bangsamoro *Darul-Ifta'*;
- c. Exercise over-all management and supervision of the Bangsamoro *Darul-Ifta'*;
- d. Represent Bangsamoro *Darul-Ifta'* in promotion of moral governance, intrareligious and interreligious dialogues, and other gatherings needing the presence of Bangsamoro *Darul-Ifta'*;
- e. Approve the implementation of programs, projects and activities of the Bangsamoro *Darul-Ifta'*;
- f. Declare the start and end of *Ramadhan* fasting, including *Eid'l Fit'r* and *Eid'l Adha*;
- g. Provide reference to the Chief Minister on matters pertaining to religious affairs and other thematic Islamic events; and
- h. Perform such other duties and functions as may be assigned by the Chief Minister or as may be determined by law.

H. COOPERATIVES AND SOCIAL ENTERPRISE AUTHORITY

Sec. 57. *Cooperatives and Social Enterprise Authority.* - The Cooperatives and Social Enterprise Authority shall be the primary entity to promote the viability and growth of Bangsamoro

cooperatives and social enterprise in the Bangsamoro region. It shall be the sole agency of the Bangsamoro Government that registers cooperatives and social enterprises. It shall be attached to the Office of the Chief Minister.

Sec. 58. *Mandate.* - The Cooperatives and Social Enterprise Authority with all the branches, sub-divisions, instrumentalities and agencies of the Bangsamoro Government shall ensure the provision of technical guidance, financial assistance and other services to enable the cooperatives and social enterprises to develop into viable and responsive economic enterprises and be platforms for poverty reduction.

Sec. 59. *General Concepts.* - A cooperative is a duly registered association of persons, with common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in accordance with the universally accepted cooperative principles.

Social Enterprise refers to businesses whose primary purpose is addressing a social, cultural or environmental challenge where creating profit for owners or shareholders is secondary. They bring together the entrepreneurial skills of the private sector and the values of public service. They deliver positive social impact through their means and ends to achieve social justice, social equity and economic efficiency. To be considered a social enterprise, the entity must have a clear social purpose included in its governing documents and re-invest a significant proportion of its profits back into the business for social, cultural, or environmental purposes.

Sec. 60. *Powers and Functions.* - The Cooperatives and Social Enterprise Authority shall be headed by an Executive Director with the rank of Director II, with the following as the Authority's functions:

- a. Formulate, adopt and implement integrated and comprehensive plans and programs on cooperative and social enterprise development consistent with the existing policy on cooperatives and the overall socio-economic development plans of the Bangsamoro Government;
- b. Develop and conduct management and training programs upon request of cooperatives and social enterprises;
- c. Support the voluntary organization and consensual development of activities that promote cooperative movements and provide assistance towards upgrading managerial and technical expertise upon request of the cooperative concerned;
- d. Ensure that the marginalized, vulnerable and disabled individuals and groups are able to participate in the new socio-economic model for BARMM;
- e. Coordinate the efforts of the local government units in the Bangsamoro Autonomous Region and the private sector in the promotion, organization and development of cooperatives and social enterprise;
- f. Promote and strengthen cooperatives and social enterprises as pathways to reintegrate former combatants, surrenderees, and disaster-affected communities, among others;
- g. Support social entrepreneurs on product development, business finance, market and linkage, and legal accreditation;
- h. Provide social entrepreneurs with capacity development and access to training, mentoring and funding opportunities;
- i. Promote social enterprise education in schools and universities;

- j. Convene policy dialogues, conduct research and organize study tours to share knowledge and best practice in creating an enabling environment for social enterprise;
- k. Require all cooperatives, their federations and unions in the Bangsamoro Autonomous Region to submit their annual reports and their financial statements, duly audited by certified public accountants, and general information sheets;
- l. Assist cooperatives in the Bangsamoro Autonomous Region in accessing financial and other forms of assistance under such terms and conditions as are calculated to strengthen their viability and autonomy;
- m. Administer all grants and donations coursed through the Bangsamoro Government for cooperative development in the Bangsamoro Autonomous Region without prejudice to the right of cooperatives to directly receive and administer such grants and donation upon agreement with the grantors and donors thereof;
- n. Upon request of either or both parties, to mediate and conciliate disputes within a cooperative or between cooperatives in the Bangsamoro Autonomous Region;
- o. Formulate and adopt continuing policy initiatives in consultation with the cooperative and social enterprise sector in the Bangsamoro Autonomous Region through public hearings; and
- p. Perform such other functions under existing laws.

Sec. 61. *Organizational Structure.* - The Cooperatives and Social Enterprise Authority shall be headed by an Executive Director with the rank of Director II to be assisted by three (3) Division Chiefs, with support staff. It shall be composed of the following divisions: (a) Administrative and Finance Division; (b) Cooperative Development Division; and (c) Social Enterprise Division.

Sec. 62. *Functions of the Administrative and Finance Division.* - The Administrative and Finance Division shall be responsible for the day - to - day operations of the Authority and shall carry out the following functions:

- a. Provide administrative support to the Authority;
- b. Manage the finances of the Authority; and
- c. Carry out other administrative functions assigned by the Chief Minister or other competent authority.

Sec. 63. *Functions and duties of the Cooperative Development Division.* - The Cooperative Development Division shall be headed by a Division Chief, and shall have the following functions and duties:

- a. Recommend policies, strategies, plans and programs on cooperatives and extend necessary support and technical assistance towards upgrading managerial/ technical and fiscal capabilities of cooperatives;
- b. Process applications for and thereafter issue Certificates of Registration, and Certificate of Compliance, when warranted;
- c. Provide mediation and arbitration services to registered cooperatives;
- d. Conduct monitoring and inspection of cooperatives;
- e. Develop and conduct management and training for members of cooperatives;
- f. Require the submission of annual reports, audited financial statements, and other necessary reports from registered cooperatives; and
- g. Perform such other functions as may be provided by law.

Sec. 64. *Functions and duties of the Social Enterprise Division.* - The Social Enterprise Division shall be headed by a Division Chief, and shall have the following functions and duties:

- a. Promote and advocate social enterprise in community development;
- b. Assist social enterprises in the development of their business model;
- c. Encourage social procurement within government agencies. Social procurement aims to achieve economic empowerment by purchasing goods and services from social benefit suppliers and training and employment of socially and economically disadvantaged people;
- d. Organize the Bangsamoro Social Enterprise Coalition;
- e. Provide support and assistance to social enterprises whenever necessary;
- f. Perform such other functions as may be provided by law;
- g. Support Social Entrepreneurs on product development, business finance, market and Linkage and legal accreditation;
- h. provide social entrepreneurs with capacity development and access to training, mentoring and funding opportunities;
- i. promote social enterprise education in schools and universities; and
- j. convene policy dialogues, conduct research and organize study tours to share knowledge and best practice in creating an enabling environment for social enterprise.

Sec. 65. *Support to Local Government Units.* - In a province, city or municipality that has its own Cooperative Development Office, the Authority shall provide support and assistance whenever necessary. Those local government units without a Cooperative Development Office shall be assisted by a Cooperative Development Specialist in the implementation of their cooperative programs.

I. BANGSAMORO INFORMATION AND COMMUNICATIONS TECHNOLOGY OFFICE

Sec. 66. *Bangsamoro Information Communications Technology Office.* - The Bangsamoro Information Communications Technology Office (BICTO) shall have the following powers and functions:

- a. Periodically formulate a BARMM information and communication technology (ICT) strategic development plan for approval of the Cabinet;
- b. Ensure the alignment of regional ICT development plans with the Bangsamoro Government's agenda;
- c. Monitor and ensure the implementation, and undertake review and periodic updating of the Bangsamoro Government's e-government plan;
- d. Formulate and recommend appropriate policies, procedures, standards and guidelines relating to the acquisition, disposal, use, implementation, utilization, management, security and protection of ICT resources;
- e. Administer the BARMM Government Domain, Web Hosting Server, E-mail Services and other online platform and/or services;
- f. Facilitate the configuration of Centralized Information Systems, which shall be installed in the Information and Communications Office under the Office of the Chief Minister, to enable rapid access to reliable information and reinforce government services in the Bangsamoro Autonomous Region;
- g. Develop, manage and maintain the Bangsamoro Government-owned ICT infrastructure, except otherwise provided by law or executive issuance;

- h. Administer the implementation of major programs, activities and projects relating to ICT within the Bangsamoro Autonomous Region;
- i. Promote, provide technical assistance, and monitor the compliance of the BARMM ministries to existing ICT laws, policies, standards, and guidelines;
- j. Promote collaborative efforts to ensure ICT capabilities and capacities across all sectors and levels in the Bangsamoro Autonomous Region; and
- k. Perform such other related functions as may be assigned by law or higher authorities.

Sec. 67. *Organizational Structure.* - BICTO shall be headed by an Executive Director II, who shall be appointed by the Chief Minister under coterminous status. S/he shall be assisted by two (2) Division Chiefs, with support staff. Its divisions are: (1) The ICT Infrastructure and Services Division, which shall develop, install, interconnect, maintain, and protect the ICT infrastructure, systems, and databases of the Bangsamoro Government, as well as connect databases to those of the national counterparts, as far as practicable; and (2) The Planning and Capacity Building Division, which shall develop plans, programs, and activities related to the development and use of ICT.

Chapter 4 **Power of the Chief Minister to Reorganize Executive Offices**

Sec. 68. *Continuing Authority of the Chief Minister to Reorganize Executive Offices.* - The Chief Minister, subject to the provisions of the Bangsamoro Organic Law and in order to achieve simplicity, economy and efficiency, shall have continuing authority to reorganize the administrative structure of the Office of the Chief Minister and Cabinet Ministry. For this purpose, s/he may take any of the following actions: (1) Restructure the internal organization of the Office of the Chief Minister Proper or Cabinet Ministry by abolishing, consolidating or merging units thereof or transferring functions from one unit to another; (2) Transfer any function under the Office of the Chief Minister or Cabinet Ministry to any other ministry or agency as well as transfer functions to the Office of the Chief Minister from other ministries and agencies; and (3) Transfer any agency under the Office of the Chief Minister or Cabinet Ministry to any other ministry or agency as well as transfer agencies to the Office of the Chief Minister from other ministries or agencies.

BOOK V **GENERAL FUNCTIONS OF THE CABINET**

Chapter 1 **The Cabinet Ministers**

Sec. 1. *Executive Function and Authority of the Bangsamoro Cabinet.* - The executive function and authority shall be exercised by the Cabinet which shall be headed by a Chief Minister. The acts of the Bangsamoro Cabinet members performed and promulgated in the regular course of business, are, unless disapproved or reprobated by the Chief Minister, presumptively executive acts.

Sec. 2. *The Cabinet Minister.* - The Cabinet Minister shall be the head of the Ministry to be assisted by a Deputy Minister.

Sec. 3. *Jurisdiction over Bureaus, Offices, Regulatory Agencies and Government Corporations.* - Each Ministry shall have jurisdiction over bureaus, offices, regulatory agencies, and government-owned or -controlled corporations assigned to it by law, subject to the continuing power of reorganization by the Chief Minister. Unless otherwise expressly prohibited by law, the Chief

Minister may, by executive order, assign offices and agencies not otherwise assigned by law to any ministry, or indicate to which ministry a government corporation or board may be attached to.

Sec. 4. Authority and Responsibility of the Cabinet Ministers. - The Cabinet Ministers shall have the authority and responsibility to exercise the mandates of their respective Ministries.

Sec. 5. Powers and Functions of the Cabinet Ministers. - The Cabinet Ministers shall be vested with the following powers and functions:

- a. Recommend to the Chief Minister policies and programs;
- b. Manage the implementation of ministry's programs, projects, and activities;
- c. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Government of the Day;
- d. Promulgate rules and regulations necessary to carry out ministry objectives, policies, functions, plans, programs and projects;
- e. Promulgate administrative issuances necessary for the efficient administration of the offices under the Cabinet Minister and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- f. Exercise disciplinary powers over officers and employees under them in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- g. Appoint all officers and employees of the Ministry except those whose appointments are vested in the Chief Minister or in some other appointing authority;
- h. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- i. Delegate authority to officers and employees under the Cabinet Minister's direction in accordance with this Code; and
- j. Perform such other functions as may be provided by law.

Sec. 6. Submission of Performance Evaluation Reports. - The Cabinet Minister shall formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Ministry and submit the same annually to the Chief Minister. The Cabinet Minister shall likewise prepare and submit to the Chief Minister an estimate of the necessary expenditures of the Ministry during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and offices under him/her.

Sec. 7. Powers and Duties of the Deputy Minister. - Except as may be provided otherwise in this Code, as a general rule, the Deputy Minister shall have the following general powers and duties:

- a. Assist the Cabinet Minister in the formulation and implementation of ministry policies, programs, projects and activities;
- b. Coordinate policies, programs and projects of the Ministry and be responsible for their efficient and effective implementation;
- c. Serve as deputy to the Cabinet Minister in all matters relating to the operations of the Ministry;
- d. Discharge the duties of the Cabinet Minister in the latter's absence or inability to discharge his/her duties for any cause or in case of vacancy of the said office, unless otherwise provided by law. Where there are more than one Deputy Ministers, the Cabinet

- Minister shall allocate the foregoing powers and duties among them, except the power to appoint and terminate employees; and
- e. Perform such other functions and duties as may be provided by law.

Chapter 2

Administrative Relationship

Sec. 8. Definition of Administrative Relationship. - Unless otherwise expressly stated in this Code or in other laws defining the special relationships of particular ministries or agencies, administrative relationships shall be categorized and defined as follows:

- (1) **Supervision and Control** - Supervision and control shall include authority to act directly whenever a specific function is entrusted by law or regulation to a subordinate; direct the performance of duty; restrain the commission of acts; review, approve, reverse or modify acts and decisions of subordinate officials or units; determine priorities in the execution of plans and programs; and prescribe standards, guidelines, plans and programs. Unless a different meaning is explicitly provided in the specific law governing the relationship of particular ministries or agencies, the word "control" shall encompass supervision and control as defined in this paragraph.
- (2) **Administrative Supervision** - (a) Administrative supervision which shall govern the administrative relationship between a ministry or its equivalent and regulatory agencies or other agencies as may be provided by law, shall be limited to the authority of the ministry or its equivalent to generally oversee the operations of such agencies and to ensure that they are managed effectively, efficiently and economically but without interference with day-to-day activities; or require the submission of reports and cause the conduct of management audit, performance evaluation and inspection to determine compliance with policies, standards and guidelines of the ministry; to take such action as may be necessary for the proper performance of official functions, including rectification of violations, abuses and other forms of maladministration; and to review and pass upon budget proposals of such agencies but may not increase or add to such budget proposals;

(b) Such authority shall not, however, extend to contracts entered into by the agency in the pursuit of its objectives, the review of which and other procedures related thereto shall be governed by appropriate laws, rules and regulations; and the power to review, reverse, revise, or modify the decisions of regulatory agencies in the exercise of their regulatory or quasi-judicial functions;

(c) Unless a different meaning is explicitly provided in the specific law governing the relationship of particular agencies, the word "supervision" shall encompass administrative supervision as defined in this paragraph.
- (3) **Attachment** - (a) Attachment refers to the lateral relationship between the ministry or its equivalent and the attached agency or corporation for purposes of policy and program coordination. The coordination may be accomplished by having the ministry represented in the governing board of the attached agency or corporation, either as Chairperson or as a member, with or without voting rights, if this is permitted by the charter; having the attached corporation or agency comply with a system of periodic reporting which shall reflect the progress of programs and projects; and having the ministry or its equivalent provide general policies through its representative in the

board, which shall serve as the framework for the internal policies of the attached corporation or agency.

- (b) Matters of day-to-day administration or all of those pertaining to internal operations shall be left to the discretion or judgment of the executive officer of the agency or corporation. In the event that the Cabinet Minister and the head of the board or the attached agency or corporation strongly disagree on the interpretation and application of policies, and the Cabinet Minister is unable to resolve the disagreement, he/she shall bring the matter to the Chief Minister for resolution and disposition;
- (c) Government-owned or -controlled corporations attached to a ministry shall submit to the Cabinet Minister concerned their audited financial statements on or before the 15th day of January of each year; and
- (d) Pending submission of the required financial statements, the corporation shall continue to operate on the basis of the preceding year's budget until the financial statements shall have been submitted. Should any government-owned or -controlled corporation incur an operation deficit at the close of its fiscal year, it shall be subject to administrative supervision of the ministry; and the corporation's operating and capital budget shall be subject to the ministry's examination, review, modification and approval.

Chapter 3 Supervision and Control

Sec. 9. *Cabinet Minister's Authority.* - The Cabinet Minister shall have direct control and supervision over the bureaus, offices, and agencies under him/her excluding chartered institutions or government-owned or -controlled corporations attached to the ministry, subject to the following guidelines:

- a. Initiative and freedom of action on the part of subordinate units shall be encouraged and promoted, rather than curtailed, and reasonable opportunity to act shall be afforded those units before control is exercised; and
- b. Functions involving discretion, experienced judgment or expertise vested by law upon a subordinate agency, control shall be exercised in accordance with said law.

Sec. 10. *Delegation of Authority.* - In accordance with the provisions on specific powers provided in this Code, the Cabinet Minister or the head of a ministry, office, or agency shall have authority over and responsibility for its operation. S/he shall delegate such authority to the bureau and field directors as may be necessary for them to implement plans and programs adequately. Delegated authority shall be to the extent necessary for efficient and effective implementation of national and regional programs in accordance with policies and standards developed by each ministry or agency with the participation of the Field Directors. The delegation shall be in writing; shall indicate to which officer or class of officers or employees the delegation is made; and shall vest sufficient authority to enable the delegate to discharge his/her assigned responsibility.

Sec. 11. *Authority of the Ministry Over Attached Agencies/Offices.* - For the duration of the transition period, attached agencies and offices shall be under the control and supervision of the appropriate ministries. The bureaus and agencies with pending transfer to the Bangsamoro

Government shall continue to operate and function in accordance with their respective charters, laws or orders.

Chapter 4 **Relationship of Government-Owned or -Controlled Corporations and Regulatory Agencies to the Ministry**

Sec. 12. *Government-Owned or -Controlled Corporations.* - Government-owned or -controlled corporations shall be attached to the appropriate ministry with which they have allied functions, as hereinafter provided, or as may be provided by executive order, for policy and program coordination and for general supervision provided in pertinent provisions of this Code. In order to fully protect the interests of the Bangsamoro Government in government-owned or -controlled corporations created and organized under general law, and when applicable, at least one-third (1/3) of the members of the Boards of such corporations should either be a Cabinet Minister, Deputy Minister or other senior officials of the appropriate ministries.

Sec. 13. *Regulatory Agencies.* - A regulatory agency shall be subject to the administrative supervision of the ministry under which they are placed, except when they are government corporations in which case they shall be governed by the provisions of the preceding section. The heads of regulatory agencies shall submit annually, for the approval of the Cabinet Minister concerned, their budgets and work plans which shall be the basis of their day-to-day operations. The regulatory agencies may avail themselves of the common auxiliary and management services of the ministry as may be convenient and economical for their operations.

Chapter 5 **Appointments**

Sec. 14. *Recruitment, Selection, Placement and Promotion Board (RSPPB).* - All ministries, agencies and offices of the Bangsamoro Government shall establish their respective Recruitment, Selection, Placement, and Promotion Board which shall evaluate and recommend the appointment and promotion of personnel with the rank of Division Chiefs and below in accordance with the Civil Service Code that will be enacted by the Parliament, civil service laws and its implementing rules and guidelines promulgated by the Civil Service Commission.

Sec. 15. *Disqualification of the Spouse and Relatives of the Chief Minister and Other Officials.* - The spouse/s and relatives by consanguinity or affinity within the fourth civil degree of the Chief Minister, the Deputy Chief Ministers, the Speaker of Parliament, the Cabinet Ministers, or their deputies, shall not during their tenure be appointed or designated to positions of which they are the appointing authority except to positions which are primarily confidential in nature and such other positions covered by exemptions provided by law.

Chapter 6 **Administrative Issuances**

Sec. 16. *General Classification of Issuances.* - The administrative issuances of Cabinet Members and heads of bureaus, offices or agencies shall be in the form of circulars or orders. Circulars shall refer to issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Bangsamoro Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto. Orders shall refer to issuances directed to particular

offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned.

Sec. 17. *Docketing of Issuances.* - Every circular or order issued pursuant to the preceding section shall properly be identified as such and chronologically numbered. Each class of issuance shall begin with number 001 and series of the year of issuance.

Sec. 18. *Official Logbook.* - Each ministry, commission, bureau, office, or agency shall keep and preserve a logbook in which shall be recorded in chronological order, all final official acts, decisions, transactions or contracts, pertaining to the ministry, bureau, office or agency. Whenever the performance of an official act is in issue, the date and the time record in the logbook shall be controlling. The logbook shall be in the custody of the chief administrative officer concerned and shall be open to the public for information.

Sec. 19. *Government-wide Application of the Classification of Issuances.* - The Office of the Chief Minister shall provide such assistance as may be necessary to effect general adherence to the foregoing classification of issuances, including the conduct of studies for developing sub-classifications and guidelines to meet peculiar needs. All administrative issuances of a general or permanent character shall be compiled, indexed, and published pursuant to the provisions of this Code. Publication of administrative issuances affecting the public is required before the same shall become effective. Publication of administrative issuances affecting the public is required before the same shall become effective.

The Bangsamoro Attorney General's Office shall be furnished with all the copies of the foregoing issuances and shall be repository of all these issuances. Likewise, copies shall be provided to the Bangsamoro Library and Archives.

Chapter 7 Miscellaneous Receipts

Sec 20. *Charges for Property Sold or Services Rendered; Refunds.* - For services required by law to be rendered for a fee, for supplies furnished, or articles of any kind sold to other divisions of the government or to any person, the head of bureau, office, or agency may, upon approval of the Bangsamoro Cabinet, charge and collect the cost of the service, supplies, or articles. The officer authorized to fix the amount to be paid for service rendered and supplies or articles furnished or sold in excess of cost prescribed by law or approved by the same authority may recommend that the whole or part of any sum so paid be refunded, upon approval of the Commission on Audit.

Sec. 21. *Disposition of Miscellaneous Bureau Receipts.* - In the absence of special provision, money collected for property sold or service rendered, and all other receipts or earnings of ministries, bureaus, offices, and agencies not derived from taxation, shall accrue to the general unappropriated funds of the Bangsamoro Autonomous Government which shall be remitted to the Bangsamoro Treasury Office, under the Ministry of Finance, and Budget and Management.

Sec. 22. *Printing of Studies and Researches.* - With the approval of the Bangsamoro Cabinet, a bureau, office, or agency may print its studies, researches and similar materials for distribution at cost to the public. The Bangsamoro Cabinet may authorize the reprinting of the said materials by private persons for sale to the public upon payment of necessary costs for reproduction, which shall accrue to the general fund and shall be remitted to the Bangsamoro Treasury Office.

Chapter 8 Contracts

Sec. 23. *Conveyances and Contracts to which the Bangsamoro Government is a Party.* - Any deed, instrument or contract conveying the title to real estate or to any other property shall be awarded through public bidding. Where the amount of contracts exceeds Five Million Pesos, such contract shall be executed and signed by the Chief Minister on behalf of the Bangsamoro Government; provided that contracts amounting to Five Million Pesos and below, the same may be executed and signed by the Cabinet Minister or head of the agency concerned, subject to approval by the Bangsamoro Cabinet.

Sec. 24. *Approval of Consultancy Contracts.* - All purely consultancy contracts relating to infrastructure projects, regardless of amount, shall be approved by the Cabinet Minister concerned, in accordance with existing Guidelines on the Hiring of Consultants.

Sec. 25. *Delegation of Authority to Governing Boards of Government Corporations.* - The Cabinet Ministers are authorized to delegate tasks to the governing boards of government-owned or -controlled corporations which are attached to or are under the administrative supervision of their respective ministries. In the case of government corporations which are attached to or under the Office of the Chief Minister, the delegation shall be made by the Senior Minister.

Sec. 26. *Public Bidding of Contracts.* - As a general rule, contracts for infrastructure projects shall be awarded after open public bidding to bidders who submit the lowest responsive/evaluated bids. Open Public Bidding shall be conducted among qualified contractors in accordance with laws and existing rules and procedures.

Sec. 27. *Approval of Government Contracts.* - All contracts shall, in the absence of a special provision, be executed with the approval of the Cabinet Minister or by the head of the bureau or office having control of the appropriation against which the contract would create a charge. Such contracts shall be processed and approved in accordance with existing laws, rules and regulations.

Chapter 9 Controversies among Government Offices and Corporations

Sec. 28. *How Settled.* - All disputes, claims, and controversies, between or among the ministries, bureaus, offices, agencies, and instrumentalities of the Bangsamoro Government, including government-owned or -controlled corporations, such as those arising from the interpretation and application of statutes, contracts or agreements, shall be administratively settled or adjudicated in the manner provided in this Code.

Sec. 29. *Disputes.* - All such cases involving either purely questions of law, mixed questions of law and of fact or only factual issues, shall be submitted to and settled or adjudicated by the Bangsamoro Attorney-General of the Bangsamoro Government and as *ex officio* legal adviser of all government-owned or -controlled corporations. His/her ruling or decision thereon shall be conclusive and binding on all the parties concerned.

Sec. 30. *Arbitration.* - The determination of factual issues may be referred to an arbitration panel composed of one representative from each of the parties involved and presided over by a representative of the Bangsamoro Attorney - General.

Sec. 31. Appeals. - The decision of the Bangsamoro Attorney-General shall be binding and executory upon the parties involved. Appeals may, however, be taken to the Chief Minister where the amount of the claim or the value of the property exceeds one million pesos. The decision of the Chief Minister shall be final.

Sec. 32. Rules and Regulations. - The Bangsamoro Attorney-General shall promulgate the rules and regulations necessary to carry out the provisions of this Chapter.

BOOK VI MINISTRIES AND OFFICES

TITLE I: AGRICULTURE, FISHERIES AND AGRARIAN REFORM

Chapter 1 General Provisions

Sec. 1. Declaration of Policy. - It is the policy of the Bangsamoro Government to ensure resiliency and productivity for food security, income and rural employment in an enabling environment for farmers, fisherfolks, and agrarian reform beneficiaries.

Sec. 2. Mandate. - The Ministry of Agriculture, Fisheries and Agrarian Reform and its attached agencies and bureaus shall promote sustainable Agri-fishery growth and development, and equitable land distribution and tenurial security for the benefit of the landless farmers in the Bangsamoro Autonomous Region.

It shall formulate a policy framework conducive to increase public investments and climate-resilient integrated support services under the direction of the Bangsamoro Government, to make land and water resources profitable to ensure food security through appropriate technologies and intensive promotion of agri-aqua-based enterprises towards the development of farmers and fisherfolks. It shall ensure the availability, adequacy, accessibility, and affordability of food supplies at all times in the Bangsamoro Autonomous Region.

Sec. 3. Powers and Functions. - The Ministry of Agriculture, Fisheries and Agrarian Reform shall have the following powers and functions:

- a. Provide integrated services to farmers, fishermen, and other food producers on production, utilization, conservation, and disposition of agricultural livestock and fishery resources;
- b. Plan, formulate, execute, regulate and monitor programs and activities relating to agriculture, food production, and supply;
- c. Promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural, livestock, and fishery resources;
- d. Establish central and regional information systems to serve the production, marketing, and financing data requirements of the farmers as well as domestic and foreign investors in agribusiness ventures;
- e. Provide comprehensive and effective extension services and training to farmers and other agricultural entrepreneurs on the financing, production, and marketing aspects of agricultural and fishery enterprises;

- f. Conduct, coordinate, and disseminate research studies on appropriate technologies for the improvement and development of agricultural crops, livestock, fisheries, and other allied commodities;
- g. Provide the mechanisms for the participation of farmers, fishermen and agricultural entrepreneurs at all levels of policy-making, planning, and program formulation;
- h. Coordinate with and enlist other public and private agencies for cooperation and assistance on matters affecting the policies, plans, and programs of the Ministry;
- i. Issue clearances and permits for the importation and exportation of agricultural and fishery commodities, subject to existing guidelines, laws, rules and regulations of concerned national and regional agencies;
- j. Approve charter contracts, issue permits for Special Commercial Fishing Boats and Licenses for Commercial Fishing Vessels and Gears to operate within the territorial waters of BARMM in accordance with national and regional laws;
- k. Determine and designate fish landing points for all commercial fishing boats within its territorial limits;
- l. Assist LGUs in the management and conservation of their municipal waters;
- m. Regulate and supervise the production, capture, and gathering of fish and fishery/aquatic products;
- n. Designate areas in the BARMM as fishery reserves for the exclusive use of the Bangsamoro Government or any of its political subdivisions, agencies or instrumentalities, or of the inhabitants therein, for the culture of fish and other aquatic animals for educational, research and scientific purposes in accordance with existing laws;
- o. Implement all agrarian laws and for this purpose, it is authorized to issue subpoena, subpoena *duces tecum*, writ of execution of its decision, cite any person for contempt under penalty of laws such other legal processes as to ensure the success and expeditious implementation of the Agrarian Reform Program;
- p. Advise the Chief Minister and concerned councils or bodies on the promulgation of executive and administrative orders, other regulation issuances and legislative proposals designed to strengthen agrarian reform, and protect the interest of the beneficiaries thereof;
- q. Establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation in the BARMM in accordance with existing laws;
- r. Coordinate program implementation with the Land Bank of the Philippines (LBP) and other relevant civilian and military government agencies mandated to support the agrarian reform program;
- s. Acquire, administer, distribute, and develop agricultural lands for agrarian reform purposes;
- t. Undertake surveys of lands covered by agrarian reform;
- u. Issue Certificates of Land Ownership Awards (CLOA) and emancipation patents to farmers and farm-workers covered by agrarian reform for both private and public lands and when necessary, make administrative corrections of the same;
- v. Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure related problems as may be provided by the law;
- w. Promote the organization and development of cooperatives and other organizations of agrarian reform beneficiaries;
- x. Conduct continuing education and promotion programs on agrarian reform for beneficiaries, landowners, government personnel, and the general public;

- y. Institutionalize the participation of farmers, farmworkers, other beneficiaries, and agrarian reform advocates in agrarian reform policy formulation, program implementation and evaluation;
- z. Exercise exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided for by law;
- aa. Call upon any government agency and non-government organization to extend full support and cooperation to program implementation; and
- ab. Exercise such other powers and functions as may be provided for by law or directed by the Chief Minister to promote efficiency and effectiveness in the delivery of public services.

Chapter 2

Ministry Proper

Sec. 4. *Office of the Minister.* - The Office of the Minister of Agriculture, Fisheries and Agrarian Reform consists of the Minister, the Deputy Minister, and their immediate staff.

Sec. 5. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Agriculture, Fisheries, and Agrarian Reform;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 6. *Powers and Functions of the Deputy Minister.* - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 7. *The Bangsamoro Directors-General.* - There shall be three (3) Bangsamoro Directors- General, who shall be the highest career officials of the Ministry, with appropriate eligibility. The Offices of the Bangsamoro Directors-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry, with respect to: (a) Agriculture; (b) Fisheries; and (c) Agrarian Reform. The Bangsamoro Directors-General shall be the direct supervisors of the respective Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 8. *Structure.* - The Ministry of Agriculture, Fisheries, and Agrarian Reform shall be supported by Services, Bureaus, Divisions, Sections, and Units, such as but not limited to: Administrative and Finance; Technical; Operations; Legal; Field; Internal Audit; and the likes.

Chapter 4 Sectoral Offices

Sec. 9. *Office of the Bangsamoro Director-General for Agriculture.* - The Office of the Bangsamoro Director-General for Agriculture shall have the following services:

- A. **Field Operations Services** - The Field Operations Services, headed by a Director II, shall serve as the coordinating body and functional link of the Ministry. It shall consist of the following: (a) Agriculture Engineering Division; and (b) Agri-Business Management and Assistance Division.

Each division shall be headed by a Division Chief.

- B. **Agricultural Research and Regulatory Services** - The Agricultural Research and Regulatory Services, headed by a Director II, consists of the following: (a) Research and Regulatory Division; and (b) Integrated Laboratory Division.

- C. **Research, Development and Extension Services** - The Research, Development and Extension Services, headed by a Director II, consists of the following: (a) Agri-Research Division; and (b) Aquaculture Research Division.

Each division shall be headed by a Division Chief.

Sec. 10. *Office of the Bangsamoro Director-General for Fisheries.* - The Office of the Bangsamoro Director-General for Fisheries shall have the following services:

- A. **Fisheries Operations Services** - The Fisheries Operations Services, headed by a Director II, consists of the following: (a) Fisheries Production Division; (b) Fisheries Resource Management Division; and (c) Fisheries Post-Harvest and Marketing Division.

Each division shall be headed by a Division Chief.

- B. **Fisheries Research and Regulatory Services.** - The Fisheries Research and Regulatory Services, headed by a Director II, consists of the following: (a) Research Division; and (b) Fisheries Regulations and Law Enforcement Division.

Each division shall be headed by a Division Chief.

Sec. 11. *Office of the Bangsamoro Director-General for Agrarian Reform.* - The Office of the Bangsamoro Director-General for Agrarian Reform shall have the following services:

- A. **Agrarian Reform Support Services.** - The Agrarian Reform Support Services, headed by a Director II, consists of the following: (a) Social Infrastructure Building Division; and (b) Enterprise Development and Economic Support Division.
- B. **Land Tenure Services.** - The Land Tenure Services, headed by a Director II, consists of the following: (a) Land Acquisition Division; and (b) Post Land Transfer Documentation Division.

Each division shall be headed by a Chief Agrarian Reform Program Officer as Division Chief.

Sec. 12. *Bangsamoro Agrarian Reform Adjudication Board.* - Subject to the transfer of the adjudicatory functions, the Bangsamoro Agrarian Reform Adjudication Board shall be administratively under the Office of the Minister Proper. The Board shall be composed of the Minister as Chairperson, the Bangsamoro Director General, the Director for Agrarian Reform, the Chief of the Legal Services and one (1) member to be designated by the Minister.

The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases except those powers and functions within the exclusive jurisdiction of Minister of Agriculture, Fisheries, and Agrarian Reform. These powers and functions may be delegated to the provincial offices of the Ministry through their provincial adjudicators.

Chapter 5 Provincial and Municipal Offices

Sec. 13. *Provincial Offices.* - The Ministry shall have Provincial Offices, each to be headed by a Director II. The Provincial Offices shall be responsible for directing and coordinating the operations and activities of the MAFAR Municipal Offices operating within the province.

Sec. 14. *MAFAR Municipal Offices.* - The Ministry shall have as many MAFAR Municipal Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its service, which shall be headed by a MAFAR Municipal Officer.

Sec. 15. *Authority of the Ministry Proper over Provincial and Municipal Offices.* - Until and unless a law is passed devolving powers over agriculture to the appropriate local government units, the Minister shall exercise technical and administrative control and supervision over Provincial and Municipal Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate, or incidental in carrying out the implementation of agriculture, fisheries, and agrarian reform programs and projects in their respective area.

TITLE II: BASIC, HIGHER, AND TECHNICAL EDUCATION

Chapter 1 General Provisions

Sec. 1. *Declaration of Policies.* - The Bangsamoro Government shall promote and protect the constitutional right of all to quality and accessible education at all levels and to establish, maintain

and support a complete, adequate, and integrated system of education relevant and responsive to the needs, ideals and aspirations of the Bangsamoro People. The Bangsamoro Educational System is a subsystem of the national education system. Pursuant to this, the Bangsamoro Government shall:

- a. Promote, affirm, and strengthen the Bangsamoro Peoples' distinct historical identity and long struggle to chart their own destiny as a people and their ambition to build a future where all can live together in justice and peace;
- b. Establish, maintain, and supervise an education system where the processes, inputs, outputs, and outcomes of education adhere to a set of standards;
- c. Establish, maintain, and supervise a strong childhood education that puts emphasis on the social, emotional, cognitive, physical and spiritual needs of the child for a strong foundation of learning and well-being all throughout life;
- d. Establish, maintain, and supervise basic education in both the school system and *Madrasah* system to meet learning needs and provide the foundation on which subsequent learning can be based;
- e. Establish, maintain, and supervise alternative learning modalities;
- f. Establish, maintain and supervise higher education which shall produce high-level and middle-level professionals who, as productive and effective citizens, contribute actively to community and national development;
- g. Establish, maintain, and supervise technical education and skills development which will develop the middle level professionals;
- h. Encourage lifelong learning and continuing education for all Bangsamoro peoples to develop their knowledge, values and competencies beyond the regular schooling years;
- i. Develop, adopt, and implement the standards for qualification outcomes and support the development of pathways and equivalencies that enable access to qualifications aligned with national and international qualifications framework;
- j. Establish, maintain, and supervise an indigenous education system to provide equitable access to quality education for indigenous peoples (IP) learners and maintain, protect and promote IP culture and tradition;
- k. Establish and maintain a system of mobilizing resources and financing to enable educational institutions to achieve the Bangsamoro education standards and to enable learners to have access to quality education; and
- l. Ensure the application of moral governance in all levels in the education system.

Sec. 2. *Mandate.* - The Ministry shall be primarily responsible for the formulation, planning, implementation, and coordination of the policies, plans, programs, and projects in the areas of formal and non-formal education at all levels, supervise all educational institutions, both public and private, and provide for the establishment, maintenance and support of a complete, adequate, and integrated system of education relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro People.

Sec. 3. *Powers and Functions.* - The Ministry of Basic, Higher, and Technical Education shall have the following powers and functions:

- a. Formulate, plan, implement, and coordinate the policies, plans, programs, and projects for the following:
 1. Elementary and secondary, physical education and sports, international education, private education, in both school system and *Madrasah* system;
 2. Non-formal education in school and *Madrasah* system;

3. Higher education, including Islamic higher education;
 4. Technical education and skills development;
 5. Indigenous people's education and tribal university system; and
 6. Foreign and locally assisted projects in relation to the preceding items.
- b. Establish, maintain, and support a complete and integrated system of quality education, which shall be a subsystem of the national education system;
 - c. Develop an educational framework relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro people;
 - d. Institutionalize peace education in all levels of education;
 - e. Supervise and regulate private schools, including sectarian and non-sectarian institutions of learning in any level;
 - f. Establish, maintain, and supervise *Madaris* education in the Bangsamoro Autonomous Region;
 - g. Ensure the integration on the elementary and high school education curricula the teaching of Islamic and Arabic studies for Muslim pupils and students in public schools;
 - h. Develop and maintain an integrated and comprehensive physical education program;
 - i. Develop appropriate curricula, quality textbooks, and teaching materials;
 - j. Establish linkages with institutions with track record of excellence to provide pre-service and in-service training for teachers and training courses for non-teaching staff;
 - k. Exercise the powers of selection, recruitment, appointment, and promotion of teaching and non-teaching personnel of the Ministry;
 - l. Determine the organizational components and approve staffing patterns of the divisions, districts and schools;
 - m. Promulgate rules and regulations or such guidelines as may be required for efficient and effective administration, control and supervision, and regulation of basic, higher, and technical educational institutions in the Bangsamoro Autonomous Region, including the *Madaris*;
 - n. Evaluate all schools division superintendents and assistant division superintendents in the Bangsamoro Autonomous Region; and
 - o. Perform such other functions and powers as may be provided by law.

