



# **CABINET BILL NO. 60**

## **Bangsamoro Administrative Code**

# **PANEL REPORT ON PUBLIC CONSULTATIONS**

*Panel for the Bangsamoro  
Administrative Code*

# **Panel Report on the Proposed Bangsamoro Administrative Code**

1 September 2020

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## **ABOUT THIS REPORT**

This Report was prepared by the Panel for the Bangsamoro Administrative Code. It presents a summary of consolidated observations, concerns and issues that emerged and some of the key suggestions and/or recommendations offered by resource persons in the series of consultations conducted by the Panel.

## I. OVERVIEW

Cabinet Bill No. 60, otherwise known as the **Proposed Bangsamoro Administrative Code** was filed last July 21, 2020 and was referred to the Committee on Rules on July 23, 2020. This paved the way for the creation of a Panel for the Bangsamoro Administrative Code. The Panel was tasked by the Committee on Rules to facilitate and conduct public hearings for the draft Administrative Code and submit the inputs to the Committee. The twenty-three members of the Panel were chosen from among the members of parliament who are lawyers, with long experience in government service, ensuring that there is geographical spread with representatives coming from the five (5) provinces, and with settler and indigenous peoples (IP) representation.

The primary role of the panel was to get the positions and concerns of the resource persons and submit a consolidated report on those issues raised during the public consultations for the consideration of the Committee on Rules, which will be deliberating the Administrative Code.

A series of consultations was conducted to reach government officials, experts, civil society organizations, interested citizens and other stakeholders from all over the country and the Bangsamoro region in order to ensure that the final text of the Administrative Code reflects the experience, the needs and aspirations of the Bangsamoro people.

Six consultations on the Proposed Bangsamoro Administrative Code were conducted, to wit:

1. Consultation with local government units on August 14, 2020 (Morning);
2. Consultation with Cabinet Members on August 14, 2020 (Afternoon);
3. Consultation with the Experts in political systems and bureaucracies of government on August 17, 2020 (Morning);
4. Consultation with sub-units of the different BARMM ministries on August 19, 2020 and August 22, 2020;
5. Consultation with the constituencies of the different ministries on August 22, 2020; and
6. Consultation with local executives within the Bangsamoro, representing the provincial Leagues of Municipalities; Vice Mayors' Leagues; Councilors' Leagues; and the Liga ng mga Barangays.

## II. CONSULTATION METHODOLOGY

The Panel engaged in a consultation process on the proposed Bangsamoro Administrative Code as guided by the Rules of conducting public hearings. Participants participated via Zoom, as a health safety measure during the Covid-19 pandemic. The consultations ran from August 14, 2020 to August 26, 2020, with sessions at the BPDA Conference Hall, BTA Executive Lounge, and Em Manor Hotel.

A copy of the proposed Administrative Code was sent via email to the resource persons, through the Office of MP Atty. Raissa H. Jajurie. Resource persons were informed and encouraged to submit their position papers on or before August 27, 2020 and to e-mail the same at [bta.committeeaffairsdivision@gmail.com](mailto:bta.committeeaffairsdivision@gmail.com). Those who were not invited or were not able to participate were also encouraged to submit, position papers and/or policy briefs, as announced in the Bangsamoro Government website and Facebook page.

### III. CONSOLIDATED OBSERVATIONS AND RECOMMENDATIONS ON THE PROPOSED BANGSAMORO ADMINISTRATIVE CODE

This chapter provides a consolidated summary of the primary issues and observations that emerged and some of the key suggestions and/or recommendations offered by resource persons. Responses gathered during the consultations, as well as the points and recommendations raised in the policy papers submitted, were grouped and organized according to issues, and arranged as presented in the Proposed Bangsamoro Administrative Code.

#### On Introductory Provisions

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<b>Section 2. Purpose</b> <i>Page 1</i>	
<p>Is it necessary to say that the purpose of this Administrative Code is to provide structural and procedural principles and rules “during the period of transition”?<sup>1</sup></p> <p>The Administrative Code should be treated as a core document that can guide not only the Bangsamoro Transition Authority (BTA), but the regular government.<sup>2</sup></p>	<p>Put the phrase “shall remain effective until the regular Bangsamoro Government amends or repeals the same” in the Repealing Clause or Amendatory Clause.<sup>3</sup></p> <p>Omit the phrase “during the period of transition” as it shows the weakness of the Administrative Code when you put a timeline.<sup>4</sup></p>
<b>Section 3. Declaration of Principles and Policies</b> <i>Pages 1, 2</i>	
	<p>Include a general provision on human rights protection and promotion, to wit:</p> <p>“Section 3. Declaration of Principles and Policy. - XXX The Bangsamoro Government, its offices, agencies, including GOCC’s shall ensure full respect for human rights. In the performance its duties and responsibilities, Offices, Agencies, including GOCC’s shall include human rights protection and promotion in the formulation and</p>

<sup>1</sup> MP Atty. Jose Lorena and MP Atty. Paisalin Tago during August 14, 2020 consultation.

<sup>2</sup> Ma. Christina Valte, invited expert during August 17, 2020 consultation.

<sup>3</sup> MP Atty. Tago

<sup>4</sup> MP Atty. Lorena

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
	implementation of plans, programs, projects and activities.” <sup>5</sup>
<b>Section 3 (a)</b> <i>Page 1</i>	
What is meant by asymmetrical relationship? <sup>6</sup>  Asymmetrical relationship was mentioned, without a proper definition. It’s supposed to govern the different ministries in the Bangsamoro Autonomous Region. <sup>7</sup>	Include “asymmetrical relationship” in the Definition of Terms under Section 4. <sup>8</sup>
<b>Section 3 (b)</b> <i>Pages 1, 2</i>	
Who is referred to as “indigenous peoples (IP)”? It should be included in the Definition of Terms, so that it will be clear who are the IPs. <sup>9</sup>	Include “Non-Moro Indigenous Peoples” in the Definiation of Terms.. <sup>10</sup>
<b>Section 4. Definition of Terms</b> <b>“Settler Communities”</b> <i>Page 4</i>	
	Include definition of Settler communities. “The Settler communities should refer to the natural born Filipino citizen, coming from Luzon and Visayas who either settle in the Bangsamoro due to the Philippine resettlement policies and programs or voluntarily opted to migrate in the Bangsamoro.” <sup>11</sup>
<b>Other Comments and Recommendations</b>	
What is the population of IPs? The intention of the Bangsamoro Transition Commission was really for those, 6 on the mainland, and another 6 in the island provinces.	Include the following in the Definition of Terms:  “IPs, ICCs and NMIPs refers to a group of Non-

<sup>5</sup> *Position Paper of Bangsamoro Human Rights Commission (BHRC) signed by Atty. Abdunnasser Badrudin, Chairperson.*

<sup>6</sup> *MP Atty. Nabil Tan, and MP Atty. Paisalin Tago during August 14, 2020 consultation.*

<sup>7</sup> *MP Atty. Tan.*

<sup>8</sup> *MP Atty. Tan, and MP Atty. Tago.*

<sup>9</sup> *MP Romeo Saliga during August 14, 2020 consultation.*

<sup>10</sup> *Leticio Datuwata, Acting Timuay, Kesefanagguwit Timuay (Timuay Justice and Governance), South Upi, Maguindanao, during August 22, 2020 consultation; also submitted a Position Paper.*

<sup>11</sup> *Edgardo Ramirez, Lead Convenor, Christinas for Peace Movement (CfPM) during August 22, 2020 consultation; also submitted Position Papers with endorsements from Rev. Dr. Aldrin Penamora of the Philippine Council of Evangelical Churches, and Archbishop Orlando Quevedo, OMI.*

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<p>It should be clarified because all provisions will clarify who are the MIPA beneficiaries.<sup>12</sup></p>	<p>Moro people or homogenous societies identified by self-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, and who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures become historically differentiated from the majority of Filipinos. Non-Moro Indigenous Peoples 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 the conquest or colonization, or at the time of inroads 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 own their tradition domains or who may have resettled outside their ancestral domains. It shall include Teduray, Lambangian, Dulangan Manobo, B’laan, Erumanen ne Menuvu, Yakan, Badjao, Sama Bangingi, Jama Mapon, Sama Dilaot and Higaonon within Bangsamoro Autonomous Region in Muslim Mindanao.”<sup>13</sup></p>
	<p>Include a definition on “Bangsamoro Parliament” to underscore the dichotomy of powers;<sup>14</sup></p>

<sup>12</sup> MP Romeo Saliga during August 14, 2020 consultation.

<sup>13</sup> Erleigh Saliling, Erumanen ne Menuvu (NMIP) of Cotabato Province, during August 22, 2020 consultation; also submitted a Position Paper.

<sup>14</sup> Position Paper of Yasmin Macaumbang, Sh. L., Member, Integrated Shariah Bar of the Philippines.

**On BOOK I**  
**Bangsamoro Autonomy and Administration**

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<b>Chapter 2. Bangsamoro Symbols and Emblems</b> <b>Section 2. Bangsamoro Territory</b> <b>Section 2-C (1,2,3,4,5,6)</b> <i>Page 6</i>	
	Change “North Cotabato” to “Cotabato Province.” North Cotabato has been renamed as Cotabato Province. <sup>15</sup>
<b>Section 9. Seat of the Bangsamoro Government</b> <i>Page 8</i>	
	Create a satellite office of BARMM in Cabatangan, Zamboanga City to serve the three (3) Island Provinces. <sup>16</sup>
<b>Chapter 5. General Principles Governing Public Officers</b> <b>Section 20. Liability of Superior Officers</b> <i>Page 9</i> <b>Section 21. Liability of Subordinate Officers</b> <i>Page 10</i>	
	There must also be a specific provision on the administrative liability of Superior and Subordinate Officers. <sup>17</sup>

**On BOOK II**  
**Intergovernmental Relations**

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<b>Section 1. Intergovernmental Relations Body</b> <i>Page 12</i>	

<sup>15</sup> Erleigh Saliling, *Erumanen ne Menuvu (NMIP) of Cotabato Province, during August 22, 2020 consultation; also submitted a Position Paper.*

<sup>16</sup> Sulu Governor Abdusakur Tan during August 14, 2020 consultation.

<sup>17</sup> Vice Mayor Jhul Kifli Salliman, *Isabela City, Basilan during August 26, 2020 consultation.; also submitted a Position Paper.*



OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
	There should be a clear understanding of who has supervision over local government units in the Bangsamoro. If it is delegated to the Autonomy, there should be an attempt to define the responsibility of supervision of the Chief Minister over local governments. <sup>18</sup>
<b>Section 3. Council of Leaders</b> <i>Page 12</i>	
	There shall be an office creating the Council of Leaders. <sup>19</sup>
	The Former Overseas Bangsamoro Workers shall be authorized to nominate their representative to the Council of Leaders and other agencies and offices in the Bangsamoro Government where sectoral representation is mandated. <sup>20</sup>
<b>Section 3 (D)</b> <i>Page 12</i>	
	The Council of Leaders shall only have 1 representative for the Sultanate of Sulu and its ancestral domain (BaSulTa), <i>and</i> that the Parliament elevates His Royal Majesty Sultan Muedzul-Lail Tan Kiram to the Council of Leaders without the need for nomination as his position has been recognized by the people of Sulu, by the Philippine government in 1974, and by other international entities <sup>21</sup>

<sup>18</sup> MP Atty. Jose Lorena during August 14, 2020 consultation.

<sup>19</sup> Atty. Allan Panolong, Board Member, Lanao del Sur and Sulu Governor Abdusakur Tan during August 14, 2020 consultation.

<sup>20</sup> Tahir Nalg, President, Former Overseas Bangsamoro Workers (FOBW) during August 22, 2020 consultation.

<sup>21</sup> Sultan Muedzul-Lail Tan Kiram, Sultanate of Sulu and North Borneo, during August 22, 2020 consultation.

