



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER

Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City 9600

ADMINISTRATIVE ORDER NO. 003
Series of 2024

**PRESCRIBING THE INTERIM RULES AND REGULATIONS GOVERNING APPEALS
TO THE OFFICE OF THE CHIEF MINISTER AS PROVIDED IN SEC. 79 OF THE
BANGSAMORO LOCAL GOVERNANCE CODE**

WHEREAS, Republic Act (R.A.) No. 11054, otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) guarantees the authority of the Bangsamoro Government to regulate the affairs of its constituent local government units in accordance with the local government code it shall enact;

WHEREAS, Bangsamoro Autonomy Act (BAA) No. 49, or the Bangsamoro Local Governance Code (BLGC) defines “*regulating the affairs of the constituent local government units*” as the exercise of the Bangsamoro Parliament of authorities over local government units by means of legislating and promulgating policies, rules, and regulations including on the power and manner of the exercise of general supervision of the Chief Minister over the officials of local government units, including the administrative jurisdiction over disciplinary actions involving elective local officials;

WHEREAS, the BLGC prescribes that decisions in administrative cases rendered by the sangguniang panlalawigan or the sangguniang panlungsod of highly urbanized cities and independent component cities may be appealed to the Office of the Chief Minister whose decision thereon shall be final and executory;

WHEREAS, in view of the effectivity of the BLGC after the completion of its publication on 26 December 2023, the OCM received a number of appeals on administrative cases involving elective local officials;

WHEREAS, in view thereof, there is a need to issue this interim rules to govern the appeals made to the OCM on administrative cases involving elective local officials pending the issuance of the implementing rules and regulations of the BLGC;

NOW, THEREFORE, I, AHOD B. EBRAHIM, Chief Minister, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations to govern appeals filed with the Office of the Chief Minister, as follows:

SECTION 1. Period to appeal. An appeal to the Office of the Chief Minister shall be taken within thirty (30) days from notice of the aggrieved party of the decision/resolution appealed from, or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the BLGC and other related issuance, if any.

SECTION 2. Appeal, how taken. The appeal shall be taken by filing a Notice of Appeal with the Office of the Chief Minister, with proof of service of a copy thereof to the sanggunian concerned and the affected parties, and payment of the appeal fee.

SECTION 3. Appeal fee. The appellant shall pay to the Office of the Chief Minister the appeal fee of PhP 3,000.00 within the same period for filing a Notice of Appeal under Section 1 hereof.

SECTION 4. Transmittal of record. Within ten (10) days from receipt of a copy of the Notice of Appeal, the sanggunian concerned shall transmit to the Office of the Chief Minister the complete records of the case with each page consecutively numbered and initialed by the custodian of the records, together with a summary of proceedings thereon from the filing of the complaint or petition before the office of origin up to transmittal to the Office of the Chief Minister in chronological order indicating the action taken, incidents resolved, and listing of all pleadings, motions, manifestations, annexes, exhibits and other papers or documents filed by the contending parties, the corresponding orders, resolutions and decisions.

SECTION 5. Perfection of appeal. The appeal shall be deemed perfected upon the filing of the Notice of Appeal, payment of the appeal fee, and the filing of the appeal memorandum.

SECTION 6. Period to file appeal memorandum. The appeal memorandum shall be filed within thirty (30) days from the date the Notice of Appeal is filed, with proof of service of a copy thereof to the sanggunian concerned and the affected parties.

SECTION 7. Appeal memorandum. The appeal memorandum shall be verified and filed in three (3) copies and shall (a) contain the caption and docket number of the case as presented in the office of origin and the addresses of the parties; (b) indicate the specific material dates showing that it is filed within the period prescribed in Section 1 hereof; (c) contain a concise statement of the facts and issues and the grounds relied upon for the appeal; (d) contain a certificate of non-forum shopping; and (e) be accompanied by a clearly legible duplicate original or a certified true copy of the decision/resolution being appealed.

SECTION 8. Non-compliance with requirements. The failure of the appellant to comply with any of the requirements regarding the payment of the appeal fee, proof of service of the appeal memorandum, and the contents of and the documents which should accompany the appeal memorandum shall be sufficient grounds for the dismissal of the appeal.

SECTION 9. Stay of execution. The execution of the decision/resolution/order appealed from is stayed upon the filing of the Notice of Appeal within the period prescribed herein. However, in all cases, at any time during the pendency of the appeal, the Office of the Chief Minister may direct or stay the execution of the decision/resolution/order appealed from upon such terms and conditions as it may deem just and reasonable.