Sec. 4. *Bangsamoro Education Structure.* - The Bangsamoro education structure shall cover formal and informal, basic, higher, technical, and *Madaris* education.

Sec. 5. *Organizational Structure.* - The Ministry of Basic, Higher, and Technical Education shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 6. *Office of the Minister.* - The Office of the Minister of Basic, Higher, and Technical Education consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 7. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Basic, Higher, and Technical Education;

- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 8. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 9. The Bangsamoro Directors-General. - There shall be four (4) Bangsamoro Directors-General, who shall be the highest career officials of the Ministry, with appropriate eligibility, particularly:

- (a) Directorate-General for Basic Education;
- (b) Directorate-General for Higher Education;
- (c) Directorate-General for Technical Education; and
- (d) Directorate-General for *Madaris* Education.

The Offices of the Bangsamoro Directors-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry with respect to their respective area of assignment. They shall be the direct supervisors of the respective Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 10. Structure. - The Ministry of Basic, Higher, and Technical Education shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.

- (2) **Internal Audit Division** - The Internal Audit Division shall be headed by a Division Chief.
- (3) **Information and Communications Division** - The Information and Communications Division shall be headed by a Division Chief.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Administrative and Finance Services.** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following divisions: (a) Administrative Division; (b) Finance Division; (c) Human Resource and Management Division; and (d) Education Support Division.

Each division shall be headed by a Division Chief.

Chapter 4 Basic Education

Sec 11. *Specific Powers and Functions.* - With respect to basic education, the Ministry shall have the following powers and functions:

- a. Formulate general basic education objectives and policies, and adopt educational plans for elementary and secondary public schools based on the Bangsamoro Educational Framework;
- b. Ensure the high standards of all basic education institutions in the Bangsamoro Autonomous Region;
- c. Develop appropriate curricula, quality textbooks, and teaching materials;
- d. Establish linkages with institutions with a track record of excellence to provide pre-service and in-service training for teachers and training courses for non-teaching staff;
- e. Formulate the annual budget for basic education of the Ministry in consultation with Division field offices and local government units, and in coordination with the Bangsamoro Planning and Development Authority to ensure support for the implementation of the regional and division educational plans and the school improvement plans;
- f. Receive, allocate, and disburse funds for basic education, including those for the Divisions, subject to nationally and internationally accepted accounting and auditing standards for transparent, effective, and efficient implementation of plans and programs;
- g. Approve and support the establishment and operation of public and private elementary and high schools and learning centers;
- h. Exercise the powers of selection, recruitment, appointment, and promotion of teaching and non-teaching personnel;
- i. Determine the organizational components and propose staffing patterns of the divisions and schools;
- j. Provide specialized education services to learners with special needs in a way that addresses their individual differences and learning needs;
- k. Promulgate rules and regulations or such guidelines as may be required for efficient and effective administration, control and supervision, and regulation of basic educational institutions;

- l. Monitor and evaluate the performance and compliance with Ministry standards of those bodies to which it has delegated powers, functions, or responsibilities;
- m. Evaluate all schools division superintendents and assistant division superintendents in the Bangsamoro Autonomous Region;
- n. Adopt and implement programs and projects in coordination with various stakeholders for the promotion and advancement of both formal and informal basic education;
- o. Propose and recommend measures on basic education for enactment into laws;
- p. Establish, promote and foster linkages and conduits with national as well as international academic, research, and Islamic-oriented educational and cultural institutions whose objectives are consistent with this Code; and
- q. Perform such other functions and powers as may be provided by law.

Sec. 12. *Office of the Bangsamoro Director-General for Basic Education.* - The Office of the Bangsamoro Director-General for Basic Higher shall have the following divisions:

- a. **Curriculum and Learning Division** - The Curriculum and Instruction Division, headed by a Division Chief, develops appropriate delivery services and ensures the provision of learning resources so that the organization focuses on the delivery of a relevant, responsive, and effective basic education curriculum around which all other strands and offices provide support.
- b. **Quality Assurance Division** - The Quality Assurance Division, headed by a Division Chief, assures quality by assessing, monitoring, and evaluating performance.

Sec. 13. *Bureaus.* - The following bureaus, headed by a Director I, shall be under the supervision of the Bangsamoro Director-General for Basic Education:

- a. The Bureau for Basic Education (BBE);
- b. The Bureau for Alternative Learning Systems (BALS);
- c. The Bureau for Indigenous Peoples' Education (IPeD);
- d. The Bureau for Physical Education and Sports Development (BPESD); and
- e. The Bureau for Special Education.

Chapter 5

Basic Education Division Offices

Sec. 14. *Division Offices.* - For basic education, the Ministry is hereby authorized to establish, operate, and maintain Division Offices for Basic and *Madaris* education in the Provinces of Lanao del Sur, Maguindanao, Sulu, Basilan and Tawi-Tawi, the cities of Marawi, Lamitan and Cotabato and one to cover the Special Geographic Area composed of the barangays that joined the Bangsamoro Autonomous Region. Each of the Division Offices shall be headed by a Division Superintendent who shall be assisted by an Assistant Division Superintendent.

Sec. 15. *Functions.* - The Division Offices shall:

- a. Formulate and implement the Division Plan;
- b. Implement laws, rules and regulations, policies, plans, programs and projects of the Ministry;
- c. Coordinate with local government units, civil society and non-government organizations
- d. Perform other functions as may be provided by law or by the Minister.

Sec. 16. Authority of the Ministry Proper over Division Offices. - The Minister shall exercise technical and administrative control and supervision over Division Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of basic, higher, technical, and *Madaris* education programs and projects in their respective area.

Chapter 6 Higher Education

Sec. 17. Coverage. - The Ministry shall cover all Higher Educational Institutions (HEIs) such as State Universities and Colleges (SUCs), CHED-Supervised Higher Educational Institutions (CHEIs), CHED-ARMM/BARMM Supervised Institutions (BSIs), Private Higher Educational Institutions (PHEIs), Islamic Higher Education, and transnational higher education institutions in the BARMM, as well as tertiary degree programs in all post-secondary institutions in the BARMM.

Sec. 18. Transfer of Powers and Functions. - The powers and functions devolved to CHED-ARMM pertaining to higher education under Executive Order No. 315, series of 1996 and its Implementing Rules and regulations embodied in CHED Administrative Order No. 8, series of 1996, under RA 7722, are hereby transferred to the Ministry of Basic, Higher, and Technical Education.

Specifically, such transfer of functions shall include, among others:

- a. All programs and projects of the previous CHED-ARMM, whether locally-funded or foreign-assisted, in the BARMM earmarked for or to be implemented in the region, including scholarships and grants, shall be transferred to the Ministry, including its corresponding budget and assets.
- b. The Ministry shall avail of the Higher Education Development Fund (HEDF), established under Section 10 of RA 7722, based on CHED-approved projects and programs. The fund shall be administered in accordance with the guidelines of the CHED.
- c. The budget and allocation of CHED-ARMM/BARMM-supervised Higher Education Institutions in the region shall be transferred to the Ministry.

Sec. 19. Specific Powers and Functions. - With respect to higher education, the Ministry shall have the following powers and functions:

- a. Formulate and recommend to the Bangsamoro Parliament development plans, policies, priorities, grants, and programs on higher education and research, including higher Islamic education, in the BARMM;
- b. Recommend to the Bangsamoro Parliament priorities and grants on higher education and research;
- c. Monitor and evaluate the performance of programs and institutions of higher learning in the BARMM and recommend appropriate incentives as well as the imposition of sanctions such as, but not limited to a diminution or withdrawal of subsidy, a downgrading or withdrawal of accreditation, program termination, or closure of HEI;
- d. Identify, support, and develop potential centers of excellence in program areas in the BARMM needed for the development of world-class scholarship, nation-building, and national development;

- e. Direct or re-direct purposive research by institutions of higher learning within the BARMM to meet the needs of agro-industrialization and development;
- f. Review the charters of an institution of higher learning and state universities and colleges, and local colleges and universities, including the chairmanship and membership of their governing bodies, and recommend the appropriate measures as the basis for necessary action;
- g. Recommend to the Ministry of Finance, and Budget, and Management the budget of public institutions of higher learning as well as general guidelines for the use of their income;
- h. Rationalize programs and institutions of higher learning and set standards, policies, and guidelines for the creation of new ones as well as the conversion, or elevation of schools to institutions of higher learning, subject to budgetary limitations and the number of institutions of higher learning in the province or region where creation, conversion or elevation is sought to be made;
- i. Develop criteria for allocating additional resources such as research and program development grants, scholarships, and other similar programs provided, however, that these shall not detract from the fiscal autonomy already enjoyed by colleges and universities within the BARMM;
- j. Devise and implement resource development schemes for higher learning in the BARMM;
- k. Administer the Higher Education Development Fund and other funds intended for the promotion of higher education in the BARMM;
- l. Promulgate such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objectives of this Code; and
- m. Perform such other functions as necessary for its effective operations and for the continued enhancement, growth, and development of higher education in BARMM.

Sec. 20. *Regulatory Functions.* - The Ministry shall supervise and regulate private schools, including sectarian and non-sectarian institutions of higher education. The functions of the previous CHED-ARMM prescribed in Executive Order No. 315, series of 1996 and CHED Administrative Order No. 8, series of 1996 about the grant of authority to establish and operate new private schools/programs on higher education in the region, including the cancellation and/or withdrawal of recognition, or restoration of canceled or revoked government recognition, shall be exercised by the Ministry.

Sec. 21. *Office of the Bangsamoro Director-General for Higher Education.* - The Office of the Bangsamoro Director-General for Higher Education shall have the following divisions:

- a. **Policy and Programs Division** - The Policy and Programs Division, headed by a Division Chief, ensures the formulation of appropriate policies, programs and plans; and
- b. **Regional Operations Division** - The Regional Operations Division, headed by a Division Chief, ensures monitoring, compliance to standards, rules and regulations by institutions of higher learning.

Sec. 22. *Provincial Offices.* - For Higher and Technical Education, the Ministry is hereby authorized to establish, operate, and maintain Provincial Offices in the Provinces of Lanao del Sur, Maguindanao, Sulu, Basilan, and Tawi-Tawi, the cities of Marawi, Lamitan, and Cotabato, and one to cover the Special Geographic Area, to perform the following:

- a. Monitor and evaluate the performance of a program of higher education institutions in the province or city;
- b. Submit reports to the Minister;
- c. Receive documentary records for and in behalf of the Commission of Higher Education coming from each higher education institution from each province or city, to verify and evaluate enrollment list, promotional report, permanent scholastic records, and other records to be submitted to the Ministry;
- d. Facilitate the issuance of Special Order (SO), Certification, Authentication and Verification (CAV), and other issuances by the Ministry; and
- e. Such other functions as may be provided.

Each of the Provincial Offices shall be headed by a Director I.

Chapter 7

Technical Education and Skills Development

Sec. 23. Coverage. - Technical Education under the Ministry shall cover all technical education and skills development (TESD) programs, irrespective of delivery systems – whether formal, non-formal, and informal - to prepare middle-level skilled human resources by providing them with general education, technology-related sciences, and related occupational skills training.

Sec. 24. Specific Powers and Functions. - With respect to technical education. the Ministry shall have the following powers and functions:

- a. Manage and regulate the Technical-Vocational Education and Training (TVET) Sector in the BARMM through accreditation and registration of all TVET program offerings, compliance audits, trainers, and assessors' training, among others;
- b. Address gaps in the formal TVET sector through the conduct of skills training in its training centers and in the communities;
- c. Ensure TVET quality through the provision of standards and system development services;
- d. Conduct of Competency Assessment and Certification of workers and TVET graduates;
- e. Develop comprehensive training syllabi incorporating desirable work values through the development of moral character with emphasis on work ethic, discipline, and self-reliance;
- f. Formulate the Bangsamoro Manpower and Technical Education and Skills Development Plan (BMTESDP) to ensure that the skills development system in the Bangsamoro is responsive and relevant to labor market needs, with good coordination between the demand for and supply of skills;
- g. Formulate a Comprehensive BARMM Plan for Middle-Level Manpower based on the Bangsamoro Development Plan;
- h. Promote and encourage partnerships with various stakeholders, LGUs and other civic organizations; and
- i. Exercise other powers and functions as may be granted by law.

Sec. 25. Office of the Bangsamoro Director-General for Technical Education. - The Office of the Bangsamoro Director-General for Technical Education shall have the following divisions:

- a. **Policy and Programs Division** - The Policy and Programs Division, headed by a Division Chief, ensures the formulation of appropriate policies, programs, plans;

- b. **Regional Operations Division** - The Regional Operations Division, headed by a Division Chief, serves as the secretariat of the Regional Technical Education and Skills Development Committees (RTESDCs), provide effective planning, supervision and coordination and ensures monitoring, compliance to standards, rules and regulations; and
- c. **Regional Manpower Development Center** - The Regional Manpower Development Center, headed by a Division Chief, shall serve as the center of excellence in the implementation of Center-based skills trainings, and undertake research and development in innovations in technical education.

It shall:

- i. Serve as venue for continuing development of trainers, teachers and instructors;
- ii. Serve as venue for skills assessments and certifications of Technical and Vocational Education and Training (TVET) graduates;
- iii. Provide vocational trainings on specialized programs;
- iv. Undertake research and development to improve service delivery in the center; and
- v. Organize and conduct symposia/seminars and other related activities.

Sec. 26. Provincial Offices. - There shall be a TESD Provincial Office in each province of the Bangsamoro Autonomous Region. It shall:

- a. Serve as secretariat to the Provincial Technical Education and Skills Development Committees (PTESDCs);
- b. Provide technical assistance particularly to LGUs for effective supervision, coordination, integration and monitoring TVET programs within their localities;
- c. Review and recommend TESDA programs for implementation within their localities;
- d. Coordinate programs of private schools and assessment centers;
- e. Establish network of institutions, LGUs and enterprises implementing TVET programs; and
- f. Perform such other functions as may be authorized by law.

Chapter 8 ***Madaris Education***

Sec. 27. Specific Powers and Functions. - With respect to *Madaris* education, the Ministry shall perform the following powers and functions:

- a. Formulate general *Madaris* education objectives and policies and adopt educational plans for childhood education, elementary and secondary schooling based on the Bangsamoro Educational Framework;
- b. Ensure the high standards of all public and private *Madaris* in the Bangsamoro Region;
- c. Develop appropriate curricula, quality textbooks, and teaching materials for *Madaris* education;
- d. Formulate the annual budget for *Madaris* education of the Ministry in consultation with Division field offices and Local Government Units, and in coordination with the Bangsamoro Planning and Development Authority to ensure support for the

- implementation of the regional and division educational plans and the *Madaris* improvement plans;
- e. Receive, allocate, and disburse funds for *Madaris* education, including those for the Divisions, subject to nationally and internationally accepted accounting and auditing standards for transparent, effective, and efficient implementation of plans and programs;
 - f. Approve and support the establishment and operation of public and private *Madaris* and learning centers;
 - g. Exercise the powers of selection, recruitment, appointment, and promotion of *Madaris* personnel;
 - h. Promulgate rules and regulations or such guidelines as may be required for efficient and effective administration, control and supervision, and regulation of *Madaris* education; and
 - i. Perform such other functions and powers as may be provided by law.

Sec. 28. Bureau of Madaris Education. - The Bureau of *Madaris* Education shall be under the direct supervision of the Bangsamoro Director-General on *Madaris* Education. The Bureau shall be headed by a Director I.

Chapter 9 Bangsamoro Education Board

Sec. 29. Bangsamoro Education Board. - The Bangsamoro Education Board is hereby created to support the Ministry in the formulation of policies of Bangsamoro Education. The Ministry shall issue the guidelines governing the composition, roles and functions of the Bangsamoro Education Board.

TITLE III ENVIRONMENT, NATURAL RESOURCES AND ENERGY

Chapter 1 General Provisions

Sec. 1. Declaration of Policies. - It shall be the policy of the Bangsamoro Government to:

- a. Exercise power, authority and right to explore, develop and utilize the natural resources, including surface and sub-surface rights, inland waters, coastal waters, mines and minerals and renewable and non-renewable resources in the Bangsamoro Autonomous Region;
- b. Ensure continuous, adequate and economic supply of energy and likewise promote the use of renewable energy for power generation to achieve the sustainable development goals and as far as practicable, promote low-carbon energy generation policies; and
- c. Give priority to the protection, conservation, rehabilitation and development of forests, coastal and marine resources, including the adoption of programs and projects, to ensure the maintenance of ecological balance and biodiversity.

Sec. 2. *Mandate.* - The Ministry shall be primarily responsible for the exploration, utilization, management, conservation, protection and sustainable development of the region's environment, natural resources and energy sources.

Sec. 3. *Powers and Functions.* - The Ministry shall have the following powers and functions:

- a. Recommend the enactment of regional laws relative to the development, utilization, regulation and conservation of the natural resources and energy and the control of pollution;
- b. Formulate, supervise, and implement policies, plans and programs pertaining to the management, conservation, protection, development and utilization of the region's environment, natural resources, and energy;
- c. Promulgate rules and regulation in accordance with regional law governing the exploration, development, conservation, disposition, utilization and such other commercial activities tending to cause the depletion and degradation of our environment, natural resources, and energy;
- d. Exercise supervision and control over forest lands, agricultural lands, mineral resources, and national parks within the Bangsamoro Autonomous Region;
- e. Recommend the declaration of nature reserves and marine parks, forests, watershed reservations and other protected areas in the Bangsamoro Autonomous Region;
- f. Undertake exploration, assessment, classification and inventory of the Bangsamoro Autonomous Region's environment, natural resources, and energy;
- g. Promote proper and mutual consultation with the private sector involving natural resources and energy development, utilization and conservation within the Bangsamoro Autonomous Region;
- h. Undertake geological surveys of the Bangsamoro Autonomous Region including its territorial waters;
- i. Establish and implement programs for the:
 1. Accelerated inventory, surveys and classification of the region's environment, natural resources and energy;
 2. Equitable distribution of natural resources and energy;
 3. Promotion, development and expansion of natural resources-based industries;
 4. Preservation of cultural and natural heritage through wildlife conservation and segregation of national parks and other protected areas;
 5. Maintenance of a wholesome natural environment by enforcing environmental protection laws; and
 6. Encouragement of greater people participation and private initiative in natural resource management.
- j. Promulgate rules and regulations necessary to:
 1. Accelerate cadastral surveys, land use planning and public land titling;
 2. Harness forest resources in a sustainable manner to assist rural development;
 3. Support forest-based industries and provide raw materials to meet increasing demands at the same time keeping adequate reserves for environmental stability; and

4. Expedite mineral resources surveys, promote the production of metallic and non-metallic minerals and encourage mineral marketing.
- k. Regulate the development, disposition, exploration and utilization of the Bangsamoro Autonomous Region's forests, land, mineral and energy resources, as defined by subsequent laws to be enacted by Parliament;
- l. Exercise administration and supervision of all lands of the public domain within the Bangsamoro Autonomous Region;
- m. Promulgate rules and regulations for the control of water, air and land pollution within the Bangsamoro Autonomous Region;
- n. Recommend policies governing the grant of rights, privileges, and concession over the exploration, development and utilization of fossil fuels (such as petroleum, natural gas and coal) and uranium;
- o. Subject to laws to be enacted by Parliament, supervise the implementation of electric power industry restructuring to establish a competitive, market-based environment, and encourage private sector participation;
- p. Build and exercise supervision and control over energy-projects relative to power generation and distribution utilities, as may be provided in a law passed by Parliament;
- q. Promulgate policies rules and regulations for the conservation of the Bangsamoro Autonomous Region's genetic resources and biological diversity, and endangered habitats;
- r. Formulate an integrated, multi-sectoral and multi-disciplinary regional conservation strategy; and
- s. Perform such other acts as may be necessary, proper or incidental to the attainment of its mandates and objectives and as directed and/or assigned by the Chief Minister.

Sec. 4. *Organizational Structure.* - The Ministry of Environment, Natural Resources and Energy shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 **Ministry Proper**

Sec. 5. *Office of the Minister.* - The Office of the Minister shall be composed of the Minister, Deputy Minister, and their immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Environment, Natural Resources, and Energy;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;

- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Directors-General. - There shall be two (2) Bangsamoro Directors-General, who shall be the highest career officials of the Ministry, with appropriate eligibility. The Offices of the Bangsamoro Directors-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry, with respect to: (a) Environment and Natural Resources; and (b) Energy. The Bangsamoro Directors-General shall be the direct supervisors of the respective Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. Structure. - The Ministry of Environment, Natural Resources, and Energy shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Division** - The Internal Audit Division shall be headed by a Division Chief.
- (3) **Information and Communications Division** - The Information and Communications Division shall be headed by a Division Chief.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following: (a) Administrative Division; and (b) Finance Division.

Each division shall be headed by a Division Chief.

- (6) **Forest Management Services** - The Forest Management Services shall be headed by a Director II.

Under the Forest Management Services are the following divisions: (a) Community-Based Forest Management Division; (b) Forest Protection and Law Enforcement Division; and (c) Forest Resources Management Division.

Each division shall be headed by a Division Chief.

- (7) **Land Management Services** - The Land Management Services shall be headed by a Director II.

Under the Land Management Services are the following division: (a) Surveys Division; and (b) Land Utilization Development Division.

Each division shall be headed by a Division Chief.

- (8) **Mines and Geosciences Services** - The Mines and Geosciences Services shall be headed by a Director II.

Under the Mines and Geosciences Services are the following divisions: (a) the Geosciences Division; and (b) Mines and Technology Management Division; and (c) Mines Safety Environment and Social Development Division.

Each division shall be headed by a Division Chief.

- (9) **Environment Management Services** - The Environment Management Services shall be headed by a Director II.

Under the Environment Management Services are the following divisions: (a) Water Compliance Monitoring Division; (b) Solid Waste Management Division; (c) Environmental Impact Assessment Division; and (d) Air Compliance Monitoring Division.

Each division shall be headed by a Division Chief.

- (10) **Biodiversity Ecosystems Research and Development and Services** - The Biodiversity Ecosystems Research and Development Services shall be headed by a Director II.

Under the Biodiversity Ecosystems Research and Development Services are the following divisions: (a) Biodiversity Resource Management Division; (b) Protected Area Management Division; (c) Research and Development Information Division; and (d) Technology Transfer Division.

Each division shall be headed by a Division Chief.

- (11) **Energy Management and Development Services** – The Energy Management and Development Services shall be headed by a Director II.

Under the Energy Management and Development Services are the following divisions: (a) Energy Resource Development Division; and (b) Energy Utilization Management Division.

Each division shall be headed by a Division Chief.

Chapter 4 Field Offices

Sec. 10. *Field Offices.* - The Field Offices of the Ministry are the Provincial Environment, Natural Resources and Energy Offices (PENREOs) and two (2) Community Environment, Natural Resources and Energy Offices (CENREOs) in every province.

Sec. 11. *Provincial and District Offices.* - The Provincial and District Offices shall be headed by a Provincial Environment, Natural Resources and Energy Officer and Community Environment, Natural Resources and Energy Officer, respectively and shall perform the following duties and functions;

- a. Provide efficient and effective delivery of frontline services to the Bangsamoro people;
- b. Coordinate with other Provincial and District Offices and Local Government Units in the enforcement of environment, natural resources and energy laws, rules and regulations;
- c. Implement laws, policies, plans, programs and projects of the Ministry;
- d. Perform monitoring and evaluation of all programs and projects of the Ministry; and
- e. Perform such other functions as may be provided by law or assigned by the Minister.

Sec. 12. *Authority of the Ministry Proper Over Field Offices.* - The Minister shall exercise technical and administrative control and supervision over Field Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of environment, natural resources, and energy programs and projects in their respective area.

TITLE IV

FINANCE, AND BUDGET AND MANAGEMENT

Chapter 1 General Provisions

Sec. 1. *Declaration of Policy.* - It is the policy of the Bangsamoro Government to promote, adopt, and implement sound and efficient use of government resources for regional development and for the attainment of economic self-sufficiency and genuine development.

Sec. 2. *Mandate.* - The Ministry of Finance, and Budget and Management is primarily mandated to evolve sound, efficient and responsive fiscal management and utilization of resources. It shall be responsible for the formulation, institutionalization and administration of fiscal policies in coordination with other concerned ministries, agencies and instrumentalities of the Bangsamoro Government.

Sec. 3. Powers and Functions. - The Ministry shall have the following powers and functions:

- a. Formulate medium-term expenditure and annual plans covering the Bangsamoro Government's resources mobilization efforts, in coordination with other concerned ministries and offices, and supervise the implementation of such plans;
- b. Undertake the formulation of the annual budget of the Bangsamoro Government;
- c. Formulate, institutionalize and administer fiscal and tax policies;
- d. Supervise, direct, manage, and control the collection of Bangsamoro Government revenues;
- e. Act as custodian of, and manage all financial resources of Bangsamoro Government;
- f. Manage public debt;
- g. Review and coordinate the policies, plans and programs of Bangsamoro Government financial institutions and, thereafter, recommend to them courses of action consistent with the Bangsamoro government fiscal policies, plans and programs;
- h. Review and coordinate policies, plans and programs of GOCCs in the BARMM, and, thereafter, recommend to them courses of action consistent with the Bangsamoro Government's fiscal policies, plans and programs;
- i. Ensure the implementation of policies and measures on local revenue administration;
- j. Coordinate with other Bangsamoro Ministries and Offices on matters concerning fiscal and monetary policies, credit, economic development, international finance, trade and investment;
- k. Develop and administer standard accounting system essential to fiscal management and control;
- l. Conduct a continuing study of the bureaucracy and assess as well as make policy recommendation on its role, size, composition, structure and functions;
- m. Establish rules and procedures for the management of government organization resources, formulate standards or organizational program performance, and undertake services in work simplification or streamlining of systems and procedures to improve efficiency and effectiveness in government operations;
- n. Conceptualize and administer the Bangsamoro Government's compensation and position classification consistent with national standards; and
- o. Perform such other powers and functions as may be assigned by the Minister.

Sec. 4. Organizational Structure. - The Ministry of Finance, and Budget and Management shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. Office of the Minister. - The Office of the Minister of Finance, and Budget and Management consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. Powers and Functions of the Minister. - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to finance, and budget and management;

- b. Administer the Ministry in accordance with law, and the relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out the Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. The Bangsamoro Director-General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. Structure. - The Ministry of Finance, and Budget and Management shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Services** - The Internal Audit Services shall be headed by a Director I. Under the Internal Audit Services are the following divisions: (a) Management Audit Division; and (b) Monitoring Division.

Each Division shall be headed by a Division Chief.

- (3) **Information and Communications Division** - The Information and Communications Division shall be headed by a Division Chief.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Economics Division** - The Economics Division shall be headed by a Division Chief.
- (6) **Administrative Division** - The Administrative Division shall be headed by a Division Chief.
- (7) **Finance Division** - The Finance Division shall be headed by a Division Chief.
- (8) **Human Resource and Management Division** - The Human Resource and Management Division shall be headed by a Division Chief.
- (9) **Operations Division.** The Operations Divisions shall be headed by a Division Chief.

Chapter 4 **Bangsamoro Treasury Office**

Sec. 10. *Organizational Structure; Term of Office.* - The Bangsamoro Treasury Office shall be headed by a Bangsamoro Treasurer with a Salary Grade of 27, assisted by a career Deputy Treasurer.

The Bangsamoro Treasurer shall be appointed by the Chief Minister for a fixed term of six (6) years, subject to reappointment. In no case shall the Bangsamoro Treasurer serve for more than two (2) consecutive terms.

The Bangsamoro Treasury Office shall have the following divisions: (a) Management and Reporting Division; (b) Fund Receipt and Fiscal Division; (c) Fund Transfer Division; and (d) Fund Management Division.

Each Division shall be headed by a Division Chief.

Sec. 11. *Qualifications.* - No person shall be appointed to the position of Bangsamoro Treasurer unless s/he possesses all of the following qualifications:

- a. A resident and registered voter of the Bangsamoro Autonomous Region in Muslim Mindanao;
- b. At least thirty (30) years of age;
- c. Must have at least five (5) years of relevant experience in accounting, auditing, or financial management;
- d. A bachelor's degree holder in accountancy or relevant courses, and preferably a Certified Public Accountant or a holder of Master's in Business Administration or Public Administration; and
- e. Of proven honesty and integrity.

Sec. 12. *Functions.* - The Bangsamoro Treasury Office shall have the following functions:

- a. Receive and safeguard all the revenues generated and collected by the Bangsamoro Government;
- b. Act as principal custodian of financial assets and real properties of the Bangsamoro Government;
- c. Develop an investment strategy for investment of funds of the Bangsamoro Government;
- d. Manage the Bangsamoro Government's investment program including the monitoring and analyzing of financial market conditions;
- e. Conduct short and long-term cash flow analysis;
- f. Formulate annual projections of revenue needs, cash position and borrowing capacity of the Bangsamoro Government;
- g. Formulate and execute policies on financial management, public borrowings and capital market development;
- h. Assist in the management, control and servicing of public debts from domestic or foreign sources; and
- i. Perform such other appropriate functions as may be assigned law.

Sec. 13. *Performance of Functions.* - The Bangsamoro Treasurer shall, at all times, act with the highest fiduciary standard in the performance of his/her functions.

Sec. 14. *Relation with Treasurers of Local Government Units (LGUs).* - Relationship between the Bangsamoro Treasurer and the provincial, city, municipal, or barangay treasurer shall be defined and executed in accordance with the provisions of applicable laws, rules and regulations, and such institutional arrangements as may be agreed upon by the Bangsamoro Government and the National Government or their respective instrumentalities.

Chapter 5 **Bangsamoro Finance Office**

Sec. 15. *Organizational Structure.* - The Bangsamoro Finance Office shall be headed by a Director III, who shall be appointed by the Chief Minister, and shall be subject to the supervision and control of the Minister of Finance, and Budget and Management.

The Bangsamoro Finance Office shall have the following divisions: (a) Fiscal Policy Development Division; (b) Revenue Policy Development Division; (c) Corporate Affairs Division; (d) International and Other Finance Division; and (e) Strategy, Economics, and Results Division.

Each Division shall be headed by a Division Chief.

Sec. 16. *Functions.* - The Bangsamoro Finance Office shall have the following functions:

- a. Formulate goals, action plans and strategies for the Bangsamoro Government's resource mobilization efforts;
- b. Formulate, institutionalize and administer fiscal and tax policies for the Bangsamoro Government;
- c. Supervise, direct and manage the collection of Bangsamoro Government revenues;

- d. Review and coordinate policies, plans and programs of GOCCs in the Bangsamoro Autonomous Region;
- e. Ensure the implementation of policies and measures on local revenue administration;
- f. Coordinate with other Ministries and Offices on matters concerning fiscal and monetary policies, credit, economic development, international finance, trade investment;
- g. Formulate the overall resource application strategy to match the Bangsamoro Government's macro-economic policy; and
- h. Prepare the expenditure plan, indicating the programming, prioritization, and financing of capital investment and current operating expenditure requirements of sectoral development plans.

Chapter 6

Bangsamoro Budget Office

Sec. 17. *Organizational Structure.* - The Bangsamoro Budget Office shall be headed by a Director III, who shall be appointed by the Chief Minister, and shall be subject to the supervision and control of the Minister of Finance, and Budget and Management.

The Bangsamoro Budget Office shall have the following divisions: (a) Budget Policy and Strategy Division; (b) Budget Execution and Preparation Division; (c) Organization and Systems Improvement Division; (d) Budget Technical Division; and (e) Local Government and Regional Coordination Division.

Each Division shall be headed by a Division Chief.

Sec. 18. *Functions.* - The Bangsamoro Budget Office shall have the following functions:

- a. Primarily responsible in the formulation of the annual budget of the Bangsamoro Government;
- b. Develop and administer standard accounting system essential to fiscal management and control;
- c. Conduct a continuing study of the bureaucracy and assess as well as make policy recommendation on its role, size, composition, structure and functions;
- d. Establish rules and procedures for the management of government organization resources, formulates standards of organizational program performance, and undertake services in work simplification or streamlining of systems and procedures to improve efficiency and effectiveness in government operations;
- e. Conceptualize and administer the government's compensation and position classification consistent with national standards; and
- f. Perform such other powers and functions as may be assigned by the Minister, or the Cabinet through the Minister of Finance, and Budget and Management.

Chapter 7

Bangsamoro Revenue Office

Sec. 19. *Organizational Structure.* - The Bangsamoro Revenue Office shall be headed by a Director III, who shall be appointed by the Chief Minister, and shall be subject to the supervision and control of the Minister of Finance, and Budget and Management.

It shall consist of the Revenue District Offices and the following divisions: (a) Collections Division; (b) Assessments Division; and (c) Document Processing Division.

Each Division shall be headed by a Division Chief.

Sec. 20. *Functions.* - The Bangsamoro Revenue Office shall have the following functions:

- a. Assess and collect all taxes, fees and charges and account for all revenues collected;
- b. Exercise duly delegated powers for the proper performance of its functions and duties;
- c. Formulate preventive measures for tax evasion and all other illegal economic activities;
- d. Exercise immediate supervision over its field units; and
- e. Perform such other functions as may be assigned by the Minister or the Cabinet through the Minister of Finance, and Budget and Management.

TITLE V HEALTH

Chapter 1 General Provisions

Sec. 1. *Declaration of Policies.* - The Bangsamoro Government shall adopt a policy on health that provides for a comprehensive and integrated health service delivery for its constituents. It shall establish by law a general hospital system to serve the health requirements of its people and ensure that the individual basic right to life shall be attainable through the prompt intervention of excellent and affordable medical services.

The Bangsamoro Government shall protect and promote the right to health of the people and instill health consciousness among them. It shall also uphold the peoples' right to have access to essential goods, health, and other social services that promote their well-being.

Sec. 2. *Mandate.* - The Ministry shall be primarily responsible for the formulation, planning, implementation and coordination of policies and programs for health. It shall promote, protect, preserve and restore the health of the people through the provision and delivery of health services through regulation and encouragement of providers of health goods and services.

Sec. 3. *Powers and Functions.* - The Ministry, in order to carry out its mandate, shall:

- a. Define the health policy and formulate and implement a Bangsamoro health plan within the framework of the Bangsamoro Government's general policies and plans, and present proposals to appropriate ministries on Bangsamoro issues which have health implications;
- b. Provide for health programs, services, facilities and other requirements as may be needed;
- c. Coordinate or collaborate with, and assist local communities, agencies and interested groups including international organizations in activities related to health;
- d. Administer all laws, rules and regulations in the field of health, including quarantine laws and food and drug safety laws;
- e. Collect, analyze and disseminate statistical and other relevant information on the Bangsamoro health situation, and require the reporting of such information from appropriate sources;

- f. Propagate health information and educate the population on important health, medical and environmental matters which have health implications;
- g. Undertake health and medical research and conduct training in support of its priorities, programs and activities;
- h. Regulate the operation and issue licenses and permits to government and private hospitals, clinics and dispensaries, laboratories, blood banks, drugstores and such other establishments which by the nature of their functions are required to be regulated by the Ministry;
- i. Issue orders and regulations concerning the implementation of established health policies;
- j. Formulate policies, guidelines, regulations as well as operating procedures congruent to Islamic teachings on health and sanitation;
- k. Exercise control and supervision over Provincial Health Offices within the region, except in local government units where health services have been previously devolved; and
- l. Perform such other functions as may be provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Health shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Health consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Health;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director General. - The Bangsamoro Director General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. The Bangsamoro Director General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. Structure. - The Ministry of Health shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Division.** The Internal Audit Division shall be headed by a Division Chief.
- (3) **Information and Communications Division** - The Information and Communications Division shall be headed by a Division Chief.
- (4) **Planning Division.** The Planning Division shall be headed by a Division Chief.
- (5) **Health Emergency Management Division** - The Health Emergency Management Division shall be headed by a Medical Officer V.
- (6) **Quarantine Division.** The Quarantine Division shall be headed by a Division Chief.
- (7) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following: (a) Administrative Division; and (b) Finance Division.

Each division shall be headed by a Division Chief.

- (8) **Technical Services** - The Technical Services shall be headed by a Director II.

Under the Technical Services are the following divisions: (a) Public Health Division; (b) Epidemiology Division; (c) Policy Systems Division; (d) Nutrition Division; and (e) Population Division.

- (9) **Operations Services** - The Operations Services shall be headed by a Director II.

Under the Operations Services are the Field Offices and Hospitals, as well as the following divisions: (a) Health Facilities Development Division; and (b) Health Regulation Division.

Each Division shall be headed by a Division Chief.

Chapter 4 Hospitals and Health Facilities

Section 10. Provincial Hospitals. - The Ministry shall ensure the establishment and/or upgrading of all provincial hospitals in each province into a third level hospital with complete staffing, standard facilities and equipment, and available medical supplies.

Section 11. District Hospitals. - The Ministry shall ensure the establishment and/or upgrading of all district hospitals in each Parliamentary district with complete staffing, standard facilities and equipment, and medical supplies.

Section 12. Rural Health Centers. - The Ministry shall ensure the establishment and/or upgrading of all rural health centers in every municipality with complete staffing, standard facilities and equipment, and medical supplies.

Section 13. Barangay Health Stations. - The Ministry shall ensure the establishment and/or upgrading of barangay's health stations in every barangay with complete staffing, standard facilities and equipment, and medical supplies.

Chapter 5 Hospital Services

Sec. 14. Authority of the Ministry over Public Hospitals within the Bangsamoro Autonomous Region. - The Ministry of Health shall exercise administrative supervision over public hospitals operating within the Bangsamoro Autonomous Region, unless any law otherwise provides.

Sec. 15. Hospitals. - Hospitals shall be the principal implementers of appropriate curative services. They shall be the institutions that will develop an effective network of facilities which are available, accessible, acceptable, and affordable.

Sec. 16. Classification of Hospitals. - Hospitals shall be classified according to:

- (1) **Nature of Ownership**
 - a. Government Hospitals – these are hospitals operated and maintained partially or wholly by the national, provincial, city or municipal government or their political unit, or by any department, board or agency thereof; and
 - b. Private Hospitals – these are privately-owned, -established, and -operated with funds through donations, principal investments or other means by any individuals or corporation or associations.