**On BOOK III  
The Bangsamoro Autonomous Government**

OBSERVATION/ CONCERN/ ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<b>Title I Bangsamoro Government</b>	
<b>Section 1. Powers of Government</b> <i>Page 15</i>	
<p>There is no mention in the definition of terms, giving a distinction between the “power” and “authority”, under a parliamentary setup. When you give authority to the executive -- the Ministries and the Cabinet they have full power even without the need of reporting to the Parliament?<sup>22</sup></p> <p>The character of the Bangsamoro Government as a parliamentary government is provided under Article 7, Section 2, which defines the vesting of the power in the Parliament.<sup>23</sup></p> <p>The distinction between the Power and Authority will spell the substantive difference between the previous ARMM structure and the present Parliamentary Regional form of government.<sup>24</sup></p> <p>The source of authority of the Government of the Day is the Parliament.<sup>25</sup></p>	
<b>Title II Wali</b>	
<b>Section 15. Facilities</b> <i>Page 18</i>	

<sup>22</sup> MP Atty. Jose Lorena, MP Atty. Maisara Dandamun-Latiph, and MP Atty. Nabil Tan, during August 14, 2020 consultation.

<sup>23</sup> MP Atty. Lorena

<sup>24</sup> MP Atty. Tan, and MP Atty. Dandamun-Latiph.

<sup>25</sup> MP Atty. Dandamun-Latiph.

The Wali must have his honorable residence (Maligay in Maguindanao), (Turugan in Lanao), (Istana in Sulu) wherever the Wali comes from. He shall reside in that corresponding house of the royal residence (palace).<sup>26</sup>

**Title III  
Bangsamoro Parliament**

**Section 4. Election for Reserved Seats for Non-Moro Indigenous Peoples**

*Page 20*

Is there a population requirement for Indigenous Cultural Communities per municipality under the NCIP Administrative Order No. 2, series of 2012, that would tantamount to a reserved seat or opportunity in the Bangsamoro government, as provided in Section 8, Article 7 of BOL?<sup>27</sup>

1. There must be a specific provision in the manner of election and selection of the Reserved Seats and Sectoral Representatives.<sup>28</sup>
2. Change “election” to “selection”;
3. Include in the enumeration of NMIPs within BARMM the following: *Erumanen ne Menuvu, Blaan, Yakan, Badjao, Sama Bangingi, Jama Mapon, and Sama Dilaot.*<sup>29</sup>

**Sec. 16. Right to Initiate Legislation**

*Page 24*

<sup>26</sup> *Yas, a concerned citizen.*

<sup>27</sup> *Edwin Usman, President, Ungus-Ungus Fisherfolks, Sibutu, Tawi-Tawi, during August 22, 2020 consultation.*

<sup>28</sup> *Vice Mayor Jhul Kifli Salliman, Isabela City, Basilan during August 26, 2020 consultation.; also submitted a Position Paper.*

<sup>29</sup> *Erleigh Saliling, Erumanen ne Menuvu (NMIP) of Cotabato Province, during August 22, 2020 consultation; also submitted a Position Paper.*

Being *primus inter pares*, the right to initiate legislation is reposed to each individual Member of the Parliament (MP), and not an exclusive right of the Government of the Day. The provision effectively blocks the right of other Members to initiate legislation. The Government of the Day has a right and responsibility to dictate what should be tackled by the Parliament (agenda of the day), but they do not have the exclusive right to initiate legislation<sup>30</sup>

This section appears to constrain Parliament by restricting the legislative initiative of ordinary MPs and of committees, as well as creating two classes of MPs insofar as legislative initiative is concerned. It is also unusual, as it restricts MPs' legislative initiative, while mandating a system of popular initiative. Furthermore, the section is also vague about the circumstances in which requests, questions, interpellations and motions can be tabled. What is the difference among these different mechanisms; and as to the obligations of the Chief Minister and Cabinet in response to these. Vagueness can be remedied in the Rules of Procedure, but the Code should not to impose a restraint on Parliament that is not contained in the BOL.<sup>31</sup>

**Title IV  
The Bangsamoro Cabinet**

**Sec. 4. Powers, Duties, and Functions of the Chief Minister**

*Page 25*

This section refers to the Chief Minister's obligation under the BOL to ensure that the Government's platform is endorsed or otherwise by the Parliament. It would be helpful to have this obligation set out in more detail in the main text.<sup>32</sup>

**Chapter 2. Administrative Organization**

*Pages 27, 28*

<sup>30</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>31</sup> *A Policy Brief submitted by Westminster Foundation for Democracy*

<sup>32</sup> *A Policy Brief submitted by Westminster Foundation for Democracy*

Whether or not to adopt the principle of Ministerial Accountability in the Parliament? If yes, individual Ministerial Responsibility or Collective Ministerial Responsibility?

In an “Individual Ministerial Responsibility”, the Minister shall bear the ultimate responsibility for his/her decisions. If s/he is deemed unfit for his role, s/he should resign. But his/her failure to deliver does not make his/her coalition/party (Government of the Day) responsible for such failure. But the BTA might consider this detrimental to the integrity of the Government of the Day, as it can project disunity within the coalition/party.

Thus:

Option A.

“Section \_\_\_\_\_. Ministerial Accountability to the Parliament. – Pursuant to the Art. VII of the Bangsamoro Organic Law, the Ministers shall be answerable to the Parliament for the executive decisions that are made in the ministries/office/agencies. The Ministers shall cooperate with parliamentary inquiries, including the disclosure of information and public documents, except for those that would inflict public interest and those that can only be disclosed in judicial courts.

Section \_\_\_\_\_. Individual Ministerial Responsibility. – The Minister shall bear the ultimate responsibility for the actions of his/her ministry. The majority or coalition within parliament, which the Minister is a part, shall not hold to be answerable, nor order a vote of no confidence should the ministry fail in the proper discharge of its responsibilities. The Minister shall answer for his/her own ministry in parliamentary inquiries.”<sup>33</sup>

The BTA might as well look into “Collective Ministerial Responsibility”. It is known that in this principle, Ministers cannot decide for their Ministries without its alignment with the deliberations made within the Cabinet.

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<sup>33</sup> Position Paper of the United Voices for Peace Network, Inc. (UVPN) signed by Hamodi Tiboron, CPA, Chairman.

With this principle, the Government of the Day can project unity, however, they are collectively liable for the decisions they collectively deliberated. In this way, the failure of individual Ministers could call for a Vote of No Confidence for the entire Government of the Day. However, for the optimists, it could serve as a motivator to strengthen party discipline and well-thought governmental decisions.

Thus

Option B.

“Section \_\_\_\_\_. Ministerial Accountability to the Parliament. – Pursuant to the Art. VII of the Bangsamoro Organic Law, the Ministers shall be answerable to the Parliament for the executive decisions that are made in the ministries/office/agencies. The ministers shall cooperate with parliamentary inquiries, including the disclosure of information and public documents, except for those that would inflict public interest, compromise cabinet confidentiality, and those that can only be disclosed in judicial courts.

Section \_\_\_\_\_. Collective Ministerial Responsibility. – The Government of the Day shall bear the ultimate responsibility for the actions of the Ministries. Executive decisions shall be made collectively in the Cabinet, and all the Ministers shall support such decision, including its voting for the legislature. The Ministers shall answer for the ministries in parliamentary inquiries. In such cases that a vote of no confidence is passed in response to the failure of a ministry, the Government of the Day shall be responsible collectively.”<sup>34</sup>

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<sup>34</sup> Position Paper of the United Voices for Peace Network, Inc. (UVPN) signed by Hamodi Tiboron, CPA, Chairman.

**Title V**  
**The Bangsamoro Justice System**

**A. Shari’ah Public Assistance Office**

**Section 13. Composition**

*Pages 33, 34*

There is a provision that the *Shari’ah* Public Assistance Office is also established in the *Shari’ah* Judicial Districts. So, in the *Shari’ah* Judicial Districts, we have a number of *Shari’ah* Circuit Courts, if the composition is the same, as stated here, and in the *Shari’ah* Judicial Districts, there will be a problem for the *Shari’ah* Counselors as one of their functions, is to represent the clients. So, how could 2 *Shari’ah* Counsellors be able to represent clients coming from Judicial District which has many *Shari’ah* Circuit Courts?<sup>35</sup>

1. The Executive Director shall be assisted by the two (2) Deputy Directors, amending “2 counselors.”<sup>36</sup>

2. Under paragraph 4. Include, one (1) District Office in every Judicial District. Each SPAO District Office shall be headed by a District *Shari’ah* Public Assistance Officer/ *Shari’ah* Public Assistance Officer III, who shall be assisted by a *Shari’ah* Public Assistance Officer II and a *Shari’ah* Public Assistance Officer I. Unless otherwise provided by a regional law, the rank, compensation and privileges of the Executive Director shall be equivalent to a Director IV; the Deputy Director to a Director III; the District *Shari’ah* Public Assistance Officer to a District Public Attorney in Public Attorney’s Office (PAO), *Shari’ah* Public Assistance Officer I and II to their equivalent in the Public Attorney’s Office, respectively.<sup>37</sup>

**Section 14. Functions**

*Page 34*

To include the following provisions<sup>38</sup>:  
Letter \_\_\_\_\_. Prepare affidavits or counter-affidavits to be filed before the prosecution office, during the conduct of a preliminary investigation;

<sup>35</sup> *Atty. Najeeb Lucman Taib, Representative, Integrated Shariah Bar of the Philippines during August 22, 2020 consultation; also submitted a Position Paper.*

<sup>36</sup> *Atty. Taib.*

<sup>37</sup> *Atty. Taib.*

<sup>38</sup> *Atty. Taib.*

Letter \_\_\_\_\_. Represent indigent party litigants in ordinary civil actions, special civil actions and special proceedings before the *Shari'ah* Court, in a first come-first serve basis or applying the conflict of interest rule.

## **B. *Shari'ah* Special Prosecution Service**

### **Section 15. Composition**

*Page 34*

1. The *Shariah* Special Prosecution Service is created in the Administrative Code, but the power to appoint is given to the national prosecution service. Is this possible? Considering that there is a national law – Prosecution Service Act of 2010 – and that law is not amended by RA 11054 So, the BOL created the office, but the power to appoint is incumbent upon the national prosecution service.<sup>39</sup>

2. What is the relationship of this office to the DOJ and its prosecution service? Has this provision been discussed with the DOJ or is this a matter to be brought to the IGR? The Supreme Court and the Rules of Criminal Procedure govern who may represent the state in the prosecution of offenses in court<sup>40</sup>

### **Section 16. Functions**

*Page 34*

In addition to the functions under Section 16, it is suggested that the following be included:<sup>41</sup>

Letter \_\_\_\_\_. Provide legal assistance and advice to any Bangsamoro seeking their services (The clientele shall not be limited to indigent party);

Letter \_\_\_\_\_. Provide secondary assistance to the parties represented by private counsel only when sought;

<sup>39</sup> *Atty. Najeeb Lucman Taib, Representative, Integrated Shariah Bar of the Philippines during August 22, 2020 consultation; also submitted a Position Paper.*

<sup>40</sup> *Atty. Taib.*

<sup>41</sup> *Position Paper of Yasmin Macaumbang, Sh. L., Member, Integrated Shariah Bar of the Philippines.*



	<p>Letter _____. Conduct orientations on PD 1083 and other Muslim laws;</p> <p>Letter _____. Conduct information-driven activities related to <i>Shari'ah</i> laws (Distribution of information, education and communications (IECs) material).</p>
<p><b>Other Observations:</b></p>	
<p>1. Creation of positions of <i>Shari'ah</i> Counselors in the provincial, city and municipal level to strengthen our knowledge, respect and adherence to <i>Shariah</i> law within the Bangsamoro Autonomous Region in Muslim Mindanao.<sup>42</sup></p> <p>2. Similar to the other positions found in the proposed Administrative Code, either appointed or elected officials from the Parliament and Cabinet, the qualifications of SPAO Director and <i>Shari'ah</i> counselors should also be defined herein for hiring and selection purposes. The number and post on the mentioned immediate staff should be specified in the proposed Code.<sup>43</sup></p>	
<p>3. Within the Bangsamoro region, the number of <i>Shari'ah</i> District Courts remains at five (5) as prescribed under Art. 147 of PD 1083. Considering the geographical location of the said District Courts and the number of clientele needing <i>Shari'ah</i> justice delivery, the establishment of SPAO is inadequate.<sup>44</sup></p>	

<sup>42</sup> Position Paper of Yasmin Macaumbang, Sh. L., Member, Integrated Shariah Bar of the Philippines.