SECTION 10. Action on appeal. The Office of the Chief Minister may require the appellee to file a comment to the appeal memorandum within thirty (30) days

from notice, or dismiss the appeal if the Office of the Chief Minister finds that (a) it has no jurisdiction, (b) the appeal is patently without merit, (c) the appeal is prosecuted manifestly for delay, or (d) the questions raised in the appeal are too unsubstantial to require consideration.

SECTION 11. Comment. The comment shall (a) point out insufficiencies or inaccuracies in the appellant's statement of facts and issues and (b) state the reasons why the appeal should be denied or dismissed. A copy shall be served on the appellant and the department or agency concerned, with proof of service submitted to the Office of the Chief Minister.

SECTION 12. Submission for resolution. The appeal shall be deemed submitted for resolution upon receipt of the comment, unless the Office of the Chief Minister directs otherwise.

SECTION 13. Memorandum decision. In cases where the facts are in the main accepted by both parties and easily determinable, and there are no doctrinal complications involved that will require an extended discussion of the laws involved, the decision on appealed cases may be in the form of a memorandum decision. The memorandum decision shall adopt by reference the findings of fact and conclusions of law contained in the decision/resolution/order appealed from, either by attaching the same to the memorandum decision or by quoting the decision/resolution/order in the memorandum decision.

SECTION 14. Finality of decision. Decisions/resolutions/orders of the Office of the Chief Minister shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period. Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.

SECTION 15. Executory nature of decision. Notwithstanding an appeal or petition for review of the decision/resolution/order of the Office of the Chief Minister to the Court of Appeals or the Supreme Court, the decision/resolution/order of the Office of the Chief Minister is executory and the records will be remanded to the sanggunian where the case originated, unless the Court of Appeals or the Supreme Court issues an order staying the execution of the decision/resolution/order.

SECTION 16. Withdrawal of appeal. An appeal may be allowed to be withdrawn at any time prior to the promulgation of a decision/resolution/order of the Office of the Chief Minister on the appeal, except when public interest is prejudiced thereby. Upon the approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.

SECTION 17. Delegation of authority. (1) Upon order of the Chief Minister, the Bangsamoro Attorney General or the head of the Legal and Legislative Liaison Office is authorized to decide and sign decisions/resolutions/orders in appealed cases.

(2) Unless otherwise ordered in writing by the Chief Minister or the Senior Minister, the Bangsamoro Attorney General or the head of the Legal and Legislative Liaison

Office may sign resolutions and orders which: (a) are interlocutory in nature; (b) dismiss appeals filed out of time or over which the Office of the Chief Minister has no jurisdiction; (c) dismiss appeals on mutual agreement of the parties, or which have been withdrawn; and (d) declare a decision/resolution/order in an appealed case as final and/or executory, and remanding the case to the relevant sanggunian.

SECTION 18. Application of Rules of Court. The Rules of Court shall apply in a suppletory character whenever practicable and convenient.

SECTION 19. Transitory Provision. Appeals received by the Office of the Chief Minister prior to the issuance of these rules shall be deemed filed and perfected within the periods provided herein.

For such appeals, the requirement of payment of appeal fee in Section 5 hereof shall be considered validly made provided the same is paid any time before the promulgation of the decision/resolution on the appeal.

SECTION 20. Appeal of interlocutory orders. Interlocutory orders are not covered by these interim rules and may be dismissed outright, subject to the issuance of the regular rules for appeals to the Office of the Chief Minister.

SECTION 21. Repealing clause. All other orders, rules, or regulations or any part thereof inconsistent with this Administrative Order are hereby modified and/or amended accordingly.

SECTION 22. Separability clause. If any provision or part of this Administrative Order is held invalid or unconstitutional, the provisions not otherwise affected shall remain valid and subsisting.

SECTION 23. Effectivity clause. This Administrative Order shall take effect upon publication in a newspaper of regional circulation.

DONE, in the City of Cotabato, this 27th day of March, in the year of our Lord, Two Thousand and Twenty-Four.


AHOD B. EBRAHIM
Chief Minister



Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER
Records Division - AMS
RELEASED
BY: *Hanan CG*
DATE: 03 APR 2024
TIME: 1:39 PM

OCM-BARMM AMS-RD
AAA159465