- (2) **Kinds of Services**
 - a. General Hospitals - provide services to all types of deformities, diseases, illness or injuries; and
 - b. Specialty Hospitals - primarily engaged in the provision of specific area of specialties such as: kidney, heart, lungs, etc.

- (3) Hospital Service Capability is likewise classified according to their service capability as follows:
 - (3.1) **First Level Referral Hospitals**
 - a. Non-departmentalized hospitals which provide clinical care and management on the prevalent diseases in the locality;
 - b. Clinical services which include general medicine, pediatrics, obstetrics and gynecology, surgery, and anesthesia;
 - c. Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, and pharmacy); and
 - d. Provision for nursing care for patients who require intermediate, moderate, and partial category of supervised care for 24 hours or longer.

 - (3.2) **Second Level Referral Hospital**
 - a. Departmentalized hospitals which provide clinical care and management on the prevalent diseases in the locality as well as particular forms of treatment, surgical procedure, and intensive care;
 - b. Clinical services as provided in the first level referral hospital as well as specialty clinical care;
 - c. Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, pharmacy); and
 - d. Nursing care as provided in the first level referral hospital as well as total and intensive care.

 - (3.3) **Third Level Referral Hospital**
 - a. Teaching and training hospitals which provide clinical care and management on the prevalent diseases in the locality as well as specialized and sub-specialized forms of treatment, surgical, and intensive care;
 - b. Clinical services provided in the second level referral hospital as well as sub-specialty clinical care;
 - c. Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, pharmacy);
 - d. Nursing care as well as continuous and highly specialized care;
 - e. Infirmaries are health facilities which provide emergency treatment and limited care (confinement of not less than 24 hours but not 72 hours) for the sick and injured, as well as clinical care and management of normal delivery cases;
 - f. Birthing homes are health facilities which provide consultative medical nursing on prenatal and postnatal normal and spontaneous delivery, and care of newborn babies; and

- g. Psychiatric care facilities are health facilities which provide consultative medical nursing pharmacology and psychosocial treatment for mentally-challenged patients.

Sec. 17. Hospital General Services. - All hospitals shall provide among others services such as:

- (1) **Emergency Care Services** - which shall be managed by a competent personnel with adequate equipment to attend to critical patients 24 hours;
- (2) **Admission Care Services** - which shall be responsible for admitting and providing initial care in hospital whenever appropriate;
- (3) **Ward Services** - which shall provide quality care for all admitted patients in the hospital to include ward work, nursing round, doctor's round, endorsement, medication, treatment, general grand round, recording/reporting, nursing care, mortality/morbidity conferences, and discharges; and
- (4) **Out-Patient Department Services** - which shall provide ambulatory care services and other hospital-based preventive health care services.

Chapter 6

Program Units and Offices

Sec. 18. Integrated Maternal and Child Health Care and Nutrition Unit. - The Integrated Maternal and Child Health Care and Nutrition Unit shall formulate plans, policies, programs, standards, and techniques relative to maternal and child health; provide consultative training and advisory services to implementing agencies; and conduct studies and researches related to health services for mothers and children related to family planning in the context of health and family welfare; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to family planning as well as nutrition services in the context of primary health care; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to nutrition.

Sec. 19. Environmental, Sanitation and Occupational Health Unit. - The Environmental, Sanitation and Occupational Health Unit shall formulate plans, policies, programs, standards, and techniques relative to environmental health and sanitation; provide consultative, training and advisory services to implementing agencies; conduct studies and research related to environmental health, as well as regulations on occupational standards for industries and manufacturing companies to ensure that establishments, institutions, and facilities promote the health and welfare of their workers through healthy, conducive, safe workplace in consonance with the provisions of "Industrial Hygiene and Occupational Toxicology" of the Code of Sanitation of the Philippines (Presidential Decree 856) and its implementing rules and regulations.

Sec. 20. Dental Health Unit. - The Dental Health Unit shall formulate plans, policies, programs, standards, and techniques relative to dental health services; provide consultative, training, and advisory services to implementing agencies; and conduct studies and researches related to dental services.

Sec. 21. Infectious Disease Control Unit. - The Infectious Disease Control Unit shall formulate plans, policies, programs, standards, and techniques relative to the control of

communicable diseases, specifically on the major causes or mortality and morbidity, such as leprosy, sexually transmitted infections, filariasis, tuberculosis, schistosomiasis, soil transmitted diseases, dengue, malaria including emerging diseases like Meningococemia, SARS, Avian Influenza, Corona Virus Disease and other infectious diseases; provide consultative, training, and advisory services to implementing agencies; and conduct studies and research related to these other communicable diseases.

Sec. 22. *Non-Communicable Diseases Control Unit.* - The Non-Communicable Diseases Control Unit shall formulate plans, policies, programs, standards, and techniques relative to the control of non-communicable diseases; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to cardiovascular-diseases, cancer, and other non-communicable diseases.

Chapter 7 Epidemiology, Surveillance and Health Emergency Management

Sec. 23. *Health Emergency Management.* - The Ministry of Health will provide plans and policies that will reduce the impact of calamity in time of disasters.

Sec. 24. *Epidemiology and Surveillance.* - The Ministry shall set priority plans and programs, and take actions to protect public health through timely reporting and response as well as analysis on the basis of epidemiological survey and result of health surveillance in accordance with existing laws.

Chapter 8 Other Programs and Services

Sec. 25. *Medical/ Surgical/Dental Out-Reach Program.* - The Bangsamoro Government, through the Ministry of Health, shall institutionalize medical, surgical and dental outreach programs for the people in the remote and depressed areas, and those areas affected by natural and human-made calamities.

Sec. 26. *Emerging and Re-Emerging Diseases Program.* - The Bangsamoro Government, through the Ministry of Health, shall formulate an Integrated Preparedness and Response Plan to combat, avert, and/or minimize the overall impact of Avian Influenza, Severe Acute Respiratory Syndrome, Meningococemia, and Corona Virus Disease, and other similar diseases.

Sec. 27. *Partnership for Community Health Development.* - The Bangsamoro Government, through the Ministry of Health, in partnership with local government units, shall educate and empower the people in the community towards self-reliance for the betterment of their health and well-being.

TITLE VI HUMAN SETTLEMENTS AND DEVELOPMENT

Chapter 1 General Provisions

Sec. 1. *Declaration of Policies.* - The Bangsamoro Government shall address the lack of shelters, settlements, and livelihood for the disadvantaged and homeless, especially those victims of

conflicts and atrocities, and Internally Displaced Persons (IDPs), pursuant to Section 9, Article IX of the Bangsamoro Organic Law.

It shall formulate, adopt, execute, and promote comprehensive, integrated, and sustainable regional housing, urban and rural development policies, plans, programs, and projects responsive to the needs, aspirations, and values of the people in the Bangsamoro Autonomous Region.

The Bangsamoro Government shall, by law and for the common good, undertake, in cooperation with the private sector, a continuing program on housing and urban and rural development which shall provide adequate and decent housing facilities at affordable cost and sustainable physical and social infrastructure and services to the residents of the Bangsamoro Autonomous Region, especially the underprivileged and homeless. It shall also promote adequate employment opportunities to such citizens. In the implementation of the program, the Bangsamoro Government shall respect the rights of small property owners and ensure that poor dwellers in urban and rural areas shall not be evicted nor their dwelling demolished, except in accordance with law.

In addition, the Bangsamoro Government shall encourage on-site development in the implementation of housing programs and shall promote the creation of new settlements and development of sustainable urban renewal programs.

Sec. 2. *Mandate.* - The Ministry of Human Settlements and Development shall act as the primary agency for the management of housing, human settlement, and urban development in the Bangsamoro Autonomous Region. It shall be the main planning and policy-making, regulatory, program coordination, and performance monitoring entity for all housing, human settlements, and urban development concerns. It shall develop and adopt a regional strategy to immediately address the provision of adequate and affordable housing to all inhabitants in the Bangsamoro Autonomous Region.

Sec. 3. *Powers and Functions.* - The Ministry shall have the following powers and functions:

- a. Develop and implement comprehensive and integrated housing, human settlements, and urban and rural economic development plans and programs for the Bangsamoro people in close coordination with LGUs and consultation with local stakeholders;
- b. Institute mechanisms for the proper management of the growth and development of urban and rural communities through close coordination and strong linkages between and among relevant ministries and offices;
- c. Coordinate and monitor urban and rural economic development undertakings of the Ministry;
- d. Manage and oversee the development of proclaimed socialized and economic housing sites, including the use of these land assets as resource mobilization strategy to raise alternative resources in developing new housing projects and efficient financing programs;
- e. Enter into contracts, joint venture agreements or understanding, public-private partnerships, and memoranda of agreement or understanding, either domestic or foreign, under such terms and conditions as the Ministry may deem proper and reasonable, subject to existing laws and approval of the Cabinet;
- f. Receive, take, and hold by bequest device, gift, purchase or lease, either absolutely or in trust for any of the purposes from foreign and domestic sources, any asset, grant or property, real or personal, subject to such limitations provided under existing laws and regulations;

- g. Implement a single regulatory system that shall govern all activities relative to the planning, development, production, marketing, and management of socialized housing and urban development projects.
- h. Conduct continuing and comprehensive studies and researches necessary for housing and urban and rural development.
- i. Formulate housing policies and programs, such as public housing, in coordination with the attached agencies, for the homeless, underprivileged families, and Internally Displaced Persons (IDPs);
- j. Formulate a framework for resilient housing and human settlements as a basis for the mechanisms for post-disaster housing and resiliency planning, research and development, extension, monitoring and evaluation of programs, projects, and activities to protect vulnerable communities from the adverse effects of climate change and disasters;
- k. Determine, fix, and collect reasonable amounts to be charged as fees and charges necessary for the effective implementation of all laws, rules, and regulations enforced by the Ministry and impose reasonable fines and penalties for violation thereof;
- l. Recommend new legislation and amendments to existing laws as may be necessary for the attainment of Bangsamoro Government's objectives on housing;
- m. Promote, accredit, and regulate the use of indigenous materials and technologies in the housing construction;
- n. Open roads of subdivisions to the public when the general welfare requires it upon consultation with stakeholders;
- o. In the exercise of its oversight functions, develop and establish a sector performance monitoring and assessment mechanism to accurately and independently report on the performance of the constituent local government units in the Bangsamoro Autonomous Region on the implementation of housing and urban plans and policies in their respective localities;
- p. Develop, in partnership with beneficiaries, People's Plans which shall contain site development plans that conform to the CLUP of the local government unit under whose jurisdiction the project site is proposed to be located, including community health, sanitation, and security plans, as well as non-physical development components such as self-help housing cooperative, livelihood, self-help development, capability building, and a system of allocation of socialized housing units that promote and protect the welfare of the elderly, persons with disability, women, children, and IDPs;
- q. Establish Housing One-Stop Processing Centers (HOPCs) in the provinces of the BARMM, which shall centralize the processing and issuance of all required housing-related permits, clearances, and licenses, which will include all agencies involved in the issuance of said permits, clearances, and licenses;
- r. Identify and acquire government lands and private lands through donation, expropriation, and payment of just compensation or any other form of alienation for housing and rural development in coordination with the Ministry of Interior and Local Government (MILG), constituent local government units, Land Registration Authority (LRA), and other relevant agencies; and
- s. Perform such other functions as may be necessary to fulfill its mandate or as may be assigned by the Cabinet or Parliament.

Sec. 4. *Organizational Structure.* - The Ministry of Human Settlements and Development shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2

Ministry Proper

Sec. 5. Office of the Minister. - The Office of the Minister of Human Settlements and Development consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. Powers and Functions of the Minister. - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to human settlements and development;
- b. Administer the Ministry in accordance with law, relevant executive orders, and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs, and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as provided by law and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs, and strategic plan of the ministry. The Bangsamoro Director-General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3

Structure of the Ministry

Sec. 9. Structure. - The Ministry of Human Settlements and Development shall be supported by Services, Bureaus, Division, Sections, and Units such as but not limited to:

- (1) **Legal and Legislative Liaison Section** - The Legal and Legislative Liaison Section shall be headed by a Section Head.
- (2) **Internal Audit Section** - The Internal Audit Section shall be headed by a Section Head.
- (3) **Information and Communications Section** - The Information and Communications Section shall be headed by a Section Head.
- (4) **Planning Section** - The Planning Section shall be headed by a Section Head.
- (5) **Operations Management Services** - The Operations Management Services shall be headed by a Director II.

Under the Operations Management Services are the following divisions: (a) Administrative and Finance Division; (b) Policy Development and Coordination Division; (c) Housing and Human Settlements Division; and (d) Planning and Design Division.

Each Division shall be headed by a Division Chief.

- (6) **Technical Regulatory Services** - The Technical Regulatory Services shall be headed by a Director II.

Under the Technical Regulatory Services are the following divisions: (a) Environment, Land Use, and Urban Development Division; and (b) Monitoring and Evaluation Division.

Each division shall be headed by a Division Chief.

Chapter 4 Field Offices

Sec. 10. *Provincial Human Settlements and Development Offices.* - The Field Offices of the Ministry are the Provincial Human Settlements and Development Offices in every province and one Special Geographic Areas Office for the 63 barangays.

Sec. 11. *Functions of the Field Offices.* - The Provincial Human Settlements and Development Offices shall assist the Ministry in the management of housing, human settlements, and urban development in their respective areas of jurisdiction. It shall also implement at the provincial level the plans, programs, and policies of the Ministry in the field.

Sec. 12. *Authority of the Ministry Proper over Field Offices.* - The Minister shall exercise technical and administrative control and supervision over Field Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of human settlements and development programs and projects in their respective area.

TITLE VII INDIGENOUS PEOPLES' AFFAIRS

Chapter 1 General Provisions

Sec. 1. *Declaration of Policies.* - It is the policy of the Bangsamoro Government:

- a. To recognize, respect, protect, promote, and support the rights of the indigenous peoples (IPs) within the framework of the Constitution and national unity and development;
- b. To recognize the inherent right of the IPs to self-governance and self-determination, and to respect the integrity of their values, practices, and institutions;
- c. To guarantee the rights of IPs to freely pursue their economic, social, and cultural development. Further, the Bangsamoro Government shall consequently establish the means for the full development and empowerment of the IPs' own institutions and initiatives and, where necessary, provide resources, therefore, respecting their native titles;
- d. To ensure that the IPs have the freedom to retain their distinct indigenous and ethnic identity, in addition to their Bangsamoro political identity, if they so ascribe thereto. There shall be no discrimination on the basis of identity, religion, and ethnicity;
- e. To protect the rights of the IPs to their ancestral domains and to ensure their economic, social, and cultural well-being;
- f. To recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains;
- g. To recognize, respect, protect, promote, and support the rights of IPs to preserve and develop their cultures, traditions, and institutions. The Bangsamoro Government shall uphold these rights in the formulation of its regional plans and policies;
- h. To ensure the development, protection, and well-being of all IPs within the Bangsamoro Autonomous Region;
- i. To guarantee that members of the IPs, regardless of sex and gender, shall equally enjoy the full measure of human rights and freedoms without discrimination; and
- j. To take measures, with the participation of the IPs concerned, to protect their rights, guarantee respect for their cultural integrity, and ensure that IPs shall benefit from the rights and opportunities which the Bangsamoro laws and regulations grant to other members of the population.

Sec. 2. *Mandate.* - The Ministry of Indigenous Peoples' Affairs is mandated to protect, promote, and preserve the interest and well-being of IPs within the Bangsamoro Autonomous Region with due regard to their beliefs, customs, traditions, and institutions.

The Ministry serves as the primary agency responsible for the formulation and implementation of policies, plans, and programs to promote the well-being of all indigenous peoples in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

Sec. 3. *Powers and Functions.* - The Ministry of Indigenous Peoples Affairs shall have the following powers and functions:

- a. Serves as the primary ministry of the Bangsamoro Government to assist IPs in the Bangsamoro Autonomous Region;
- b. Review and assess the conditions of IPs, including existing laws and policies pertinent thereto, and to propose relevant laws and policies for their welfare;
- c. Issue Certificates of Ancestral Domain Title (CADTs) to IPs in the Bangsamoro Autonomous Region and register such CADTs in the appropriate Register of Deeds, as may be provided by law passed by the Bangsamoro Parliament;
- d. Formulate and implement policies, plans, programs, and projects for the economic, social, and cultural development, as well as the legal protection of the IPs, and monitor the implementation thereof;
- e. Request and engage the services and support of experts from other agencies of government or employ private experts and consultants as may be required in the pursuit of its objectives;
- f. Negotiate for funds and to accept grants, donations, gifts, and/or properties in whatever form and from whatever source (local, national, and international), subject to the approval of the Bangsamoro Government, for the benefit of IPs; and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of IPs and existing laws, as may be provided by law passed by the Bangsamoro Parliament;
- g. Coordinate development programs and projects for the advancement of the IPs and oversee the proper implementation thereof in coordination with other agencies, government or private if so required;
- h. Convene periodic conventions, congresses, summits or assemblies of IPs to review, assess, and propose policies or plans;
- i. Issue Certificates of Accreditation and Certificates of Dissolution of Marriages contracted and solemnized in accordance with the customs, culture, and tradition of IPs in the celebration and solemnization of marriages, as may be provided by law passed by the Parliament; and
- j. Perform such other related functions as may be provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Indigenous Peoples' Affairs shall consist of the Ministry Proper and the Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Indigenous Peoples' Affairs consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Indigenous Peoples' Affairs;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry programs, projects, and activities;

- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs, and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as provided by law and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs, and strategic plan of the ministry. S/he shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. Structure. - The Ministry of Indigenous Peoples' Affairs shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Section** - The Legal and Legislative Liaison Section shall be headed by a Section Head.
- (2) **Internal Audit Unit** - The Internal Audit Unit shall be headed by a Unit Head.
- (3) **Information and Communications Section** - The Information and Communications Section shall be headed by a Section Head.
- (4) **Planning Section** - The Planning Section shall be headed by a Section Head.
- (5) **Administrative and Finance Division** - The Administrative and Finance Division shall be headed by a Division Chief.

Chapter 4

Bureau of Ancestral Domains/Native Title

Sec. 10. *Bureau of Ancestral Domains/Native Title.* - Subject to the enactment of an Indigenous Peoples' Code, the Bureau of Ancestral Domains/Native Title shall be headed by a Director I.

The Bureau shall have the following Divisions: (a) Ancestral Domains Division; and (b) Programs and Operations Division.

Each Division shall be headed by a Division Chief.

Sec. 11. *Functions.* - The Bureau shall have the following functions:

- a. Receive information on and assess the economic, social, and cultural needs of Indigenous Peoples in the Bangsamoro Autonomous Region;
- b. Recommend to the Minister projects and activities for the promotion of the welfare of Indigenous Peoples related to ancestral domains and native titling in the Bangsamoro Autonomous Region;
- c. Undertake projects and activities in coordination with the appropriate ministry, office, or agency, including the Bangsamoro Satellite Coordinating Offices; and
- d. Perform such other functions as may be directed by the Minister or other proper authorities.

Chapter 5

Special Public Assistance and Legal Aid Division

Sec. 12. *Special Public Assistance and Legal Aid Division.* - There shall be a Special Public Assistance and Legal Aid Division that will provide legal assistance on matters concerning IPs. The Division shall be headed by an Attorney V.

The Special Public Assistance and Legal Aid Division shall have the following functions:

- a. Provide free legal assistance to indigent IP litigants with cases before administrative bodies or the regular courts;
- b. Prepare and file petitions, complaints and/or responsive pleadings, and represent indigent IP defendants in ordinary civil actions before the regular courts;
- c. Prepare and file responsive pleadings and represent indigent IP defendants/respondents in special proceedings before the regular courts;
- d. Prepare affidavits and represent IP indigents in any stage of criminal proceedings before the regular courts; and
- e. Perform such other functions as may be assigned by higher authorities.

Sec. 13. *Community Service Centers.* - Community Service Centers shall be established in municipalities where IPs are of significant number or cluster of municipalities where IPs are residing in a community. The Community Service Centers shall be headed by a Section Head.

TITLE VIII INTERIOR AND LOCAL GOVERNMENT

Chapter 1 General Provisions

Sec. 1. *Declaration of Policies.* - The Bangsamoro Government shall ensure the autonomy of its constituent local governments units. For this purpose, it shall provide for a more responsive and accountable local government structure instituted through a system of decentralization. The allocation of powers and resources to local government units shall be promoted, and inter-local government grouping, consolidation, and coordination of resources shall be encouraged.

The Bangsamoro Government shall guarantee the local government units, in addition to their regular share from the national taxes, have their just share from regional taxes and equitable share in proceeds from the use of natural resources, and afford them wider latitude for resources generation.

The authority of the Bangsamoro Government to regulate the affairs of its constituent local government units shall be guaranteed in accordance with the Organic Law and a Bangsamoro Local Government Code enacted by the Parliament.

Sec. 2. *Mandate.* - The Ministry of the Interior and Local Government shall exercise general supervision over the constituent local governments units of the Bangsamoro Government, and ensure public safety and disaster preparedness, local autonomy, decentralization, and community empowerment.

Sec. 3. *Powers and Functions.* - The Ministry of the Interior and Local Government shall have the following powers and functions:

- a. Advise the Chief Minister on the Government of the Day's policies, rules, regulations, and other issuances relative to the general supervision of local government units;
- b. Establish and prescribe rules, regulations, and other issuances implementing laws on general supervision of local government units and on the promotion of local autonomy, and monitor compliance thereof by the said units;
- c. Provide technical assistance in the preparation of regional legislation affecting local governments units;
- d. Establish and prescribe plans, policies, programs, and projects to strengthen the administrative, technical, and fiscal capabilities of local government offices and personnel;
- e. Implement plans, policies, programs, and project to promote public order and safety and disaster preparedness within the Bangsamoro Autonomous Region in Muslim Mindanao;
- f. Formulate plans, policies, and programs which will meet regional and local emergencies arising from natural and human-made calamities;
- g. Enforce its disciplinary authority over elective officials in accordance with the Bangsamoro Local Governance Code enacted by the Parliament; and
- h. Perform other functions as maybe provided by law.

Sec. 4. *Organizational Structure.* - The Ministry the Interior and Local Government shall consist of the Ministry Proper, Ministry Services, and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2

Ministry Proper

Sec. 5. Office of the Minister. - The Office of the Minister of the Interior and Local Government consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. Powers and Functions of the Minister. - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to the interior and local government;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the Ministry as provided by law and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs, and strategic plan of the Ministry. S/he shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3

Structure of the Ministry

Sec. 9. Structure. - The Ministry of the Interior and Local Government shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Section** - The Internal Audit Section shall be headed by a Section Head.
- (3) **Information and Communications Division** - The Information and Communications shall be headed by a Division Chief.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following divisions: (a) Administrative Division; and (b) Finance Division.

Each division shall be headed by a Division Chief.

- (6) **Operation Management Services** - The Operation Management Services shall be headed by a Director II.

Under the Operation Management Services are the following: (a) Local Government Development Division; (b) Local Government Supervision Division; (c) Project Management Development Division; (d) Barangay and Community Affairs Division; and (e) Information System and Technology Management Division.

Each division shall be headed by a Division Chief.

- (7) **Interior Affairs Services** - The Interior Affairs Services shall be headed by a Director II.

Under the Interior Affairs Services are the following divisions: (a) Public Safety Division; and (b) Disaster Risk Reduction and Management Division.

Each division shall be headed by a Division Chief.

Chapter 4 Field Offices

Sec. 10. *Provincial and City Offices.* - There shall be a field office operated and maintained in each province, highly urbanized city, and independent component city to be headed by a Local Government Operations Officer VIII equivalent to Director II who has completed the training course for Local Government Operations Officer with appropriate civil service eligibility and shall be appointed by the Chief Minister.

Each field office shall have the following functions:

- a. Implement laws, rules, regulations, other issuances, policies, plans, programs, and projects of the Ministry;

- b. Plan, organize, direct and monitor the implementation of the Ministry's functions, programs, projects, and activities within their jurisdiction;
- c. Disseminate and monitor compliance with laws, rules and regulations, policies and other issuances affecting local government units;
- d. Coordinate with provincial, municipal and city offices of other ministries, offices and agencies affecting local government administration and development;
- e. Provide technical assistance to local governments units in developing their over-all capabilities for local government administration and development;
- f. Provide technical assistance to civil society organizations including non-governmental organizations, people's organizations, and the indigenous people's organizations in promoting a culture of good governance through people's participation; and
- g. Perform other functions as may be delegated by the Minister or as may be provided by law.

Sec. 11. *Other Field Units.* - (1) There shall be a field unit in each component city, municipality, and cluster field units to be headed by a Local Government Operations Officer VII for component city and Local Government Operations Officer VI for municipality and cluster field unit who shall be appointed by the Minister and is primarily responsible for the administration, implementation, and monitoring of the Ministry's plans, programs, projects, and activities at the field level.

(2) In cases where a province, city, or municipality is subsequently created by an act of Congress or Parliament, as the case may be, an appropriate field office is hereby automatically established with the corresponding staffing pattern.

Sec. 12. *Authority of the Ministry Proper over Provincial/City Offices and Other Field Units.* - The Minister shall exercise technical and administrative control and supervision over Provincial/City Offices and Other Field Units within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of interior and local government programs and projects in their respective area.

Chapter 5

Regional Chapter of Leagues of Municipalities and Barangays

Sec. 13. *Regional Chapter of Leagues of Municipalities and Barangays.* - There is hereby established a regional chapter of the leagues of municipalities and barangays without prejudice to their membership to national leagues. The regional chapter shall be responsible in pursuing common interests beneficial to them including their participation in regional decision-making process which shall be under the supervision of the Operation Management Services.

The Minister is hereby authorized to promulgate necessary implementing rules that will facilitate the active role of the regional leagues as well as their participation in different regional councils and committees as the Bangsamoro Parliament may provide.

Chapter 6

Special Geographic Area Development Authority

Sec. 14. *Constitution of Special Geographic Area.* - Pursuant to the result of plebiscite conducted on February 21, 2019 and the Bangsamoro Organic Law, the 63 Barangays in Pikit

(Macabual, Gli-Gli, Rajah Muda, Bagoinged, Bulol, Kabalasan, Buliok, Balungis, Bualan, Lagunde, Panicupan, Batulawan, Fort Pikit, Pamalian, Manaulanan, Balong, Barungis, Nabundas, Gokotan, Nalapaan, Macasendeg, Nunguan), Pigkawayan (Lower Baguer, Balacayon, Buricain, Datu Binasang, Datu Mantil, Kadingilan, Libungan Torreta, Matilac, Lower Pangangkalan, Upper Pangangkalan, Patot, Simsiman), Carmen (Kitulaan, Pebpoloan, Manarapan, Langogan, Tupig, Kibayao, Nasapian), Kabacan (Tamped, Simbuhay, Simone, Nanga-an, Buluan, Peditad, Sanggadong), Midsayap (Central Labas, Malingao, Tumbras, Kapinpilan, Sambulawan, Tugal, Mudseng, Kadingilan, Nabalawag, Kadigasan, Damatulan, Olandang, Kudarangan), and Aleosan (Dunguan and Tapodoc), all of the province of Cotabato that voted for inclusion in the Bangsamoro Autonomous Region is hereby constituted into a separate Special Geographic Area subject to the power of supervision of the Chief Minister, which shall be exercised through the Ministry of the Interior and Local Government.

Sec. 15. *Special Geographic Area Development Authority.* - There is hereby created a Special Geographic Area Development Authority, herein referred to as the Authority, under the Ministry of the Interior and Local Government. The Authority shall perform planning, implementation, monitoring and coordinating functions and, in the process, exercise supervisory and regulatory authority over the promotion of general welfare of the people without prejudice to the autonomy of barangay local government units.

The Authority is mandated to manage the development affairs in the Special Geographic Area.

Sec. 16. *Composition of the Special Geographic Area Development Authority.* - The Authority shall be composed of the Board of Directors as the highest policy-making body, the Administrator, and the eight (8) Area Coordinators.

Sec. 17. *Scope of Powers and Functions of the Authority.* - The Authority shall perform those powers and services devolved to local government units under the Bangsamoro Local Governance Code, other than those services delivered by the barangay local government units. These functions shall include:

- a. Promulgation of policies, rules, regulations and other issuances related to the powers and services devolved to the local government unit other than those exercised by the component barangays;
- b. Exercise of supervisory authority over component barangays;
- c. Regulation of the use and utilization of natural resources within competence of the Authority;
- d. Implementation, enforcement and monitoring of the execution of national and regional laws and policies in the area;
- e. Formulation and implementation of comprehensive long-term development plans, medium-term plans, and investment programs;
- f. Adoption of measures that promote the general welfare of the constituents of the area;
- g. Formulation and implementation of policies, standards, programs and projects for proper waste management and pollution control;
- h. Receipt and administration of donation and grants from donors, subject to existing regional and national policies;
- i. Regulation of inter-municipal communication and transportation services subject to national and regional policies and guidelines;

- j. Promotion of public safety which includes the formulation and implementation of programs and policies including local emergencies arising from natural and human-induced calamities;
- k. Adoption of internal rules and regulations for the smooth exercise of its powers and functions; and
- l. Performance of other tasks as may be assigned by the Minister of the Interior and Local Government.

Sec. 18. Board of Directors. - The powers and functions of the Authority shall be exercised by a Board of Directors consisting of at least eight (8) members but not more than fifteen (15) and shall be composed of the following:

- a. Minister of the Interior and Local Government as the Chairman;
- b. Bangsamoro Director-General of the Bangsamoro Planning and Development Authority as the Vice-Chairman;
- c. The Ministers of:
 - 1. Social Services and Development;
 - 2. Health;
 - 3. Basic, Higher, and Technical Education;
 - 4. Environment, Natural Resources and Energy; and
 - 5. Agriculture, Fisheries, and Agrarian Reform.
- d. Chairperson of the Local Government Committee in the Bangsamoro Parliament;
- e. At least three (3) representatives from the private sectors to be appointed by the Chief Minister; and
- f. Administrator of the Authority as *ex officio* member.

Sec. 19. Administrator. - The Authority shall be headed by an Administrator I who shall be appointed by the Chief Minister under coterminous status and shall be placed under the supervision of the Minister of the Interior and Local Government, subject to Section 24, Chapter 6, Title VIII of this Code. The Administrator shall be assisted by a Director II and immediate staff.

Sec. 20. Functions of the Administrator. - The Administrator shall have the following functions:

- a. Implement and execute policies and regulations promulgated and approved by the Board;
- b. Exercise general supervision and control over all services, programs, projects, and activities of the Authority;
- c. Enforce all laws and regulations necessary for the delivery of basic services and provision of appropriate facilities;
- d. Implement the comprehensive long-term development plans, medium-term, and investment programs of the Authority;
- e. Visit component barangays at least once every six (6) months to deepen his understanding of the problems and conditions, listen and give appropriate guidance to barangay officials and inhabitants of general laws and policies with the ultimate purpose of improving the quality of life of the inhabitants;
- f. Coordinate the effective delivery of goods and services by the ministries and agencies in the Special Geographic Area;

- g. Coordinate with the field offices of the national, regional offices, and the barangay governments the planning, programming, implementation, and monitoring of programs and projects in the special geographic area;
- h. Oversee the monitoring and evaluation of the progress of programs and projects in the special geographic area;
- i. Provide regular reports to the Chief Minister through the MILG; and
- j. Perform other functions as may be directed by the Board.

Sec. 21. *Area Coordinators.* - Each cluster of barangays shall be assigned an Area Coordinator, who shall hold the position of Political Affairs Officer VI and shall be appointed by the Minister under coterminous status, subject to Section 24, Chapter 6, Title VIII of this Code.

Sec. 22. *Duties and Functions of Area Coordinators.* - Each Area Coordinator shall have the following duties and functions:

- a. Coordinate the activities of the Authority related to its smooth and efficient operations and the activities at the cluster of barangays;
- b. Prepare all the technical report and policy proposals for the consideration of the Administrator, pertaining to the programs and projects in cluster of barangays;
- c. Prepare the quarterly and annual report of the Office, Work and Financial Plan, and Budget, particularly those concerning the cluster barangays;
- d. Implement and monitor the decisions and guidelines of the higher authorities in the cluster barangays;
- e. Facilitate the formulation of a Comprehensive Development Plan of the cluster of barangays and ensure integration of barangay development plans thereto;
- f. Prepare project proposals in consultation with the barangay officials, the Administrator and appropriate BARMM ministries for possible funding assistance; and
- g. Perform other functions as may be authorized by the Administrator or by higher authority.

Sec. 23. *Support Staff.* - The Administrator shall prepare an appropriate staffing pattern to be adopted by the Board for approval by the Cabinet.

Sec. 24. *Sunset Clause.* - (1) Until the Bangsamoro Parliament enacts a law providing for the reconstitution of geographical areas in the Bangsamoro Autonomous Region into appropriate territorial or political subdivision pursuant to Section 4, Article XV of the Bangsamoro Organic Law, the Authority shall continue to exist for the purposes it is established.

(2) The affected personnel shall be given an option to be absorbed by the new local government unit or separated in accordance with law, whether hired on a permanent, temporary, casual or contractual basis and with appointments attested by Civil Service Commission.

Chapter 7

Bangsamoro Local Government Academy

Sec. 25. *Bangsamoro Local Government Academy.* - The Bangsamoro Local Government Academy, under the direct supervision of the Minister, is hereby created and shall be responsible for the human resource development and training of local government officials of the Bangsamoro Autonomous Region and the personnel of the Ministry of the Interior and Local Government. The

structure and staffing pattern of the Academy shall be prescribed by the Ministry, subject to the approval of the Bangsamoro Cabinet.

Chapter 8

Bangsamoro Rapid Emergency Action on Disaster Incidence

Sec. 26. *Rapid Emergency Action on Disaster Incidence Office.* - There shall be a Rapid Emergency Action of Disaster Incidence Office (READi) attached to the Ministry of the Interior and Local Government, that shall serve as executing office of the Bangsamoro Disaster Risk Reduction and Management Council (BDRRMC). The Bangsamoro READi shall also serve as the secretariat to the Bangsamoro DRRMC. It shall be headed by a Director II to be appointed by the Chief Minister, and shall have the following functions:

- a. Advise the BDRRMC on matters relating to disaster risk reduction and management consistent with the national and regional laws and policies;
- b. Formulate and implement Regional Disaster Risk Reduction and Management Plan (RDRRMP) and ensure that physical framework, social, economic, and environmental plans of constituent LGUs are consistent with such plan;
- c. Review and evaluate the Local Disaster Risk Reduction and Management Plans (LDRRMPs) to facilitate the integration of disaster risk reduction measures into the local Comprehensive Development Plan (CDP) and Comprehensive Land-Use Plan (CLUP);
- d. Formulate standard operating procedures for the deployment of rapid assessment teams, information sharing among different ministries and agencies, and coordination before and after disaster at all levels;
- e. Ensure that government agencies and local government units prioritize and take adequate and appropriate measures in disaster risk reduction and management;
- f. Create an enabling environment for substantial and sustainable participation of civil society organizations, private groups, volunteers and communities, and recognize their contributions in the government's disaster risk reduction efforts;
- g. Provide advice, technical assistance, and assist in mobilizing necessary resources to increase the overall capacity of the local government units, especially the low income one those in high-risk areas;
- h. Manage the budget allocated to it under the Regional Disaster Risk Reduction Fund (RDFFF);
- i. Prepare and submit to the RDRRMC a report on the utilization of its budget under the RDFFF, and other dedicated disaster risk reduction and management resources; and
- j. Perform such other functions as may be provided by law or as may be delegated by higher authorities.

Sec. 27. *Organizational Structure.* - The Bangsamoro READi Office shall have the following divisions:

- A. The **Administration and Training Division** shall be headed by a Division Chief with the following functions:
 - i. Organize and conduct trainings, orientation and knowledge management activities on Disaster Risk Reduction and Management;
 - ii. Identify, assess and manage the hazards, vulnerabilities and risks in the Bangsamoro Autonomous Region;

- iii. Disseminate information and raise public awareness about identified hazards, vulnerabilities and risks, and identify cost-effective risk reduction measures and strategies;
- iv. Organize, train, equip, and supervise the regional response teams and accredited volunteers during disaster emergencies; and
- v. Perform other functions as may be assigned by higher authorities.

B. The **Research and Planning Division** - shall be headed by a Division Chief with the following functions:

- i. Design, plan and coordinate RDRRM activities, consistent with the RDRRMC standards and guidelines;
- ii. Facilitate and support risk assessment and regional contingency planning and programming activities;
- iii. Facilitate the formulation and implementation of RDRRMP in accordance with the regional framework and policies on DRRM;
- iv. Prepare and submit the READi annual plan and budget, the proposed programming of RDRRMF and the status and utilization of Quick Response Fund; and
- v. Perform other functions as may be assigned by higher authorities.

C. The **Emergency Operations Division** - shall be headed by a Division Chief with the following functions:

- i. Operate a multi-hazard early warning system to provide accurate and timely advice to national or local emergency response organizations and to the general public, through diverse medium of communication;
- ii. Conduct continuous disaster monitoring and mobilize instrumentalities and entities that include local government units, civil society organizations, private groups and organized volunteers to utilize their facilities and resources for the protection and preservation of life and properties during emergencies;
- iii. Respond to and manage the adverse effects of emergencies and carry out recovery activities in the affected communities, ensure effective coordination mechanism for immediate delivery of foods, medical supplies and conduct relief operations activities;
- iv. Coordinate other DRRM activities that include linkage and networking with national, regional agencies and local government units for emergency response purposes; and
- v. Perform other functions as may be assigned by higher authorities

Sec. 28. Representatives of Other Ministries. - The Bangsamoro READi Office shall have representatives from the Ministry of Social Services and Development, Ministry of the Interior and Local Government, Ministry of Science and Technology, Ministry of Transportation and Communications, and the Bangsamoro Planning and Development Authority.

Sec. 29. Emergency Operations Center. - There is hereby established an Emergency Operations Center in the Bangsamoro READi which shall support the DRRMC and the RPOC.

TITLE IX LABOR AND EMPLOYMENT

Chapter 1 General Provisions

Sec. 1. *Declaration of Policy.* - The Bangsamoro Government recognizes labor as a primary social economic force for development. It shall afford full protection to labor, promote full employment, ensure equal work opportunities regardless of gender, race, or creed, regulate the relations between workers and employer, and promote the right of labor to its just share in the fruits of production, and the right of enterprise to reasonable returns on investments and to expansion and growth.

The Bangsamoro Government shall guarantee the fundamental rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike, in accordance with the Constitution and the Labor Code of the Philippines.