<sup>43</sup> Position Paper of Macaumbang.

<sup>44</sup> Position Paper of Macaumbang.

<b>Other Recommendation</b>	
	Create the Office of <i>Shari'ah</i> Justice and Islamic Affairs that shall: promote peace and inclusive societies for sustainable development, take initiatives towards the provision of access to <i>Shari'ah</i> justice for all, and the building effective, efficient, transparent and accountable justice system. <sup>45</sup>

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<sup>45</sup> Position Paper of Yasmin Macaumbang, Sh. L., Member, Integrated Shariah Bar of the Philippines.

**On BOOK IV  
The Office of the Chief Minister**

OBSERVATION/ CONCERN/ISSUE/ COMMENT	SUGGESTION/ RECOMMENDATION
<b>Title I Powers of the Chief Minister</b>	
<b>Chapter 4. Power to Contract Loans</b>	
<b>Section 9. Power to Contract Domestic or Foreign Loans</b>	
<i>Page 38</i>	
This provision is inconsistent with Article XII, Section 24 of the Bangsamoro Organic Law. <sup>46</sup>	
<b>Title III Functions</b>	
<b>Chapter 1. Different Offices in the Office of the Chief Minister Proper</b>	
<i>Pages 47 – 49</i>	
Review the overwhelming functions and responsibilities of the ICM, including those offices under it. Some of these could have been lodged to some relevant ministries or created separately, like the Development Academy of the Bangsamoro and Bangsamoro Human Rights Commission. <sup>47</sup>	
<b>B. Information and Communications Office</b>	
<b>Section 16. Information and Communications Office</b>	
<b>Section 16 (e), and (h)</b>	
<i>Page 48</i>	
It is redundant with the powers and functions of BICTO as set forth in Sec. 72 of this Code <sup>48</sup>	Proposed revisions of the OCM-ICO functions: <sup>49</sup>  (e) Provide technical review and advice on ICT-related matters of the Office of the Chief Minister Proper; (h) Ensure the availability, integrity, security, and confidentiality, of ICT Systems, Local Area Network (LAN) and data of the Office of the Chief Minister.

<sup>46</sup> Vice Mayor Jhul Kifli Salliman, Isabela City, Basilan during August 26, 2020 consultation.; also submitted a Position Paper.

<sup>47</sup> Selahuddin Hashim, Executive Director, The Moropreneur, during August 22, 2020 consultation.

<sup>48</sup> Position Paper of Sami Ysmael U. Ebrahim, IT professional.

<sup>49</sup> Position Paper of Ebrahim.

<b>Other Recommendations:</b>	
	<p>1. Creation of Data Protection Office under the OCM Proper. It will be the Data Protection Officer of the OCM, and will ensure accountability in the processing of personal data.<sup>50</sup></p> <p>2. Since the ICT has a different role, there should be a Bangsamoro Privacy Commission (BPC). That should be created.<sup>51</sup></p>
<b>D. Special Office for Other Bangsamoro Communities</b> <i>Pages 48, 49</i>	
	<p>Include Sections 10 and 11 of BTA Bill 15 (BCOBAR Bill) in the Administrative Code, to wit<sup>52</sup>;</p> <p><i>Section 10. Record of Transaction.</i> - The BCOBAR Office shall keep proper accounts and records of all its transactions and affairs, and shall exert all efforts to ensure that all payments made out of its moneys are correctly made and properly authorized, and that adequate control is maintained over the assets of, or in the custody of the BCOBAR Office and the expenditures it may incur. The BCOBAR Office shall be subject to audit by the Commission on Audit.</p> <p><i>Section 11. Periodic Performance Evaluation.</i> – The Director General is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the BCOBAR Office and submit the same annually to the Chief Minister and to the BARMM Parliament.</p>
<b>Section 21. Organization and Composition</b> <i>Page 49</i>	
	The appointment of Executive Director of the Office of BCOBAR must be permanent in nature and not coterminous with the appointing authority. <sup>53</sup>

<sup>50</sup> Moslemen Macarambon Jr., IT Professional during August 22, 2020 consultation; also submitted a Position Paper.

<sup>51</sup> Macarambon, Jr.

<sup>52</sup> Atty. Amer Bazer, Chief Legal, BCOBAR Federation during August 22, 2020 consultation; also submitted a Position Paper.

<sup>53</sup> Atty. Bazer.

<b>Chapter 2. Councils in the Office of the Chief Minister</b> <b>B. Bangsamoro Economic and Development Council</b> <b>Section 27 (F)</b> <i>Page 51</i>	
	It must be written as “ <i>Five private and CSO sector representatives.</i> ” The term “private” connotes profit-making entities. It is best to include a CSO sector representative.” <sup>54</sup>
<b>C. Bangsamoro Peace and Order Council</b> <i>Pages 51, 52</i>	
How can Sultans be part of the RPOC, Peace and Order Council? Traditional decision-making practices (consensus building) can be incorporated in the Administrative Code. <sup>55</sup>	
<b>Chapter 3. Attached Agencies and Offices</b> <b>A. Bangsamoro Board of Investments</b> <i>Pages 52 – 54</i>	
General Concerns Raised: <sup>56</sup>  a. Considering that it is the President of the Philippines that promulgates the list of industries that can avail of National Tax Incentives under the National Investment Priorities Plan with the RBOI recognized under E.O.458 as the agency tasked to submit to the President the autonomous region’s list thru the national BOI, the RBOI has to remain intact as a distinct agency in the BARMM, as provided by the BOL, in order for investors to avail of National Tax incentives in the region  b. There were concerns expressed by the existing firms registered by the RBOI and investors in the region as to whether or not they can still enjoy the National Tax Incentives that they availed of or	<ol style="list-style-type: none"> <li>1. To request for the continuation of the existence of the RBOI as a distinct entity in the proposed Administrative Code, and as an independent agency or office to have a reconstituted Board and its own structure, organization, plantilla, as well as, separate appropriations or budget consistent with the BOL provisions regarding the RBOI and its devolution under E.O. 458<sup>58</sup></li> <li>2. To continue funding the RBOI in the meantime and provide a budget for it under the contingency fund as approved by the Chief Minister under the Bangsamoro Appropriations Act.<sup>59</sup></li> </ol>

<sup>54</sup> Selahuddin Hashim, Executive Director, The Moropreneur, during August 22, 2020 consultation

<sup>55</sup> Samira Gutoc, CSO Leader, Ranao Rescue Team, Lanao del Sur.

<sup>56</sup> Policy Position of the Regional Board of Investments (RBOI), signed by Farida Biruar, Chief Investment Specialist.

<sup>58</sup> Position Paper of RBOI.

<sup>59</sup> Position Paper of RBOI.

were entitled to if the RBOI is extinguished as a board and becomes a bureau under a merged Ministry of Trade, Investment and Tourism

c. Under E.O. 458 devolving the functions of the national BOI to the autonomous region, which E.O. is specifically entrenched into law by the BOL, the RBOI was established as an office with a Board governed by the national Omnibus Investment Code of 1987, and is required by E.O. 458 to conform to BOI rules and procedure in the approval of applications for registration of investments in the region without prejudice to the RBOI Board's promulgation of its own rules and regulations under the Omnibus Investment Code of 1987.

- The national BOI, through its Board of Governors for Mindanao, Napoleon Concepcion, recently invoked the Technical Assistance provision in E.O. 458 to offer its services to assist the BARMM.
- The national BOI wrote a letter to the RBOI disapproving the inclusion of Banking and Finance in the autonomous region's list of industries submitted by the RBOI to the national BOI for its incorporation in the National Investment Priorities Plan to be promulgated by President Duterte, thereby showing that the national BOI continues to have some oversight power over the RBOI, particularly as it related to the Omnibus Investment Code of 1987.
- The RBOI is specifically mentioned as one of the Investment Promotion Agencies of the country with national tax incentive-giving powers in the Corporate Income

<p>Tax and Incentives’ Reform Act (CITIRA) bill that has been passed in the House of Representatives and is now being deliberated by the Senate.</p> <ul style="list-style-type: none"> <li>• The RBOI as one of the National Tax incentive-giving bodies in the country is mandated by the Tax Incentives Management and Transparency Act (R.A. 10708) to comply with its reportorial requirements as to the companies receiving fiscal incentives in the region, particularly to the Department of Finance and the agencies under it, such as the Bureau of Internal Revenue (BIR).</li> </ul> <p>However, according to the experts, RBOI is best attached to the Ministry of Trade Investment and Tourism as it is consistent with the MTIT’s mandate and since the coverage of its services is regionwide.<sup>57</sup></p>	
<p><b>C. Office for Settler Communities</b>  <b>Section 42. Office for Settler Communities</b>  <i>Page 55</i>  <b>Section 43. Mandate</b>  <i>Page 55</i></p>	
	<p>Establishment of a Bangsamoro Commission for Settler Communities instead of an office. If created as a Commission, adopt the following additional mandate:</p> <p>“The Commission will be a coordinative, facilitative and policy-recommending body to the Interim Chief Minister, BARMM Parliament and other BARMM instrumentalities in translating into reality the dreams, aspirations of the settler communities.”<sup>60</sup></p>

<sup>57</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

<sup>60</sup> Edgardo Ramirez, Lead Convenor, Christians for Peace Movement (CfPM) during August 22, 2020 consultation; also submitted Position Papers.

<b>Section 45. Organization and Composition</b> <i>Page 56</i>	
	<p>If created as the Bangsamoro Commission for Settler Communities, Section 45 thereof shall be amended as follows;</p> <p>“The Commission shall be composed of 9 Members, headed by a Chairperson who sits as a member of the BARMM Cabinet. Its members are coming from the component cities and provinces of BARMM. They will be appointed on fixed term following a 6-3-year formula. The Commission will be manned by a Secretariat headed by an Executive Director, assisted by Program and Administrative Directors/Head to be defined by the Commission En Banc, to be recommended by the CM and submitted to the Parliament for approval.”<sup>61</sup></p>
<b>Other recommendation</b>	
	<p>To create a Ministry for Settlers Communities. <i>If there’s a MIPA, there should also be a Ministry for settlers’ communities.</i><sup>62</sup></p>
<b>F. Development Academy of the Bangsamoro</b> <b>Section 53. Development Academy of the Bangsamoro</b> <i>Page 58</i>	
	<p>1. To include the following powers of the former ADA (ARMM Development Academy):</p> <ul style="list-style-type: none"> <li>a. establish and maintain a Regional Training Center;</li> <li>b. advise the RG to promulgate orders concerning human resource development;</li> <li>c. manage a pool of experts, among others.<sup>63</sup></li> </ul> <p>2. Proposed provision:</p>

<sup>61</sup> Edgardo Ramirez, Lead Convenor, Christians for Peace Movement (CfPM) during August 22, 2020 consultation; also submitted Position Papers.

<sup>62</sup> Vice Mayor Jhul Kifli Salliman, Isabela City, Basilan during August 26, 2020 consultation; also submitted a Position Paper.