Sec. 2. *Mandate.* - The Ministry of Labor and Employment shall be the primary policy-making, programming, coordinating and administrative entity of the Bangsamoro Government in the field of labor and employment. It shall assume primary responsibility for the promotion of gainful employment opportunities and the optimization of the development and utilization of the Bangsamoro manpower resources; the advancement of workers' welfare by providing for just and humane working conditions and terms of employment; and the maintenance of industrial peace by promoting harmonious, equitable, and stable employment relations that assures equal protection for the rights of all concerned parties.

Sec. 3. *Powers and Functions.* - The Ministry of Labor and Employment shall have the following powers and functions:

- a. Enforce social and labor legislation to protect the working class and regulate the relations between the worker and his/her employer;
- b. Formulate and recommend regional policies, plans and programs for manpower development, training, allocation and utilization;
- c. Recommend legislation to enhance the material, social and intellectual improvement of the Bangsamoro labor force;
- d. Protect and promote the interest of every constituent desiring to work locally or overseas by securing to him/her the most equitable terms and conditions of employment, and by providing social welfare services;
- e. Subject to enactment of a law on the matter, regulate the employment of aliens within the Bangsamoro Autonomous Region, including the establishment of a registration and/or work permit system for such aliens, as provided for by national or BARMM laws;
- f. Formulate general guidelines concerning wage and income policy;
- g. Recommend necessary adjustments in wage structures with a view to develop a wage system that is consistent with BARMM economic and social development plans;
- h. Provide for safe, decent, humane, and improved working conditions and environment for all workers, particularly women and young workers;
- i. Formulate general guidelines for the issuance of working permit for minors in the media industry;

- j. Maintain harmonious, equitable, and stable labor relations system that is supportive of national and BARMM economic policies and programs;
- k. Uphold the rights of workers and employers to organize and promote free collective bargaining as the foundation of the labor relations system;
- l. Provide and ensure fair and expeditious settlement and disposition of labor and industrial disputes through collective bargaining, grievance machinery, conciliation, mediation, voluntary arbitration, compulsory arbitration as may be provided by law and other modes that may be voluntary agreed upon by the parties concerned; and
- m. Perform such other functions as may be provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Labor and Employment shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Labor and Employment shall consist of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to labor and employment;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of the Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. *Powers and Functions of the Deputy Minister.* - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. *The Bangsamoro Director-General.* - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. The Bangsamoro Director-General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. *Structure.* - The Ministry of Labor and Employment shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Section.** The Internal Audit Section shall be headed by a Section Head.
- (3) **Information and Communications Division** - The Information and Communications shall be headed by a Division Chief.
- (4) **Migration Affairs Section** -The Migration Affairs Section shall be headed by a Section Head.
- (5) **Manila Liaison Section** - The Manila Liaison Section shall be headed by a Section Head.
- (6) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director I.

Under the Administrative and Finances Services are the following: (a) Administrative Division; and (b) Finance Division.

Each division shall be headed by a Division Chief.

- (7) **Research, Planning and Policy Development Services** - The Research, Planning and Policy Development Services shall be headed by a Director I.

Under the Research, Planning and Policy Development Services are the following: (a) Planning and Monitoring Division; and (b) Research and Policy Development Division.

Each division shall be headed by a Division Chief.

Chapter 4 Bureaus and Boards

Sec. 10. *Bureau of Labor Relations and Standards.* - The Bureau of Labor Relations and Standards (BLRS) shall be headed by a Director I.

The Bureau shall have the following Divisions: (a) Conciliation and Mediation Division; (b) Labor Welfare Division; and (c) Regulatory and Standards Enforcement Division.

Each division shall be headed by a Division Chief.

Sec. 11. *Functions.* - The BLRS shall have the following functions:

- a. Adopt and promulgate policies and guidelines governing the hearing and disposition of cases and/or labor disputes;
- b. Implement preventive mediation and conciliation functions;
- c. Coordinate mediation linkages with other sectors or institutions including government authorities concerned on matters related to the grievances and settlement of labor disputes;
- d. Administer voluntary arbitration program;
- e. Maintain or update list of voluntary arbitrators and compile arbitration awards and decisions;
- f. Provide counseling and preventive mediation assistance particularly in the administration of Collective Bargaining Agreements (CBA);
- g. Facilitate orientation and briefing for both management and workers to increase labor awareness to the rights of both parties;
- h. Implement labor laws specifically on labor standards as well as policies, programs and devices on its administration and enforcement;
- i. Implement policies on work permits to regulate employment of aliens;
- j. Develop, conceptualize, and disseminate appropriate and relevant information, education and communications (IEC) and advocacy materials on labor laws;
- k. Implement the Labor Code of the Philippines provisions concerning the responsibility of the government to promote the well-being of the overseas workers from the Bangsamoro Autonomous Region;
- l. Undertake studies and research for the enhancement of the social economic and cultural well-being of the workers;
- m. Facilitate issuance of safety permits (mechanical and electrical) of power plants and industrial establishment;
- n. Ensure regular conduct of medical examinations of workers in close coordination with the Ministry of Environment and Natural Resources and Energy (MENRE), Ministry of Health (MOH) and local government units concerned;
- o. Issue certificates of registration of private establishment and service providers; and
- p. Perform such other functions as may be directed by the Minister or as may be provided by law.

Sec. 12. *Arbitration Committee.* - The Bureau of Labor Relations and Standards shall have an Arbitration Committee which shall be composed of the Bureau Director as Chair, with legal services, mediation, and conciliation division staff as members.

Sec. 13. *Powers and Functions of Arbitration Committee.* - The Arbitration Committee shall be vested with the following functions:

- a. Decide on issues relating to labor disputes which cannot be resolved during the conduct of mediation and conciliation process;

- b. Furnish copy of the decision to all concerned for their information and guidance; and
- c. Perform such other functions as maybe provided by law.

Sec. 14. *Bureau of Employment Promotion and Welfare.* - The Bureau of Employment Promotion and Welfare (BEPW) shall be headed by a Director I.

The Bureau shall have the following Divisions: (a) Recruitment and Accreditation Division; (b) Employment Regulation Division; and (c) Employment Promotion, Manpower Development, and Productivity Division.

Each division shall be headed by a Division Chief.

Sec. 15. *Functions.* - The BEPW shall have the following functions:

- a. Issue Overseas Employment Certificates (OECs) and Information Verification to returning Overseas Bangsamoro Workers (OBWs);
- b. Implement employment programs designed to benefit disadvantaged groups and communities;
- c. Implement education and training programs for the OBWs;
- d. Maintain a Labor Market Information System (LMIS) for proper and systematic manpower and development planning;
- e. Regulate the private sector's participation in the recruitment for overseas placement of workers from the Bangsamoro Autonomous Region through the issuance of licensing and registration systems, consistent with national policies;
- f. Formulate and implement a system promoting and monitoring the overseas employment of workers from the Bangsamoro Autonomous Region taking into consideration their welfare and the domestic requirements, in coordination with appropriate entities;
- g. Protect the rights of the workers from the Bangsamoro Autonomous Region applying for overseas employment to ensure fair and just recruitment practices;
- h. Facilitate skills development and placement of manpower resource of the Bangsamoro Autonomous Region for local and overseas employment;
- i. Establish and maintain skills registry of the BARMM labor force for local and overseas placement;
- j. Ensure technical, legal and psycho-social assistance to overseas workers from the Bangsamoro Autonomous Region experiencing problems with their employers and recruiters;
- k. Implement overseas market development activities to secure the best terms and conditions for overseas employment from the Bangsamoro Autonomous Region and ensure compliance therewith;
- l. Develop and implement an information system for an effective monitoring of returning contract overseas workers;
- m. Establish close coordination and partnership with the Philippine Overseas Employment Agency (POEA), Overseas Workers Welfare Administration (OWWA), Department of Foreign Affairs, Philippine Tourism Authority, Manila International Airport Authority, Department of Justice and other government agencies and private institutions in the pursuit of protection and welfare of the OBWs;
- n. Facilitate the conduct of job fairs and special recruitment activities for both local and overseas placements; and

- o. Perform such other functions as may be directed by the Minister or as may be provided by law.

Sec. 16. Overseas Workers Welfare Bureau. - Without prejudice to the possible transfer of powers pertaining to overseas workers welfare in the Bangsamoro Autonomous Region, the Overseas Workers Welfare Bureau (OWWB) shall be headed by a Director I.

The Bureau shall have the following Divisions: (a) Pre-Employment and Departure Division; (b) Repatriation Assistance Division; and (c) Welfare and Protection Program Division.

Each division shall be headed by a Division Chief.

Sec. 17. Functions. - The OWWB shall have the following functions:

- a. Implement the compulsory Pre-Employment and Pre-Departure Orientation Seminars (PEOS & PDOS) for overseas workers from the Bangsamoro Autonomous Region for their adjustments concerns in their countries of destination;
- b. Intensify welfare assistance program to ensure the safety of overseas workers;
- c. Develop skills thru training and educational assistance for overseas workers;
- d. Develop an Overseas Workers Data and Management System for effective monitoring of the workers' whereabouts;
- e. Implement welfare and protection programs for overseas workers;
- f. Support member overseas workers through Educational Scholarship Program for their dependents;
- g. Implement education and livelihood assistance for dependents of deceased overseas workers, including those who have been convicted and are facing death penalty in the host country;
- h. Extend legal assistance to overseas workers who wish to pursue labor/welfare cases against their respective employers in the host country;
- i. Form a Quick Response Team to repatriate overseas workers who are in distress in the host countries; and
- j. Perform such other functions as may be directed by the Minister or as may be provided by law.

Sec. 18. Bangsamoro Tripartite Wages and Productivity Board (BTWPB). - The Bangsamoro Tripartite Wage and Productivity Board shall undertake the following functions:

- a. Serve as regional consultative and advisory body to the Chief Minister and the Bangsamoro Parliament on matters relating to wages, incomes and productivity;
- b. Formulate policies and guidelines on wages, incomes and productivity improvements at the enterprise and industry levels, consistent with national policies and guidelines;
- c. Conduct public hearings where workers and management are invited, for the determination of the minimum wage rate in the Bangsamoro Autonomous Region;
- d. Determine the minimum wage rate in the Bangsamoro Autonomous Region based on the public consultations conducted;
- e. Assume the powers and functions of the Tripartite Wages and Productivity Board for the Bangsamoro Autonomous Region as provided for under labor laws; and
- f. Perform such other functions as maybe granted and/or provided by law.

Sec. 19. *Composition of the BTWPB.* - The BTWPB shall be composed of the Minister of Labor and Employment as Chairperson; the Minister of Trade, Investments, and Tourism, and the Bangsamoro Director General of BPDA representing the government sector, as members. Two (2) representatives from the employer sector and two (2) representatives from the workers sectors shall likewise be members thereof. It shall have its Board Secretariat to be headed by a Board Secretary VI.

Chapter 5 Field Offices

Sec. 20. *Provincial/City Field Offices.* - Seven (7) Field Offices shall be established in the strategic areas covered by the Bangsamoro Autonomous Region, namely: (a) Maguindanao; (b) Cotabato City; (c) Lanao Del Sur and Marawi City; (d) Special Geographic Area; (e) Basilan and Lamitan City; f) Sulu; and g) Tawi-Tawi.

Each field office shall be headed by a Supervising Labor and Employment Officer with at least three (3) support staff.

Sec. 21. *Functions.* - The Field Office shall have the following functions:

- a. Spearhead the effective, efficient and economical delivery, promotion, and enforcement of the programs, projects and services of the Ministry in the province/ city/ special geographic area;
- b. Recommend strategies to be adopted in the implementation of programs, projects and activities appropriate to the peculiar situation of the province, city or special geographic area;
- c. Spearhead the identification, validation, implementation and evaluation of livelihood programs such as Sagip Batang Manggagawa, Government Internship Program, Special Program for Employment of Students, and Reintegration Programs for Overseas Bangsamoro Workers;
- d. Issue Overseas Employment Certificates (OECs) and Overseas Bangsamoro Workers' Information Verification Sheets (OIVSs), upon the establishment of a One-Stop Shop in the island provinces;
- e. Supervise the conduct of labor force data survey;
- f. Facilitate the listing of private establishments and other businesses in their areas of jurisdiction;
- g. Assist in the conduct of job fairs and special recruitment activities; and
- h. Perform such other related functions as may be provided by law.

Sec. 22. *Authority of the Ministry Proper over Field Offices.* - The Minister shall exercise technical and administrative control and supervision over Field Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of labor and employment programs and projects in their respective areas.

TITLE X PUBLIC ORDER AND SAFETY

Chapter 1 General Provisions

Sec. 1. *Declaration of Policy.* - It is the policy of the Bangsamoro Government to ensure the realization of an enduring peace on the basis of justice and balanced society in this territorial jurisdiction. It shall promote unity, peace, justice, and goodwill among all peoples, as well as encourage a just and peaceful settlement of disputes.

The Ministry shall adopt the principles of conciliation and mediation in settling disputes, and alternative dispute resolution.

Sec. 2. *Mandate.* - The Ministry of Public Order and Safety (MPOS) shall be responsible for public safety. It shall have coordinative function with offices and agencies that maintain public order and safety in the region, and shall perform functions relating to peace building, reconciliation, and unification of all the peoples of the region.

Sec. 3. *Powers and Functions.* - The Ministry shall have the following powers and functions:

- a. Serve as member of the Regional Peace and Order Council;
- b. Establish proper coordinating mechanisms with the Armed Forces of the Philippines, Philippine National Police, National Police Commission, Bureau of Jail Management and Penology, Coast Guard, Bureau of Fire Protection, and other law enforcement agencies or offices in the Bangsamoro Autonomous Region to enhance the safety and security of the region;
- c. Monitor and evaluate the prevailing peace and security situation in the region and submit a report thereon to the Office of the Chief Minister;
- d. Establish a community-based early warning/response and conflict reporting system relating to public order and safety;
- e. Formulate and implement programs, projects, and activities relating to religious tolerance, preventing and countering violent extremism;
- f. Conduct programs, projects and activities relating to promotion of peace and sustainable development, reconciliation, unification, and peaceful co-existence;
- g. Formulate and implement policies and programs for the effective settlement of family feuds (*rido*) and other horizontal conflicts in the region, as well as for the prevention of the recurrence of such conflicts;
- h. Implement laws, policies, programs and projects of the BARMM concerning peace, public order and safety; and
- i. Perform such other functions as may be prescribed by law thereafter or as may be assigned by the Chief Minister.

Sec. 4. *Organizational Structure.* - The Ministry of Public Order and Safety shall be composed of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions and units as may be necessary.

Chapter 2

Ministry Proper

Sec. 5. Office of the Minister. - The Office of the Minister of Public Order and Safety consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. Powers and Functions of the Minister. - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to public order and safety;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. S/he shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3

Structure of the Ministry

Sec. 9. Structure. - The Ministry of Public Order and Safety shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Section** - The Legal and Legislative Liaison Section shall be headed by a Section Head.
- (2) **Internal Audit Section** - The Internal Audit Section shall be headed by a Section Head.
- (3) **Information and Communications Section** - The Information and Communications Section shall be headed by a Section Head.
- (4) **Planning Section** - The Planning Section shall be headed by a Section Head.
- (5) **Administrative and Finance Division** - The Administrative and Finance Services shall be headed by a Division Chief.
- (6) **Home Affairs Services** - The Home Affairs Services shall be headed by a Director II. It shall be responsible in evaluating, analyzing, and monitoring the security situation and challenges in the region.

It shall establish proper coordinating mechanisms with the Philippine National Police, the Armed Forces of the Philippines, the Bureau of Jail Management and Penology, and all other agencies involved in the maintenance of peace, order and safety in the Bangsamoro Autonomous Region.

Under the Home Affairs Services are the following divisions: (a) Civilian Intelligence and Investigation Division; and (b) Law Enforcement Coordination Division.

- (7) **Bangsamoro Peace, Reconciliation and Unification Services** - The Bangsamoro Peace, Reconciliation and Unification Services shall be headed by a Director II. It shall be the conflict management body of the Ministry.

Under the Bangsamoro Reconciliation and Unification Services are the following divisions: (a) Peace Education Division; and (b) Alternative Dispute Resolution Division.

It shall be primarily responsible for formulating and implementing policies, programs, and activities for the effective settlement of family feuds (*rido*) and other horizontal conflicts in the Bangsamoro Autonomous Region. Further, it shall endeavor to attract local insurgents to return to the folds of the law and make the necessary programs to transform them into valuable resources for the region.

TITLE XI PUBLIC WORKS

Chapter 1 General Provisions

Section 1. Declaration of Policy. - The Bangsamoro Government shall maintain an engineering and construction arm and continuously develop its technology, for the purpose of ensuring the safety of all infrastructure facilities and securing for all public works the highest efficiency and the most appropriate quality in construction. The planning, design, construction and

maintenance of infrastructure facilities, especially roads and bridges, flood control and water resources development within the jurisdiction of the Bangsamoro Government, shall be the responsibility of such an engineering and construction arm.

Sec. 2. *Mandate.* - The Ministry of Public Works shall be the Bangsamoro Government's engineering and construction arm, and is mandated to undertake (a) the planning, design and construction of infrastructures, such as, but not limited to roads and bridges, flood control, water supply projects and other public works facilities within the jurisdiction of the Bangsamoro Government; and (b) the construction, rehabilitation and maintenance of infrastructure facilities of the Autonomous Region.

Sec. 3. *Powers and Functions.* - The Ministry shall have the following powers and functions:

- a. Undertake and/or evaluate the planning, design, construction and supervision for all infrastructure located within the Bangsamoro Autonomous Region;
- b. Undertake maintenance and repairs of infrastructure and facilities within the Bangsamoro Autonomous Region and as may be authorized or delegated by the National Government;
- c. Ensure that the necessary property, plant and equipment to fulfill the mandates of the Ministry are available and maintained;
- d. Undertake the submission of proposals to the appropriate National Government Agency for funding and technical assistance on infrastructure projects, whenever applicable;
- e. Administer or establish implementation codes, standards, and guidelines to ensure the safety of all public and private structures in the region and ensure efficiency and proper quality in the construction of public works;
- f. Ensure the implementation of laws, policies, programs, rules and regulations regarding infrastructure projects as well as all public and private physical structures within the Bangsamoro Autonomous Region;
- g. Supervise all public works construction and ensure that actual constructions are done in accordance with approved government plans and specifications;
- h. Provide technical assistance to other agencies within the Bangsamoro Autonomous Region, including its constituent local government units;
- i. Coordinate with other national and regional agencies, institutions and organizations, especially the local government units within the Bangsamoro Autonomous Region, in the planning and implementation of infrastructure projects;
- j. Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Bangsamoro Government responsive to the needs of the general public, and recommend such appropriate actions as may be necessary; and
- k. Perform such other functions as may be assigned or delegated by the Chief Minister or provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Public Works shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Public Works consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. Powers and Functions of the Minister. - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to public works;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Oversee the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards consistent with the National Government policies and standards for the efficient administration and operation of the Ministry in pursuit of its objectives, functions, plans, programs and projects. These shall not prescribe penalties for their violation, except when expressly authorized by law;
- e. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- f. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- g. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- h. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- i. Perform such other functions as may be provided by law.

Sec. 7. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. S/he shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 **Structure of the Ministry**

Sec. 9. Structure. - The Ministry of Public Works shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finances Services are the following: (a) Administrative Division; (b) Finance Division; and (c) Procurement Division.

Each division shall be headed by a Division Chief.

(2) **Technical Services** - The Technical Services shall be headed by a Director II.

Under the Technical Services are the following: (a) Planning and Programming Division; (b) Survey and Design Division; and (c) Special Projects Division.

Each division shall be headed by a Division Chief.

(3) **Operations and Infrastructure Services** - The Operations and Infrastructure Services shall be headed by a Director II.

Under the Operations and Infrastructure Services are the following: (a) Construction Division; (b) Maintenance Division; (c) Quality Assurance and Hydrology Division; and (d) Equipment Management Division.

Each division shall be headed by a Division Chief.

(4) **Legal and Legislative Liaison Division** - The Legal Services shall be headed by a Division Chief.

(5) **Internal Audit Division** - The Internal Audit Section shall be headed by an Internal Auditor V.

(6) **Information Communication Division** - The Information Communication Division shall be headed by an Information Technology Officer IV.

Chapter 4 District Offices

Sec. 10. District Office. - There shall be a District Office in each of the legislative district throughout the Bangsamoro Autonomous Region to be headed by a District Engineer. A legislative district may be divided into two (2) or more Engineering Districts, as determined by law or competent authority in the Bangsamoro Government.

For this purpose, District Offices shall:

- a. Implement policies, guidelines and procedures for the effective implementation of construction, and maintenance of infrastructure projects;
- b. Inspect, verify, monitor, supervise and evaluate various infrastructure projects in accordance with existing standards and guidelines;
- c. Implement various infrastructure projects in their respective areas of jurisdiction;
- d. Conduct, inspect and assess the condition of roads, bridges and other infrastructure projects and submit a report thereon to the Ministry;
- e. Prepare, review and evaluate plans, programs of work, and estimate including reports and submit the same to the Ministry;
- f. Prepare, evaluate and endorse requests for funding to the Ministry for the repair/rehabilitation of damaged infrastructure facilities brought about by calamities;
- g. Undertake the management, repair, maintenance and rehabilitation of construction and maintenance property, plant and equipment; and

- h. Perform such other related duties and responsibilities as may be assigned by the Director-General and/or the Minister.

Sec. 11. Authority of the Ministry Proper over Offices. - The Minister shall exercise technical and administrative control and supervision over offices under the Ministry and such other powers necessary, appropriate or incidental in carrying out the implementation of infrastructure programs and projects in their respective area.

Sec. 12. District Engineer. - The District Engineer within a legislative district shall be responsible for the efficient and effective discharge of the duties and functions of the District Office. Within his/her defined powers, s/he shall exercise functional and administrative control and supervision over district operations. S/he shall also perform such other related duties and responsibilities as may be assigned or delegated by the Minister or as may be required by law.

TITLE XII SCIENCE AND TECHNOLOGY

Chapter 1 General Provisions

Sec. 1. Declaration of Policy. - It is the policy of the Bangsamoro Government to deliver morally guided science and technology programs, promote innovations and partnerships on research, entrepreneurship and capacity-building, foster competitive, dynamic and conscientious processes compliant to standards, and contribute to a resilient, progressive and economically secure Bangsamoro.

Sec. 2. Mandate. - The Ministry of Science and Technology, pursuant to Section IX, Article IX of RA 11054 is mandated to set the direction and leadership in science, research, inventions, technology education, and their development, and ensure the full and effective participation of all sectors in the planning, programming, coordination and implementation of scientific and technological researches.

Sec. 3. Powers and Functions. - The Ministry of Science and Technology shall have the following powers and functions:

- a. Formulate and adopt a comprehensive Bangsamoro Science and Technology Plan, including specific goals, policies, plans, programs and projects, and monitor and coordinate its funding and implementation;
- b. Pursue research and development towards an informed policy formulation, respond to pressing regional priorities, push to maturity emerging technologies towards productivity, and build-up science and technology literatures through development of research compendium;
- c. Support the transfer, promotion, innovation and commercialization of technologies for development of micro, small and medium enterprises (MSMEs);
- d. Enhance scientific and technological services in the field of information technology and disaster risk reduction and management;
- e. Develop and maintain an information system and databank on science and technology;

- f. Improve access to quality education through science and technology scholarship programs, capacity building for science and mathematics teachers, upgrading of science laboratories and development of Bangsamoro science schools;
- g. Administer scientific and technological scholarships, awards and grants;
- h. Conduct research and development on information technology and advanced fields and undertake venture financing;
- i. Contribute to the development and quality standards including *halal* for food and non-food industry through testing, analysis and capacity-building; and
- j. Perform such other functions as may be provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Science and Technology shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Science and Technology consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Science and Technology;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for the proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. *Powers and Functions of the Deputy Minister.* - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. *The Bangsamoro Director-General.* - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. The Bangsamoro Director-General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. *Structure.* - The Ministry of Science and Technology shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Section** - The Legal and Legislative Liaison Section shall be headed by a Section Head.
- (2) **Internal Audit Section** - The Internal Audit Section shall be headed by a Section Head.
- (3) **Information and Communications Section** - The Information and Communications Section shall be headed by a Section Head.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Administrative Division** - The Administrative Division shall be headed by a Division Chief.
- (6) **Finance Division** - The Finance Division shall be headed by a Division Chief.
- (7) **Technical Management and Operation Services** – The Technical Management and Operation Services shall be headed by Director II, consist of the following: (a) Science and Technology Services Division; and (b) Science Education, Scholarship, Grants and Awards Division.

Under the Science and Technology Services Division are the following: (a) Technology Transfer Section; (b) Technology Application and Promotion Section.

Under the Science Education, Scholarship, Grants and Awards Division are the following: (a) Scholarship and Grants Section; (b) Science Education Section.

Each Division shall be headed by Division Chief.

- (8) **Research and Development Services** - The Research and Development Services shall be headed by Director II, consist of the following: (a) Research and Development, and Innovation Division; (b) Integrated Laboratory Division and (c) Advance Science and Technology Division.

Each Division shall be headed by Division Chief.

Chapter 4

Provincial Science and Technology Centers

Sec. 10. *Provincial Centers.* - Seven (7) Provincial Science and Technology Centers shall be established in the strategic areas covered by the Bangsamoro Autonomous Region, namely: (a) Maguindanao; (b) Cotabato City; (c) Lanao Del Sur and Marawi City; (d) Special Geographic Area; (e) Basilan and Lamitan City; (f) Sulu; and (g) Tawi-Tawi.

Sec. 11. *Functions.* - The Provincial Science and Technology Centers are extensions of the Ministry of Science and Technology. As such they shall carry out the following functions:

- a. Identify needs and opportunities on science and technology in their respective areas of jurisdiction;
- b. Implement science and technology programs and projects, such as technology demonstration and transfer, science and technology promotion and dissemination, science education and other areas of concern that will benefit the people in these areas;
- c. Assist in the execution of research and development at the provincial offices; and
- d. Develop institutional linkages and establish coordination mechanisms with provincial offices of other ministries, local government units, academe and non-governmental organizations for the effective implementation of science and technology programs in their respective areas of jurisdiction.

Each of the Provincial Centers shall be headed by a Senior Science and Technology Specialist and shall be assisted by other support staff.

Sec. 12. *Authority of the Ministry Proper over Provincial/City Science and Technology Centers.* - The Minister shall exercise technical and administrative control and supervision over Provincial Science and Technology Centers within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of science and technology programs and projects in their respective area.

TITLE XIII

SOCIAL SERVICES AND DEVELOPMENT

Chapter 1

General Provisions

Sec. 1. *Declaration of Policy.* - The Bangsamoro Government is committed to the care, protection, and rehabilitation of individuals, families, and communities in the Bangsamoro Autonomous Region, especially those who have less in life and those who need social welfare interventions to restore their normal functioning and enable them to participate in community affairs.

Sec. 2. *Mandate.* - The Ministry of Social Services and Development shall provide a balanced and responsive approach to social welfare whereby the rights, needs, and interests of all citizens within its jurisdiction, with special focus on the marginalized and vulnerable sectors, including women, children, senior citizens, differently abled persons, indigenous cultural communities, internally displaced persons, and those similarly situated by analogy, are protected and

addressed at all times, especially during the existence of a crisis, whether natural or human-induced, that affects their well-being and their participation in community affairs.

To this end, the Ministry's objectives shall be to:

- a. Provide an integrated welfare package to its constituents, on the basis of their rights, needs, and interests, and coordinate the service facilities required from such ministries or agencies, governmental and non-governmental, or local government units, which can best provide them;
- b. Address any socially disabling or dehumanizing conditions of the marginalized sectors at the community level, in accordance with their faith and cultural practices;
- c. Care for, protect, and rehabilitate, differently abled persons, as well as those who are socially disadvantaged, for effective social functioning; and
- d. Formulate and advocate for the adoption of laws, policies and measures addressing social welfare concerns.

Sec. 3. Powers and Functions. - The Ministry of Social Services and Development shall have the following powers and functions:

- a. Formulate, develop and implement plans, programs and projects in the field of social welfare and development on the basis of both the rights and needs of the people;
- b. Adopt policies to ensure effective implementation of programs for public and private social welfare services;
- c. Promote, support and coordinate the establishment, expansion and maintenance of non-governmental social welfare facilities, projects and services;
- d. Establish, operate, maintain and otherwise support institutional facilities, projects and services for its constituents;
- e. Promote, build and strengthen people's organizations for a self-directing welfare system at the grassroots level;
- f. Promote, support and coordinate networks and facilities for the identification and delivery of appropriate interventions to its welfare constituents;
- g. Accredit institutions and organizations engaged in social welfare activities and provide consultative and information services to them;
- h. Undertake researches and studies on matters pertaining to the improvement of social welfare services and assistance in the region;
- i. Initiate, promote and maintain bilateral and multilateral linkages, for technical cooperation, in coordination with relevant national, regional, and local government agencies;
- j. Provide advisory services and develop and implement training standards and programs for its human resources, social workers and students, for career and staff development in social welfare activities;
- k. Disseminate information and publish technical bulletins on social welfare services;
- l. Deputize law enforcement agencies to assist in the implementation of laws, rules and regulations for the protection of the rights of the exploited, abused, and disadvantaged;
- m. Regulate fund drives, public solicitations and donations for charitable or welfare purposes;
- n. Set standards, accredit and monitor performance of all social welfare activities in both public and private sectors;
- o. Exercise functional and technical supervision over social workers in other government settings or agencies like courts, hospitals, schools and housing projects;

- p. Deputize local government units and other agencies of government as are necessary in providing disaster relief;
- q. Coordinate all activities pertaining to the implementation of programs and services for the marginalized sectors including women, children, senior citizens, differently-abled persons, indigenous cultural communities, internally displaced persons, and those similarly situated by analogy; and
- r. Perform such other functions as may be provided by law.

Sec. 4. *Organizational Structure.* - The Ministry of Social Services and Development shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Chapter 2 Ministry Proper

Sec. 5. *Office of the Minister* - The Office of the Minister shall be composed of the Minister, Deputy Minister and their immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister of Social Services and Development shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Social Services and Development;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. *Powers and Functions of the Deputy Minister.* - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and

- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. *The Bangsamoro Director-General.* - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. The Bangsamoro Director-General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 9. *Structure.* - The Ministry of Social Services and Development shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Division** - The Internal Audit Division shall be headed by a Division Chief.
- (3) **Information and Communications Division** - The Information and Communications shall be headed by a Division Chief.
- (4) **Planning Division** - The Planning Division shall be headed by a Division Chief.
- (5) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following: (a) Finance Management Support Service Division; (b) Administrative Management Services Division; and (c) Human Resource and Management Division.

Each division shall be headed by a Division Chief.

- (6) **Programs and Operations Services** - The Programs and Operations Services shall be headed by a Director II. It shall closely coordinate with the Provincial/City Social Welfare Offices in relation to the effective implementation, monitoring, and evaluation of the Ministry's programs. It shall also encourage the active participation of local government units, partner agencies, and civil service organizations.

Under the Programs and Operations Services are the following divisions: (a) Protective Services and Welfare Division; (b) Disaster Response and Management Division; and the (c) Specialized Programs Division.

Each division shall be headed by a Division Chief.

- (7) **Provincial and City Operations Office** - The Provincial and City Operations Office shall be headed by a Director II. It shall consist of the provincial social welfare offices in the different provinces, cities and geographical areas that are the constituent units of the Bangsamoro Autonomous Region.

It shall have direct supervision over the operations of the Provincial Social Welfare Offices of Sulu, Tawi-Tawi, Maguindanao, Lanao del Sur, and the geographical units of North Cotabato that are part of the region. It shall work closely with the City and Provincial Social Welfare and Development Offices of Basilan, Cotabato City and Marawi City, and may enter into Memoranda of Agreement with the local chief executives of the different local government units in order to implement programs in these areas.

Chapter 4 **Provincial/City/Municipal Social Welfare and Offices**

Sec. 10. *Provincial/City Social Welfare Offices.* - The Ministry shall maintain and operate Social Welfare Offices in each of the provinces/cities in the region, including the Special Geographic Area consisting of the 63 barangays. Each Social Welfare Office shall be headed by a Provincial or City Social Welfare and Development Officer who shall have administrative supervision within his/her area of operations and shall be accountable for the efficient and effective implementation of programs of the Ministry therein.

Sec. 11. *Powers, Functions, and Duties of the Provincial/City Social Welfare Offices.* - The Provincial/City Offices shall have the following functions:

- a. Oversee the administration of the Municipal Social Welfare Offices, consistent with the mandate of the ministry
- b. Formulate and coordinate the implementation of operational, field-level plans/programs of the Ministry;
- c. Provide specialized services and comprehensive assistance/reports to other offices, divisions/sections, or units of the Ministry whenever necessary;
- d. Establish effective coordination with other departments, agencies, or units, particularly local government units, within the province/city;
- e. Conduct continuing studies and planning to improve its operations and services;
- f. Provide timely reports to the Regional Office of the Ministry; and
- g. Perform other tasks as may be directed by the leadership of the Ministry.

Sec. 12. *Establishment and Operations of Welfare Facilities.* - The Ministry and its Provincial/City Social Welfare Offices, subject to the approval of the Minister, are authorized to establish, operate, and maintain the following:

- a. Vocational Rehabilitation and Special Learning Centers for Differently-Abled Persons;
- b. Senior Citizens Centers;
- c. Centers for Street Children;
- d. Crisis Intervention Facilities;
- e. Facilities for Survivors of Violence Against Women and Children (VAWC);
- f. Rehabilitation Centers for Children in Conflict with the Law;
- g. Reception and Study Centers for Children;
- h. Orphanage Institutions; and
- i. Such other facilities as may be necessary to assist the marginalized sectors in the region.

Sec. 13. *Authority of the Ministry Proper over Provincial/City Social Welfare Offices.* - Without prejudice to the possible devolution of powers pertaining to social welfare functions in favor

of local government units within the jurisdiction of the Bangsamoro Government, as may be deemed fit and necessary by the Bangsamoro Parliament in furtherance of the principle of local autonomy, the Ministry shall exercise control and supervision on all Social Welfare Offices referred to in the preceding sections.

Sec. 14. *Municipal Social Welfare Offices.* - The Ministry may establish, operate, and maintain Municipal Social Welfare Offices which shall be primarily responsible for the efficient and effective implementation of the Ministry's field programs in the municipalities concerned. The Municipal Social Welfare Offices shall be within the control and supervision of the corresponding Provincial Social Welfare Office operating therein, except in local government units where social welfare has been previously devolved.

Chapter 5 Fund Drives

Sec. 15. *Solicitation.* - Any person, corporation, organization, or association, operating within the jurisdiction of the Bangsamoro Autonomous Region, desiring to solicit or receive contributions for charitable or public welfare purposes shall first secure a permit from the Ministry. Upon the filing of a written application for a permit in the form prescribed by the Ministry, the Minister, in his/her discretion, may either issue a permanent or temporary permit or disapprove the application. The reason for the disapproval thereof shall be clearly stated in a letter to that effect in accordance with the mandate of Republic Act 11032, or the "*Ease of Doing Business Act*" or other similar legislation.

Moreover, in the interest of the public, the Minister may renew or revoke any permit issued, in accordance with the provisions of Act 4075, as amended by Presidential Decree 1564, or the "*Public Solicitation Law*" or such similar laws that may be enacted.

Sec. 16. *Exemption from Coverage.* - The following shall be exempt from application of solicitation permit:

- a. Organizations and agencies created by laws that specifically confer authority on these organizations and agencies to solicit or conduct fund campaign for charitable or public welfare purposes shall continue to be covered by their charters and shall not be required to acquire solicitation permit: *Provided*, That the Ministry shall have authority to monitor their activities and to require these organizations and agencies to submit reports pertaining to the conduct of the public solicitation and the utilization of funds solicited;
- b. Solicitations for religious purposes made within religious sanctuaries such as mosques and churches, and other structure regularly used for religious services or worship; and
- c. Solicitations for personal purposes that are strictly confined to relatives within the fourth degree of affinity or consanguinity and friends and associates.

Sec. 17. *Requirements.* - The Minister may require the person, corporation, organization or association duly authorized to solicit contributions for lawful purposes to submit from time to time a verified report or information regarding their activities, the period covered by the report, the collection and expenditures made and the names and addresses of the contributors and persons to whom assistance was rendered from the funds obtained. This report or information shall be opened for inspection of the general public. The Minister or his/her duly authorized representative may, for the protection of the public, likewise investigate the books, papers, affairs and activities of any such

person, corporation, organization, or association: *Provided, however,* That in times of disaster and pandemic that result in a huge humanitarian demand, the Ministry will exert reasonable efforts to simplify the implementation of the registration requirement for solicitation.

Sec. 18. *Collection of Fees.* - The Ministry shall charge fees for applications for the permits referred to in the preceding paragraphs. Said fees shall be remitted to the Bangsamoro Treasury.

Chapter 6

Social Welfare Agencies and Services

Sec. 19. *Social Welfare Services by Others.* - In furtherance of a participative, inclusive, and grassroots-based approach to social welfare assistance and interventions, the social welfare services by the Ministry shall be without prejudice to similar initiatives by any local government unit or private agency, institution, or group.

All services, offices, divisions/sections, or units of the Ministry shall actively promote and extend maximum assistance, including the provision of counterpart or supplementary funds and resources, upon approval by the Ministry, to such efforts.

Sec. 20. *Accreditation and Operation of Social Welfare Agencies.* - No social work agency shall operate and be accredited as such unless it is registered with the Ministry which shall issue the corresponding certificate of registration upon compliance with the following requirements:

- a. The applicant must be engaged mainly or generally in social work activity or social services;
- b. The applicant must have employed a sufficient number of duly qualified and registered social workers to supervise and take charge of its social service functions in accordance with accepted social work standards;
- c. The applicant must show, in a duly certified financial statement that at least sixty (60) percent of its funds are disbursed for direct social work services; and
- d. The applicant must keep social work record of all cases and welfare activities handled by it with utmost confidence in accordance with the relevant provisions of Republic Act 10173, or the "*Data Privacy Act,*" or similar laws that may hereafter be enacted.

A certificate of registration may be revoked if, after due investigation, the Ministry finds that the social work agency has failed to perform its functions or has violated existing laws, rules and regulations.

Sec. 21. *Child Welfare Agency.* - No person, natural or juridical, shall establish any child welfare agency without first securing a license from the Ministry. Such license shall not be transferable and shall be used only by the person or institution to which it was issued at the place stated therein. No license shall be granted unless the purpose or function of the agency is clearly defined and stated in writing. Such definition shall include the geographical area to be served, the children to be accepted for care, and the services to be provided.

If the applicant is a juridical person, it must be registered in accordance with Philippine laws.

The work of all registered and licensed child welfare agencies shall be supervised and coordinated by the Ministry.

The Ministry may, after notice and hearing, suspend or revoke the license of a child welfare agency on any of the following grounds:

- a. That the agency is being used for immoral purposes;
- b. That said agency is insolvent or is not in a financial position to support and maintain the children therein or to perform the functions for which it was granted;
- c. That the children therein are being neglected or are not properly cared for;
- d. That the place is unsanitary as to make it unsuitable for children;
- e. That said agency is located in a place or community where children are placed in danger or are vulnerable to various forms of insecurities, that would unduly expose the children to crimes, vices, acts of immorality, corruption, or severe cruelty; or
- f. That said agency has, by any act or omission, shown its unfitness to maintain and operate a child welfare agency. During the period of suspension, the agency concerned shall not accept or admit any additional children. In any case, the Ministry shall make such order as to the custody of the children under the care of such agency as the circumstances may warrant. The suspension may last for as long as the agency has not complied with any order of the Ministry to remedy the conditions which served as grounds for the suspension.

Sec. 22. Foster Homes. - No foster home, orphanage institutions, day care center and other substitute parental arrangement shall operate in the Bangsamoro Autonomous Region unless it is first registered with and licensed by the Ministry.

TITLE XIV TRADE, INVESTMENTS, AND TOURISM

Chapter 1 General Provisions

Sec. 1. Declaration of Policy. - The Bangsamoro Government recognizes the private sector as prime mover of trade, investments, and industry. To achieve social justice, it shall encourage and support the building of entrepreneurial capability in the Bangsamoro Autonomous Region and shall recognize, promote, protect, and support investments therein. It shall promote tourism as a major socio-economic activity respecting, upholding, and maintaining diverse cultural heritage and the moral and spiritual values of the people in the Bangsamoro Autonomous Region.

The Bangsamoro Government, through the Ministry of Trade, Investments, and Tourism shall promote an environment conducive to the development and growth of vibrant regional enterprises engaged in poverty reduction, economic, and social development pursuant to Section 27 Article XIII of the Bangsamoro Organic Law.

Sec. 2. Mandate. - The Ministry of Trade, Investments and Tourism (MTIT) is the primary government agency mandated to implement laws, programs and projects on trade, investments, and tourism. Towards this end, it shall promote and develop an industrialization program effectively controlled by inhabitants of the Bangsamoro Autonomous Region and shall act as catalyst for intensified private sector activity in order to accelerate and sustain economic growth through:

- (a) Comprehensive industrial growth strategy;
- (b) Progressive and socially responsible liberalization program; and
- (c) Policies designed for the expansion and diversification of trade.

Sec. 3. Powers and Functions. - The Ministry of Trade, Investments and Tourism shall have the following powers and functions:

- a. Formulate policies, plans, programs and projects for the development of the trade, investments, and tourism in the region;
- b. Coordinate with appropriate government agencies and institutions the implementation and enforcement of rules and regulations and other issuances or orders and/or decisions issued related to trade, investments, and tourism;
- c. Create and maintain a stable market and responsive investment policies that encourage and support private sector investments;
- d. Undertake investment promotion initiatives deemed crucial to the attainment of its investment goal and objective;
- e. Design an integrated marketing program to attract and encourage local and foreign investors and tourists to invest and visit the region;
- f. Formulate standards for the operation of tourism-oriented establishments within the minimum level acceptable to local and international norms;
- g. Promulgate rules and regulations governing the operations and activities of all persons, firms, entities and establishments that cater to tourists;
- h. Provide standards for accreditation of hotels, resorts and tourist-oriented facilities for classification purposes consistent with national laws;
- i. Develop programs to encourage private sector investment and participation in tourism activities and projects;
- j. Promote the protection, maintenance and preservation of historical, cultural and natural assets;
- k. Assist in the enforcement of all laws and regulations for the protection of tourists and other transients;
- l. Coordinate with appropriate government agencies the development of infrastructure requirements supporting a tourist zone such as, but not limited to, access roads to the zone, electric power brought to the proper line of the zone, airports, harbors, and other support facilities;
- m. Coordinate with concerned government agencies the provision of social infrastructure requirements supporting a tourist zone as educational facilities, health centers, social and recreational outlets and other necessary amenities for the social upliftment of the populace and preservation of ecological balance;
- n. Promote, develop, and regulate *Halal* Industry development, and accredit *Halal* certifying bodies and *Halal* auditors in the Bangsamoro Autonomous Region;
- o. Coordinate with the Ministry of Agriculture, Fisheries and Agrarian Reform, and other concerned agencies in the BARMM in the development and promotion of *Halal* industry;
- p. Coordinate/collaborate with the Ministry of the Interior and Local Government to facilitate an LGU-facilitated local economic development;
- q. Promote, develop, regulate and accredit repair and service enterprises in accordance with existing laws;
- r. Encourage and support the formation of Small and Medium Enterprise Development Council (SMEDC) within the BARMM as well as other trade, industry and consumer protection institutions and associations;

- s. Formulate and implement programs to strengthen industries adversely affected by economic crisis, particularly those that have a good probability of attaining financial viability;
- t. Formulate plans and programs that shall encourage projects which would affect the dispersal of industries to the rural areas, promote manufactured goods for export, and develop micro, small and medium-scale industries;
- u. Coordinate efforts in formulating long-term industry sectoral plans with the private sector;
- v. Promote domestic trade, marketing and distributions to ensure the rational, economical and steady flow of commodities from producing and/or marketing centers to areas where there is a shortage of supply;
- w. Propose, for the consideration of the Monetary Board, programs in the commercial banking sector for directing *Shari'ah*-compliant commercial lending facilities towards priority areas of commercial and industrial development, as well as coordinate government direct funding and financial guarantee programs to achieve trade and industry growth;
- x. Create, in coordination with related agencies of the Bangsamoro Government, a one-stop-shop Business Development Support Center to promote the growth of micro, small and medium-scale businesses and enterprises;
- y. Administratively adjudicate and impose reasonable fines and penalties for violation of existing trade, investments, tourism, and cooperative development laws; and
- z. Exercise such other powers and functions as necessary, proper, or incidental to the attainment of its mandate.

Sec. 4. *Organizational Structure.* - The Ministry of Trade, Investments, and Tourism shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

Sec. 5. *Attached Agencies.* - The following agency and board are attached to the Ministry: 1.) Bangsamoro Economic Zone Authority; and 2.) the Bangsamoro *Halal* Board.

Chapter 2 Ministry Proper

Sec. 6. *Office of the Minister.* - The Office of the Minister shall be composed of the Minister, Deputy Minister and their immediate staff.

Sec. 7. *Powers and Functions of the Minister.* - The Minister of Trade, Investments, and Tourism shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Trade, Investments, and Tourism;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;

- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 8. Powers and Functions of the Deputy Minister. - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 9. The Bangsamoro Director-General. - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. S/he shall be responsible for overseeing the administration, programs and strategic plan of the Ministry. The Bangsamoro Director General shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3 Structure of the Ministry

Sec. 10. Structure. - The Ministry of Trade, Investments, and Tourism shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Division** - The Legal and Legislative Liaison Division shall be headed by a Division Chief.
- (2) **Internal Audit Division** - The Internal Audit Division shall be headed by a Division Chief.
- (3) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following divisions: (a) Administrative Division; and (b) Finance Division.

Each division shall be headed by a Division Chief.

- (4) **Technical Services** - The Technical Services shall be headed by a Director II.

Under the Technical Services are the following: (a) Policy and Planning Division; (b) Policy Research, Development and Monitoring Division; and (c) Information and Communications Technology Division.

Each division shall be headed by a Division Chief.

Chapter 4 Bureaus

A. Bureau of Trade and Industry

Sec. 11. *Bureau of Trade and Industry.* - The Bureau of Trade and Industry shall be headed by a Director II, and shall have the following functions:

- a. Assist the Minister of Trade, Investments, and Tourism in the formulation and implementation of the Ministry's policies, plans and programs on Trade and Industry
- b. Assist the Minister in the supervision and administration of the trade and industry related programs and projects including the conduct of trade fairs/exhibits, business conferences/fora, and other investment promotions activities;
- c. Assist the Minister in the Implementation of the Fair Trade Laws, Price Act and related policies on consumer protection and business name registration;
- d. Coordinate with other bureaus and government agencies, local government units concerned and the private sector in discharging its duties and functions;
- e. Enlist the assistance and support of local government units and other regional/provincial line agencies in the implementation of the programs, projects and activities of the bureau; and
- f. Perform such other functions as may be provided by law.

Sec. 12. *Divisions under the Bureau of Trade and Industry.* - The Bureau of Trade and Industry shall be composed of the following divisions: (a) Trade Regulation and Consumer Protection Division; (b) Enterprise and Trade Development Division; and (c) Industry Development and Investment Promotion Division.

B. Bureau of Investments

Sec. 13. *Bureau of Investments.* - The Bureau of Investments shall be headed by a Director II, and shall have the following functions:

- a. Assist the Minister of Trade, Investments, and Tourism on matters relating to Investments, not otherwise exercised by the Bangsamoro Board of Investments;
- b. Assist in the formulation and implementation of Ministry policies, plans and programs on Investments;
- c. Coordinate with other bureaus and government agencies, local government units concerned and the private sector in discharging its duties and functions;
- d. Enlist the assistance and support of local government units and other regional/provincial line agencies in the implementation of the programs, projects and activities of the Bureau;

- e. Supervise enterprises duly registered with the Bangsamoro Government, including those enterprises previously registered with the Regional Board of Investments – ARMM;
- f. Assume promotion of investments within the Bangsamoro Autonomous Region consistent with the Investments Priorities Plan developed by the Bangsamoro Board of Investments under the Office of the Chief Minister; and
- g. Perform such other functions as may be provided by law.

Sec. 14. Divisions under the Bureau of Investments. - The Bureau of Investments shall be composed of the following divisions: (a) Technical and Regulatory Division; and (b) Research and Support Division.

C. Bureau of Tourism

Sec. 15. Bureau of Tourism. - The Bureau of Tourism shall be headed by a Director II and shall have the following functions:

- a. Assist the Minister of Trade, Investments, and Tourism in the formulation and implementation of the Ministry's policies, plans and programs on Tourism;
- b. Coordinate the implementation of operational, field-level plans/programs of the Bureau;
- c. Oversee the administration of the Tourism Marketing, and Tourism Product Development Service Offices of the Ministry, consistent with the mandate of the Ministry;
- d. Coordinate with concerned agencies and institutions, both government and private, the development of the regional tourism plans and policies;
- e. Enlist the assistance and support of local government units and other regional/provincial line agencies in the implementation of the programs and projects of the bureau;
- f. Provide support to all tourism-related activities of private sectors needing government assistance;
- g. Organize tourism partners and inter- island advocacy enhancement activities;
- h. Strengthening safety coordination network, putting in-place necessary tourism services, and development of institutional linkages and social assets; and
- i. Perform such other functions as may be provided by law.

Sec. 16. Divisions under the Bureau of Tourism. - The Bureau of Tourism shall be composed of the following divisions: (a) Product Development and Standards and Accreditation Division; and (b) Tourism Promotions and Marketing Division.

D. Bureau of Product Standards

Sec. 17. Bureau of Product Standards. - The Bureau of Product Standards shall be headed by a Director II, and shall have the following functions:

- a. Develop, promulgate, implement, and promote standardization activities in the Bangsamoro Autonomous Region, consistent with Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines or similar laws that may hereafter be enacted;
- b. Formulate a Bangsamoro Regional Product Standards (BRPS) or adopt the Philippine National Standards (PNS) or relevant international or foreign standards to help industries produce quality products or services, or raise productivity in the Bangsamoro Autonomous Region;

- c. Certify products for safety and quality in accordance with the BRPS or PNS and other conformity assessment schemes, as necessary;
- d. Operate a Testing Center in the Bangsamoro Autonomous Region to support its product certification scheme and conduct confirmatory tests for laboratories;
- e. Maintain a standards data center or a repository of standards and a website where a list of BRPS or PNS and certified products in the Bangsamoro Autonomous Region are published; and
- f. Disseminate information within the Bangsamoro Autonomous Region on standards developed and adopted to manufacturers, traders and other standards users.

Sec. 18. Divisions under the Bureau of Product Standards. - The Bureau of Product Standards shall be composed of the following divisions: (a) Standards Development and Conformity Division; and (b) Product Testing Division.

Chapter 5 Field Offices

Sec. 19. Provincial Offices. - Seven (7) Field Offices shall be established in the strategic areas covered by the Bangsamoro Autonomous Region, namely: (a) Maguindanao; (b) Cotabato City; (c) Lanao Del Sur and Marawi City; (d) Special Geographic Area; (e) Basilan and Lamitan City; (f) Sulu; and (g) Tawi-Tawi.

Each shall be headed by a Provincial Director with a rank equivalent to a Director II, with support staff.

Sec. 20. Powers and Functions. - MTIT Field Offices shall perform the following functions:

- a. Implement laws, policies, plans, programs, rules and regulations of the Ministry in their respective area of jurisdiction;
- b. Provide economical, efficient and effective service to the people;
- c. Coordinate with the provincial/city offices of other Ministries, bureaus, agencies, and local government units in discharging its duties and functions;
- d. Coordinate and enlist the assistance and support of local government units, other BARMM provincial line agencies, and private sectors the implementation of operational field-level plans/programs of the Ministry;
- e. Monitor business establishments on the compliance with the regulation standards implemented by the MTIT; and
- f. Perform such other functions as maybe set by the MTIT regional office or as provided by law.

Sec. 21. Authority of Ministry Proper over Field Offices. - The Office of the Minister shall exercise supervision and control over the Provincial/City Offices. It shall be responsible for the field operations of the Ministry, ensuring full compliance with policies, rigorous implementation of rules and regulations, and proper implementation of plans and programs by the Field Offices in their respective jurisdictions.

Chapter 6 The Bangsamoro Economic Zone Authority

Sec. 22. Declaration of Policy. - It is hereby declared the policy of the Bangsamoro Government to actively encourage, promote and accelerate a sound and balanced industrial, economic and social development of the Bangsamoro Autonomous Region in order to provide jobs to people, increase productivity and income, and improve the quality of living condition through the establishment of special economic zones and free ports in suitable and strategic locations in the Bangsamoro and through measures that shall effectively attract legitimate and productive foreign investments.

It is likewise the policy of the Bangsamoro Government to enhance regional economic cooperation as a means of bolstering the Bangsamoro's own industrial development, and to establish facilities with such cooperation can materialize.

Sec. 23. The Bangsamoro Economic Zone Authority (BEZA) Board. - There is hereby created a body corporate to be known as the Bangsamoro Economic Zone Authority attached to the Ministry of Trade, Investment and Tourism.

The Board shall have an Executive Director with the rank of Director II, who shall be appointed by the Chief Minister, to serve for a term of four (4) years, unless sooner removed for cause, with provision for reappointment. In case of removal for cause, the replacement shall serve only the unexpired portion of the term. The Executive Director shall be of proven probity and integrity, and a degree holder in any of the following fields: economics, business, public administration, law, accounting, management or their equivalent, and with at least five (5) years relevant work experience, preferably in the field of financial and legal management or public administration and with civil service eligibility, or its equivalent (R.A.1080).

The Board shall be composed of eight (8) members as follows:

1. Minister of Trade, Investment, and Tourism (MTIT) as Chairperson;
2. Executive Director II of BEZA as Vice-Chairperson;
3. Minister of Labor and Employment (MOLE);
4. Minister of Environment, Natural Resources, and Energy (MENRE);
5. Minister of Agriculture, Fisheries and Agrarian Reform (MAFAR);
6. Minister of Public Works (MPW);
7. Minister of Transportation and Communications (MOTC);
8. Minister of Finance, and Budget and Management; and
9. Director-General of the Bangsamoro Planning and Development Authority

In case of the unavailability of the Minister of Trade, Investment and Tourism MTIT to attend a particular board meeting, the Executive Director II of the BEZA shall act as Chairman.

Members of the Board shall receive a *per diem* of not less than the amount equivalent to the representation and transportation allowances of the members of the Board and/or as maybe determined by the Ministry of Finance, and Budget and Management: *Provided, however*, That the per diem collected per month does not exceed the equivalent of four (4) meetings.

Sec. 24. *Functions and Powers of the BEZA Board.* - The BEZA Board shall exclusively be a policy making body and shall not interfere in the day-to-day or administrative operations of the BEZA or in the formulation and enforcement of regulations implementing its policies, which operations and regulations are the primary responsibility of the Executive Director.

The BEZA Board shall have the following functions and powers:

- a. Set the general policies on the establishment and operations of the ECOZONES, industrial estates, export processing zones, free trade zones, and the like;
- b. Review proposals for the establishment of ECOZONES based on the set criteria under Section 25 below and endorse to the Chief Minister the establishment of the ECOZONES, industrial estates, export processing zones, free trade zones and the like. Thereafter, it shall facilitate and assist in the organization of said entities;
- c. Regulate and undertake the establishment, operation and maintenance of ports, airfields, utilities, other services and infrastructure in the ECOZONE, such as heat, light and power, water supply, telecommunication, transport, print and media facilities, toll roads and bridges, port services, and to fix just, reasonable and competitive rates, charges and fees therefor;
- d. Approve the annual budget of the BEZA and the ECOZONE development plans, with concurrence of the Chief Minister, which budget shall be appropriated by the Bangsamoro Parliament. In case of delay in the approval of the annual budget of the BEZA, it may operate on the basis of the budget of the preceding year until such time as the annual budget is approved;
- e. Issue rules and regulations to implement the relevant provisions of this Code in so far as its power and functions are concerned;
- f. Exercise its powers and functions as provided for in this Code; and
- g. Render annual reports to the Chief Minister and the Bangsamoro Parliament.

Sec. 25. *General Powers and Functions of the Authority.* - The BEZA shall have the following powers and functions as exercised through its agents and the Executive Director:

- a. To operate, administer, manage and develop the ECOZONE according to the principles and provisions set forth in this Code;
- b. To register, regulate and supervise the enterprises in the ECOZONE in an efficient and decentralized manner;
- c. To coordinate with local government units and exercise general supervision over the development, plans, activities and operations of the ECOZONES, industrial estates, export processing zones, free trade zones, and the like;
- d. In coordination with the local government units concerned and appropriate agencies, to construct, acquire, own, lease, operate and maintain on its own or through contract, franchise, license, bulk purchase from the private sector and build-operate-transfer scheme or joint venture, adequate facilities and infrastructure, such as light and power systems, water supply and distribution systems, telecommunication and transportation, print and media facilities, buildings, structures, warehouses, roads, bridges, ports and other facilities for the operation and development of the ECOZONE, including shipping and related business, stevedoring and port terminal services or concessions, incidental thereto and airport operations in coordination with the Civil Aeronautics Board, and fix just and reasonable rates, fares, charges and other prices therefore;

- e. To create, operate and/or contract to operate such agencies and functional units or offices of the authority as it may deem necessary;
- f. To adopt, alter, and use a corporate seal; make contracts, lease, own or otherwise dispose of personal or real property; sue and be sued; and otherwise carry out its duties and functions as provided for in this Code;
- g. To coordinate the formulation and preparation of the development plans of the different entities mentioned above;
- h. To coordinate with the Bangsamoro Planning and Development Authority (BPDA), the Ministry of Trade, Investments, and Tourism and the local government units and appropriate government agencies for policy and program formulation and implementation;
- i. To monitor and evaluate the development and requirements of entities in subsection (a) and recommend to the local government units or other appropriate authorities the location, incentives, basic services, utilities and infrastructure required or to be made available for said entities; and
- j. Within the limitation provided by law, to raise and/or borrow the necessary funds from local and international financial institutions and to issue bonds, promissory notes and other securities for that purpose and to secure the same guarantee, pledge, mortgage, deed of trust, or assignment of its properties held by the BEZA for the purpose of financing its projects and programs within the framework and limitations of this Code.

Sec. 26. *Creation of Economic Zones, Industrial Estates, and Free Ports.* - The power to create Economic Zone, Industrial Estates and Free Ports is vested with the Bangsamoro Parliament based on the evaluation and recommendation of the Bangsamoro Economic Zone Authority and the Bangsamoro Planning and Development Authority's feasibility and engineering study, which preferably conform to the following criteria:

1. Identification of the proposed area in the Bangsamoro Development Plan as a regional growth center;
2. The existence of required infrastructure in the proposed ecozone, such as roads, railways, telephones, ports, airports, and the suitability and capacity of the proposed site to absorb such improvements;
3. The availability of water source and electric power supply for use of the ecozone;
4. The extent of vacant lands available for industrial and commercial development and future expansion of the ecozone as well as lands adjacent to the ecozone available for development of residential areas for the ecozone workers;
5. The availability of skilled, semi-skilled and non-skilled trainable labor force in and around the ecozone;
6. Significant incremental advantage of the area over the existing economic zones and its potential profitability can be established;
7. Strategic location of the area; and
8. Situation of the area allows controls to be easily established to curtail smuggling activities.

Sec. 27. *Powers and Functions of the Executive Director.* - The Executive Director shall be the overall coordinator of the policies, plans and programs of the ECOZONES. As such, s/he shall provide overall supervision over and general direction to the development and operations of these ECOZONES. S/he shall determine the structure and the staffing pattern and personnel complement of the BEZA and establish provincial offices, when necessary, subject to the approval of the BEZA Board.

In addition, s/he shall have the following specific powers and responsibilities:

- a. Safeguard all the lands, buildings, records, monies, credits and other properties and rights of the ECOZONES;
- b. Ensure that all revenues of the ECOZONE are collected and applied in accordance with its budget;
- c. Ensure that the investors/firms, industrial estates and employees of the ECOZONES are properly discharging their respective duties;
- d. Give such information and recommend such measures to the Board, as s/he shall deem advantageous to the ECOZONE;
- e. Submit to the Board, the ongoing and proposed projects, work and financial program, annual budget of receipts, and expenditures of the ECOZONE;
- f. Represent the ECOZONE in all its business matters and sign on its behalf after approval of the Board, all its bonds, borrowings, contracts, agreements and obligations made in accordance with this Code;
- g. Acquire jurisdiction, as s/he may deem proper, over the protests, complaints, and claims of the residents and enterprises in the ECOZONE concerning administrative matters;
- h. Recommend to the Board the grant, approval, refusal, amendment or termination of the ECOZONE franchises, licenses, permits, contracts, and agreements in accordance with the policies set by the board;
- i. Require owners of houses, buildings or other structures constructed without the necessary permit whether constructed on public or private lands, to remove or demolish such houses, buildings, structures within sixty (60) days after notice and upon failure of such owner to remove or demolish such house, building or structure within said period, the executive director or his authorized representative may summarily cause its removal or demolition at the expense of the owner, any existing law, decree, executive order and other issuances or part thereof to the contrary notwithstanding;
- j. Take such emergency measures as may be necessary to avoid fires, floods and mitigate the effects of storms and other natural or public calamities;
- k. Accept any local or foreign investment, business or enterprise in the ECOZONE, subject only to such rules and regulations to be promulgated by the BEZA without prejudice to the nationalization requirements provided for in the Constitution;
- l. Prepare and make out plans for the physical and economic development of the ECOZONE, including zoning and land subdivision, issue such rules and regulations which shall be submitted to the Board for its approval; and
- m. Perform such other duties and exercises such powers as may be prescribed by the Board, and to implement the policies, rules and regulations set by the BEZA.

Sec. 28. Administration of each ECOZONE. - Except for privately-owned, managed or operated ECOZONES, each ECOZONE shall be organized, administered, managed by the ECOZONE Executive Committee composed of the following:

- a. The Executive Director of the BEZA or any of his/her representatives;
- b. The Administrator who shall be appointed by the BEZA Board upon recommendation of the Executive Director, and who shall be responsible for the day to day operations of the ECOZONE; and

- c. One (1) Deputy Administrator to be appointed by the Board upon recommendation of the Executive Director.

The Administrator and the Deputy Administrator shall be of proven probity and integrity, and a degree holder in any of the following fields: economics, business, public administration, law, accounting, management, engineering or their equivalent, with at least four (4) years relevant working experience and with civil service eligibility. The residents of the area where the ECOZONE is located with graduate level degrees, such as Masters in Public Administration, or professional board passers shall be given priority in hiring.

Sec. 29. *ECOZONE Advisory Council.* - An ECOZONE advisory body shall be created with the following members:

- a. The President of the association of investors in the ECOZONE;
- b. The Governor of the Province where the ECOZONE is located, who shall be the Chairperson of the body;
- c. The Mayor/s of the municipality/ies or city/ies where the ECOZONE is located;
- d. The representatives of the business sector in the periphery of the ECOZONE; and
- e. Representatives of the BEZA.

Sec. 30. *Functions.* - The ECOZONE Advisory Council shall have the following functions:

- a. Advise the ECOZONE management on matters pertaining to policy initiatives; and
- b. Assist the ECOZONE management in settling problems arising between labor and any enterprise in the ECOZONE.

Privately-owned ECOZONES shall retain autonomy and independence but shall be monitored by the BEZA for the implementation of incentives and operations for adherence to the law.

Sec. 31. *Personnel.* - The BEZA Board of Directors shall provide for an organization and staff of officers and employees of the BEZA, and upon recommendation of the Executive Director, appoint and fix the remunerations and other emoluments: *Provided*, That the Board shall have exclusive and final authority to promote, transfer, assign and reassign officers of the BEZA, any provision of existing law to the contrary notwithstanding.

Sec. 32. *Investigation and Inquiries.* - Upon a written formal complaint made under oath, which on its face provides reasonable basis to believe that some anomaly or irregularity might have been committed, the BEZA or the Administrator of the ECOZONE concerned, shall have the power to inquire into the conduct of firms or employees of the ECOZONE and to conduct investigations, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidences: *Provided*, That to arrive at the truth, the investigator (s) may grant immunity from prosecution to any person whose testimony or whose possessions of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by him or under the authority of the BEZA or the administrator of the ECOZONE concerned.

Chapter 7

Bangsamoro *Halal* Board

Sec. 33. *Creation and Mandate.* - There is hereby created a Bangsamoro *Halal* Board which shall be the policy-making body of the Bangsamoro Government on *Halal* Industry Development and shall set the overall direction for the implementation of the Bangsamoro *Halal* Industry Development and Promotion Program. It shall be attached to the Ministry of Trade, Investments, and Industry.

In the performance of its mandate, the Bangsamoro *Halal* Board shall institutionalize the involvement of concerned Bangsamoro government and non-government organizations, through membership in consultative or advisory bodies, coordination of activities with government agencies with *Halal* Industry Development, and participation in regular consultative mechanisms such as public hearings and roundtable discussions.

Sec. 34. *Powers and Functions.* - The Board shall have the following powers and functions:

- a. Grant or deny applications for issuance of certificates of accreditation of *halal* standards;
- b. Formulate, advocate, coordinate, oversee and assess the implementation of the Bangsamoro *Halal* Development and Promotion Program;
- c. Coordinate with existing government regulatory agencies on matters of *halal* standard setting, including the application thereof on products, processes and services;
- d. Promulgate policies and guidelines as necessary or proper for the accomplishment of these objectives, including the Bangsamoro *Halal* Board's operation;
- e. Create technical panels, working groups, or task forces that will assist the Board in the performance of its functions;
- f. Investigate and make recommendations on complaints, controversies, or disputes arising out of the implementation or enforcement of standards, guidelines, rules and procedures adopted to promote and develop *Halal* industries, the export of *Halal* products and the provision of *Halal* processes and services, within the Bangsamoro Autonomous Region;
- g. Request the assistance and cooperation of any ministry, bureau, office, agency or instrumentality of the Bangsamoro Government, or private entities and organizations in the implementation of its functions and the attainment of the objectives hereof, including the carrying out of recommendations as a result of investigations and studies made pursuant to paragraphs (d) and (e) hereof; and
- h. Perform such other powers and functions as may be prescribed by law, or may be necessary, incidental, or proper to its mandate.

Sec. 35. *Composition of the Bangsamoro Halal Board.* - The Board shall be composed of:

- a. The Minister of Trade, Investments, and Tourism as Chairperson;
- b. The Minister of Agriculture, Fisheries, and Agrarian Reform as Vice Chairperson;
- c. The Minister of Science and Technology;
- d. The Minister of Health;
- e. The Minister of Labor and Employment;
- f. The Minister of Transportation and Communications;
- g. The *Mufti* of the Bangsamoro *Darul-Ifta'*;
- h. A representative from the Mindanao State University System; and

- i. Two (2) Bangsamoro professionals from the academe, law, industry, or food science who have experience in *halal* industry development, to be appointed by the Chief Minister from at least four (4) nominees recommended by Bangsamoro civil society organizations.

The two (2) Bangsamoro professionals shall serve for a term of three (3) years, and may be reappointed once.

The *ex officio* members of the Bangsamoro *Halal* Board may designate their respective alternates who shall be at least Bureau Director in rank and their acts shall be considered the acts of their principals.

Sec. 36. *Secretariat of the Bangsamoro Halal Board.* - The Minister of Trade, Investments, and Tourism, as Chairperson of the Bangsamoro *Halal* Board, shall establish an inter-agency secretariat from the different bureaus of the MTIT concerned with *halal* production, promotion and export development, the MAFAR and the MOST.

The Ministers of MAFAR and MOST shall assign technical staff of their ministries as staff of the Secretariat. Other member agencies shall provide additional staff support upon the determination of the necessity by the Chairperson and conformity of the Bangsamoro *Halal* Board.

Chapter 8

Bangsamoro Barter Trade Council

Sec. 37. *Creation and Mandate.* - The Bangsamoro Barter Trade Council (BBTC) is hereby created with the mandate to accredit, regulate, supervise, coordinate and harmonize all policies, operations, programs and activities of barter trade in the Bangsamoro Autonomous Region.

Sec. 38. *Functions of the BBTC.* - The BBTC shall have the following powers and functions:

- a. Create an environment conducive to barter and counter trade development and growth in the Bangsamoro Autonomous Region, BIMP-EAGA and ASEAN, facilitating, among others, the participation of small enterprises and entrepreneurs in barter trade;
- b. Issue rules and regulations on the registration or accreditation of traders qualified to engage in traditional barter trade within the Barter Ports to be established, including imposition of reasonable registration fees and facilitation of all documentary requirements necessary to avail of the zero-tariff benefits under the ASEAN Free Trade Agreement and the ASEAN Trade in Goods Agreement;
- c. Issue comprehensive guidelines governing barter trade, including but not limited to a mechanism for assessment of barter goods, a provision on allowable barter goods, and measures to prevent smuggling and circumvention of customs laws, rules and regulations;
- d. Exercise regulatory powers over the operation of the barter trade in the Bangsamoro Autonomous Region;
- e. Review existing policies, rules and regulations of government agencies affecting barter trade and submit recommendations to the Chief Minister and the Parliament;
- f. Call or invite representatives from among the different ethno-linguistic groups in the Bangsamoro Region to participate in its proceedings;

- g. Coordinate with other appropriate government agencies/institutions in the performance of its mandate such as Coast Guard, Bureau of Customs, Bureau of Immigrations and Deportation, Department of Foreign Affairs, Bureau of Quarantine, the Armed Forces of the Philippines, and the Philippine National Police; and
- h. Perform such other function as may be assigned by law or by the higher authorities.

Sec. 39. *Composition.* - The BBTC shall be composed of the Minister of Trade, Investments, and Tourism, as Chairperson; the Ministers of Finance, and Budget and Management and of the Agriculture, Fisheries and Agrarian Reform as Vice-Chairpersons; the Minister of the Interior and Local Government; the Director-General of the Bangsamoro Planning the Development Authority; the Executive Director of the Bangsamoro Economic Zone Authority; the Director I (General Manager) of the Bangsamoro Ports Management Authority; and the Director I of the MARINA-BARMM.

Sec. 40. *Secretariat.* - The MTIT shall provide technical, administrative and secretariat support to the BBTC in the exercise of its functions.

Sec. 41. *Allowable Barter Goods.* - Goods traded under the barter trade system shall enter the Bangsamoro territory only through the Barter Ports established for the purpose.

Qualified traders of allowable barter trade goods shall import or export their goods only after securing the required goods declaration or export declaration, clearances, licenses and other requirements prescribed under existing laws. In case of importation, the release of goods from customs custody shall be subject to the submission of requirements under relevant laws, rules and regulations.

TITLE XV TRANSPORTATION AND COMMUNICATIONS

Chapter 1 General Provisions

Sec. 1. *Declaration of Policy.* - The Bangsamoro Government is committed to the promotion, maintenance, and expansion of viable, efficient, fast, safe, and dependable transportation and communications systems as effective instruments for regional development and economic progress. It shall not compete as a matter of policy with private enterprise and shall operate transportation and communications facilities only in those areas where private initiatives are inadequate or non-existent.

Sec. 2. *Mandate.* - The Ministry of Transportation and Communications (MOTC) shall be the primary policy, planning, programming, coordinating, implementing, regulating, and administrative entity of the Bangsamoro Government in the promotion, development, and regulation of dependable and coordinated networks of transportation and communications systems, as well as fast, safe, efficient and reliable transportation and communications services.

Sec. 3. *Powers and Functions.* - The Ministry of Transportation and Communications has the following powers and functions:

- a. Administer and enforce all transportation and communications laws, rules, and regulations within its jurisdiction and deputize appropriate law enforcement agencies for the purpose;
- b. Formulate and recommend regional policies and guidelines on matters relative to transportation and communications;
- c. Grant regional franchises, licenses, and permits to and exercise quasi-judicial powers over land, sea, and air transportation plying routes within the Bangsamoro Autonomous Region;
- d. Register land, sea, and air transportation operating exclusively within the Bangsamoro Autonomous Region;
- e. Manage navigation in inland waterways within the Bangsamoro Autonomous Region;
- f. Manage or supervise the landside operation of ports and airports in the Bangsamoro Autonomous Region, except those in economic zones;
- g. Grant regional franchises, licenses, and permits to telecommunication utilities, including radio and television broadcasting companies, whose frequencies are confined to and whose main offices are located within the Bangsamoro Autonomous Region;
- h. Issue certificates of public convenience and necessity, special permits, and provisional authority to operate telecommunication companies in the Bangsamoro Autonomous Region;
- i. Register telecommunication companies in the Bangsamoro Autonomous Region and exercise quasi-judicial powers over their operation;
- j. Register cargo forwarding, courier, and transport ticket sales services in the Bangsamoro Autonomous Region;
- k. Monitor the operation of the postal services in the Bangsamoro Autonomous Region and recommend measures for its improvement;
- l. Generate revenues and shares from the operations of public transportation and communication utilities and determine or prescribe the pertinent rates or charges, including penalties, except those already fixed by other bodies in accordance with law;
- m. Impose duties and fees on vessels registered with the Ministry and on wharves constructed and maintained by the Bangsamoro Government;
- n. Ensure, with the National Government, the free movement of vessels, goods, and people in Zones of Joint Cooperation and the interconnectivity of the islands and mainland areas comprising the Bangsamoro Autonomous Region;
- o. Exercise all other functions devolved to it by the National Government; and
- p. Perform such other functions as may be provided by law or higher authorities.

Sec. 4. *Organizational Structure.* - The Ministry of Transportation and Communications shall consist of the Ministry Proper, Ministry Services and Offices, and such other appropriate divisions or units as may be necessary.

The sectoral offices shall be the: (1) Bangsamoro Telecommunications Commission; (2) Bangsamoro Land Transportation Office; (3) Bangsamoro Land Transportation Franchising and Regulatory Board; (4) Bangsamoro Ports Management Authority; (5) Bangsamoro Maritime Industry Authority; (6) Civil Aviation Authority of the Bangsamoro; (7) Civil Aeronautics Board of the Bangsamoro; and (8) other sectoral offices with specialization in the area of transportation or communications that may be created by law. Each of these sectoral offices shall be headed by a Director I.

Chapter 2

Ministry Proper

Sec. 5. *Office of the Minister.* - The Office of the Minister of Transportation and Communications consists of the Minister, the Deputy Minister, and the immediate staff.

Sec. 6. *Powers and Functions of the Minister.* - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to Transportation and Communications;
- b. Administer the Ministry in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of Ministry's programs, projects, and activities;
- d. Establish policies and standards for the operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Ministry as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the Minister's direction in accordance with this Code; and
- k. Perform such other functions as may be provided by law.

Sec. 7. *Powers and Functions of the Deputy Minister.* - The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the Ministry;
- b. Recommend policies for operations and program developments in the Ministry; and
- c. Perform such other functions as may be delegated by the Minister.

Sec. 8. *The Bangsamoro Director-General.* - The Bangsamoro Director-General shall be the highest career official of the Ministry, with appropriate eligibility. The Office of the Bangsamoro Director-General shall be responsible for overseeing the administration, programs and strategic plan of the ministry. S/he shall be the direct supervisor of the Service Directors of the Ministry.

Chapter 3

Structure of the Ministry

Sec. 9. *Structure.* - The Ministry of Transportation and Communications shall be supported by Services, Bureaus, Division, Sections, and Units, such as but not limited to:

- (1) **Legal and Legislative Liaison Services** - The Legal and Legislative Liaison Services shall be headed by a Director II.

Under the Legal and Legislative Liaison Services are the following: (a) Legislative and Investigation Division; and (b) Adjudication and Enforcement Division.

Each division shall be headed by a Division Chief.

- (2) **Internal Audit Section** - The Internal Audit Section shall be headed by a Section Head.

- (3) **Information and Communications Division** - The Information and Communications shall be headed by a Division Chief.

- (4) **Administrative and Finance Services** - The Administrative and Finance Services shall be headed by a Director II.

Under the Administrative and Finance Services are the following: (a) Administrative Division; (b) Finance Division; and (c) Procurement Division.

Each division shall be headed by a Division Chief.

- (5) **Technical Services** - The Technical Services shall be headed by a Director II.

Under the Technical Services are the following: (a) Planning, Monitoring and Research Division; and (b) Engineering Division.

Each division shall be headed by a Division Chief.

Sec. 10. *Land Transportation Services.* - The Land Transportation Services, headed by a Director II shall assist the Minister in the coordination of the programs, projects, activities, strategic communication, and capacity-building of the Bangsamoro Land Transportation Office (BLTO) and the Bangsamoro Land Transportation Franchising and Regulatory Board (BLTFRB).

Sec. 11. *Water Transportation Services.* - The Water Transportation Services, headed by a Director II shall assist the Minister in the coordination of the programs, projects, activities, strategic communication, and capacity-building of the Bangsamoro Maritime Industry Authority (BMARINA) and Bangsamoro Ports Management Authority (BPMA).

Sec. 12. *Air Transportation Services.* - The Air Transportation Services, headed by a Director II shall assist the Minister in the coordination of the programs, projects, activities, strategic communication, and capacity-building of the Civil Aeronautics Board of the Bangsamoro (CABB) and Civil Aviation Authority of the Bangsamoro (CAAB).