<sup>63</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation



Sec. 53. Development Academy of the Bangsamoro. - The Development Academy of the Bangsamoro (Academy) 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 be participating 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

	<p>performance and service delivery reflected from by the latest performance assessment and needs analysis of the Academy;</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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.<sup>64</sup></li> </ul>
<p><b>Section 54. Organizational Structure</b>  <b>Section 54 (2)</b>  <i>Page 58</i></p>	
	<p>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 <u>the Academy</u>.</p> <p>The underlined word above should be changed into “Bangsamoro Government employees.”<sup>65</sup></p>
<p><b>Section 54 (3)</b>  <i>Page 58</i></p>	
	<p>Center of Research and Policy Development (CRPD) - The CRPD shall design, conduct, and formulate research and policy development agenda of the <u>Academy</u>.</p>

<sup>64</sup> *Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation.*

<sup>65</sup> *Alon.*

	It should be research and policy agenda that would serve its clients. <sup>66</sup>
<b>Section 54 (5)</b> <i>Page 58</i>	
	<p>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 <u>Academy's workforce</u> towards improved performance and competitive advantage.</p> <p>The underlined words should be changed into "Bangsamoro's workforce."<sup>67</sup></p>
<b>Section 54</b> <i>Page 58</i>	
	<p>Proposed provision:</p> <p><i>"Sec. 54. Organizational Structure. - The Academy shall be headed by a Bangsamoro Director-General to be assisted by four (4) Director I, with support staff. It shall be composed of the following divisions:</i></p> <ol style="list-style-type: none"> <li>a. Finance and Administrative Support Services – the FASS shall provide for the administrative and financial support services needed by the Academy. It shall also be responsible in the management of the Academy's training and research center/s. FAD shall be headed by a Director I and composed of an Administrative Division, Human Resource Management Division, Planning Division, Accounting and Finance Unit, Logistics and Supply Division, and General Services Division;</li> <li>b. Center of Training and Assessment (CTA) - the CTA provides training and other capacity-development services for BARMM agencies and employees. It shall also conduct regular assessment and feed</li> </ol>

<sup>66</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation.

<sup>67</sup> Alon.

	<p>backing of the institutional and training needs of Bangsamoro government agencies and employees. This center shall be headed by a Director I and composed of the following divisions:</p> <ol style="list-style-type: none"> <li>1. Onboarding Training Division</li> <li>2. Needs-Responsive Skills Training Division</li> <li>3. Internal Training Division</li> <li>4. Executive Support and Technical Assistance Services Division</li> <li>5. Institutional Assessment Division</li> </ol> <p>c. Center of Research and Policy- Studies (CRPS) - the CRPS shall design and conduct research projects that are oriented towards the improvement of public service delivery as well as policy studies on proposed and existing National and Regional policies affecting the delivery of public services. This center shall be headed by a Director I and composed of the following divisions:</p> <ol style="list-style-type: none"> <li>1. Management Development Research Division</li> <li>2. Productivity Development Research Division</li> <li>3. Policy Development Division</li> <li>4. Policy Analysis Division</li> </ol> <p>d. Center of Knowledge Exchange (CKE) – the CKE shall develop and maintain technologies or communication channels, implement programs and activities to allow the exchange of knowledge, practices and strategies among BARMM workforce towards improved performance. It shall also formulate policies and programs that promote involvement of external experts and specialists in capacitating government employees and allows communities of practice to flourish in the BARMM bureaucracy. This center shall be headed by a Director I and composed of the following divisions:</p> <ol style="list-style-type: none"> <li>1. Communities of Practice Management Division</li> <li>2. Database Management and Access Control</li> </ol>
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	<p style="text-align: center;">Division</p> <p style="text-align: center;">3. Media and Publications Division.”<sup>68</sup></p>
<p><b>Section 57. Office of the Executive Director</b> Page 58</p>	
	<p>Proposed provision:</p> <p>Sec. 57. Office of the Bangsamoro Director-General. - The operations and the management functions of the Academy shall be vested in the Bangsamoro Director-General who shall be appointed by the Chief Minister. He/she shall serve for a fixed term of six (6) years without prejudice to 1 reappointment. The Bangsamoro Director-General shall have the following powers, duties and functions:</p> <ol style="list-style-type: none"> <li>a. Serve as the head of the Academy;</li> <li>b. Preside over meetings of the Academy;</li> <li>c. Represent the Academy in all meetings and other undertakings relevant to the mandates of the Academy;</li> <li>d. Manage the day-to-day affairs of the Academy;</li> <li>e. Sign contracts with donor institutions, partners and other institutions relevant to the mandates of the Academy;</li> <li>f. Issue orders and directives to all Academy’s officers, consultants and employees in the exercise of the Academy’s mandates;</li> <li>g. Promulgate policies and guidelines governing human capital development and conduct of capacity-development programs in the region;</li> <li>h. Submit regular reports and other necessary documents as requested;</li> <li>i. 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</li> <li>j. Perform such other powers and functions as delegated by a competent authority.<sup>69</sup></li> </ol>

<sup>68</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation.

<sup>69</sup> Alon.

**Section 54 (4) Center for Education and Extension (CEE)**

*Page 58*

1. **Sec. 54.4** creates a CEE (Center for Education and Extension) offering “graduate degree programs”. While ideal, it conflicts with the scope of the Academy’s clients, the Bangsamoro government employees. It also raises questions of funding sources and fiscal powers. And it is also ambiguous to open a CEE that offers graduate degree programs headed by a Division Chief.<sup>70</sup>

2. Sec. 54 designates the Head of Office as Executive Director II, and Bureau Heads (called “Center”) as “Division Chief” (i.e. CAO/Chief Administrative Officer, or any similar position). This downgrades the huge role of the Bureaus (Centers) to function like a “Division”. Divisions usually only work together with other Divisions, do not directly engage with clients (i.e. Bangsamoro government employees, in the case of DAB) and headed by a CAO. But unlike Divisions, “Centers” (Bureaus) can function semi-independently, directly engage with clients, and headed by a Director, which should be the case.<sup>71</sup>

**Sec. 57 (Office of the Executive Director)**

*Page 59*

3. **Sec. 57** removes any qualification requirement for the DAB’s Head of Office, as compared to its predecessor ADA. It might have implications in projecting DAB as the human capital and institutional development expert of the Bangsamoro Government.<sup>72</sup>

<sup>70</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation.

<sup>71</sup> Alon

<sup>72</sup> Alon.

	DAB should be granted fiscal autonomy from the OCM. <sup>73</sup>
<b>G. Bangsamoro Darul-Ifta’</b> <b>Section 61. Organization and Composition</b> <i>Page 59</i>	
	The BARMM <i>Darul Ifta’</i> shall be composed of the BARMM Mufti and a council of certified <i>ulama</i> , i.e., professionals whose expertise in Islamic study and comparative religion. <sup>74</sup>
<b>H. Cooperatives and Social Enterprise Authority</b> <b>Section 66. Powers and Functions</b> <i>Page 61</i>	
	<p>To include the following provisions:<sup>75</sup></p> <p>“Letter _____. Ensure that the marginalized, vulnerable and disabled individuals and groups are able to participate in the new socio-economic model for BARMM;</p> <p>Letter _____. Coops and social enterprise (SE) as pathways to reintegrate, and endure the inclusion of former combatants, surrenderees, COVID and disaster-affected communities, among others.”</p>
<b>Section 70. Functions and duties of the Social Enterprise Division</b> <i>Page 62</i>	
	<p>To include the following provision:<sup>76</sup></p> <p>“Social Enterprise Division to encourage social procurement within government agencies. Social procurement involves using procurement processes and purchasing power to create positive social outcomes in addition to the delivery of efficient goods, services and works. It can achieve economic empowerment by</p>

<sup>73</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB) during August 22, 2020 consultation.

<sup>74</sup> Yas, a concerned citizen.

<sup>75</sup> Selahuddin Hashim, Executive Director, The Moropreneur, during August 22, 2020 consultation.

<sup>76</sup> Hashim.

	purchasing goods and services from social benefit suppliers and employing and training socially and economically disadvantaged people.”
<b>I. Bangsamoro Information Communications Technology Office</b> <b>Section 39. Bangsamoro Information Communications Technology</b> <i>Page 63</i>	
How can you protect and secure the centralized information system of the Bangsamoro if there is no cyber security professionals in the BICTO? <sup>77</sup>	1. Give emphasis on the strong provision of information, data management, specifically on digital transaction. <sup>78</sup>  2. It should also have Cyber Security Division and Security Operation Center. <sup>79</sup>
<b>Section 39 (f)</b> <i>Page 63</i>	
	The provision should be reworded, as follows:  “f. Facilitate the installation and configuration of Centralized Information Systems to enable rapid access to reliable information and reinforce government services in the Bangsamoro Region;” <sup>80</sup>
	Include the following in the functions of BICTO:  “Letter _____. Administer the BARMM Government Domain, Web Hosting Server, E-mail Services and other online platform and/or services.” <sup>81</sup>
<b>Section 73 Organizational Structure</b> <i>Page 63</i>	
	Proposed amendment:

<sup>77</sup> Moslemen Macarambon Jr., IT professional, during August 22, 2020 consultation.

<sup>78</sup> Samira Gutoc, CSO Leader, Ranaw Rescue Team, Lanao del Sur.

<sup>79</sup> Macarambon Jr.

<sup>80</sup> Position Paper from Sami Ysmael U. Ebrahim, IT professional.

<sup>81</sup> Position Paper of Ebrahim.



	<p>“BICTO shall be headed by an Executive Director II, who shall be appointed by the Chief Minister under co-terminus status. He/she shall be assisted by three (3) Division Chiefs, with support staff. The divisions are:</p> <p>(1) The Information and Communications Technology 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 their national counterparts, as far as practicable;</p> <p>(2) The Planning and Capacity Building Division, which shall develop plans, programs, and activities related to the development and use of ICT; and</p> <p>(3) The Administrative and Finance Management Division.”<sup>82</sup></p>
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**Other suggestions:**<sup>83</sup>

	<p>All ministries, agencies, and offices should have their own ICT office/unit and shall use a common name for the office. Similar to other ministry's offices (i.e. Accounting, Legal, Records Division/ Office), it would be more appropriate for all ICT Offices in the different ministries to use the same name to easily distinguish the office and to allow smooth coordination across different ICT offices/units.</p> <p>The following are the suggested names for the ICT offices/units (choose one):</p> <ol style="list-style-type: none"> <li>1. Information and Communications Technology Management Office/Unit (ICTMO or ICTMU)</li> <li>2. Management Information System Office/Unit (MISO or MISU)</li> <li>3. Information and Communications Technology Office (ICTO)</li> </ol>
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**Other Observations**

<sup>82</sup> Position Paper from Sami Ysmael U. Ebrahim, IT professional.

<sup>83</sup> Position Paper of Ebrahim.

<p>BICTO is best attached to the Ministry of Transportation and Communication because it is consistent with the mandate of MOTC<sup>84</sup>.</p>	
<p><b>Other Concerns</b></p>	
<p>There seem to be no standards for selecting the appropriate position for heads of major divisions/units of attached agencies to the OCM.</p> <ul style="list-style-type: none"> <li>a. Section Unit Heads, Director 1, SG 25</li> <li>b. Division Chief, Director II, SG 26;</li> <li>c. Bureau Director II, SG 26;</li> <li>d. Bureau Division Chief, SG 24<sup>85</sup></li> </ul>	
<p><b>Other Recommendations</b></p>	
	<p>1. Establish the Bangsamoro Ecological Solid Waste Management System through the creation of Bangsamoro Solid Waste Management Commission, attached to the OCM, operated to concretized institutionalize policies that will regulate independently in coordination with the MENRE-Environment Management Bureau<sup>86</sup></p>
	<p>2. Create a Bangsamoro Bantay-Korupsyon Office under the Office of the Chief Minister.<sup>87</sup></p>
	<p>3. Create a Bureau dedicated to aid in the preservation, protection, exploitation, and regulation of Lake Lanao with powers and functions akin to the Laguna Lake Development Authority<sup>88</sup></p>
	<p>4. Create an office for the administration of the Toril System.<sup>89</sup></p>

<sup>84</sup> Position Paper from Sami Ysmael U. Ebrahim, IT professional.