Chapter 4 Sectoral Offices

Sec. 13. *Bangsamoro Land Transportation Office.* - Without prejudice to the transfer of powers and functions from its national counterpart, the Bangsamoro Land Transportation Office

(BLTO) shall have the following powers and functions in its area of jurisdiction, in accordance with law:

- a. Issue driver's license or permit and conductor's license;
- b. Register motor vehicles, including motorcycles and motorized tricycles;
- c. Enforce all land transportation and traffic laws, rules, and regulations and impose fines and penalties as warranted;
- d. Accredite driving schools and motor vehicle manufacturers, assemblers, importers, and dealers;
- e. Issue rules and regulations consistent with existing transportation and other relevant laws to govern traffic and land transportation;
- f. Fix and collect reasonable fees and charges for its services; and
- g. Perform such related functions as may be provided by law or higher authorities.

Sec. 14. *BLTO Organizational Structure.* - The BLTO shall have three (3) divisions: (1) The Operations Division, under which shall be the BLTO District Offices which shall handle licensing and registration, and the Accreditation Unit based in the BLTO Main Office which shall handle the accreditation of driving schools and manufacturers, assemblers, importers, and dealers; (2) The Law Enforcement Division, based in the BLTO Main Office, which shall handle field enforcement, investigation and adjudication of cases, intelligence gathering, traffic safety, and road safety; and (3) The Management Information Division which shall manage and integrate licensing, registration, accreditation, intelligence, accident, and violation records.

The BLTO shall be headed by a Director I. Each of the three divisions shall be headed by a Division Chief.

The size and staffing of the BLTO District Offices shall be determined based on the number of licensing and registration applicants at ratios to be reviewed and endorsed by the Minister every three (3) years for the approval of the Cabinet.

Sec. 15. *Bangsamoro Land Transportation Franchising and Regulatory Board (BLTFRB).*
- Without prejudice to the transfer of powers and functions from its national counterpart, the Board shall have the following powers and functions:

- a. Prescribe and regulate routes and areas of operation of public land transportation services within the Bangsamoro Autonomous Region through franchises or provisional permits;
- b. Promulgate rules and regulations, including standards and safety requirements, for land transportation utilities operating in the Bangsamoro Autonomous Region, consistent with existing laws and national policies;
- c. Determine reasonable fares, rates, and other related charges relative to the operation of public land transportation services within the Bangsamoro Autonomous Region;
- d. Exercise quasi-judicial functions, including the conduct of hearings and the issuance of subpoena and subpoena *duces tecum*, in the enforcement of public service laws on land transportation and BLTFRB rules and regulations and impose lawful fines and penalties after due process;
- e. Fix and collect reasonable fees and charges for its services; and
- f. Perform such related functions as may be provided by law or higher authorities.

Sec. 16. *BLTFRB Organizational Structure.* - The Bangsamoro Land Transportation Franchising and Regulatory Board shall be composed of the Board and its Executive Office, the latter to be headed by a Director I. The Board shall be composed of the Minister of Transportation and Communications as Chairperson, the head of the Executive Office, and a representative from the organized transport sector who shall be appointed by the Chief Minister under co-terminous status.

Sec. 17. *Appeal from Board Decisions.* - A party with standing may appeal to the Chief Minister any decision, order, or resolution of the BLTFRB within thirty (30) days from receipt thereof. Even without an appeal, the Chief Minister may review any Board decision before it becomes final.

Sec. 18. *The Executive Office of the Board.* - The Executive Office of the Board shall be composed of two (2) divisions: (1) The Franchising and Regulatory Division which shall receive, conduct due diligence, and process franchise applications for Board approval and implement BLTFRB rules and regulations related to franchising; and (2) The Management Information Division which shall provide the Board the data needed to determine routes, standards and safety requirements, fares and related charges, and BLTFRB service fees. For the purpose of receiving franchise applications and conducting due diligence on uncontested routes, the Franchising and Regulatory Division may set up District Desks.

The Executive Office of the Board shall be headed by a Director I and each of the two divisions shall be headed by a Division Chief. The Board shall have a Secretariat from the Office of the Director I.

Sec. 19. *The Civil Aviation Authority of the Bangsamoro (CAAB).* - Without prejudice to the transfer of powers and functions from its national counterpart, the Civil Aviation Authority of the Bangsamoro (CAAB) shall have the following powers and functions:

- a. Manage, supervise, and control government airports within the Bangsamoro Autonomous Region, except the airside at such airports, where aircraft are controlled and navigational aids and facilities are located, which shall remain under the control and supervision of the National Government;
- b. Upon close consultation with the Civil Aviation Authority of the Philippines (CAAP), promulgate rules and regulations to promote safety and security in civil aviation in the Bangsamoro Autonomous Region, which shall be consistent with existing laws and international regulations and standards;
- c. Fix and collect reasonable fees and charges for the use of the airports and related facilities under its control and supervision, as well as for its services;
- d. Recommend to the CAAP the designation and establishment of airways between airports within and outside the Bangsamoro Autonomous Region;
- e. Monitor private airport operations within the Bangsamoro Autonomous Region and extend technical assistance, upon request;
- f. Maintain and operate aircrafts owned by the Bangsamoro Government;
- g. Design, construct, maintain, and repair airports in the Bangsamoro Autonomous Region in accordance with national standards set by the CAAP;
- h. Enforce RA 776 and other air transportation laws, rules, and regulations and, upon observance of due process, impose penalties for violations thereof; provided that, on appeal, the President of the Philippines shall cause the CAAP to review the findings and conclusions of the CAAB and to make recommendations relative thereto; and

- i. Perform such functions related to civil aviation as may be provided by law or higher authorities.

Sec. 20. CAAB Organizational Structure. - The CAAB shall be composed of the following: (a) the Office of the Director; (b) the Airport Development Division which shall study and recommend airways, plan and implement airports development, and monitor private airport operations; and (c) the Airport Teams.

Each Airport Team shall be headed by an Airport Manager and shall have three (3) units: (1) The Airport Management Unit, which shall manage the landside operations of the airport; (2) The Security and Intelligence Unit, which shall be responsible for the security of the landside area of the airport and intelligence networking to avert threats to airport security; and (3) The Aerodrome Area Unit, which shall be responsible for compiling and analyzing airport statistics, awarding contracts for concessions in airports, and repairing, maintaining, and developing airport facilities. The size and staffing of an Airport Team shall be determined by the Minister of Transportation and Communications based on the volume of passengers and cargoes and the number of flights in the airport upon approval of the Cabinet.

For the purpose of coordinating and consolidating intelligence gathering, there shall be an Intelligence Officer in the Office of the CAAB Director in addition to the immediate support staff. Similarly, there shall be a Management Information Officer for consolidating and analyzing statistics on passengers, cargo, and aircraft movement.

An Aircraft Management Division may be added to the CAAB organizational structure by the Cabinet upon acquisition of aircraft by the Bangsamoro Government.

Sec. 21. The Civil Aeronautics Board of the Bangsamoro (CABB). - Without prejudice to the transfer of powers and functions from its national counterpart, the Civil Aeronautics Board of the Bangsamoro (CABB) shall have the following powers and functions:

- a. Regulate the activities of air carriers, air freight forwarders, ticket sales agents, and cargo sales agents operating in the BARMM, consistent with existing laws;
- b. Issue Certificate of Public Convenience to all private commercial airlines and air freight and air cargo companies engaged in the commerce of air transportation in the BARMM;
- c. Enforce laws, rules and regulations for the preservation and safety of life and limb and the enforcement of the rights of air travelers;
- d. Determine reasonable fares, rates, and other related charges relative to the operation of air transportation services within the Bangsamoro Autonomous Region;
- e. Exercise quasi-judicial functions in the enforcement of public service laws on air transportation and CABB rules and regulations and impose lawful fines and penalties after due process;
- f. Fix and collect reasonable fees for its services; and
- g. Perform such related functions as may be provided by law or higher authorities.

Sec. 22. CABB Organizational Structure. - The CABB shall be composed of the Board and its Executive Office. The Board shall be composed of the Minister of Transportation and Communications as Chairperson, the Minister of Trade, Investments, and Tourism as Vice-Chairperson, the Director I who heads the Executive Office, a representative from the airline

sector, and a representative from the air freight and cargo sector. The two (2) sector representatives shall be appointed by the Chief Minister for a coterminous term.

Sec. 23. Appeal from Board Decisions. - A party with standing may appeal to the Chief Minister any decision, order, or resolution of the CABB within thirty (30) days from receipt thereof. Even without an appeal, the Chief Minister may review any Board decision before it becomes final.

Sec. 24. The Executive Office of the Board. - The Executive Office of the Board shall be composed of three (3) divisions: (1) The Air Carriers Accounting Division which shall receive, conduct due diligence, and process applications for permits from off-line carriers, air freight forwarders, general/cargo sales agents, and cargo sales/break-bulk agents of air freight forwarders for Board approval; (2) The Management Information Division which shall provide the Board the data needed to determine standards and safety requirements, fares and related charges, and CABB service fees; and (3) The Passenger Rights Division which shall maintain a Passenger Rights Action Desk in each public airport. For the purpose of receiving applications for permits and conducting due diligence, the Air Carriers Accounting Division may set up District Desks.

The Executive Office of the Board shall be headed by a Director I and each of the three (3) divisions shall be headed by a Division Chief. The Board shall have a Secretariat from the Office of the Director I.

Sec. 25. The Bangsamoro Maritime Industry Authority (BMARINA). - Without prejudice to the transfer of powers and functions from its national counterpart, the BMARINA shall have the following powers and functions:

- a. Issue Certificate of Public Convenience (CPC) or Provisional Authority (PA) to vessels home-ported and operating exclusively within the Bangsamoro Autonomous Region;
- b. Issue Special Permit (SP) to all vessels operating within the Bangsamoro Autonomous Region;
- c. Issue Special Permit for the temporary utilization of domestic vessels in the Brunei-Darussalam, Indonesia, Malaysia and Philippines-East ASEAN Growth Area (BIMP-EAGA) routes;
- d. Accredit *banca* operators whose principal office is located within the Bangsamoro Autonomous Region;
- e. Register vessels of all tonnages home-ported within the Bangsamoro Autonomous Region;
- f. Conduct safety inspection of vessels operating within the jurisdiction of the Bangsamoro Autonomous Region so as to determine compliance with Safety of Life at Sea (SOLAS) and manning requirements;
- g. Issue Coastwise License, Bay and River License, and Pleasure Yacht License on all domestic vessels home-ported within the Bangsamoro Autonomous Region;
- h. Issue Motorboat Operator's License for operators of vessels weighing three (3) Gross Registered Tonnages (GRT) and below which are home-ported and are operating exclusively within the Bangsamoro Autonomous Region;
- i. Issue licenses to shipyards within the Bangsamoro Autonomous Region, subject to existing guidelines;
- j. Issue Domestic Seafarer's Identification and Record Book (SIRB), subject to existing MARINA rules and regulations;

- k. Determine reasonable fares, rates, and other related charges relative to the operation of maritime transportation services within the Bangsamoro Autonomous Region;
- l. Fix and collect reasonable fees and charges for its services;
- m. Exercise quasi-judicial functions, including the conduct of hearing and the issuance of subpoena and subpoena *duces tecum*, in the enforcement of maritime laws, rules and regulations, and impose lawful fines and penalties;
- n. Approve the BMARINA trust fund, annual plan and budget for the utilization of its Fifty Percent (50%) share in its revenues remitted to the Bangsamoro Treasury and submit the same for legislative appropriation; and
- o. Perform such related functions as may be provided by law or higher authorities.

Sec. 26. *BMARINA Organizational Structure.* - The BMARINA shall be composed of the MARINA Board and its Executive Office. The Board shall be composed of the Minister of Transportation and Communications as Chairperson, the BMARINA Director I, the General Manager of the Bangsamoro Ports Management Authority, and a representative from each of the following: the Philippine Coast Guard, the Ministry of Trade, Investments, and Tourism, the Office of the Chief Minister, and private maritime sector. The private sector representative shall be appointed by the Chief Minister for a coterminous term.

Sec. 27. *Appeal from Authority Decisions.* - A party with standing may appeal to the Chief Minister any decision, order, or resolution of the Authority within thirty (30) days from receipt thereof. Even without an appeal, the Chief Minister may review any decision of the Authority before it becomes final.

Sec. 28. *The Executive Office of BMARINA.* - The Management of BMARINA shall be vested in the Office of the Director I. It shall be composed of the following: **(1) Planning Division**, which shall be responsible for formulating and implementing an integrated, practicable, coordinated and gender-sensitive Maritime Industry Development Program (MIDP) taking into consideration developments and challenges in the national, regional and global maritime industry environment; developing and carrying out a system for measuring and assessing the progress of implementation of the MIDP and its impact on the maritime industry; formulating, adopting and implementing a standard performance management system for evaluating and reviewing office and organizational performance; formulating, updating and recommending policies, rules and regulations of the Authority and undertakes periodic review and assessment of the effectiveness of policies and submits appropriate recommendations thereof; conducting researches and studies relevant to plan formulation and updating; policy development, review and revision; project development and evaluation; and preparing a coordinated position on issues that pertain to proposed, new and existing maritime industry rules and regulations; **(2) Operations Division**, which shall handle the registration, franchising, licensing, accreditation, regulation and enforcement operations; and the **(3) Provincial Offices**.

The size and staffing of these Provincial Offices shall be determined, based on the workload, by the Minister of Transportation and Communications subject to the approval of the Cabinet.

The Executive Office of BMARINA shall be headed by the Director I. Each division shall be headed by a Division Chief.

Sec. 29. *The Bangsamoro Ports Management Authority (BPMA).* – The Bangsamoro Ports Management Authority shall be composed of the Governing Board and its Executive Office. The

Governing Board shall be composed of the Minister of Transportation and Communications as Chairperson; the BPMA Director I (General Manager); the BMARINA Director I; the Minister of Finance, and Budget and Management; the Minister of Trade, Investments, and Tourism; the Minister of Agriculture, Fisheries, and Agrarian Reform; the Minister of Public Works; the Minister of Environment, Natural Resources, and Energy; the Director-General of the Bangsamoro Planning and Development Authority; and a private sector representative who shall be appointed by the Chief Minister for a coterminous term.

Sec. 30. Powers and Functions of the BPMA. - In pursuing its mandate to align all port facilities in the Bangsamoro Autonomous Region as vibrant links in the nation's overall Maritime Transport Chain, the BPMA as a whole shall have the following powers and functions:

- a. Manage all public ports in the Bangsamoro Autonomous Region, including those in special economic zones;
- b. Prescribe rules and regulations, procedures, and guidelines governing the establishment, construction, maintenance, and operation of private ports in the BARMM;
- c. Regulate construction within a Port District;
- d. Provide services (whether on its own or by contract) within the Port District and the approaches thereof, including but not limited to: berthing, towing, mooring, moving, slipping, or docking any vessel, loading or discharging any vessel; sorting, weighing, measuring, warehousing, or otherwise, handling goods;
- e. Exercise control over foreshore rights or leases vested in the BPMA;
- f. Control, regulate, and supervise pilotage and the conduct of pilots in any port in the BARMM;
- g. Exercise police powers vested in the BPMA;
- h. Collect fees and charges for the use of the premises, works, appliances, facilities, or for services provided by or belonging to the BPMA or BPMA contractors; and
- i. Generally, exercise the powers of a corporation under the Corporation Law in so far as they are not inconsistent with the provisions of the Bangsamoro Organic Law, this Administrative Code, and other laws passed by the Parliament.

Sec. 31. Powers and Functions of the BPMA Governing Board. - The BPMA Governing Board shall have the following powers and functions:

- a. Prescribe guidelines, rules, and regulations governing the establishment and management of ports and the use of lands and properties within Port Districts, as well as the exercise of eminent domain;
- b. Prescribe fees and charges to be collected by the BPMA;
- c. Approve the BPMA trust fund annual plan and budget for the utilization of its Forty Percent (40%) share in its revenues remitted to the Bangsamoro Treasury and submit the same for legislative appropriation;
- d. Award major contracts, such as for major construction and arrastre services;
- e. Authorize the Chairperson or the General Manager to enter into contracts;
- f. Evaluate the performance of the BPMA Executive Office; and
- g. Formulate the strategic plan of the BPMA.

Sec. 32. BPMA Executive Organizational Structure. - The BPMA shall be composed of the following offices: (a) the Port Management Offices; (b) the Terminal Management Offices; and the following divisions: (1) **The Ports Development Division**, which shall identify ports for

development, assess their feasibility, prepare the acquisition and development plans, and monitor port establishment; (2) The **Security and Intelligence Division**, which shall formulate guidelines, systems, and procedures on port security and evaluate port security plans and their implementation; (3) The **Management Information Division**, which shall provide the Governing Board the data needed to formulate guidelines, rules, and regulations, as well as to prescribe fares and charges and port service fees; consolidate statistics on port operations, including volume of passengers and cargo and ship movement and specifications; and act as the monitoring arm of the General Manager; and (4) The **Engineering Division**, which shall handle the repair and expansion of port facilities and other public works in the Port District and advise the General Manager in the procurement of port equipment.

Each Division shall be headed by a Division Chief.

The executive function of the BPMA shall be lodged in the Office of the Director I (General Manager).

The Governing Board shall be supported by a Secretariat from the Office of the Director I (General Manager).

Sec. 33. Port Management Offices and Sub-Port Management Offices. - Port Management Offices shall be established in all major ports in the BARMM while Sub-Port Management Offices shall be established in out-ports, feeder ports, and municipal ports, wherever practicable.

The Port Management Office, headed by the Port Manager with a rank of Section Head, shall be composed of the following units: (1) The Facility Management Unit, headed by the Harbor Master, which shall direct the movement of people and cargo in the port, maintain port facilities, and award concessions in ports; and (2) The Port Security Unit, which shall be in charge of regulating entry to and exit from the Port District, ensuring the safety of passengers, workers, and cargo while they are in the port, and protecting port facilities from human-caused harm.

Sec. 34. The Bangsamoro Telecommunications Commission (BTC). - The Bangsamoro Telecommunications Commission shall be composed of the Commission and its Executive Office. The Commission shall be composed of a Commissioner with a rank of Director II and two (2) Deputy Commissioners with a rank of Director I, all of whom shall be appointed by the Chief Minister for a six-year term. One Deputy Commissioner shall be a lawyer while the other one shall be an electronics engineer.

For the first appointees, the term of office shall be staggered. The Commissioner shall hold office for six (6) years and the two (2) Deputy Commissioners shall serve for five (5) and three (3) years, respectively.

Sec. 35. Powers and Functions of the Commission. - The Bangsamoro Telecommunications Commission, *en banc*, shall exercise the following powers and functions:

- a. Exercise regulatory and quasi-judicial functions as an attached agency under the Ministry of Transportation and Communications and prescribe guidelines, rules, and regulations covering the exercise of those functions;
- b. Issue Certificates of Public Convenience (CPC) for the operation of communication utilities and services, radio communication systems, wire or wireless telephone or

- telegraph systems, radio and television broadcasting systems, and other similar public utilities in the Bangsamoro Autonomous Region;
- c. Prescribe and regulate areas of operation of particular operators of public service communications within the Bangsamoro Autonomous Region, and determine and prescribe pertinent charges or rates except when already established by law or convention;
 - d. Grant permit for the use of radio frequencies, in proper coordination with the National Telecommunications Commission, for wireless telephone and telegraph systems and radio communication systems including amateur radio stations and radio and television broadcasting systems in the Bangsamoro Autonomous Region, in accordance with national laws;
 - e. Administer the examination and licensing of radio operators in the Bangsamoro Autonomous Region;
 - f. Fix reasonable fees and charges for BTC services;
 - g. Approve the BTC trust fund annual plan and budget utilizing its Forty Percent (40%) share in its revenues remitted to the Office of the Regional Treasurer and submit the same to the Minister of Transportation and Communications for indorsement for legislative appropriation; and
 - h. Perform such related functions as may be prescribed by law.

Sec. 36. *Appeal from Commission Decisions.* - A party with standing may appeal to the Chief Minister any decision, order, or resolution of the Commission within thirty (30) days from receipt thereof. Even without an appeal, the Chief Minister may review any Commission decision before it becomes final.

Sec. 37. *The Executive Office of the Commission.* - The Executive Office of the BTC shall be composed of the Office of the Commissioner, the Provincial Coordinating Offices, and the following divisions: (1) The Regulation Division, which shall receive, conduct due diligence, and process applications for Certificates of Convenience, permits to use radio frequencies, licenses for Commission approval; (2) The Enforcement and Operations Division, which shall inspect all telecommunication and broadcast facilities, including cable television systems and other forms of radio services, and enforce laws against illegal possession, ownership, or operation, as well as failure to comply with technical regulations and standards; and (3) The Spectrum Planning and Management Division, which shall study spectrum demand in the Bangsamoro Autonomous Region and request, if needed, or assign specific frequencies. Each Division shall be headed by a Division Chief.

The Provincial Coordinating Office shall assist the Regulation Division and the Enforcement and Operations Division in the performance of their functions. The size and staffing of the Provincial Coordinating Offices shall be determined, based on workload, by the Minister of Transportation and Communications every three (3) years, subject to the approval of the Cabinet.

TITLE XVI BANGSAMORO COMMISSIONS

Chapter 1 Bangsamoro Women Commission

Sec. 1. Declaration of Policy. - The Bangsamoro Government reaffirms the vital role of women in nation building and regional development in Republic Act No. 11054 otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao.

The Bangsamoro Government recognizes, promotes, protects, and upholds the fundamental rights of women to representation in all levels of governance, to engage in lawful employment and be protected from exploitation, abuse or discrimination, as embodied in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It shall also ensure the representation and participation of women in governance as provided for under Section 5, Article XIII of Republic Act No. 11054.

The Bangsamoro Government ensures that women are at the forefront of all peace-building efforts, including conflict prevention, conflict resolution and conflict management, in keeping with its commitment under United Nation Security Council Resolution (UNSCR) 1325.

Sec. 2. The Bangsamoro Women Commission; Mandate. - Pursuant to Bangsamoro Autonomy Act No. 8,-The Bangsamoro Women Commission (BWC) is the primary policy-making, coordinating, and monitoring body of women, gender and development in the Bangsamoro Autonomous Region.

The BWC shall promote, protect, and uphold women's rights as human rights, work for the elimination of all forms of discrimination against women, ensure that legal measures are taken to promote gender justice, women's rights and welfare, and promote gender and development including the meaningful participation of women in all levels of governance, policy and decision-making.

It is attached an agency of the Office of the Chief Minister.

Sec. 3. Composition. - The Commission shall be composed of seven (7) Commissioners, five (5) of whom shall represent the political units in the territorial jurisdiction of the Bangsamoro Autonomous Region, namely, the province of Basilan including Lamitan City, Sulu, Tawi-Tawi, Lanao del Sur including Marawi City, and Maguindanao including Cotabato City and the Special Geographic Area comprising of the 63 barangays that joined the Region. One of these five (5) Commissioners shall be appointed as Chairperson.

The two (2) *ex officio* Commissioners shall represent the non-Moro indigenous peoples and settler communities. For this purpose, the heads of the Ministry of Indigenous Peoples' Affairs and the Office for Settler Communities, or if unqualified, their representatives, shall be designated as *ex officio* Commissioners. The *ex officio* Commissioners shall have the right to vote.

Sec. 4. Qualifications. - No person shall be appointed as Chairperson or a Commissioner, unless she possesses the following qualifications:

- (1) A citizen of the Philippines;

- (2) At least 25 years of age at the time of appointment;
- (3) A resident of the Bangsamoro Autonomous Region at least five (5) years prior to the date of appointment;
- (4) A registered voter in the Bangsamoro Autonomous Region;
- (5) Have occupied positions of responsibility and leadership in the government, duly registered women's organizations, or women-serving organizations and/or institutions; and
- (6) Have not been convicted of any crime involving moral turpitude.

A majority of the Commissioners shall hold a bachelor's degree or its equivalent.

Sec. 5. *Appointment and Term of Office.* - The Chief Minister shall appoint the Chairperson and the four Commissioners of the Bangsamoro Women Commission.

Of those first appointed under this Act, the chairperson shall hold office for five (5) years, two (2) members for four (4) years and two (2) members for three (3) years. The succeeding appointment after the expiration of the term of the first in appointees under this act shall serve the term of three (3) years. In all cases, no member of the commission including the chairperson shall serve for more than two (2) consecutive terms.

Sec. 6. *Powers of the Commission.* - In the performance of its functions, the Commission shall have the following powers:

1. To select, hire and promote the Division Chief and other personnel lower than Salary Grade 25 of the Commission subject to civil service rules and regulations;
2. To suspend, dismiss or otherwise discipline for a cause officials and employees of the Commission except officials and employees from Salary Grade 25 and up;
3. To enter into contract in relation to their mandates;
4. To acquire, possess, and dispose of real and personal properties in furtherance of its mandates;
5. Solicit and accept grants, aid, donations and gift, in cash or in kind, or enter into agreements with any legitimate entity, local or foreign, consistent with its mandate;
6. To accredit women and people's organizations operating in the Bangsamoro engaged in women's rights protection and promotion; and
7. To perform any and all other acts incident to or required by virtue of its creation

Sec. 7. *Functions of the Commission.* - the Commission shall have the following functions:

1. Policy Formulation and Technical Assistance:
 - a) Issue guidelines for the formulation of gender development plans of the Bangsamoro Government and of the local government units within the Bangsamoro Autonomous Region;
 - b) Prepare the Bangsamoro Gender and Development Plan with relevant ministries, agencies, offices and other stakeholders;
 - c) Conduct research to support the development of policies for women designed to promote, uphold, protect the welfare and rights of women;
 - d) Pilot special programs for women that can be replicated in the Bangsamoro;
 - e) Recommend policies and legislations to the Bangsamoro Parliament relating to women, in coordination with concerned ministries, offices and agencies; and

- f) Provide technical assistance and capacity building to the Bangsamoro Government agencies, local government units and stakeholders.
2. Ensure and Monitor Compliance:
 - a) Monitor, assess and ensure compliance of Bangsamoro Government agencies with the issued guidelines and implementation of their Gender and Development (GAD) plans. For this purpose, the Commission may require all ministries, agencies and offices of the Bangsamoro Government to submit their GAD plan and budget as well as regular reports on the status of implementation and utilization thereof;
 - b) Recommend polices to the Bangsamoro Government measures for the successful implementation of GAD plans;
 - c) Monitor and assess the compliance of the Bangsamoro Government on CEDAW, UNSCR 1325, and all other international instruments to which the Philippines is a signatory; and
 - d) Participate in the reporting to international bodies tasked to monitor implementation of CEDAW and other instruments.
 3. Coordination with Bangsamoro Government, local government units and stakeholders:
 - a) Closely work with and coordinate with the Bangsamoro Planning and Development Authority (BPDA) to generate sex dis-aggregated data in furtherance of evidence-based policies for the welfare of women;
 - b) Refer specific cases of women needing assistance and interventions to Bangsamoro Government agencies, national government agencies and other stakeholders;
 - c) Work with law enforcement agencies, *Shari'ah* and regular courts, and other institutions and stakeholders to address gender-based violence, and other women's issues;
 - d) Convene an advisory council composed of representatives from Bangsamoro ministries and other offices including representatives from local government units in the BARMM and one woman representative each from the following stakeholders: youth, civil society organizations, traditional leaders, Bangsamoro communities outside BARMM and religious leaders. For this purpose, the Commission shall issue guidelines for the convening of the Council; and
 - e) Coordinate and cooperate with the Bangsamoro Human Rights Commission on matters pertaining to human rights monitoring, investigation, and reporting.

In addition, the Commission may perform any and all other acts incidental to delivery of its mandate.

Sec. 8. *The Commission as a Collegial Body.* - As a collegial body, the Commission shall promulgate rules, orders, and resolutions necessary for the efficient conduct of its business and administration towards the performance of its mandates.

In the exercise of its powers and functions, the Commission shall sit and render its order and resolution *en banc*. Every such order or resolution of the Commission must bear the concurrence and signature of majority of Members thereof.

The Commission shall meet regularly. A majority of the Members constitutes a quorum needed in any *en banc* meeting of the Commission.

Sec. 9. *Structural Organization of the Commission.* - The Commission shall have the following offices and units:

1. Office of the Chairperson;
2. Office of the Commissioners;
3. Office of the Executive Director, which shall be the head Secretariat of the Commission and shall also be in charged with the over-all supervision of the operations of the Commission;
4. Administrative and Finance Services Division, which shall provide administrative support services to the Commission and to its divisions and offices; and
5. Technical Services Division, which shall be responsible for providing the Commission with efficient and effective services in terms of planning, implementation, monitoring and evaluation. It shall be composed of three (3) units, namely: Policy and Program Development Unit (PPDU), Monitoring and Evaluation Unit (MEU), and Coordinating and Public Engagement Unit.

Sec. 10. *Salaries.* - The Chairperson and the regular Commissioners shall receive compensation equivalent to Salary Grades 28 and 27, respectively.

Sec. 11. *Offices of the Commissioners.* - Each Commissioner shall have an office in the province that she represents.

Sec. 12. *Access to Funds.* - The budget allocated for the Commission shall be directly transferred to the Commission, for efficiency of operation, subject to usual accounting and auditing rules and regulations.

Chapter 2 **Bangsamoro Youth Commission**

Sec. 13. *The Bangsamoro Youth Commission; Mandate.* - Pursuant to Bangsamoro Autonomy Act No. 10, the Bangsamoro Youth Commission (BYC) is an attached agency of the Office of the Chief Minister.

The BYC shall be the primary policy-making and coordinating body of the Bangsamoro Government in all matters affecting the youth. It shall ensure compliance therewith by all ministries, agencies, offices, and other instrumentalities of the Bangsamoro Government that are mandated to implement programs, projects, and activities affecting the youth of the Bangsamoro Autonomous Region.

Sec. 14. *Powers of the Commission.* - To carry out its mandate, the Commission shall exercise the following powers:

- a) Provide leadership in the formulation and initiation of regional policies and plans, and in the setting of priorities and direction on youth promotion and development programs and activities;

- b) Establish a consultative mechanism which shall provide a forum for continuing dialogue between the Bangsamoro Government and the youth sector on the proper planning and evaluation of the policies, programs and projects affecting the youth, convening for this purpose representatives of all youth organizations and institutions, including the *Sangguniang Kabataan*;
- c) Issue rules and regulations in pursuance of the provisions of this Act
- d) Accredite, register, and oversee youth organizations and youth-serving organizations within the Bangsamoro Autonomous Region and/or facilities and help in their establishment;
- e) Promulgate its own rules of procedures;
- f) Suspend, dismiss, or otherwise discipline for cause, any employee, subject to the mechanisms or processes that may be provided by the Commission
- g) Enter into contracts;
- h) Acquire, use, and purchase any land, building, facilities, equipment, instrument, tools, and rights required or otherwise necessary for the accomplishment of the objectives of the Commission
- i) Acquire, own, possess, and dispose of any real or personal property;
- j) Accept donations, gifts, bequests, and grants;
- k) Convene a youth advisory council composed of youth representatives from local government units in the BARMM, women sector, civil society organizations, traditional leaders, Bangsamoro communities outside BARMM, and religious leaders. For this purpose, the Commission shall issue guidelines for the convening of the council; and
- l) Perform any and all other acts incidental to the delivery of its mandate.

Sec. 15. Functions of the Commission. - To carry out its mandates, the Commission shall exercise the following functions:

- a) Assist and coordinate with governmental and non-governmental organizations or institutions in the implementation of all laws, policies, programs and projects relative to youth promotion and development, ensuring that the various government ministries, agencies, offices, and other instrumentalities implement the youth development projects and activities in accordance with their respective annual budget;
- b) Support any government agency, office or instrumentality including government-owned or -controlled corporations, local government units as well as non-governmental organizations or institutions in pursuance of its policies, programs and projects for the youth;
- c) Plan, implement, and oversee a regional integrated youth promotion and development program;
- d) Coordinate, implement, regulate and administer youth programs consistent with the declared policies of this Act;
- e) Establish and maintain linkages with national and international youth organizations or institutions and counterpart agencies of foreign governments in order to facilitate and ensure the participation of Bangsamoro youth in national and international functions and affairs;
- f) Conduct scientific, interdisciplinary, and policy-oriented research and studies on youth-related matters;
- g) Organize trainings, seminars, and workshops that will enhance the skills and leadership potentials of the youth, instilling in them nationalism and patriotism, with particular emphasis on Bangsamoro culture and Islamic values;
- h) Conduct promotional and fund-raising campaigns to support youth-related programs and projects in accordance with existing laws;

- i) Extend and provide support or assistance to deserving youth and youth organizations including scholarship grants;
- j) Initiate peace building activities and programs;
- k) Administer youth exchange programs as well as monitor and coordinate all foreign-sponsored youth programs and projects in the region;
- l) Participate in national and international forums, symposia and activities of organizations; and
- m) Perform any and all other acts incident to or required by virtue of its creation.

Sec. 16. Powers of the Chairperson. - The Chairperson:

- a) Convenes and presides over regular and special sessions and meetings of the Commission and Divisions thereof that it may constitute;
- b) Represents the Commission in all its business transactions, and signs, on its behalf, contracts, and obligations, and such other documents pursuant to a resolution of the Commission Proper;
- c) Acts as the focal point of communication of the Commission;
- d) Appoints the employees and other personnel of the Commission whose Salary Grades are 24 or below;
- e) Approve or disapprove the transfer or detail of employees, subject to the provisions of existing laws and regulations; and
- f) Performs such other powers that may be vested by the Commission Proper.

Sec. 17. Composition. - The Commission shall be composed of one (1) Chairperson and four (4) regular Commissioners representing the major political subdivisions of the Bangsamoro Autonomous Region, namely:

- a) Maguindanao, including Cotabato City and the Special Geographic Area comprising of the 63 barangays that joined the Bangsamoro Autonomous Region;
- b) Lanao del Sur, including Marawi City;
- c) Sulu;
- d) Basilan, including Lamitan City; and
- e) Tawi-Tawi.

There shall be two (2) *ex officio* Commissioners coming from the non-Moro indigenous peoples and settler communities. For this purpose, the respective heads of the Ministry of Indigenous Peoples Affairs and the Office for Settler Communities, shall designate their *ex officio* Commissioner from their offices. The *ex officio* Commissioners shall have the right to participate and the right to vote. At least two (2) of the Commissioners shall be women.

Sec. 18. Appointments. - The Chairperson and the Commissioners shall be appointed by the Chief Minister.

The Chairperson, as a matter of policy, shall be rotated every term in accordance with the representations in the major geographical subdivisions.

For the first set of appointees to the positions of the Chairperson and the Commissioners, the Chief Minister shall select from the list of nominees submitted by youth groups, youth organizations or youth-serving organizations operating within the BARMM and which have been in existence for at least three (3) years as of the approval of this Code.

For the succeeding appointees, the Chief Minister shall select from a list containing between three (3) and five (5) names for each position, submitted by youth groups, youth organizations or youth-serving organizations in their respective areas as duly accredited by the Commission. Nominating youth groups, youth organizations or youth-serving organizations should have been in existence for at least three (3) years at the time of the submission of the nomination.

Sec. 19. *Term of Office and Compensation.* - Of those first appointed under this Code, the Chairperson shall hold office for five (5) years, two (2) members for four (4) years, and two (2) members for three (3) years.

Thereafter, all succeeding appointees shall serve for a term of three (3) years. They may be re-appointed for another term, provided that they shall not exceed the age limit at the time of their reappointment. In no case shall any member be appointed, re-appointed more than once, nor designated in a temporary or acting capacity.

The term of the Chairperson and Members of the Commission shall commence on the day immediately succeeding the end of the previous term, regardless of the date of appointment. Appointees to any vacancy occurring during the term shall serve only for the remaining portion of the term.

The Chairperson and the regular Commissioners shall receive compensation equivalent to Salary Grades 28 and 27, respectively.

Sec. 20. *Qualifications.* - The Chairperson and the Commissioners, including the regular and *ex officio* Commissioners, shall have the following qualifications:

- a) A citizen of the Philippines;
- b) A registered voter of the BARMM and, in the case of the Chairperson and the regular Commissioners, a registered voter of the major political subdivision s/he represents;
- c) A resident of what now constitutes as the BARMM for a period of two (2) years;
- d) Must have exercised positions of responsibility and have shown leadership in any youth and/or youth-serving organizations or institutions;
- e) Must be of good moral character and not have been convicted of a crime involving moral turpitude;
- f) Must have at least one (1) year exposure to youth affairs, projects, and programs management; and
- g) Not more than forty (4) years of age at the of his/her appointment

Majority of the Commissioners including the Chairperson shall be holders of bachelor's degree or its equivalent.

Sec. 21. *Commission Secretariat and Executive Director.* - The Commission shall be supported by a Secretariat headed by an Executive Director who shall also be the Secretary of the Commission. The Executive Director shall be appointed by the Chief Minister upon the recommendation of the Commission. S/he shall exercise direct supervision over the Administrative and Finance Division and the Technical Service Division.

The Secretariat shall assist the Commission Proper in the performance of its policy-making function, as well as its other functions.

The staffing pattern and compensation schedule of the secretariat shall be in accordance with existing laws, rules, and regulations;

Sec. 22. *Duties and Responsibilities of the Secretariat.* - The secretariat shall be responsible for:

- (a) the effective and efficient performance of the functions of the Commission and implementation of its programs;
- (b) assisting the Commission in identifying priority programs for fund allocation;
- (c) submission of periodic accomplishment reports to the Commission;
- (d) preparation of annual reports of the Commission; and
- (e) exercising such other functions as the Commission may direct.

Sec. 23. *Organizational Structure.* - The Commission shall be composed of the following divisions:

1. Technical Services Division which shall consist of the following sub-units:
 - a. Planning and Development Unit;
 - b. Research Service Unit;
 - c. Project Management, Monitoring and Evaluation Unit; and
 - d. Public Relations Unit.
2. Administrative and Finance Division.

Sec. 24. *Offices of the Commissioner.* - Each Commissioner shall have an office in the province that s/he represents.

Sec. 25. *Powers and Functions of the Offices of the Commissioner.* - The Offices of the Commissioner shall have the following powers and functions:

- a. Coordinate with provincial offices of ministries and agencies for youth programs;
- b. Coordinate with local government units concerning youth affairs; and
- c. Perform other powers and functions as may be vested by the Commission proper.

Sec. 26. *Bangsamoro Youth Coordinating Council.* - There shall be a Youth Coordinating Council which shall:

- a. Be the venue for coordination between the Commission and the ministries and other instrumentalities of the Bangsamoro Government in the implementation of youth-related projects, programs, and activities;
- b. Be the mechanism for monitoring the compliance of the ministries and other instrumentalities of the Bangsamoro Government on youth-related policies;
- c. Be the forum for the discussions in relation to the Commission's formulation and issuance of youth-related policies, standards, rules, and guidelines; and

- d. Be the body that may be consulted by the Commission for advice, guidance, and assistance on important matters relating to youth affairs, welfare and development.

The Council shall be headed by the Chairperson of the Commission and composed of the senior officers and representatives of the agencies with policy formulating functions of the following: Ministries of Basic, Higher and Technical Education; Science and Technology; Social Services and Development; Interior and Local Government; Environment, Natural Resources and Energy; Labor and Employment; Agriculture, Fisheries, and Agrarian Reform; Health; Trade, Investments, and Tourism; Indigenous Peoples' Affairs; Bangsamoro Women Commission; Office of Settler Communities; Sports; and Religious Affairs, and such other ministries, offices, commissions, and other instrumentalities that have relevant programs as may be determined by the Chief Minister.

The Council shall meet twice a year or as often as may be necessary upon call of the Chairperson.

Chapter 3 **Bangsamoro Sports Commission**

Sec. 27. Declaration of Policy. - The Bangsamoro Government shall promote physical education and encourage sports programs, league competitions, and amateur sports including training for regional, national, and international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

It shall develop innovative and productive individuals, promote sportsmanship, cooperation, encourage and support indigenous games, martial arts and amateur sports.

It shall further recognize the diverse cultures of the region and consider gender, culture and religious sensitivity.

Sec. 28. The Bangsamoro Sports Commission (BSC) Mandate. - The Bangsamoro Sports Commission (BSC) is mandated to formulate policy, promote, regulate, coordinate, and implement programs for sports. It shall also provide for system, support and assistance in the development of sports. It shall, as a policy, make sure that sports is a tool for peace and transitional justice.

Sec. 29. Nature of the Commission. - The Commission shall exercise corporate powers. It shall have a seal, may sue and be sued, and shall be the policy-making and coordinating body of all amateur sports development programs and institutions in the Bangsamoro: *Provided*, That in the case of the school sports development program, the same shall be formulated and implemented by the Ministry of Basic, Higher and Technical Education (MBHTE) with the assistance of the Commission within the framework of the regional and national sports development program.

It is an attached agency of the Office of the Chief Minister.

Sec. 30. Powers and Functions of the BSC. - The BSC shall have the following powers and functions:

- (a) On Plan and Policy-Making:

1. Prepare the Bangsamoro Sports and Development Plan with the participation of relevant ministries, agencies, offices and other stakeholders;
2. Recommend sports policies for legislations by the Parliament;
3. Undertake basic and applied research on sports development including the promotion and preservation of indigenous sports;
4. Conduct research that seeks to develop sports and promote, uphold, and protect the rights and welfare of Bangsamoro athletes;
5. Undertake research in making sports as instrument to fight against criminalities, drugs, and violent extremism; and as a vehicle for peace;
6. Pilot special programs for the development of sports in the Bangsamoro for appropriate action by the Bangsamoro Government; and
7. Make sports as a tool for peace and transitional justice.

(b) On Coordination and Sports Promotion:

1. Coordinate and maintain linkages with the Philippine Sports Commission, National Sports Commission or organizations of other countries, and other local or foreign non-governmental organizations whose main objective is sports promotion and development;
2. Coordinate with the Ministry of Basic, Higher and Technical Education (MBHTE) regarding the *Palarong Pambansa*, BARMMAA, and other athletic competitions;
3. In coordination with the Bangsamoro Youth Commission and the Ministry of Social Services and Development, engage with organizations dealing youth, out-of-school youth, marginalized children, persons with disability, and other vulnerable sectors to develop their potential in sports;
4. Convene appropriate sports from both public and private schools;
5. Assist in the establishment of regional, provincial, municipal, barangay, or school district sports promotion and development councils which shall initiate, conduct, and coordinate sports activities in their respective jurisdictions;
6. Assist local government units in promoting sports at the community level especially those included in the calendar of events of regional, national, and international competitions;
7. Provide technical assistance and capacity-building to relevant stakeholders;
8. Participate in the reporting to international bodies tasked to monitor the implementation of sports programs;
9. Provide such incentives, recognition, and awards to deserving athletes and other persons and entities involved in/or supporting sports development as may be permissible under the rules of amateurism; and
10. Refer specific cases of athletes needing assistance and interventions to concerned Bangsamoro Government Agencies, National Government Agencies and other stakeholders; and as far as practicable, establish, supervise, manage and maintain fully-equipped sports facilities and centers in strategic places in the Bangsamoro Region.

(c) On Regulation:

1. Impose sanctions upon any regional sports association, institution, association, body, entity, and team including athletes and sports officials for violation of its policies, rules, and regulations;

2. Accredit sports club and people's organizations operating in the Bangsamoro engaged in the protection and promotion of sports;
 3. Acquire, procure and distribute sportswear, equipment, instruments, tools and other sports necessities required for the training of a regional pool of athletes;
 4. Define and delineate areas of responsibilities in different sports competitions of all sectors involved in sports promotion and development; and
 5. Monitor, assess and ensure compliance of Bangsamoro Government agencies with the issued guidelines and implementation of their sports programs. For this purpose, the BSC may require all ministries, agencies and offices of the Bangsamoro Government to submit their sports plan and budget as well as regular reports on the status of implementation and utilization thereof.
- (d) To enter into contracts in relation to its mandates;
- (e) To acquire, possess, and dispose of real and personal properties in furtherance of its mandates;
- (f) In close coordination with the Office of the Chief Minister (OCM), solicit and accept grants, aid, donations and gifts, in cash or in kind, or enter into agreements with any legitimate entity, local or foreign, consistent with its mandate subject to the limitations as set for under Section 26, Article 12 of the Bangsamoro Organic Law;
- (g) To acquire, use and control any land, building, facilities, equipment, instruments, tools and rights required or otherwise necessary for the accomplishment of the purposes of the BSC; and
- (h) Ensure the implementation by various government departments and agencies of their sports promotion and development programs as indicated in their respective budgets.

The BSC may perform any and all other acts incidental to the delivery of its mandate.

Sec. 31. *Organizational Structure.* - The BSC shall have the following organizational structure: (a) Commission Proper; (b) Office of the Chairperson; (c) Office of the Secretariat.

Sec. 32. *Commission Proper.* - The Commission Proper shall consist of the Chairperson, four (4) regular Commissioners, and two (2) *ex officio* Commissioners sitting as a collegial body. It shall be the highest policy and decision-making body of the BSC and shall exercise the mandate, powers, and functions of the BSC as hereinafter provided. It shall transact its official business upon the decision of the majority with the presence of a quorum. A quorum shall be considered to exist when a majority of the members are present. It shall promulgate its own internal rules thirty (30) days from its first meeting.

Sec. 33. *Presiding Officer.* - The Chairperson shall preside over the meetings of the Commission. In his/her absence, the regular Commissioner most senior in the order of appointment shall preside.

Sec. 34. *Regular and Special Meetings.* - The BSC, without need of prior call, shall conduct regular meetings every first and third Monday of the month at its principal office or at any other place it may determine. If it falls on a non-working day, the meeting shall be held on the following

working day without need for a call. Special meetings may be called, for good cause, by the Chairperson or by any Commissioner.

Sec. 35. Office of the Chairperson. - The Chairperson shall ensure that the powers and functions of the Commission will be carried out.

Sec. 36. Vacancy in the Office of the Chairperson. - In case of vacancy in the Office of the Chairperson, the regular Commissioner most senior in the order of appointment shall automatically assume as Acting Chairperson without need of appointment. Such acting capacity shall be automatically terminated upon the assumption to office of the newly appointed Chairperson.

Sec. 37. Commissioners. - The powers and functions of the regular and *ex officio* Commissioners are limited to policy-making as members of the Commission Proper. The Commissioners as such shall not exercise executive powers and functions except when designated, in an official order, by the Chairperson as Officer-in-Charge. A Commissioner may also be designated by the Chairperson as focal person for any mandated subject matter.

Sec. 38. Terms of Office. - Of the first members of the Commission appointed under this Act, the Chairperson shall hold office for five (5) years, two (2) members for four (4) years, and two (2) members for three (3) years. Thereafter, all succeeding appointees shall serve for a term of three (3) years fixed term.

Sec. 39. Office of the Secretariat of the Commission. - There shall be an Office of the Secretariat of the Commission whose function is to assist and support the Commission Proper. It shall be headed by an Executive Director with Salary Grade 26. It shall be composed of three (3) divisions such as: (1) Policy, Research and Development Division; (2) Regulatory, Promotion and Coordination Division; and (3) Financial and Administrative Division.

Sec. 40. Powers and Functions of the Executive Director. - The following are the powers and functions of the Executive Director:

- (a) Exercise full supervision and oversee the implementation of all programs, projects, services, and activities of the BSC;
- (b) Exercise supervision and control over all officials and employees of the BSC except the Commissioners;
- (c) Exercise personnel action of appointment, hiring, designation, reassignment, rotation, secondment, detail, and disciplining: *Provided*, That when the action involves the appointment or removal of personnel, it should be with the concurrence of the Commission Proper;
- (d) Represent the BSC in all its business transactions and sign, on its behalf, contracts and obligations, and such other documents made pursuant to a resolution of the Commission Proper; and
- (e) Perform such other powers as may be vested by the Commission Proper.

Sec. 41. Policy, Research, and Development Division. - The Policy, Research and Development Division, which shall be headed by a Division Chief, shall assist the BSC in research, policy formulation, and development of sports in the Bangsamoro. It shall also develop knowledge, skills, abilities, tools, and technical approaches of the BSC.

Sec. 42. *Regulatory, Promotion, and Coordination Divisions.* - The Regulatory, Promotion and Coordination Division, which shall be headed by a Division Chief, shall assist the BSC in the exercise of its regulatory powers, such as issuance of rules and regulations, guidelines, compliance, monitoring and evaluation, and other related matters. It shall also be responsible for sports education and training, programming, technical assistance, public information and production, coordination and cooperation, and linkages with other sports associations, commissions or organizations.

Sec. 43. *Financial and Administrative Division.* - The Financial and Management Division which shall be headed by a Division Chief, shall provide advice, support, and assistance to the BSC on matters of budget, finance, planning, management, information technology, personnel, records, supplies and equipment, and other support and administrative services.

Sec. 44. *Assistance by Bangsamoro Government Entities.* - The BSC may call upon any Bangsamoro Government entity for assistance in the performance of its functions and duties. All heads of ministries, agencies, and offices of the Bangsamoro Government hereby enjoined to render full assistance and cooperation to the BSC to ensure the attainment of its mandates.

Sec. 45. *Access to Funds.* - The budget allocated for the Commission shall be directly transferred to the Commission, for efficiency of operation, subject to usual accounting and auditing rules and regulations.

Chapter 4 **Bangsamoro Commission for the Preservation of Cultural Heritage**

Sec. 46. *Bangsamoro Commission for the Preservation of Cultural Heritage.* - The Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH) is hereby created, composed of a Chairperson and six (6) Commissioners. It shall have the same status as the other agencies or offices of the Bangsamoro Government attached to the Office of the Chief Minister.

Sec. 47. *Mandate.* - Pursuant to the Bangsamoro Organic Law, the BCPCH shall have the primary responsibility to write the history of the Bangsamoro people and to establish and sustain the cultural institutions, programs, and projects in the Bangsamoro Autonomous Region. The Commission shall coordinate and work closely with the National Commission for Culture and the Arts, National Historical Commission of the Philippines, National Museum of the Philippines, and other concerned cultural agencies for the preservation of cultural heritage, shall establish libraries and museums, declare and restore historical shrines and cultural sites to preserve the Bangsamoro heritage for posterity. The Commission shall ensure the inclusion of Philippine history, culture and heritage in the establishment of museums and similar institutions, programs and projects to foster unity among the Filipinos.

Sec. 48. *Management of Bangsamoro Historical and Cultural Sites.* - The National Government shall transfer the management of Bangsamoro historical and cultural sites currently under the jurisdiction of the National Museum of the Philippines, National Historical Commission of the Philippines, and other agencies of the National Government to the BCPCH through intergovernmental relations mechanisms. The BCPCH shall coordinate with relevant agencies of the National Government on the regulation, excavation, and preservation of cultural artifacts and on the recovery of lost historical and cultural heritage.

Sec. 49. Powers of the BCPCH. - To carry out its mandate, the Commission shall exercise the following powers:

- a. Identify, declare, validate, and monitor historical shrines and sites, including the institution or markers and landmarks in the Bangsamoro Region in close coordination with the relevant national agencies concerned;
- b. Recommend to the Bangsamoro Government regional policies and legislation on culture, arts, heritage promotion and development programs and activities;
- c. Establish consultative mechanisms which shall provide platforms for continuing dialogue between the Bangsamoro Government and the cultural groups on the proper planning and evaluation of the policies, programs, and projects affecting the culture, arts, and heritage of the Bangsamoro people, convening for this purpose representative of all cultural groups and institutions, including the cultural cooperatives;
- d. Accredite, register, and oversee cultural mapping initiatives and registry of cultural property;
- e. Solicit and accept donations, gifts, requests, and grants in cash and in kind, or enter into agreements with any legitimate entity, local or foreign, subject to the approval of the Cabinet; and
- f. Perform any and all other acts incident to or required by virtue of its creation.

Sec. 50. Functions of the BCPCH. - To conserve and promote the Bangsamoro's historical and cultural heritage, the BCPCH shall have the following functions:

- a. Support, monitor and systematize the retrieval and conservation of artifacts of Bangsamoro culture and history and all Bangsamoro cultural treasures from all over the Bangsamoro Autonomous Region and the Philippine Archipelago;
- b. Encourage and support the study, recognition and preservation of endangered human cultural resources such as weavers, chanters, dancers, and other craftsmen as well as the conservation and development of artistic, linguistic and occupational skills that are threatened with extinction;
- c. Support and promote the establishment and preservation of cultural and historical monuments, markers, names and sites;
- d. Encourage and support the establishment and/or maintenance all over the Bangsamoro Autonomous Region of museums, libraries, archives, private or public, as repositories, respectively of all cultural/historical artifacts and artistic creation, printed works, archival records and all other materials indispensable to the study and evaluation of Bangsamoro culture and history;
- e. Encourage the private sector to establish and maintain private museums and libraries;
- f. Encourage and support scholarly research into and documentation of Bangsamoro cultural traditions, arts and crafts, as well as significant cultural movements, achievements and personalities especially in the literary, visual and performing arts, and in mass media, as well as the various aspects of Bangsamoro culture;
- g. Encourage and support the writing of history from the Bangsamoro perspective; and
- h. Ensure that standards of excellence are pursued in programs and activities implementing policies herein stated, it shall encourage and support continuing discussion and debate through symposia, workshops, and publications on the highest norms available in the matrix of Bangsamoro culture.

Sec. 51. Composition. - The Commission *en banc* shall be composed of seven (7) Commissioners. Five (5) Commissioners shall be representative of the major political subdivisions of the Bangsamoro Autonomous Region, namely:

- a. Maguindanao, including Cotabato City and the 63 barangays that joined the Bangsamoro Autonomous Region;
- b. Lanao del Sur, including Marawi City;
- c. Sulu;
- d. Basilan, including Lamitan City;
- e. Tawi-Tawi

The Chair of the Commission shall come from one of these five representatives.

The two (2) other *ex officio* Commissioners shall come from the non-Moro indigenous peoples and settler communities. For this purpose, the respective heads of the Ministry of Indigenous people's Affairs and Office for Settler Communities shall designate the *ex officio* Commissioner from their offices. The *ex officio* Commissioners shall have the right to vote.

At least two (2) of the Commissioners shall be women.

Sec. 52. Appointments. - The Chairperson and the four (4) Commissioners representing the political subdivisions shall be appointed by the Chief Minister.

The Chairperson, as a matter of policy, shall be rotated every term in accordance with representations in the major geographical subdivisions.

Sec. 53. Term of Office. - Of those first appointed under this Act, the Chairperson shall hold office for a fixed term of five (5) years, two (2) members for fixed terms of four (4) years, and three (3) members for three (3) years fixed term.

Thereafter, all succeeding appointees shall serve for a term of three (3) years fixed term. They may be re-appointed for another term.

The term of the Chairperson and members of the Commission shall commence on the day immediately succeeding the end of the previous term, regardless of the date of appointment.

Appointees to any vacancy occurring during the term shall serve only for the remaining portion of said term.

Sec. 54. Qualifications. - The Chairperson and the Commissioners, including the regular and *ex officio* Commissioners, shall have the following qualifications:

- a. A citizen of the Philippines;
- b. A registered voter of the BARMM and, in the case of the Chairperson and the regular Commissioners, a registered voter of the major political subdivision he/she represents;
- c. For the *ex officio* members, must belong to the sector that they represent, i.e., non-Moro indigenous peoples and settlers
- d. A resident of the BARMM for a period of two (2) years;
- e. Holders of a Master's degree and/or Doctoral degree;

- f. Of good moral character;
- g. Must have at least three (3) years of exposure to cultural affairs, history, project and program management;
- h. Must have at least four years (4) years of managerial experience; and
- i. At least 35 years of age at the time of his/ her appointment.

Sec. 55. Powers of the Chairperson. - The Chairperson shall:

- a) convene and preside over regular and special sessions and meetings of the Commission and divisions it may constitute;
- b) represent the Commission in all its business transactions and signs, on its behalf, contracts, and obligations, and such other documents pursuant to a resolution of the Commission proper;
- c) act as a focal point of communication of the Commission;
- d) appoint the employees and other personnel of the Commission for Salary Grade 24 and below;
- e) approve or disapproves the transfer or detail of employees subject to the provisions of existing laws and regulations; and
- f) perform such other powers as may be vested by the Commission proper.

Sec. 56. Offices of the Commissioners. - Each Commissioner shall head an office in the province s/he represents.

Sec. 57. Powers and Functions of the Offices of the Commissioners. - The Offices of the Commissioners shall have the following powers and functions:

- a. To lead the execution of the cultural development programs, activities, and projects at the provincial level;
- b. Coordinate with provincial offices of ministries, agencies, and civil society organizations for cultural development programs;
- c. Coordinate with LGUs concerning cultural affairs; and
- d. Perform other powers and functions as may be vested by the Commission proper.

Sec. 58. The Executive Director; Functions; Term of Office. - There shall be an Executive Director, appointed by the Chief Minister, who shall be responsible for implementing the policies, rules, regulations and directives of the BCPCH and shall direct and supervise its day-to-day operation. The Executive Director shall have supervision and control over the Coordination and Support Services Division, and Administrative and Finance Division.

The specific functions of the Executive Director are as follows:

- a. Execute the policies and measures approved by the Commission *en banc* and be responsible for the efficient and effective day-to-day management of the operations of the BCPCH;
- b. Prepare the annual budget for the operations of BCPCH for submission to the Commission *en banc*;
- c. Prepare an annual report on the accomplishments of BCPCH for submission to the Commission *en banc*, the Parliament and other appropriate agencies of the Bangsamoro Government; and

d. Perform such other duties as may be assigned to him by the Commission *en banc*.

The Executive Director shall serve for a fixed term of four (4) years, subject to reappointment.

Sec. 59. *Qualifications of Executive Director.* - No person shall be appointed as Executive Director of the Commission unless a citizen of the Philippines, a resident of the Bangsamoro Autonomous Region, at least 30 years of age, of good moral character, a college graduate, and has at least three (3) years of relevant experience in any of the following fields: law; economics; public administration, commerce; management; social services; or finance.

Sec. 60. *Access to Funds.* - The budget allocated for the Commission shall be directly transferred to the Commission, for efficiency of operation, subject to usual accounting and auditing rules and regulations.

TITLE XVII OTHER COMMISSIONS AND BODIES

Chapter 1 Bangsamoro Human Rights Commission

Sec. 1. *Declaration of Policy.* - The Bangsamoro Government values the dignity of every human person and guarantees full respect for human rights. It shall give the highest priority to the enactment of measures to protect and enhance the right of all people to human dignity at all stages of human life.

Sec. 2. *The Bangsamoro Human Rights Commission.* - Pursuant to Bangsamoro Autonomy Act No. 4, the Bangsamoro Human Rights Commission (BHRC) shall be the human rights institution in the Bangsamoro Government.

Sec. 3. *Mandate.* - As the human rights institution of the Bangsamoro, the BHRC shall promote and protect human rights, and during armed conflict, uphold international humanitarian law.

Sec. 4. *Independence.* - The BHRC's independence is guaranteed. It shall not be subject to interference, directly or indirectly, from any government or private entity.

Sec. 5. *Fiscal Autonomy.* - The BHRC shall have fiscal autonomy. It shall be provided with adequate funding which shall be regularly and automatically released. Annual appropriation of funds to the Commission shall not be reduced from the amount it received in the preceding fiscal year. The compensation, emoluments, privileges, or any other benefits enjoyed by the Chairperson, Commissioners, and all its officials and employees under this Act shall not be decreased.

Sec. 6. *Composition.* - The Commission shall be composed of a Chairperson and two (2) Commissioners.

Sec. 7. *Qualifications.* - The Chairperson and the Commissioners shall possess the following qualifications:

- (a) Must be of proven integrity, professional competence, probity, and independence;

- (b) Must be residents of what constitutes the Bangsamoro Autonomous Region for at least two (2) years on the date of the appointment;
- (c) Must be natural-born citizens of the Philippines;
- (d) Must be at least thirty (30) years of age at the time of appointment;
- (e) Must have at least five (5) years of relevant experience in human rights promotion and protection;
- (f) For the Chairperson, must be a regular member of the Philippine Bar who has been engaged in the practice of law for at least five (5) years; and
- (g) For the Commissioners, must be holders of a bachelor's degree from colleges and universities recognized by the National Government, and preferably be members of the Philippine Bar.

Sec. 8. Disqualifications. - The following persons are disqualified from appointment as Chairperson or Commissioner of the Commission:

- (a) Those who have been:
 - 1) Found culpable of human rights violations or abuse;
 - 2) Sentenced by final judgment of any offense involving moral turpitude; or
 - 3) Removed from office or suspended for at least one (1) year as a result of disciplinary action from the government or private sector;
- (b) Those with dual citizenship;
- (c) Those who are fugitives from justice;
- (d) Those who have acquired the privilege to reside abroad; or
- (e) Those who are otherwise disqualified by law.

Sec. 9. Appointment and Term of Office. - The President shall appoint the Chairperson and Commissioners of the Commission from a list of three recommendees for each position from the Chief Minister. They shall serve for a term of seven (7) years.

For the first appointees under this Act, the term of office shall be staggered. The Chairperson shall hold office for seven (7) years and the two (2) Commissioners shall serve for five (5) and three (3) years, respectively.

The term of the Chairperson and Commissioners shall start on the day immediately after the end of the previous term, regardless of the date of appointment. No person herein appointed shall be eligible for reappointment either as Chairperson or Commissioner, except as provided below, nor be designated in a temporary or acting capacity.

Appointment to any vacancy occurring during the term shall only be for the unexpired portion thereof. Such appointee shall not be eligible for reappointment except when the latter served for less than two (2) years.

Sec. 10. Prohibition. - The Chairperson or Commissioners shall, during their tenure:

- (a) not hold any other office or employment in any government or private institution;
- (b) not engage in the practice of any profession or in the active management or control of any business;

- (c) not be financially interested, directly or indirectly, in any contract with or in any franchise or privilege granted by the government; and
- (d) avoid conflict of interest in the conduct of their office.

Sec. 11. *Salary Retirement, Benefits and Other Privileges of the Chairperson and the Commissioners.* - The Chairperson shall receive a compensation equivalent to Salary Grade 28 along with the privileges, emoluments, and benefits attached thereto. The Commissioners shall receive a compensation equivalent to Salary Grade 27 along with the privileges, emoluments, and benefits attached thereto.

Sec. 12. *Organizational Structure.* - The Commission shall have the following organizational structure:

- (a) Commission Proper;
- (b) Office of the Chairperson;
- (c) Office of the Secretariat of the Commission;
- (d) Provincial Director's Offices; and
- (e) Such other offices as may be required by the performance of its mandate, powers, and functions.

Sec. 13. *Commission Proper.* - The Commission Proper shall consist of the Chairperson and the two Commissioners, sitting as a collegial body. It shall be the highest decision-making body of the Commission and shall exercise the mandate, powers, and functions of the Commission. It shall transact its official business upon the decision of the majority with the presence of a quorum. The quorum shall be considered to exist when a majority of the appointed members are present.

Sec. 14. *Presiding Officer.* - The Chairperson shall preside over the meetings of the Commission. In his/her absence, the Commissioner more senior in the order of appointment shall preside.

Sec. 15. *Regular and Special Meetings.* - The Commission, without prior call, shall conduct regular meetings every first and third Monday of the month at its principal office or at any other place as it may determine. If it falls on a non-working day, the meeting shall be held on the following working day without a call. Special sessions may be called, for good cause, by the Chairperson or by any Commissioner.

Sec. 16. *Open Meeting.* - All investigative sessions shall be open to the public except when confidentiality is necessary. Meetings that pertain to administrative and internal matters shall be held in executive session.

Sec. 17. *Office of the Chairperson.* - The Chairperson shall be the Chief Executive of the Commission, vested with the following powers and functions:

- (a) Exercise the power of control and supervision over all officials and employees of the Commission, except the Commissioners. including on matters of hiring, designation, reassignment, rotation, secondment, detail, and disciplining: *Provided*, That when the action involves the removal of a personnel, it should be with the concurrence of the Commission Proper;
- (b) Approve authority to travel, local or abroad, of the Commissioners: *Provided*, That in

- case of the Chairperson, approval shall be obtained from any Commissioner with the attestation of the Director of the Office of the Secretariat of Commission;
- (c) Exercise full supervision and oversee the implementation of all programs, projects, services, and activities of the Commission;
 - (d) Represent the Commission in all its business transactions and signs, on its behalf, contacts, and obligations, and such other documents made pursuant to a resolution of the Commission Proper;
 - (e) Act as the focal point of communication of the Commission; and
 - (f) Perform such other powers as may be vested by the Commission Proper.

Sec. 18. Vacancy in the Office of the Chairperson. - In case of vacancy in the Office of the Chairperson, the Commissioner more senior in appointment or the lone remaining Commissioner shall automatically act as Chairperson without need of appointment. Such acting capacity shall be automatically terminated upon the assumption to office of the newly appointed Chairperson.

Sec. 19. Commissioners. - The powers and functions of the two Commissioners are limited to policy-making as members of the Commission Proper. The Commissioners as such shall not exercise executive powers and functions except when designated, in an official order, by the Chairperson as Officer-in-Charge. A Commissioner can also be designated as focal person for any subject matter by the Chairperson.

Sec. 20. Powers and Functions. - In the fulfillment of its mandate, the Commission shall exercise the following powers and functions:

- a) Promote human rights through education and training, public awareness and publications;
- b) Protect human rights and uphold international humanitarian law through conducting investigations, monitoring, fact-finding missions, and public inquiries, reporting the results of the same, and proceeding with prosecution when warranted;
- c) Advise the government, at its own instance or upon request, on the promotion and protection of human rights and international humanitarian law;
- d) Protect human rights defenders;
- e) Act as the transitional justice mechanism;
- f) Perform administrative functions, particularly:
 - 1. implement its organizational structure and staffing pattern;
 - 2. adopt:
 - (i) An annual budget for the approval of the Parliament;
 - (ii) Strategic plans taking into account the context on which it operates, for purposes of setting its priorities and for the proper allocation of its financial and human resources;
 - (iii) Programs, activities, projects, services, and initiatives pursuant to its mandate, powers, and functions;
 - (iv) Communications and information plans;
 - (v) Monitoring and evaluation mechanisms;
 - (vi) A manual of operations; and
 - (vii) A seal and logo.

- g) Approve core services in accordance with its mandate, powers, and functions;
- h) Conduct performance audit over investigation personnel and administrative staff;
- i) Solicit and accept grants, aid, donations, and gifts, in cash or in kind, or enter into agreements with any legitimate entity, local or foreign, consistent with its mandate, provided that it will not undermine its independence;
- j) Acquire, possess, and dispose of real and personal properties in furtherance of its mandate; and
- k) Perform such other powers and functions as may be provided by law, consistent with its mandate, independence, and fiscal autonomy.

Sec. 21. *Gender and Development Ombud.* - The Commission shall act as the Gender and Development Ombud for the Bangsamoro. It shall undertake measures relating to promotion and protection of women's rights under said law and international human rights instruments.

Sec. 22. *Children Ombud.* - The Commission shall act as the Children Ombud for the Bangsamoro. It shall ensure that the status, rights, and interests of children are upheld in accordance with the statutes, Constitution, and international instruments on human rights.

Sec. 23. *Powers of the Commission as Gender and Development Ombud and Children Ombud.* - Pursuant to the foregoing two preceding sections, the Commission shall:

- (a) Monitor the government in developing indicators and guidelines in compliance with their duties related to respecting, promotion, and fulfillment of the human rights of women and children;
- (b) Investigate human rights violations relating to women and children;
- (c) Establish guidelines and mechanisms, among others, that will facilitate access of women and children to legal remedies and related laws, and enhance the protection and promotion of their rights, especially those who are marginalized;
- (d) Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of the Magna Carta of Women and the Juvenile Justice and Welfare Act, or any similar laws that may be passed by the Parliament; and
- (e) Recommend to the disciplining authority or the Civil Service Commission any possible administrative action based on non-compliance or failure to implement the provisions of the Magna Carta of Women or the Juvenile Justice and Welfare Act or any such similar laws that may be passed by the Parliament.

HUMAN RIGHTS PROMOTION

Sec. 24. *Education and Training.* - The Commission shall conduct regular education and training for the promotion of human rights with the objective of informing all people of their rights including the redress mechanisms in case of violation and abuse, and inculcating upon them the human rights of others and their corresponding responsibilities in the promotion and protection thereof.

Sec. 25. *Public Awareness.* - The Commission shall undertake human rights public awareness campaigns, events, seminars, workshops, fora, and summits; engage the mass media, issue press statements, conduct press conferences and interviews; utilize social media and the internet; and employ other means of communication in promoting human rights in public spaces.

Sec. 26. *Publication.* - The Commission shall publish, in print or on-line, newsletters, information, education, and communication materials, training materials, and such other publication necessary for the promotion of human rights.

HUMAN RIGHTS PROTECTION

A. Investigation

Sec. 27. *Investigation.* - The Commission shall conduct investigations, upon complaint or *motu proprio*, of alleged or purported human rights violations and abuses committed within the Bangsamoro Autonomous Region. Investigations conducted by any other tribunal shall not be a bar to the performance of this function.

The Commission shall likewise investigate, upon complaint or *motu proprio*, violations of international humanitarian law and its implementing statute, Republic Act No. 9851, otherwise known as the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

The National Commission on Human Rights and the Commission may agree to conduct joint investigations on human rights violations and abuses that occurred either outside the Bangsamoro Autonomous Region when the subject of the investigation involves Bangsamoro, or within the Bangsamoro Autonomous Region when the subject of the investigation is of national complexion.

Sec. 28. *Ancillary Powers.* - The Commission shall have the following ancillary powers in order to effectively conduct proper investigations:

- (a) Administer oaths;
- (b) Issue compulsory subpoena in order to:
 - (1) secure the attendance of witnesses; and/or
 - (2) produce documentary or object evidence;
- (c) Require the assistance and cooperation of government or private entities;
- (d) Cite for direct or indirect contempt;
- (e) Petition for the issuance of Writs of *Amparo*, *Habeas Data*, *Habeas Corpus*, or *Mandamus*;
- (f) Issue preventive and mandatory measures, as described in Sec. 30;
- (g) Deputize lawyers, legal aid groups, or medical organizations; and
- (h) Perform such other powers and functions as may be necessary in the effective exercise of its investigative powers and functions.

Sec. 29. *Imprescriptibility.* - No statute of limitation shall apply in the investigation of human rights violations and abuses.

Sec. 30. *Preventive and Mandatory Measures.* - The Commission may issue compulsory measures, incident to its investigation, as follows:

- (a) Preventive measures:

- (1) Preventive Protection Order is a measure ordering respondent to refrain from committing acts that would tend to cause irreparable harm to the victims or complainant, or have the effect of rendering the investigation of the Commission moot and academic;
 - (2) Preventive Transfer Order is an order directing any member of the government or any person acting on its behalf, to immediately desist from hiding, transferring, torturing or abusing victims of human rights violations or abuses; and
 - (3) Preventive Desistance Order is an order prohibiting respondent, any units, personnel, or persons under his/her immediate supervision from entering the vicinity, as may be determined in the order, of the affected area or residence of any person whose human rights are being violated or are in danger of violation, and from searching the victim or his/her belongings;
- (b) Mandatory measures:
- (1) Mandatory Protection Order is an order directing the government to provide specific protection to victims of and witnesses to human rights violations or abuses;
 - (2) Mandatory Access Order is an order directing the government in control of any place of detention or confinement to allow access to persons deprived of liberty by his/her counsel, physician, psychologist, priest, pastor, rabbi, imam, or any spiritual adviser and his/her relatives; and
 - (3) Mandatory Transfer Order is an order directing the government to transfer persons deprived of their liberty or in danger of reprisal or retaliation due to the filing of a complaint in connection with his/her detention, in order to secure the safety of his/her person.

Sec. 31. *Accessibility of Redress.* - The Commission shall make accessible all its mechanisms for redress of human rights violations and abuses. It shall adopt e-filing of complaints or reporting, and provide a hotline open for twenty-four (24) hours. It shall make personnel available during holidays and non-working days in order to perform its mandate. These personnel shall be given the necessary additional compensation for those worked days.

Sec. 32. *Financial and Legal Assistance.* - The Commission shall extend, in the course or as a result of the investigation, financial and/or legal assistance to the victims of human rights violations and abuses whose complaints have been given due course thereby. It shall work with the Public Attorney's Office, human rights organizations, lawyers' groups, the civil society, the Integrated Bar of the Philippines, and school-based legal aid clinics for the representation of such victims who are qualified for free legal assistance.

The Commission may engage the services of a private lawyer to represent or render legal service to indigent and detained victims of human rights violations and abuse, whether the cases are heard within or outside the Bangsamoro Autonomous Region. This shall be exempt from the coordination and notification requirements to any instrumentality of the Bangsamoro Government.

Sec. 33. *Witness Protection.* - The Commission shall implement and manage a witness protection program which consists of, among others, provision of security, shelter, relocation, and financial assistance to witnesses and their families in order to secure their attendance in

investigations being conducted by the Commission and to ensure the production and preservation of the integrity of evidence.

B. Monitoring

Sec. 34. *Monitoring.* - Monitoring refers to the active collection, verification, and use of documents and information from various relevant sources in order to ascertain the existence or non-existence of certain facts and/or conditions. In the protection of human rights, the Commission shall conduct:

- (a) Policy monitoring or assessing, evaluating, and reviewing the government's compliance with human rights standard with regard to its legislation, regulations, rules, guidelines, actions, and practices.
- (b) Thematic monitoring on pervasive, rampant, and widespread human rights violations and abuses;
- (c) Sectoral monitoring on specific sectoral issues on human rights;
- (d) Incident monitoring in the event of human rights violations or abuses in a particular location that require urgent action;
- (e) Progressive realization monitoring of policies, activities, programs, and projects of the government in relation to the full realization of economic, social, and cultural rights to the maximum of their available resources;
- (f) Facility monitoring, without restriction, of the compliance with human rights standards of government facilities, such as:
 - (1) Government offices;
 - (2) Police and military stations, installations, camps, and bases and their training schools; and,
 - (3) Jails, prisons, detention facilities (including those inside military camps), police lock-up cells, youth homes, and any detention, rehabilitation, confinement, and other similar facilities; and
- (g) Such other forms of monitoring as may be provided by the Rules of Procedure.

C. Fact-Finding Mission

Sec. 35. *Fact-Finding Mission.* - The Commission may create and conduct, at its own initiative, a fact-finding mission to obtain, objectively and impartially, detailed knowledge of relevant facts on human rights violations and abuses.

D. Public Inquiry

Sec. 36. *Public Inquiry.* - The Commission may collect evidence, analyze documents, and examine witness testimonies in public inquiry on systemic or general human rights violations.

E. Reporting

Sec. 37. *Reporting.* - The Commission shall prepare, issue, and publish reports including but not limited to:

- (a) Annual Reports, containing:
 - (1) Statistics and data indicating the nature of complaints received;
 - (2) Findings, results, and recommendations on the conduct of investigations, monitoring, and fact-finding missions;
 - (3) Identification and analysis of the factors which contributed to the human rights violations and abuses;
 - (4) Assessment of the legal mechanisms of government in providing adequate human rights protection; and
 - (5) Recommendations for legal, legislative, and institutional reforms for the greater promotion, respect, protection, and fulfillment of human rights.
- (b) Public Inquiry Reports, which identify systemic or general human rights violations and abuses;
- (c) Financial Reports, containing its financial statements, expenditures, and sources of funds;
- (d) Special Reports, pertaining to human rights of particular group or specific human rights theme; and
- (e) Such other reports as may be determined by the Commission.

Sec. 38. Reporting to International Human Rights Mechanisms. - The Commission shall actively and regularly engage with the National Commission on Human Rights for sharing of information on the status of compliance with the human rights obligations and commitments for purposes of reporting to international human rights mechanisms such as the Human Rights Council, Special Procedures, Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on Rights of Child, Committee on Migrant Workers, and Committee on Rights of Persons with Disabilities.

Advising the Government

Sec. 39. Power to Advise the Government - The Commission shall:

- (a) Advise the government, in the form of findings, reports, and/or recommendations on the manner of implementation and compliance with its human rights obligations;
- (b) Summon the government to explain the measures undertaken by its agency on human rights standards;
- (c) Recommend international human rights treaties for signature, ratification, or accession by the government; and
- (d) Submit its Annual Report to the Office of the President, Office of the Chief Minister, and the Parliament.

Sec. 40. Obligation to Respond. - The government shall have the duty to respond to the advice of the Commission within a reasonable time. If the advice is addressed to the Parliament, it shall be calendared for parliamentary debate.

Sec. 41. Research and Policy Development. - The Commission shall pursue research and policy development on various human rights issues for recommendation of appropriate action to relevant bodies of the government. For this purpose, it shall develop its knowledge, skills, abilities, tools, and technical approaches to research and policy development.