<sup>85</sup> Mohammad Abqary Alon, Deputy Executive Director, United Voices for Peace Network; a concerned believer of Development Academy of the Bangsamoro (DAB), during August 22, 2020 consultation.

<sup>86</sup> Anisah Hadji Ali, PhD. Lanao Youth for Peace and Development in Mindanao, during August 22, 2020 consultation; submitted a Position Paper.

<sup>87</sup> Position Paper of League of the Bangsamoro Organizations, Inc. (LBO) signed by Hashim Manticayan, President.

<sup>88</sup> Position Papers of Gov. Mamintal Adiong, Jr, Lanao del Sur, and Pipalawan Naga, Lead Convenor, Save Lake Lanao Movement.

<sup>89</sup> Position Paper of Gov. Adiong, Jr.

	<p>5. Create a Bangsamoro Veterans Medical Center that will provide for hospitalization, medical care and treatment to veterans and their dependents and orphans, with an annual budget for its operation.<sup>90</sup></p>
	<p>6. Create the Bangsamoro Halal Certification and Accreditation Office under the Office of the Chief Minister with the following structure:<sup>91</sup> The Personnel, Shari’ah Legal Division, Certification and Accreditation Division, Administrative and Finance Division, Planning, Monitoring and Evaluation Division, Research, Extension and Training Division, Product Standard, Promotion and Marketing Development Division.</p> <p>The mandates and functions are:</p> <ol style="list-style-type: none"> <li>a. To accredit and recognize halal-certifying bodies that are operating outside the BARMM but want to bring into the jurisdiction of the region both their certified products and certification services or other relevant activities.</li> <li>b. To certify products in any parts of the country or even outside the Philippines, as needed.</li> <li>c. To conduct regular monitoring and evaluation of products and other services</li> <li>d. To facilitate the conduct of various halal capacity and capability building activities</li> <li>e. To assist halal-certified establishments for local and international trade</li> <li>f. To assist in the formulation of various halal standards</li> <li>g. Continuing Halal advocacies and promotion.</li> <li>h. To participate in both local and international halal events/meetings in the BIMP-EAGA, ASEAN Working Group on Halal Food, MIHAS-KL etc.</li> </ol>
	<p>6. Creation of Bangsamoro Office for Former Overseas Bangsamoro Workers and appropriating funds therefor.<sup>92</sup></p>

<sup>90</sup> Position Paper of League of the Bangsamoro Organizations, Inc. (LBO) signed by Hashim Manticayan, President.

<sup>91</sup> Position Paper of LBO.

<sup>92</sup> Tahir Nalg, President, Former Overseas Bangsamoro Workers (FOBW), during August 22, 2020 consultation; submitted a Position Paper.

**On BOOK V  
Ministries and Offices**

OBSERVATION/ CONCERN/ ISSUES/ COMMENTS	SUGGESTION/ RECOMMENDATION
<p><b>Title I</b> <b>Agriculture, Fisheries and Agrarian Reform</b></p>	
<p><b>Chapter 1, General Provisions</b> <b>Section 2. Mandate</b> <i>Page 74</i></p>	
<p>Is there a clear-cut provision for the effective implementation of the respective mandates on agriculture and agrarian reform that is parallel to pertinent national laws, particularly the national laws and policies on agrarian reform vis-à-vis the needed personnel to implement two different mandates either under the same ministry?<sup>93</sup></p>	<p>To insert the underlined:  “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 <u>for the benefit of the landless farmers</u> in the Bangsamoro Autonomous Region.<sup>94</sup></p>
<p><b>Chapter 4. Sectoral Offices</b> <i>Page 78</i></p>	
	<p>1. A free legal service to farmer beneficiaries is one of the Ministry’s powers and functions (page 76, Chapter 1, Section 3 (v), and page 78, Chapter 3, Section 9 Structure). Thus, to include a provision on MAFAR Legal Services.<sup>95</sup></p> <p>2. To include in the structure a Division relates to High-Valued Crops Program.<sup>96</sup></p>
<p><b>Chapter 5. Provincial and Municipal Offices</b> <i>Page 79</i></p>	
	<p>1. To give preference to the employees of</p>

<sup>93</sup> *Atty. Palayogan Pangandaman, Jr., Chief Legal Counsel-Designate, MAFAR Lanao del Sur, during August 19, 2020 consultation.*

<sup>94</sup> *Atty. Pangandaman, Jr.*

<sup>95</sup> *Atty. Pangandaman, Jr.*

<sup>96</sup> *Abdulnasser Badawi, Provincial Head, MAFAR Maguindanao, during August 19, 2020 consultation.*

	<p>former DA-ARMM and DAR-ARMM<sup>97</sup> and to the incumbents.<sup>98</sup></p> <p>2. If they are appointed or re-appointed to a position lower in rank in the new staffing pattern, their current and/or former salary grades should be retained, following the CSC Resolution No. 93-2240, June 22, 1993; Section 13 Pay Adjustments.<sup>99</sup></p>
<p><b>Section 14. Provincial Offices</b> Page 79</p>	
	<p>To include a provision of giving the Provincial Head Director the power and authority to appoint and recommend employees to be hired.<sup>100</sup></p>
<p><b>Section 15. MAFAR Municipal Officers</b> Page 79</p>	
	<p>Option A:</p> <p>MAFAR Municipal Offices: To maintain the positions of Municipal Agrarian Reform Officer (MARO) and the Municipal Agriculture Officer (MAO). After all, the MARO and MAO would report to the same MAFAR Provincial Officer.<sup>101</sup></p> <p>Option B:</p> <p>If the above amendment is not approved, increase the Salary Grade of MAFAR Municipal Officer from 20 to 24.<sup>102</sup></p>

<sup>97</sup> Al-Rasid Abdul, Provincial Head, MAFAR Tawi-Tawi, and Atty. Palayogan Pangandaman, Jr., Chief Legal Counsel-Designate, MAFAR Lanao del Sur, during August 19, 2020 consultation.

<sup>98</sup> Atty. Pangandaman, Jr.

<sup>99</sup> Atty. Pangandaman, Jr.

<sup>100</sup> Al-Rasid Abdul and Pangalian Balindong, Jr., Provincial Head, MAFAR Lanao del Sur, during August 19, 2020 consultation.

<sup>101</sup> Atty. Pangandaman, Jr., Nassem Sarangani, Head, MAFAR Marawi City, and Abdunasser Badawi, Provincial Head, MAFAR Maguindanao, during August 19, 2020 consultation.

<sup>102</sup> Atty. Pangandaman, Jr.

	<p>MAFAR Municipal Offices: To include Agricultural Extension Workers, who will each be assigned to 3 barangays,<sup>103</sup> and to hire MAFAR Municipal Head plus extension technical workers for each mandate, i.e., (1) agriculture, (2) fisheries and (c) agrarian reform<sup>104</sup></p>
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**Other Observations**

Devolution is part of the government philosophy of BARMM governance. Revisit the provision on Agriculture, Title 1 Chapter 5, Sections 14, 15 and 16, to harmonize with the pertinent provisions of the draft Local Government Code in order to ascertain that the LGUs shall take the lead in the delivery of these basic services so that if ever ministries continue to maintain delivery of services within their localities it will be to provide supportive services and assistance to LGUs.

However, if the BARMM Government also continues to exercise power over these services in the locality, it is suggested that it must fully capacitate the provincial and municipal offices by providing these offices with the following functions.

On agriculture, the provincial agriculture office, among others, will have the following functions: agricultural extension and on-site research services and facilities which include the prevention and control of plants and animal pests and diseases, livestock, markets, animal breeding stations, and artificial designation centers to provide assistance in the organization of farmers and fishermen cooperatives and other collective organizations, as well as, the transfer of appropriate technology.

<sup>103</sup> Al-Rasid Abdul, Provincial Head, MAFAR Tawi-Tawi, during August 19, 2020 consultation.

<sup>104</sup> Mercyan Aspi, Provincial Head, MAFAR Sulu, during August 19, 2020 consultation.

<p>In so far as the municipal office is concerned, on agriculture, the philosophy is to continue to exercise this power and not devolve it to the municipal governments.<sup>105</sup></p>	
<p><b>Title II</b> <b>Basic Higher and Technical Education</b></p>	
<p><b>Chapter 1. General Provisions</b></p> <p><b>Section 1. Declaration of Policy</b> <i>Page 80</i></p>	
<p>There is no better way to acknowledge the important role of private education in the education system in the BARMM than its inclusion the BARMM Admin Code. (Legal basis: 1987 Phil. Constitution, Article XIV, Section 4 (1), “the State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.”<sup>106</sup></p>	<p>To add a provision labeled as, “Letter (M). Provide assistance, in whatever reasonable forms, to non-stock and non-profit private educational institutions in recognition of their public services.”<sup>107</sup></p>
<p><b>Section 3. Powers and Functions</b> <b>Section 3 (e)</b> <i>Page 81</i></p>	
	<p>Revise the phrase “supervise and regulate private schools...” into “<u>provide reasonable supervision and regulation of private schools...</u>” because this will give some degree of autonomy on the part of the private education not being fully funded or operated by the government.<sup>108</sup></p>
<p><b>Sec. 8. The Bangsamoro Director-General</b> <i>Page 83</i></p>	

<sup>105</sup> Atty. Randolph Parcasio, invited expert during August 14, 2020 consultation.

<sup>106</sup> Dr. Fedelinda Tawagon, President, Dansalan College Foundation, Marawi City, during August 22, 2020 consultation.

<sup>107</sup> Dr. Tawagon.

<sup>108</sup> Dr. Tawagon.

	To include another Bangsamoro Director General for Private Education. <sup>109</sup>
<b>Chapter 4. Division Offices</b> <b>Section 11. Functions</b> <i>Page 84</i>	
	To include provision on decentralization of powers and authority relating to hiring and designation of personnel to the provincial/division level. <sup>110</sup>
<b>Chapter 5. Bangsamoro Education Board</b> <i>Page 85</i>	
	The private education sector must be represented here. <sup>111</sup>
<b>Other Observations:</b>	
<p>1. The regional office is doing a program creating schools in school-less barangays, without having plantilla items for teachers. What are parameters, guidelines, laws in creating schools in barangays?<sup>112</sup></p> <p>2. Consider the plight of our teachers by giving separate plantilla positions and functions like ICT, registrar, planning, supply, librarian, school nurse or even nurse aide in each school who can assist, help and monitor the teacher especially on health.<sup>113</sup></p> <p>3. To receive support services and assistance from MAFAR and MBHTE like agricultural facilities and sets of training respectively to meet some of the requirements set by TESDA to establish partnership with them. The establishment of pilot madrasa</p>	

<sup>109</sup> Dr. Fedelinda Tawagon, President, Dansalan College Foundation, Marawi City, during August 22, 2020 consultation.

<sup>110</sup> Dr. Myra Mangkabung, Schools Division Superintendent, Lamitan City and Baesarom Domato-Gutoc, Assistant Schools Division Superintendent, Marawi City Dr. Fedelinda Tawagon, President, Dansalan College Foundation, Marawi City, during August 22, 2020 consultation.

<sup>111</sup> Dr. Tawagon.

<sup>112</sup> Dr. Mangkabung .

<sup>113</sup> Aleida Nor, Schools Division Superintendent, Lanao del Sur District, during August 22, 2020 consultation.