Protection of Human Rights Defenders

Sec. 42. *Safe and Enabling Environment.* - The Commission shall render services and assistance to human rights defenders. It shall take steps to ensure that the duty bearers comply with their obligation to create a safe and enabling environment in which human rights defenders, whether individually or in association with others, can operate free from harm, reprisals, hindrance, and insecurity. As such the Commission shall:

- (a) Monitor and investigate the government and other duty bearers, including law enforcers and military forces, in the protection of human rights defenders;
- (b) Provide free legal assistance to human rights defenders and/or assist in the filing of cases against the duty bearers in courts or administrative bodies;
- (c) Issue preventive and mandatory measures for the protection of human rights defenders;
- (d) Petition for the issuance of writs of *habeas corpus*, *Amparo*, or *habeas data* to protect human rights defenders;
- (e) Recommend to the disciplining authority or the Civil Service Commission any possible administrative action for acts or omissions in the failure to protect human rights defenders;
- (f) Adopt policies to protect the right to defend human rights; and
- (g) Assess the effectiveness of and strengthen the government mechanisms for the protection of human rights defenders.

Transitional Justice Mechanism

Sec. 43. *Transitional Justice Mechanisms.* - Until such time that a law establishing the transitional justice mechanism for the Bangsamoro is enacted, the Commission shall perform the human rights component of the transitional justice mechanism as provided in Section 1, Article IX of Republic Act 11054. In this capacity, the Commission shall document and investigate past human rights violations; collect testimonial, object, or documentary evidence; provide information, data, and documents in relation thereto; provide research and technical support; and promote the transitional justice mechanism. It may also, at its discretion, conduct public inquiries on transitional justice.

Once the transitional justice mechanism is established, the Commission shall make its terminal report and transfer the documents and other data on transitional justice thereto.

Coordination and Cooperation

Sec. 44. *Cooperation and Coordination with the National Commission on Human Rights.* - The Commission and the National Commission on Human Rights may enter into a Memorandum of Agreement (MOA) for cooperation and close coordination on matters of:

- (a) Investigation, monitoring, fact-finding, or public inquiry, which can be pursued jointly;
- (b) Mutual assistance in the gathering of testimonial, object, or documentary evidence;
- (c) Mutual support for field duties in their respective areas of responsibilities;
- (d) Sharing of records on clearances issued to the military, law enforcers, and other government personnel;
- (e) Sharing of information, data, and documents;
- (f) Referral of cases when the referring party has no jurisdiction or when there is forum

- shopping;
- (g) Exchange of experiences on good practices and lessons learned on the promotion and protection of human rights;
 - (h) Capacity-building, technical assistance, and other forms of support;
 - (i) Dissemination of information, education, and communication materials; and
 - (j) Such other matters that shall ensure the holistic and unobstructed promotion and protection of human rights.

Pending such Memorandum of Agreement, the MOA entered into between the Regional Human Rights Commission (RHRC), created by virtue of Muslim Mindanao Autonomy (MMA) Act No. 288 otherwise known as ARMM Human Rights Commission Charter of 2012, and the National Commission on Human Rights shall define their relationship.

Sec. 45. *Civil Society.* - The Commission shall actively cooperate and coordinate with the civil society and shall meet with civil society organizations quarterly.

Sec. 46. *International Human Rights Bodies.* - The Commission shall, when requested, coordinate and cooperate with Human Rights Council, Office of the High Commissioner on Human Rights, Special Procedure, treaty-based bodies, International Committee on Red Cross, other international bodies, International Non-Government Institution, and such other International Organizations.

Human Rights Clearance

Sec. 47. *Human Rights Clearance.* - In addition to the usual requirements for promotion or appointment of the members of the military, police, other law enforcement agencies, or government officials or employees, no promotion shall be considered by any appointing authority without a certification from the Commission that they have no pending cases therein or they have not been found guilty, by final judgment, of human rights violations or abuses.

Transition From Regional Human Rights Commission To Bangsamoro Human Rights Commission

Sec. 48. *Transfer of Properties.* - All assets, capital, records, accounts, contract funds, receivables, equipment, and facilities of the Regional Human Rights Commission (RHRC) of the Autonomous Region in Muslim Mindanao (ARMM) shall be transferred to the Bangsamoro Human Rights Commission. No liabilities shall be absorbed by the Commission.

Sec. 49. *Hold-Over Capacity.* - The Chairperson and other responsible officers of the RHRC holding appointive positions shall continue to perform their functions in a hold-over capacity, subject to the implementation of the phase out in the Transition Plan approved by the Bangsamoro Transition Authority. The Chairperson of the RHRC shall not issue new appointments during the hold-over period.

Sec. 50. *Separation of the RHRC Personnel.* - The separation of RHRC personnel shall be subject to the applicable incentives provided by Section 10, Article XVI of RA 11054.

Sec. 51. *Retirement of the RHRC Chairperson and Commissioners.* - The Chairperson and the Commissioners of the RHRC, whose term of office shall be prematurely terminated, shall

receive the same retirement benefits and privileges at a level not lower than those fixed for the Chairperson and Commissioners, respectively, of the National Labor Relations Commission, in accordance with Section 10 of Muslim Mindanao Autonomy Act No. 288.

Chapter 2

Bangsamoro Internal Auditing Body

Sec. 52. *Bangsamoro Internal Auditing Body.* - The Bangsamoro Internal Auditing Body (BIAB) is hereby created, to be headed by a Director III assisted by support staff.

The BIAB's independence as an institution is guaranteed. It shall not be subject to interference, directly or indirectly, from any government or private entity.

Sec. 53. *Mandate.* - Pursuant to Section 2, Article XII of the Bangsamoro Organic Law, the BIAB is established as an auditing body which shall have internal auditing responsibility in accordance with Republic Act No. 3456, otherwise known as the "*Internal Auditing Act of 1992*," as amended or a similar law to be enacted by the Parliament. The Bangsamoro Government shall implement transparency and accountability mechanisms consistent with open government practices and generally accepted financial management principles.

Sec. 54. *Powers and Functions.* - The Bangsamoro Internal Auditing Body shall have the following powers and functions: Conduct management and operations performance audit of the Bangsamoro Government activities and units and determine the degree of compliance with established objectives, policies, methods and procedures, government regulations, and contractual obligations of the Bangsamoro Government;

- a. Review and evaluate the soundness, adequacy, and application of accounting, financial, and other operating controls in the Bangsamoro Government, and promote the most effective control at reasonable cost;
- b. Review and appraise systems and procedures, organizational structures, asset management practices, financial and management records, reports, and performance standards of the Bangsamoro Government;
- c. Analyze and evaluate management deficiencies and assist the Bangsamoro Government by recommending realistic courses of action;
- d. Consult with relevant stakeholders of the Bangsamoro Government to ascertain the reliability and integrity of operation information reports submitted by the respective Internal Audit Divisions or Offices of BARMM Ministries/Offices/Agencies;
- e. Maintain constructive cooperation with the Commission on Audit, which has constitutional mandate to perform audit functions; and
- f. Perform such other related duties and responsibilities as may be assigned or delegated by the Bangsamoro Government, through the Chief Minister, or as may be required by law.

Sec. 55. *Organizational Structure.* - The BIAB is composed of the Office of the Internal Auditor with the rank of Director III, as Head of Office, with two (2) divisions, which are: (a) the Operations Audit Division; and (b) the Management Audit Division, each headed by Division Chiefs.

Sec. 56. *Qualifications.* - No person shall be appointed to the position of Director III in the Office of the Internal Auditor unless s/he is a resident and registered voter of what now constitutes

the Bangsamoro Autonomous Region for at least three (3) years prior to appointment, at least 30 years of age, a Certified Public Accountant or a regular member of the Philippine Bar or possesses a Master's degree in Business Administration or Public Administration or Islamic Studies, with appropriate civil service eligibility, with at least five (5) years supervisory experience in audit operations and related works, and of proven honesty and integrity.

Sec. 57. *Appointment.* - The Director III shall be appointed by the Chief Minister under coterminous status. However, the BIAB shall maintain a level of organizational independence to fulfill its responsibilities objectively.

Sec. 58. *Relationship with Internal Auditors of BARMM Instrumentalities and Parliament.*
- The Resident Internal Auditors of the BARMM ministries, offices, instrumentalities, and of the Parliament shall submit their monthly audit reports to the BIAB every tenth day of the succeeding month for consolidation. They shall observe the Bangsamoro Internal Audit Charter and Standards to be developed by the BIAB for uniform application among all ministries, agencies, and offices including the Parliament. For such purpose, the BIAB shall engage with the Resident Internal Auditors regularly to maintain a reporting relationship that is both substantive and communicative.

Sec. 59. *Quarterly and Annual Reports.* - For administrative purposes, the BIAB shall report directly to the Chief Minister. The BIAB shall submit quarterly and annual reports to the Chief Minister and the Speaker of the Bangsamoro Parliament on the findings of the region-wide internal audit.

TITLE XVIII ADMINISTRATIVE SERVICES

Chapter 1 Human Resource Development and Management

Sec. 1. *Placement and Hiring Process.* - Appointments in all ministries, offices, agencies, and institutions in the Bangsamoro Government shall observe an independent, strictly merit-based, and credible placement and hiring process, and shall consider gender and ethnic balance.

Sec. 2. *Recruitment.* - The recruitment of employees for appointment in the career and non-career positions in all agencies and offices of the Bangsamoro Government shall be open to all qualified men and women according to the principle of merit, fitness, and equality and shall be in accordance with existing Civil Service rules and regulations.

All BARMM ministries, agencies and offices shall promulgate their respective Merit Selection Plan (MSP) which shall embody the procedures, scope, and manner in determining the qualified applicant or candidate for appointment to first and second level positions in the career service.

It shall be guided by the following general policies:

- a. There shall be equal opportunity for men and women at all levels of positions in the BARMM bureaucracy, provided they meet the minimum requirements of the position;
- b. There shall be no discrimination in the selection of employees on account of his/her gender, civil status, disability, religion, ethnicity or political affiliation;

- c. An applicant for employment in the first, second, and third level position, who is competent, qualified, and possesses the appropriate civil service eligibility shall be considered for permanent appointment;
- d. All candidates for appointment to first and second level positions in the line departments, agencies and offices shall be screened by the Personnel Selection Board (PSB) of the respective agency which shall be created by the agency or office in accordance with existing Civil Service law, rules, and guidelines;
- e. The comparative competence and qualification of candidates for appointment shall be determined on the basis of:
 - i. Education and Training;
 - ii. Experience and Outstanding Accomplishments;
 - iii. Psycho-social Attributes and Personality Traits; and
 - iv. Background.
- f. The appointing authority shall assess the merits of the PSB's recommendation for appointment and in the exercise of sound discretion, select, in so far as practicable, from among the top five ranking applicants deemed most qualified for appointment to the vacant position; and
- g. The ministry/office/agency shall submit through the Office of the Chief Minister, its proposed Merit Selection Plan to the Civil Service Commission (CSC) for approval.

However, recruitment and appointment of officials to third level positions shall be governed by pertinent provisions as provided for in the qualifications set forth in their respective ministries, agencies, commissions or offices. In addition, applicants to said third level positions must possess executive and managerial competence.

Sec. 3. Procedure. - The pertinent provisions of the CSC's Omnibus Rules on Appointments and Other Human Resource Actions shall be observed.

Sec. 4. Publication. - The Bangsamoro ministries, agencies, and offices shall publish the vacant positions authorized to be filled and their corresponding qualification standards and plantilla item numbers in the CSC Bulletin of Vacant Positions in the Government in the CSC Website, the Bangsamoro Job Portal and/or through other modes of publication.

The same shall likewise be posted in three (3) conspicuous places within the Bangsamoro Autonomous Region for at least ten (10) calendar days.

Publication of a vacant position shall be valid until filled but not to exceed beyond nine (9) months reckoned from the date the vacant position was published. Should no appointment be issued within the 9-month period, the Bangsamoro Government has to cause the republication and reposting of the vacant position.

Sec. 5. Exemptions. - The following positions are exempt from the publication requirement:

- a. Primarily confidential;
- b. Policy determining;
- c. Highly technical;

- d. Coterminous with that of the appointing authority/officer including other non-career positions such as contractual and casual identified under Sec. 9, Subtitle A, Title I, Book V of EO 292;
- e. Reappointment (change of status to permanent) of those appointed on temporary status for Category II positions under CSC MC No. 11, s. 1996, as amended; or
- f. Those to be filled by the existing regular employees in the agency in case of reorganization/rationalization; provided, the approved staffing pattern is posted in the agency bulletin boards and other conspicuous places in its offices.

Sec. 6. Basis for Evaluation. - The selection line up shall reflect the comparative competence and qualification of candidates on the basis of:

- a. Education [30%] – include educational background which must be relevant to the duties of the position to be filled.
- b. Training [10%] – include successful completion of accredited training courses which must be relevant to the duties of the position to be filled.
- c. Experience [20%] – include occupational history, relevant work experience acquired either from the government or the private sector, and accomplishments worthy of special commendation.
- d. Competency [Examination (10%), Interview (10%) and Moral Values (20%)] [40%] – refers to the measurable or observable knowledge, skills, abilities, and behaviors of employees or staff critical to specific desired outcomes defined in every position/item commonly known as *successful job performance*. This is coupled by the commitment of the personnel to perform and to act in a wide variety of situations. Examination and interview shall be mandatory for positions with Salary Grade 10 and above.

Sec. 7. Placement to Entry Positions. -

- a. The Bangsamoro Job Portal shall serve as the main platform for accepting job applications for placement to vacant positions.
- b. Job applications submitted personally to the ministries and offices must be processed and uploaded to the Bangsamoro Job Portal. For this purpose, a Bangsamoro Job Portal Help Desk must be setup by the respective ministries and offices to assist the prospective applicants.
- c. Job applications and documents that are not registered and uploaded to the Bangsamoro Job Portal may still be considered.
- d. Each Ministry, Office, or Agency shall have their respective Recruitment, Selection and Placement Board (RSPB) which shall deliberate the positions, and screen applications.
- e. A representative from the Office of the Chief Minister shall sit in the RSPB of the respective ministries and offices.
- f. The RSPB at the level of the ministries, offices, and agencies shall deliberate all positions and screening applications regardless of Salary Grade; however, for positions with Salary Grade 25, the ministries, offices, and agencies shall submit the top five (5) candidates to the Chief Minister for final review, selection, and appointment.
- g. The duly constituted RSPB/Committee shall, thereafter:
 - i. Notify all applicants of the outcome of the preliminary evaluation;
 - ii. Submit the selection line up to the RSPB/Committee for deliberation *en banc*;

- iii. The RSPB/Committee *en banc* shall then make a systematic assessment of the competence and qualifications of candidates for appointment to the corresponding level of positions; and
 - iv. Evaluate and deliberate *en banc* the qualification of those listed in the selection line up, and submit the list of candidates recommended for appointment, specifying the highest five (5) qualified candidates whose over-all point scores are comparably at par, from which the appointing authority shall choose the applicant to be appointed.
- h. The Appointing Authority shall assess the merit of the RSPB/Committee's recommendee for appointment and in the exercise of sound discretion, select, in so far as practicable, from among the top five (5) ranking applicants deemed most qualified for appointment to the vacant position;
 - i. The Appointing Authority shall issue appointments in accordance with the provisions of these Code; and
 - j. The RSPB/Committee shall post a notice announcing the appointment of an employee in three (3) conspicuous places in the Bangsamoro Government Center a day after the issuance of the appointment for at least fifteen (15) days.

Sec. 8. Filling-up of Positions. - In addition, the following reminders and guidelines are hereby provided in filling up of positions in the Agency's Staffing Pattern:

- a. The appointing authority shall designate competent and qualified personnel to serve as members of the RSPB/Committee only in cases when there are no appointed/designated personnel holding positions identified to be members of the RSPB as suggested in the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA); and
- b. In the event that an RSPB/Committee member is also a candidate for a specific vacant position, the appointing authority shall designate another competent member to replace the concerned member during the deliberations of the specific position.

Sec. 9. Services to be Outsourced. - In lieu of filling up vacant items, certain services may be outsourced on a need basis, through the hiring of consultants/job order (JO)/contract of service (COS) personnel, where no employer-employee relationship exists, subject to the availability of funds for Maintenance and Other Operating Expenses (MOOE), and provided it is consistent with the following:

- a. Services/areas, which can be outsourced are limited to utility, building and grounds maintenance, messengerial, security, transportation/mobility, and information technology;
- b. Pertinent budgetary, civil service, accounting and auditing rules and regulations;
- c. For functions identified to be performed by regular plantilla items, COS/JO personnel may be allowed to perform the functions. However, heads of offices will not be allowed to fill up the regular plantilla items; and
- d. Service contract shall follow the existing guidelines on hiring COS and JO employees, i.e. "no work, no pay" basis, no employer-employee relationship.

Sec. 10. Rehiring of Retired/Separated Personnel. - As a reiteration of Sec. 10, Art. XVI of RA No. 11054, "*affected personnel who are retired or are separated from the service shall not be*

re-employed in any agency of the Bangsamoro Government or the National Government, including government-owned or -controlled corporations for a period of five (5) years. The retired or separated personnel who are re-employed during the prohibited period shall refund, on a pro-rated basis, the separation incentives they received x x x”.

Sec. 11. Promotion. - An employee may be promoted or transferred to a position which is not more than three (3) salary steps or job rate higher than the employee’s present position, except in very meritorious cases, such as, if the vacant position is next-in-rank as identified in the System of Ranking Positions approved by the head of the agency or office, or the lone or entrance position indicated in the agency’s staffing pattern.

- a. Before being considered for promotion, an employee should have rendered at least a very satisfactory performance in his/her present position for the last rating period;
- b. The appointing authority may appoint an applicant who is not the next-in-rank but possesses superior qualification/s and competence, and has undergone the selection process;
- c. An employee who is on local or foreign scholarship or training grant or on a maternity leave may be considered for promotion. The performance rating of the concerned employee shall be his/her rating immediately prior to the scholarship or training grant or maternity leave. His/her promotion shall be in effect upon assumption to duty; and
- d. Promotion within six (6) months prior to compulsory retirement shall not be allowed, except as otherwise provided by law.

Sec. 12. Grievance. - Grievance which refers to work related issued giving rise to employee dissatisfaction shall be acted upon by the agency/office based on the following guidelines:

- a. A grievance shall be resolved expeditiously at all times at the lowest level possible in any agency/office of the BARMM. However, if not settled at the lowest level possible, an aggrieved party shall present his/her grievance step by step following the hierarchy of positions;
- b. All agencies shall establish a Grievance Machinery which is the best way to address grievance between or among government officials and employees to be approved by the Civil Service Commission;
- c. The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on grievance;
- d. Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed;
- e. A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his/her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action;
- f. If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor;
- g. A Grievance Committee shall be created by every agency/office and shall be composed of permanent officials and employees, whenever applicable, based on his/her integrity, probity sincerity and credibility;
- h. The agency Grievance Committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least

- every quarter, “*talakayan*”, counseling, Human Resource Development (HRD) interventions, and other similar activities;
- i. The Human Resource Management Office, in collaboration with the agency’s Grievance Committee, shall conduct continuing information drive on grievance machinery among its officials and employees;
 - j. The Grievance Committee shall establish its own internal rules, procedures and strategies. Membership in the Committee shall be considered part of the members’ regular duties;
 - k. The following cases are considered as work-related grievance which may be referred to the Committee:
 - i. Non-implementation of policies, practices, and procedures on terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits, and other related personnel concerns;
 - ii. Non-implementation of policies, practices and procedures which affect the employees from recruitment to promotion, detail, transfer, retirement, termination, lay-off and other related issues that affect them;
 - iii. Physical working conditions;
 - iv. Interpersonal relationships and linkages;
 - v. Protest on appointment; and
 - vi. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.
 - l. The following cases, however, shall not be acted upon through the Grievance Committee:
 - i. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administration Cases;
 - ii. Sexual harassment cases as provided for in RA 7877, RA 11313 or other similar laws passed by the Parliament; and
 - iii. Union related issues and concerns.

Sec. 13. Strategic Performance Management System. - In line with the policies of the Civil Service Commission, all BARMM ministries, agencies, and offices shall adopt a Strategic Performance Management System geared towards continuously fostering improvement of organizational performance, employee effectiveness and efficiency, and provision of an objective performance rating at individual and team levels as basis for performance appraisal and recognition.

The SPMS shall be guided by the following policies and procedures:

- a. The SPMS shall adhere to a results-based performance approach;
- b. The agency/office shall operate on the basis of the shared commitments and objective measures of performance results. Performance targets and standards or measures of results are planned and agreed upon by the management, supervisors and employees and in accordance to the agency organizational goals and mandates;
- c. The SPMS shall recognize the role of multi-stakeholders in its objective assessment and feed-backing on individual employee performance;
- d. The SPMS shall apply to all employees in the career service in a certain rating period, as may be determined by the agency/office. It may also apply to employees in the non-career service, whenever appropriate;
- e. A Strategic Performance Management Review Team (SPMRT) shall be created in each agency/office and whose membership shall be determined by the agency/office

head. It shall formulate appropriate procedures and mechanism to be observed in implementing the SPMS; and

- f. The SPMRT shall review the comparative assessments of employees' performance targets to ensure rationalization of employee workload, particularly of those holding similar positions and working under the same work conditions and recommends necessary modifications or corrective action, if necessary.

Sec. 14. *Incentives.* - The Bangsamoro Government shall adopt the Program on Awards and Incentives for Service Excellence (PRAISE) in line with the Revised Policies on Employee Suggestions and Incentives Awards System (ESIAS) as provided by the Civil Service Commission's rules and regulations.

- a. The PRAISE shall adhere to the principle of providing incentives and awards based on performance, innovative ideas, and exemplary behavior of the deserving employees;
- b. It shall encourage, recognize and reward employees, individually or in groups, for their suggestions, innovative ideas, inventions, discoveries, superior accomplishments, heroic deeds, exemplary behavior, extraordinary acts or services in the public interest and other personal efforts which contribute to the efficiency, economy, and improvement in government operations, which lead to organizational productivity;
- c. It shall be institutionalized in every BARMM ministry/agency/office through the creation of a PRAISE Committee composed of key officials of the agency/office and two (2) representatives from the rank-and-file, one (1) from the first level and one (1) from the second level. The representatives shall be chosen by the employees belonging to their respective level; and
- d. The Committee shall be responsible for the development, administration, monitoring and evaluation of the awards and incentives system of the agency. The agency, may, however, employ an external or independent body to assist in objectively implementing the system.

Chapter 2

Procurement Management System

Sec. 15. *Procurement Policy.* - It is the policy of the Bangsamoro Government to promote greater transparency, accountability, efficiency and equal opportunity in the government procurement system in consonance with the provisions of R.A. 9184 or the Government Procurement Reform Act, aimed to safeguard government public resources against loss or wastage due to graft and corruption, thereby generating substantial savings in the coffers of the Bangsamoro Government.

Sec. 16. *Scope and Coverage.* - The Procurement Management System shall govern all procurement of the Bangsamoro Government, ministries, bureaus, agencies, offices and LGUs in terms of Civil Works, Goods, Supplies, Materials, and related services and consulting services.

Sec. 17. *Creation of Bids and Awards Committee (BAC).* - As a general rule, there shall be a single BAC in each ministry of the Bangsamoro Government with the following functions:

- a. Advertise and/or post the invitation to bid;
- b. Conduct pre-procurement and pre-bid conferences;
- c. Determine eligibility of bidders;

- d. Receive and open bids;
- e. Conduct evaluation of bids;
- f. Undertake post-qualification;
- g. Recommend Award of the Contract to the Head of Procuring Entity (HOPE);
- h. Recommend the imposition of sanctions; and
- i. Such other functions as provided by law.

Sec. 18. Composition of the BAC. - The BAC shall be composed of five (5) members, three (3) of whom shall be regular members and the two (2) shall be provisional members.

The Chairperson shall be at least a 3rd ranking official of the Agency and the members shall be at least a 5th ranking permanent personnel.

(1) Regular Members:

The regular members shall be composed of:

Chairperson – who shall serve for three (3) years

1st Member – who shall serve for two (2) years

2nd Member – who shall serve for one (1) year

Thereafter, all regular members shall serve for a fixed term of three (3) years.

Technical, financial and legal areas of the agency shall each be represented in the fixed term/regular members. In case of resignation, retirement, separation, transfer, suspension, leave of at least six (6) months, the replacement shall serve only for the unexpired term. One of the regular members may be designated as Vice-Chairperson.

(2) Provisional Members:

The two (2) provisional members shall be technical members from the project end-user/Project Management Office.

(3) Observers:

Aside from the five (5) members of the BAC, there shall be two (2) observers from relevant sectors with no direct or indirect interest in the contract to be bid, who shall sit and monitor in the proceedings. The observers shall sit as non-voting members of the BAC.

Sec. 19. BAC Secretariat. - There shall be created a BAC Secretariat who shall act as the main support unit of the BAC. The Head of the Secretariat in the ministries shall be at least a 5th ranking official while in the bureaus and provincial offices s/he shall be at least a 3rd ranking official.

The BAC Secretariat shall have the following functions:

- a. Provide administrative support for the BAC;
- b. Organize and make necessary arrangements for the BAC meetings;
- c. Attend BAC meetings;
- d. Prepare minutes of the BAC meetings;
- e. Take custody of procurement documents;
- f. Manage procurement processes for the BAC;

- g. Monitor procurement activities and make proper report;
- h. Make arrangements for pre-procurement, pre-bid and bid-opening; and
- i. Central channel of communication.

Sec. 20. BAC Technical Working Group (TWG). - The BAC shall also create a Technical Working Group which shall assist in the eligibility screening and evaluation of bids. The BAC TWG has a Jury Duty wherein its members shall give utmost priority to BAC assignments over all other duties and responsibilities and shall assist in the continuous procurement process.

Sec. 21. Administrative Penalties for Bidders and Prospective Bidders. - The Procurement System of the Bangsamoro Government shall also adopt measures to penalize erring bidders.

Sec. 22. Grounds for Suspension of Bidders. - Any of the following shall be a ground to suspend bidders:

- a. Submission of eligibility requirements containing false information or false documents;
- b. Submission of bids that contain false information or falsified documents, or concealment thereof;
- c. Use of another name or allowing another bidder to use its name;
- d. Withdrawal of bid or refusal to accept an award;
- e. Refusal to post performance bond;
- f. Termination of the contract due to its default;
- g. Documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding; and
- h. Other acts that tend to defeat the purpose of the bidding.

Sec. 23. Appeal. - The decision of the BAC in all stages of procurement maybe appealed in writing by the bidders to the Head of the Agency. The appeal shall be made in writing by filing of Position Paper containing the following:

Name of Bidder:
Office Address:
Name of Project:
Contract Number:
Facts of the complaint:

The decision of the head of agency shall be appealable to the Chief Minister whose decision shall be final.

Sec. 24. Sanctions and Accountabilities. - The Procurement Management System of the Bangsamoro Government shall also provide for administrative sanctions and stiffer penalties in terms of fine and imprisonment for all who do not abide by the provisions stated by law.

Chapter 3 **Financial Management System**

Sec. 25. Fiscal Policy. - The Bangsamoro Government, in consonance with the budget system of the national government, shall adopt a regional budget system consisting of methods and practices of the government for planning, programming and budgeting. It shall include the adoption

of sound economic and fiscal policies and the execution of programs and projects geared towards the accomplishment of political, economic, and social objectives. Its primary concern is the availability of use of money to provide the services required as expected from the government.

The budget system of the Bangsamoro Government shall be interlinked with other systems or techniques of national government to accomplish its objectives. The systems of accounting, personnel administration are essential to the effective operation of the budget system.

Under this system, the Bangsamoro Government shall carry out all government activities under a comprehensive fiscal plan, which are authorized, developed and executed in accordance with the constitution and the provisions of the Bangsamoro Organic Law, prevailing statutes and the principles of sound public management. It shall provide for periodic review and disclosure of the fiscal position of the government in such detail that fiscal officers entrusted by law with the responsibility of managing the fiscal affairs of the Bangsamoro Government can determine its true financial position.

Sec. 26. *Budgeting Process.* - The budgeting process shall consist of budget preparation, authorization, execution, and accountability. The process shall consist of the following:

- a. Budget Preparation - Preparation of budget estimates
- b. Budget Authorization - Legislative authorization of the budget
- c. Budget Execution - Allotment of the appropriations incurrence of obligations
- d. Budget Accountability - Reporting on actual performance against plans

Sec. 27. *Fiscal Year.* - The fiscal year of the Bangsamoro Autonomous Region shall cover the period January 1 to December 31 of every year, in consonance with the fiscal year of the national government.

Chapter 4 **Property, Facilities and Equipment Management**

Sec. 28. *Property Ownership.* - The land, permanent buildings or structures, facilities and equipment owned, controlled, administered, or in the possession of the Bangsamoro Government, including those transferred and formerly owned, held, administered, or controlled by the defunct autonomous government in Regions IX and XII and the properties and assets of offices previously devolved to the former ARMM shall remain the property of the Bangsamoro Government.

As much as practicable, these properties shall be saved, retained, developed and managed in pursuit to an effective and efficient delivery of services and governance.

Sec. 29. *Disposition of Real Properties located outside the Bangsamoro Autonomous Region.* - In the event the Bangsamoro Government decides to dispose the real properties owned, controlled and administered by it located outside the Bangsamoro Autonomous Region, these properties shall be disposed in accordance with existing pertinent laws, rules and regulations of the Bangsamoro Government.

Chapter 5 Gender and Development

Sec. 30. *Gender and Development.* - In the utilization of public funds, the Bangsamoro Government shall ensure that the needs of the Bangsamoro people, regardless of gender, are adequately addressed. For this purpose, at least five percent (5%) of the total budget appropriation of each ministry, office, and constituent local government unit of the Bangsamoro Autonomous Region shall be set aside for gender-responsive programs, in accordance with a gender and development plan. In the same manner, five percent (5%) to thirty percent (30%) of the official development assistance received by the Bangsamoro Government shall be set aside to complement the gender and development budget allocation.

The Bangsamoro Government, through the Bangsamoro Women Commission, shall establish a mechanism for consultation with women and local communities to further ensure the allocation and proper utilization of development funds. It shall identify and implement special development programs and laws for women.

TITLE XIX NATIONAL GOVERNMENT AGENCIES IN THE BARMM

Chapter 1 Civil Service Commission for BARMM

Sec. 1. *Civil Service Commission for BARMM.* - The Bangsamoro Government recognizes the establishment of the Civil Service Commission for BARMM (CSC for BARMM) that exercises powers and duties granted by the Philippine Constitution and in consonance with Executive Order No. 292.

Sec. 2. *Bangsamoro Civil Service Code.* - The Bangsamoro Parliament shall also enact a Bangsamoro Civil Service Code, as provided in the Bangsamoro Organic Law, subject to the Constitutional mandate of the Civil Service Commission.

In cases of abolition of positions and the creation of new ones resulting from the abolition of existing positions in the Bangsamoro Government, such abolition or creation shall be made in accordance with Section 10, Article XVI of the Bangsamoro Organic Law. The provisions of civil service laws, rules, and regulations shall apply suppletorily.

Chapter 2 Bangsamoro Electoral Office

Sec. 3. *Bangsamoro Electoral Office.* - The Commission on Election shall establish a Bangsamoro Electoral Office under its supervision and control which shall implement and enforce its orders, rulings and decisions. The budget of the Bangsamoro Electoral Office shall be part of the yearly budget of Commission on Elections.

Sec. 4. *First Regular Election.* - The first regular election for the Bangsamoro Government under this Organic Law shall be held and synchronized with the 2022 national elections. The

Commission on Elections, through the Bangsamoro Electoral Office, shall promulgate rules and regulations for the conduct of the elections, enforce and administer them pursuant to national laws, this Organic Law and the Bangsamoro Electoral Code.

Chapter 3

Police Regional Office in the Bangsamoro Autonomous Region

Sec. 5. *Public Order and Safety.* - The Bangsamoro Government recognizes the establishment by the Philippine National Police of a Police Regional Office in the Bangsamoro Autonomous Region, which shall be organized, maintained, supervised, and utilized for the primary purpose of law enforcement and maintenance of peace and order in the Bangsamoro in accordance with Republic Act No. 6975, otherwise known as the "*Department of Interior and Local Government Act of 1990*" as amended by Republic Act No. 8551, otherwise known as the "*Philippine National Police Reform and Reorganization Act of 1998.*" It shall be under the direct operational control and supervision of the Philippine National Police.³

Sec. 6. *Police Regional Director.* - The Police Regional Office in the Bangsamoro Autonomous Region shall be headed by a Regional Director who shall, upon consultation with the Chief Minister, be appointed in accordance with Republic Act No. 6975, as amended.

Sec. 7. *Regional Office of the National Police Commission.* - The Bangsamoro Government recognizes the establishment by the National Police Commission of a Bangsamoro Regional Office under its direct control, supervision, and administration, in accordance with Republic Act No. 6975, as amended. The Secretary of the Interior and Local Government shall appoint a Regional Director who shall head the National Police Commission Bangsamoro Regional Office.

The National Police Commission Bangsamoro Regional Office shall have the power to investigate complaints against members of the Police Regional Office in the Bangsamoro Autonomous Region. Appeals from the decisions of the National Police Commission Bangsamoro Regional Office shall be filed with the National Police Commission. Pending resolution of the appeal, the decision of the National Police Commission Bangsamoro Regional Office may be executed.

Sec. 8. *Consultation with the Chief Minister on Police Matters Affecting the Police Regional Office in the Bangsamoro Autonomous Region.* - The National Police Commission shall consult the Chief Minister on police matters affecting the Police Regional Office in the Bangsamoro Autonomous Region.

Chapter 4

Jail Management and Penology

Sec. 9. *Jail Management and Penology.* - The Bangsamoro Government recognizes the establishment by the Bureau of Jail Management and Penology of a regional office in the Bangsamoro Autonomous Region under its direct operational and administrative control and supervision, in accordance with Republic Act No. 6975, as amended, and Republic Act No. 9263, otherwise known as the "*Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004.*" The Bureau of Jail Management and Penology 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.

Chapter 5 Fire Protection

Sec. 10. *Fire Protection.* - The Bangsamoro Government recognizes the establishment by the Bureau of Fire Protection of a regional office in the Bangsamoro Autonomous Region under its direct operational and administrative control and supervision, in accordance with Republic Act No. 6975, as amended and Republic Act No. 9263. The Bureau of Fire Protection shall support the regional office in the establishment maintenance, and improvement and procurement of fire protection and prevention facilities, the enforcement of Republic Act No. 9514, otherwise known as the "*Fire Code of the Philippines of 2008*," other existing laws on fire safety enforcement, protection and prevention.

Chapter 6 Coast Guard Services

Sec. 11. *Coast Guard.* - The Bangsamoro Government recognizes the establishment by the Philippine Coast Guard of a regional office in the Bangsamoro Autonomous Region which shall be organized, maintained, supervised, and utilized for the primary purpose of law enforcement over coast guard matters. It shall be under the direct operational and administrative control and supervision of the Philippine Coast Guard.

Chapter 7 Local Government Finance

Sec. 12. *Local Government Finance.* - The Bangsamoro Government recognizes the creation by the Department of Finance of a Bangsamoro Regional Office of the Bureau of Local Government Finance in the Bangsamoro Autonomous Region which shall have the authority to coordinate, assist, and monitor the treasury and assessments operations of constituent local government units within the Bangsamoro Autonomous Region in pursuance of good governance and local autonomy.

The regional office shall be guided by the standards set by the Department of Finance-Bureau of Local Government Finance including the requirements set for the appointment of local treasurers.

TITLE XX GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS

Sec. 1. *Creation of Government-Owned or -Controlled Corporations.* – Upon coordination with the national government, the Parliament shall have the power to create government-owned or -controlled corporations in compliance with the provisions of Republic Act No. 10149, otherwise known as the "*GOCC Governance Act of 2011*" by a grant of legislative charter or under *Batas Pambansa Blg. 68*, otherwise known as "*The Corporation Code of the Philippines*": *Provided*, That those duly registered with the Securities Exchange Commission may likewise operate outside the Bangsamoro Autonomous Region.

The Parliament may create pioneer firms and other business entities to boost economic development in the Bangsamoro Autonomous Region.

Sec. 2. Existing Government-Owned or -Controlled Corporations Operating Exclusively in the Bangsamoro Autonomous Region. - The Bangsamoro Government shall have the authority and control over existing government-owned or -controlled corporations operating exclusively in the Bangsamoro Autonomous Region after determination by the Intergovernmental Fiscal Policy Board of their feasibility: *Provided*, That they shall have the option to transfer their operations outside of the Bangsamoro Autonomous Region, which shall be effected through the necessary changes in their governing boards.

Sec. 3. Existing Government-Owned or -Controlled Corporations in the Bangsamoro Autonomous Region. - The Bangsamoro Government shall be represented in the board of directors or in the policy-making bodies of government-owned or -controlled corporations that operate a substantial portion of their business directly or through their subsidiaries in the Bangsamoro Autonomous Region or where the Bangsamoro Government has a substantial interest.

The Intergovernmental Fiscal Policy Board shall determine the extent of the participation of the Bangsamoro Government as well as its shares from the results of the operations of these corporations and their subsidiaries based on a formula that it shall determine: *Provided*, That the Bangsamoro Government shall have at least one (1) seat in the governing boards of the said corporations.

BOOK VII GENERAL PROVISIONS

Chapter 1 Applicability

Sec. 1. Scope. - This Code shall be applicable to all Ministries, Agencies, Commission, Bureaus, and Offices of the Bangsamoro Autonomous Region in Muslim Mindanao.

Sec. 2. Gender. - Where a masculine noun or pronoun is used in this Code, it shall likewise imply and include the corresponding feminine gender.

Sec. 3. Collection and Remittance. - Fees, charges, levies, taxes, dues and other income collected and received by income-generating agencies and GOCCs of the BARMM shall be remitted to the account of the Bangsamoro Treasury Office. The manner and regularity of remittance shall be in accordance with existing laws, rules and regulations relative thereto.

Chapter 2 Amendments or Revisions

Sec. 4. Amendments or Revisions. - Any amendment to, revision, or repeal of this Code shall be made by law enacted by the Bangsamoro Parliament.

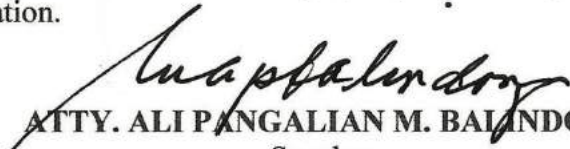
Chapter 3
Transitory Provisions

Sec. 5. Repealing Clause. - All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Code are hereby repealed or modified accordingly.

Sec. 6. Separability Clause. - In the event that any of the provisions of this Code is declared unconstitutional, the validity of the other provisions shall not be affected by such declaration.

Sec. 7. Effectivity. - This Code shall take effect fifteen (15) days after its publication in a Newspaper of General or Regional Circulation.

APPROVED.


ATTY. ALI PANGALIAN M. BALANDONG
Speaker

This Act was passed by the Bangsamoro Parliament on October 28, 2020


PROF. RABY B. ANGKAL
Secretary-General

APPROVED:


AHOD BALAWAG EBRAHIM
Chief Minister

Date: 11-03-2020