<p>partnership with TESDA to sustain its operation, requires, however, set of conditions/documents.<sup>114</sup></p>	
<p><b>Other Recommendations</b></p>	
	<p>1. There must be a specific provision to discontinue reshuffling or rotation of Division Superintendents in districts or divisions of another province, to address the issues and concerns that arose in the current mode of rotation like the dialect-gaps and culture differences.<sup>115</sup></p>
	<p>2. There must be a specific provision for the implementation of the National Rationalization Program in the MBHTE.<sup>116</sup></p>
	<p>3. There must be a specific provision to give preference to eligible local residents in hiring to ensure that the teachers observe punctuality and are able to provide effective service purposes.<sup>117</sup> Hiring and promotion should be merit-based. There should be no discrimination.<sup>118</sup></p>
<p style="text-align: center;"><b>Title IV</b> <b>Environment, Natural Resources and Energy</b></p>	
<p><b>Chapter 3. Structure of the Ministry</b> <b>Section 9. Structure</b> <i>Page 89</i></p>	
<p>Given the expanded power of the government, the Ministry's functions and structure are quite underwhelming. There are no equivalent specialized bureaus on Mines and Geoscience, Forest management, land management, which is critical</p>	<p>To include a Research and Development Department in MENRE dedicated to study and develop programs/projects for renewable resources, climate change mitigation and disaster reduction.<sup>120</sup></p>

<sup>114</sup> Jubaira Said, Chairperson, Basilan Women Initiative Foundation, Inc. during August 22, 2020 consultation.

<sup>115</sup> Dr. Myra Mangkabung, Schools Division Superintendent, Lamitan City, during August 22, 2020 consultation.

<sup>116</sup> Dr. Mangkabung and Baesarom Domato-Gutoc, Assistant Schools Division Superintendent, Marawi City during August 22, 2020 consultation.

<sup>117</sup> Alma Nor, Schools Division Superintendent, Maguindanao during August 22, 2020 consultation.

<sup>118</sup> Nor.

because there are powers that are devolved to the Bangsamoro, even energy and environmental management. <sup>119</sup>	
<b>Other Recommendation</b>	
	To create an office under the Ministry of Environment, Natural Resources and Energy (MENRE) that is mandated to study issues on ancestral domain of the Bangsamoro. <sup>121</sup>
<b>Title V Health</b>	
<b>Chapter 1. General Provisions</b> <b>Sec. 1. Declaration of Policies</b> <i>Page 97</i>	
Is the BARMM health agenda, direction and policies in harmony with the Universal Health Care Law, signed by the President February 20, 2019? There is no mention of the UHC Law in the proposed Administrative Code. <sup>122</sup>	To include the establishment by law of a public health system and not only a general hospital system. <sup>123</sup>
<b>Sec. 3 (a). Powers and Functions</b> <i>Page 97</i>	
	To be include the provision of incentives, and recognition and benefits for health personnel in the Bangsamoro Health Plan. <sup>124</sup>
<b>Chapter 2. Ministry Proper</b> <b>Sec. 5. Office of the Minister</b> <i>Page 98</i>	
	To include a Deputy Minister for BaSulta, with a satellite office in Zamboanga City. <sup>125</sup>

<sup>120</sup> Pipalawan Naga, Lead Convenor, Save Lake Lanao Movement.

<sup>119</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

<sup>121</sup> Position Paper of Gov. Mamintal Adiong, Jr, Lanao del Sur.

<sup>122</sup> Dr. Alinader Minalang, IPHO Lanao del Sur, during August 19, 2020 consultation; also submitted a Position Paper.

<sup>123</sup> Dr. Minalang.

<sup>124</sup> Dr. Minalang, and Dr. Elizabeth Samama, IPHO Maguindanao, during August 19, 2020 consultation.

<sup>125</sup> Dr. Sharifa Jubaira Isnain, Chief, Parang District Hospital, Sulu, during August 19, 2020 consultation.

<p><b>Chapter 4. Integrated Provincial Health Offices (IPHO) and City Health Offices (CHO)</b>  <b>Section 10. Provincial/City Health Offices</b>  <i>Page 100</i></p>	
	<p>To include a provision giving the Provincial Health Office the power to screen applicants in the hiring process, and directly conduct the orientation of the employees,<sup>126</sup> as well as procurement of goods and equipment for health facilities.<sup>127</sup></p>
<p><b>Section 12. Rural Health Centers</b>  <i>Page 100</i></p>	
<p>If the BARMM Government continues to exercise power over these services in the locality; it must fully capacitate the provincial and municipal offices by providing Municipal RHUs additional functions.<sup>128</sup></p>	<ol style="list-style-type: none"> <li>1. All municipalities should have at least one well-equipped PhilHealth-accredited Rural Health Unit and adequate number of Barangay Health Stations and birthing facilities that can be fully accessed even in remote, isolated areas;<sup>129</sup></li> <li>2. The Municipal Rural Health Units must be empowered such that they will have, among others, the following additional functions: the implementation of programs and projects of primary health care, maternal and child care, and communicable and non-communicable disease, control services, access to secondary and tertiary health service, purchase of medicine, medical supplies and equipment which are needed to carry out the services as enumerated.<sup>130</sup></li> </ol>
<p><b>Chapter 6. Program Units and Offices</b>  <i>Pages 103-105</i></p>	

<sup>126</sup> Dr. Nehama Nemertina Singki, IPHO Sulu and Dr. Emelyn Bahjin-Jalani, Chief, Pangutaran District Hospital Sulu, Dr. Alinader Minalang, IPHO Lanao del Sur, and Dr. Elizabeth Samama, IPHO Maguindanao, during August 19, 2020 consultation.

<sup>127</sup> Dr. Minalang.

<sup>128</sup> Atty. Randolph Parcasio, invited expert during August 14, 2020 consultation.

<sup>129</sup> Dr. Minalang.

<sup>130</sup> Atty. Parcasio.

	Create a separate Mental Health Unit. <sup>131</sup>
<b>Other Observations:</b>	
1. Define the structural relationship between the MOH BARMM, the DOH Central Office and LGUs. Reorganization of offices of the regional to the lower levels of the structural relationship between the MOH BARMM, the DOH Central Office and LGUs. The powers and functions of the different offices and units in the Ministry should be well defined with accountability and transparency mechanism in place. <sup>132</sup>	
2. What is the devolved and non-devolved setup in different provinces and cities? To have a uniform system of health service delivery in the BARMM with mechanisms in place that will provide mutual support and cooperation. <sup>133</sup>	
3. Is there a clear structure on the finance aspect for the health service delivery support of the MOH BARMM to Basilan? <sup>134</sup>	
<b>Other Recommendations</b>	
	1. There must be a specific provision on the Human Resource Master Plan that will ensure sustainable manpower support to existing health facilities and those that will be created based on the needs of the region. <sup>135</sup>
	2. There must be a specific provision for the creation of functional local health boards in every province, city and municipality where BARMM health offices and LGU can come up

<sup>131</sup> Position Paper of Jane Marie Dimacasil, MHPSS Consultant, Health Organization for Mindanao.

<sup>132</sup> Dr. Alinader Minalang, IPHO Lanao del Sur during August 19, 2020 consultation; also submitted a Position Paper.

<sup>133</sup> Dr. Minalang.

<sup>134</sup> Position Paper of Harrybert Hadjala, OIC, IPHO Basilan.

<sup>135</sup> Position Paper of Hadjala.

	with programs and activities of mutual respect. <sup>136</sup>
	3. There must be a provision regarding the authority of the MOH over Provincial/City Health Offices. <sup>137</sup>
<b>Title VI</b> <b>Human Settlements and Development</b>	
The word “development” in the Ministry, should also concern the rural areas as well, not only because it was included in the former Administrative Code (through the Regional Housing and Rural Development Authority) but because the true essence of “development” must encompass the entire Bangsamoro Region. <sup>138</sup>	
<b>Chapter 1. General Provisions</b> <b>Section 1. Declaration of Policies</b> <i>Page 107</i>	
	<p>After the first paragraph, to include the underlined:</p> <p><u>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.</u></p> <p>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</p>

<sup>136</sup> Position Paper of Harrybert Hadjala, OIC, IPHO Basilan.

<sup>137</sup> Mr. Manny Muarip, Provincial Administrator, Basilan, during August 14, 2020 consultation.

<sup>138</sup> Position Paper of Al Malik Diamlala, Member, United Architects of The Philippines.

	<p><u>the Bangsamoro Autonomous Region. 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.</u></p> <p><u>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.</u><sup>139</sup></p>
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**Section 3. Powers and Functions**  
*Pages 107, 108*

	<p>Include the underlined:</p> <p>The Ministry shall have the following powers and functions:</p> <ol style="list-style-type: none"> <li>a. Develop and implement comprehensive and integrated housing, human settlements, and urban <u>and rural</u> economic development plans and programs for the Bangsamoro people in close coordination with LGUs <u>and consultation with local stakeholders</u>;</li> <li>b. Institute mechanisms for the proper management of the growth and development of urban <u>and rural</u> communities through close coordination and strong linkages between and among relevant ministries and offices;</li> <li>c. Coordinate and monitor urban <u>and rural</u> economic development undertakings of the Ministry;</li> <li>d. <u>Conduct continuing and comprehensive studies and research necessary for housing</u></li> </ol>
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<sup>139</sup> *Position Paper of Al Malik Diamlala, Member, United Architects of The Philippines.*

	<p><u>and urban and rural development.</u></p> <p>xxx</p> <p>h. Implement a single regulatory system that shall govern all activities relative to the planning, <u>development</u>, production, marketing, and management of socialized housing and urban development projects.<sup>140</sup></p>
<p><b>Section 3 (I)</b> Page 108</p>	
<p>The power of Parliament to assign functions (without the qualification “by a law”) to the Ministry of Human Settlements and Developments seems anomalous.<sup>141</sup></p>	
<p><b>Title VII</b> <b>Indigenous People’s Affairs</b></p>	
<p><b>Chapters 1, 2 and 3</b> Pages 111 to 114</p>	
	<p>Non-Moro Indigenous Peoples word shall be added in all IPs words with a slash (/) sign; thus it reads as <u>IPs/NMIPs</u> in all sections of Title VII.<sup>142</sup></p>
<p><b>Chapter 1. General Provisions</b> <b>Sec. 3. Powers and Functions</b> Page 112</p>	
	<p>1. Include the following powers and functions:<sup>143</sup></p> <p>(j) Resolve conflicts on boundary and overlap of land ownership between IPs/NMIPs and non-IPs within the ancestral domains/native titles;</p> <p>(k) Issue Certificates of Confirmation to</p>

<sup>140</sup> Position Paper of Al Malik Diamla, Member, United Architects of The Philippines.

<sup>141</sup> The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.

<sup>142</sup> Leticio Datuwata, Acting Timuay, Kesefanagguwit Timuay (Timuay Justice and Governance), South Upi, Maguindanao during August 22, 2020 consultation.; also submitted a Position Paper.

<sup>143</sup> Datuwata.

	<p>Indigenous Political Structures (IPS) of different IPs/NMIPs and Certificates of Registration of Indigenous Peoples Organizations;</p> <p>(l) Issue Certificates of Confirmation of indigenous leadership titles to IPs/NMIPs chosen by IP/NMIP communities in accordance with customary processes;</p> <p>(m) Issue Certificates of Confirmation of Certificate of Tribal Membership issued by recognized authentic tribal leaders as conferred by IP/IP communities;</p> <p>(n) Issue Certificates of Affirmation (COA) to Indigenous Peoples Mandatory Representatives (IPMR) in Local Legislative Councils and other Local Policy-making bodies in accordance with appropriate process;</p> <p>(o) Affirm the Certificates of Tribal Marriage issued by the tribal solemnizing officers, delayed Corticates of Live Birth and Certificates of Death issued by the Indigenous Political Structures of different IPs/NMIPs;</p> <p>(p) Represent the IPs/NMIPs in the Bangsamoro in International conferences and conventions upon invitation by the UN Agencies or International Non-Government Organizations.</p> <p>2. Emphasize in the functions of MIPA the requirement of FPIC in case of plans, programs and activities for the IPs/NMIPs communities provided by the government and NGOs<sup>144</sup></p>
<p><b>Chapter 3. Structure of the Ministry</b>  <b>Section 10. Office for Ancestral Domain/Native Title</b>  <i>Page 114</i></p>	
	<p>Include the following provisions:<sup>145</sup></p> <p>Functions under Section 10. <i>Office for Ancestral</i></p>

<sup>144</sup> Leticio Datuwata, Acting Timuay, Kesefanagguwit Timuay (Timuay Justice and Governance), South Upi, Maguindanao during August 22, 2020 consultation.; also submitted a Position Paper.

<sup>145</sup> Datuwata.



	<p><i>Domains/Native Title:</i></p> <ol style="list-style-type: none"> <li>a. Responsible for the identification, delineation and recognition of ancestral domains upon the request of IP/Non-Moro IP communities based on self-delineation process;</li> <li>b. Assist in the preparation of Ancestral Domains Sustainable Development and Protection Plans (ADSDPPs);</li> <li>c. Assist in the management of ancestral domains in accordance with the ADSDPPs as well as the implementation of the ancestral domains right of the IPs as provided for in this Act;</li> <li>d. Review, determine and recommend issuance of certificate of precondition to the Minister for MIPA, upon the free and prior informed consent of the IPs concerned, prior to the grant of any license, lease, or permit for the exploitation of natural resources affecting the interests of IPs or their ancestral domains and to assist the IPs in protecting the territorial integrity of all ancestral domains;</li> <li>e. Perform such other functions as the Ministry may deem appropriate and necessary.</li> </ol>
	<p>Include the following provisions<sup>146</sup></p> <p>(a) Section __. Office for Administrative and Finance – Subject to the enactment of Indigenous Peoples/Non-Moro Indigenous Peoples Code, the Office for Administrative and Finance, headed by a Director II, shall have the following functions:</p> <ol style="list-style-type: none"> <li>a. Provide the MIPA with economical, efficient, and effective services pertaining to personnel, finance,</li> </ol>

<sup>146</sup> Leticio Datuwata, Acting Timuay, *Kesefanagguwit Timuay (Timuay Justice and Governance)*, South Upi, Maguindanao during August 22, 2020 consultation.; also submitted a Position Paper.

	<p>records, equipment, security, supplies, and other related services;</p> <ul style="list-style-type: none"> <li>b. Administer the Ancestral Domains Fund;</li> <li>c. Perform such other functions as may be directed by the Minister;</li> </ul> <p>(b) Section __. Office for Technical Management Operations – Subject to the enactment of Indigenous Peoples/Non-Moro Indigenous Peoples Code, the Office for Technical Operations, headed by a Director II, shall have the following functions:</p> <ul style="list-style-type: none"> <li>a. Receive information on and assess the economic, social, and cultural needs of Indigenous Peoples/Non-Moro Indigenous Peoples in the Bangsamoro Autonomous Region;</li> <li>b. Recommend to Minister projects and activities for the promotion of the welfare of Indigenous Peoples/Non-Moro Indigenous Peoples related to ancestral domains and native titling in the Bangsamoro Autonomous Region;</li> <li>c. Undertake projects and activities in coordination with the appropriate ministry, office, or agency, including the Bangsamoro Satellite Coordinating Offices; and</li> <li>d. Perform such other functions as may be directed by the Minister or other proper authorities.</li> </ul>
<p><b>Section 11. Special Public Assistance and Legal Aid Office</b>  <i>Page 114</i></p>	
	<p>Include “Undertake resolution of conflicts involving boundaries and overlap of land claims/ownership between the IPs/NMIPs and Non-IPs within the ancestral domains/fusaka</p>

	inged/native title in coordination with the Office of Ancestral Domains/Native Title” . <sup>147</sup>
<b>Other Observation</b>	
Is there a need for a recommendation from the Non-Moro IPs in the selection of the head of MIPA? <sup>148</sup>	
<b>Other Suggestion</b>	
	Include the following provision:  Section____. Provincial Office – Provincial Offices shall be established in Provinces where significant numbers of municipalities are inhabited by IPs/NMIPs. The Provincial Offices shall be headed by a Director I. <sup>149</sup>
<b>Title VII</b> <b>Interior and Local Government</b>	
<b>Chapter 4. Field Offices</b> <b>Section 10. Provincial and City Offices</b> <i>Page 118</i>	
	1. Include Legal Officer in provincial offices <sup>150</sup>  2. Devolve fiscal transaction to the provincial offices, to help accelerate programs, projects and activities on the ground. <sup>151</sup>
<b>Section 11. Other Field Units</b> <i>Page 118</i>	
	Include a provision giving preference to eligible local residents, or from the adjacent municipalities in the hiring of MLGOOs. <sup>152</sup>

<sup>147</sup> Leticio Datuwata, Acting Timuay, Kesefanagguwit Timuay (Timuay Justice and Governance), South Upi, Maguindanao during August 22, 2020 consultation.

<sup>148</sup> Rodelio Ambangan, Chairperson, Mindanao Peoples Peace Movement during August 22, 2020 consultation.

<sup>149</sup> Datuwata.

<sup>150</sup> Sohra Basir, OIC, MILG Lanao del Sur during August 22, 2020 consultation.

<sup>151</sup> Position Paper of McMilan Lucman, MILG Lanao del Sur.

<sup>152</sup> Mohammad Nanding, MLGOO Buluan, Maguindanao during August 22, 2020 consultation.; Mayor Atty. Dimnatang Pansar, Butig, Lanao del Sur; and Mayor Benjamin Bagul, Balindong, Lanao del Sur, during August 26, 2020 consultation.

<b>Chapter 6. Special Geographic Area Development Authority (SGADA)</b>	
<b>Section 18. Board of Directors</b>	
<i>Page 121</i>	
Why is the Administrator of SGADA an ex-officio member only in the Board of Directors, considering he is the head of the development authority? <sup>153</sup>	
<b>Section 20. Area Coordinators</b>	
<i>Page 121</i>	
	The position of DMO IV in the cluster barangays should be upgraded into DMO V. <sup>154</sup>
<b>Other Suggestions</b>	
	There must be a specific provision under the MILG that requires prior consultation with LCEs in the implementation of projects, <sup>155</sup> and another provision on the powers of the LCEs to supervise the implementation of projects. <sup>156</sup>
<b>Title X</b> <b>Public Order and Safety</b>	
<b>Chapter 1. General Provisions</b>	
<b>Section 2. Mandate</b>	
<i>Page 131</i>	
	Proposed amendment:  “The Ministry of Public Order and Safety (MPOS) shall be responsible for public order and safety in the Bangsamoro Autonomous Region. It shall be the lead agency in the promotion of peace, reconciliation, and unification, shall be the conflict management body of the Bangsamoro Government, and shall have the coordinating

<sup>153</sup> Mohammad Kellie Antao, Board Member, Province of Cotabato and Administrator of 63 Barangays under BARMM during August 22, 2020 consultation.

<sup>154</sup> Antao.

<sup>155</sup> Mayor Atty. Dimnatang Pansar, Butig, Lanao del Sur; and Mayor Benjamin Bagul, Balindong, Lanao del Sur, during August 26, 2020 consultation.

<sup>156</sup> Mayor Sharifullah Tanog, Pualas, Lanao del Sur during August 26, 2020 consultation.

	function with offices and bureaus that maintain public order and safety in the region.” <sup>157</sup>
<b>Section 3. Powers and Functions</b> <i>Page 131</i>	
	<p>Proposed amendment:<sup>158</sup></p> <p>“The Ministry shall have the following powers and functions:</p> <ol style="list-style-type: none"> <li>a. Prescribe rules, regulations, policies, and other issuances implementing regional laws on public order and safety;</li> <li>b. Formulate and implement gender-responsive strategies for the safety and security of the affected civilians in times of war or any other conflict;</li> <li>c. Formulate and implement programs, projects and activities to attract local insurgents to return to the folds of the law and transform them into valuable resources of the region;</li> <li>d. Serve as secretariat of the Regional Peace and Order Council;</li> <li>e. Formulate and implement policies, programs and activities for the effective settlement of family feuds (<i>rido</i>) and other horizontal conflicts in the region, as well as for the prevention of the occurrence or recurrence of such conflicts;</li> <li>f. Formulate and implement policies, programs, and activities relating to reconciliation and unification, and peaceful co-existence of all the peoples in the region;</li> <li>g. Formulate and implement policies, programs, and activities relating to religious tolerance, preventing and countering violent extremism, social transformation, and other sustainable peacebuilding initiatives;</li> </ol>

<sup>157</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.

<sup>158</sup> Position Paper of MPOS.

	<ul style="list-style-type: none"> <li>h. Formulate and implement policies and programs for the realization of the recommendations of the Transitional Justice and Reconciliation Commission (TJRC), as may be necessary and feasible, and conduct activities for the promotion of transitional justice and reconciliation;</li> <li>i. 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;</li> <li>j. j. Monitor and evaluate the prevailing peace and security situation in the region and submit reports and recommendation thereon to the Office of the Chief Minister;</li> <li>k. Establish a community-based conflict early warning/response reporting system and develop, establish, operate, and maintain an integrated regional, city, and provincial incident coordination system to enhance public order and safety;</li> <li>l. Serve as the coordinating office for the implementation of the provisions of the Bangsamoro Organic Law and other peace agreements between the National Government and the Moro Fronts concerning the entry or integration of former combatants who aspire to join the Philippine National Police or the Armed Forces of the Philippines;</li> <li>m. Conduct advocacy campaigns against harmful and illegal activities;</li> <li>n. Organize, accredit, capacitate, and support local mediators or offices, organizations, committees, or individuals engaged in alternative dispute resolution, including Rido settlement; and</li> </ul>
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	<p>o. Perform such other functions as may be prescribed by law thereafter or as may be assigned by the Chief Minister.</p>
<p><b>Section 4. Organizational Structure</b> <i>Page 131</i></p>	
	<p>Proposed amendment:</p> <p>“The Ministry of Public Order and Safety shall be composed of the Ministry Proper, Ministry Offices, Divisions, Services, Provincial Offices, and such other appropriate sections, and units as may be necessary.”<sup>159</sup></p>
<p><b>Chapter 2. Ministry Proper</b> <b>Section 6. Powers and Functions of the Minister</b> <i>Page 132</i></p>	
	<p>Proposed amendment:<sup>160</sup></p> <p>“The Minister shall be vested with the following powers and functions:</p> <ul style="list-style-type: none"> <li>a. Recommend to the Chief Minister and Parliament policies and programs relating to Public Order and Safety;</li> <li>b. xxx</li> <li>c. Serve as member of the Regional Peace and Order Council;</li> <li>d. Approve the implementation of Ministry’s programs, projects, and activities;</li> <li>e. xxx</li> <li>f. xxx</li> <li>g. xxx</li> <li>h. xxx</li> <li>i. xxx</li> <li>j. Exercise jurisdiction over all bureaus, offices, and agencies under the Ministry;</li> <li>k. Propose to the Chief Minister the establishment, merger, and abolition of</li> </ul>

<sup>159</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.

<sup>160</sup> Position Paper of MPOS.

	<p>divisions, sections, or units in the Ministry as may be necessary for the efficient delivery of its mandate; and</p> <p>I. Perform such other functions as may be assigned by the Chief Minister or as may be provided by law.</p>
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**Section 8. The Bangsamoro Director-General**

*Page 132*

	<p>Proposed amendment:<sup>161</sup></p> <p>“The Bangsamoro Director-General (BDG) shall be the highest career official of the Ministry, with appropriate eligibility. He/she must have sufficient background, education or training on matters of public order and safety, peace building, or conflict resolution.</p> <p>The Office of the Bangsamoro Director-General shall perform the following powers and functions:</p> <ol style="list-style-type: none"> <li>a. Oversee the administration of programs and strategic plans of the Ministry;</li> <li>b. Supervise the affairs of the different offices, divisions, and field offices of the Ministry;</li> <li>c. Implement rules and regulations promulgated by the Minister necessary to carry out the Ministry’s objectives, policies, functions, plans, programs and projects;</li> <li>d. Regularly update the Minister concerning the affairs of the Ministry;</li> <li>e. Represent the Ministry in meetings and gatherings, as may be assigned by the Minister;</li> <li>f. Establish mechanisms for the continuing improvement of the performance of the Ministry; and</li> <li>g. Perform such other functions as may be authorized by the Minister.</li> </ol>
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<sup>161</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.



<b>Chapter 3. Structure of the Ministry</b> <i>Page 133</i>	
	Proposed Amendment on “Chapter 3. Ministry Support Services”: <sup>162</sup>
<b>Section 9. Structure</b> <i>Page 133</i>	
	“The Ministry Proper shall be supported by Offices, Divisions, Services, Sections and Units, as follows: Home Affairs Office; Bangsamoro Reconciliation and Unification Office; Bangsamoro Peace Office; Administrative and Finance Division; Legal and Legislative Division; Information and Communication Division; Planning and Research Division; Provincial Office Coordination Division; and Internal Control Office” <sup>163</sup>
<b>Section 10. Home Affairs Office</b> <i>Page 133</i>	
	Proposed amendment: <sup>164</sup>  “The Home Affairs Office (HAO) shall be headed by a Director II, assisted by support staff. It shall be responsible for evaluating, analyzing, and monitoring the security issues and challenges and establish proper coordination mechanisms with law enforcement agencies in the region. Further, the HAO shall be responsible for the enhancement of the safety and security of the region by establishing a community-based early warning response system and incident coordination system, as well as by conducting information-drive relating to public order and safety. It is divided into three (3) Sections, to wit:  a. Civilian Intelligence and Investigation Section; b. Law Enforcement Coordination Section;

<sup>162</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.

<sup>163</sup> Position Paper of MPOS.

<sup>164</sup> Position Paper of MPOS.

	and c. Public Order and Safety Education Section.”
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**Section 11. Bangsamoro Reconciliation and Unification Office**  
*Page 133*

	<p>Proposed amendment:<sup>165</sup></p> <p>“The Bangsamoro Reconciliation and Unification Office shall be headed by a Director II, assisted by support staff. It shall be the conflict management body of the Bangsamoro Government. As such, it shall be primarily responsible in formulating and implementing policies, programs, and activities for the effective settlement of family feuds (Rido) and other horizontal conflicts; and for the strengthening of alternative dispute resolution in the region. It shall be composed of three (3) Sections, to wit:</p> <ul style="list-style-type: none"> <li>a. Data Gathering and Documentation Section;</li> <li>b. Reconciliation and Unification Section; and</li> <li>c. Alternative Dispute Resolution Section.”</li> </ul>
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**Section 12. Bangsamoro Peace Office**  
*Page 133*

	<p>Proposed amendment:<sup>166</sup></p> <p>“The Bangsamoro Peace Office shall be headed by a Director II, assisted by support staff. It shall be responsible for the promotion of peace, justice, religious tolerance, peaceful co-existence, and other peacebuilding activities towards normalization as an effective measure in ensuring lasting peace and security in the Bangsamoro Autonomous Region. Further, it shall endeavor to attract local insurgents to return to the folds of the law and make the</p>
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<sup>165</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.

<sup>166</sup> Position Paper of MPOS.

	<p>necessary programs to transform them into a valuable resource of the region. It shall be composed of four (4) sections, to wit:</p> <ul style="list-style-type: none"> <li>a. Capacity Development Section;</li> <li>b. Peace Advocacy Section; and</li> <li>c. Special Programs Section”</li> </ul>
<b>Other Recommendations</b>	
	<p>1. To include new provisions:<sup>167</sup></p> <p>Section 13. Administrative and Finance Division;  Section 14. Legal and Legislative Division;  Section 15. Information and Communication Division;  Section 16. Planning and Research Division;  Section 17. Provincial Offices Coordinating Division;  Section 18. Internal Control Office;</p> <p>2. To include new chapters:</p> <p>Chapter 4, Provincial Offices.<sup>168</sup>  Section 19. Organizational Structure;  Section 20. Official Stations;  Section 21. Powers and Functions;  Section 22. Officers of the Provincial Office;  Section 23. MPOS-Provincial Director;  Section 24. Administrative and Finance Officer;  Section 25. Training and Advocacy Officer;  Section 26. Alternative Dispute Resolution Officer;  Section 27. Public Order and Safety Officer;  Section 28. District Public Order and Safety Officers;</p>
	<p>There should be field offices up to the municipal level.<sup>169</sup></p>

<sup>167</sup> Position Paper of Ministry of Public Order and Safety signed by Minister MP Hussein P. Muñoz.

<sup>168</sup> Position Paper of MPOS.

<sup>169</sup> Ret. Col. Abdulbasher D. Bongcarawan, Provincial Coordinator, MPOS Lanao del Sur, during August 22, 2020 consultation.

	Creation of Bangsamoro Veterans Affairs Office under the Ministry of Public Safety and Security (MPOS), the function of which are to Administer the Veterans pension and other needs and benefits and promotion of policies and management of services for veterans' affairs and welfare. <sup>170</sup>
<b>Title XI Public Works</b>	
<b>Chapter 4. District Offices</b>	
<b>Section 10. District Office</b> <i>Page 136</i>	
	Include a Legal Officer or a Legal Assistant, since we are dealing with contracts. <sup>171</sup>
<b>Other Observation</b>	
No equivalent bureaus that will take responsibility for formulating specific policies and guidelines related to standards, design, maintenance construction and equipment services. <sup>172</sup>	
<b>Title XII Science and Technology</b>	
<b>Chapter 1. General Provisions</b>	
<b>Section 3. Powers and Functions</b> <i>Page 138</i>	
	Include: "Provide technical and financial assistance to Civil Society Organizations including Non-Governmental Organization, People's Organization, and the Indigenous People's Organization in promoting a culture of

<sup>170</sup> Position Paper of League of the Bangsamoro Organizations, Inc. (LBO) signed by Hashim Manticayan, President.

<sup>171</sup> Engr. Maldamin Decampong, District Engineer, MPW Lanao del Sur District 2, during August 19, 2020 consultation

<sup>172</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

	good governance through the people's participation." <sup>173</sup>
<b>Chapter 4 Provincial Science and Technology Center</b> <b>Sections 10, 11 and 12</b> <i>Pages 140, 141</i>	
	Amend "Provincial Science and Technology Centers" into "Provincial Science and Technology Office." <sup>174</sup>
<b>Chapter 4, Section 10</b> <b>Provincial Centers</b> <i>Page 140</i>	
Provincial Centers. Is (b) Cotabato City, within the area of jurisdiction of MOST BARMM? <sup>175</sup>	Add a provision providing structure in the municipal level. <sup>176</sup>
<b>Section 11. Functions</b> <i>Page 140</i>	
The PSTD of the former ARMM was SG 25, now with the BARMM, the Senior Science and Technology Specialist (SSTS) as a provincial head with SG 19. <sup>177</sup>	To amend the underlined:  "Each of the Provincial Centers shall be headed by a <u>Senior Science and Technology Specialist</u> and shall be assisted by other support staff," into: Provincial Science and Technology Directors (PSTD) with SG 25 (Director I), and shall be assisted by Supervising SRS, Senior SRS, SRS II, Administrative Officer III, SRS 1 and Administrative Aide IV. <sup>178</sup>
<b>Other Observation</b>	

<sup>173</sup> Position Paper of League of the Bangsamoro Organizations, Inc. (LBO) signed by Hashim Manticayan, President.

<sup>174</sup> Engr. Alinader A. Sarangani, Provincial Head, MOST Lanao del Sur, during August 19, 2020 consultation.

<sup>175</sup> Jandatu Salik, Provincial Head, MOST Maguindanao, during August 19, 2020 consultation.

<sup>176</sup> Engr. Sarangani.

<sup>177</sup> Shirma Sabal-Mudjahiron, Provincial Head, MOST Tawi-Tawi and Engr. Sarangani during August 19, 2020 consultation.

<sup>178</sup> Mudjahiron and Engr. Sarangani.

<p>MOST is another very important ministry that has no specific bureaus identified in the Code that will enable the Ministry to carry out its mandate.<sup>179</sup></p>	
<p><b>Title XIII</b> <b>Social Services and Development</b></p>	
<p><b>Chapter 4. Provincial/City/Municipality Social Welfare Offices</b> <b>Section 12 Establishment and Operations of Welfare Facilities</b> <i>Page 146</i></p>	
	<p>The inclusion of orphanage centers. This will be the opportunity that the BARMM help the Bangsamoro orphans, especially those affected by the conflict.<sup>180</sup></p>
<p><b>Chapter 6. Social Welfare Agencies and Services</b> <b>Section 19. Accreditation and Operation of Social Welfare Agencies</b> <i>Page 147</i></p>	
	<p>Aside from granting of permit to operate and accreditation, the BARMM government shall provide financial support to these government or private institutions to ensure the better welfare of the welfare agencies specially the orphanage centers.<sup>181</sup></p>
<p><b>Section 21. Foster Homes</b> <i>Page 148</i></p>	
	<p>There shall be established orphanage centers intended for the sons and daughters of the Bangsamoro martyrs aside from the Foster Homes, and these orphanages should be subsidized.<sup>182</sup></p>
<p><b>Other Observations</b></p>	
<p>Devolution is part of the government philosophy of BARMM governance. The provisions 10, 11, 12, 13 and 14 are to be harmonized with the pertinent</p>	

<sup>179</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

<sup>180</sup> Position Paper of League of the Bangsamoro Organizations, Inc. (LBO) signed by Hashim Manticayan, President.

<sup>181</sup> Position Paper of LBO.

<sup>182</sup> Position Paper of LBO.

<p>provisions of the draft Local Government Code in order to ascertain that the LGUs shall take the lead in the delivery of these basic services. However, If the BARMM Government continues to exercise power over these services in the locality as written in the Administrative Code, it must fully capacitate the provincial and municipal offices by providing these following functions: The municipal office which is the frontliner of highly demanding functions and services should also be tasked to include among their services, programs and projects on child, youth and special children welfare, family and community welfare, women welfare, welfare of the elderly and disabled persons, community-based and rehabilitation programs for the underprivileged, street children, delinquent children, and victims of trafficking, including livelihood and other projects, nutrition and family planning.<sup>183</sup></p>	
<p><b>Other Suggestion</b></p>	
	<p>In terms of women and children, the Local Government Code should mandate devolution of powers to the LGUs so that there will be resources therein, and there will be a strong anchor for the operationalization of the implementation of these spaces, services under MSSD<sup>184</sup></p>
<p style="text-align: center;"><b>Title XIV</b> <b>Trade, Investments and Tourism</b></p>	
<p><b>Chapter 3. Structure of the Ministry</b> <b>A. Bangsamoro Board of Investments</b> <i>Pages 52 to 54</i></p>	
<p>1. What is the legal basis of attaching BBOI to the Office of the Chief Minister, and also the former Cooperative Development Authority is separating from MTIT?<sup>185</sup></p>	

<sup>183</sup> Atty. Randolph Parcasio, invited expert during August 14, 2020 consultation.

<sup>184</sup> Paramisuli Aming, Project Director, AMBUH-INAH, Tawi-Tawi, during August 22, 2020 consultation.

<sup>185</sup> MP Adzfar Usman, and MTIT Minister Abu Amri Taddik, during August 14, 2020 consultation.

<p>2. What is really the intent of the BOL on integrating all these powers under one Ministry, MTIT? Now why are we separating the authority of the BOI, and the former CDA from MTIT?<sup>186</sup> There should be specific and direct stipulations on their respective functions (BBOI now under OCM, and Bureau of Investments under the MTIT).<sup>187</sup> It is more sound to place the Cooperative and Social Enterprise Office under the MTIT, considering the harmony on socio-economic development.<sup>188</sup></p>	
<p><b>Chapter 5. Field Offices</b>  <b>Section 19. Provincial Offices</b>  <i>Page 156</i></p>	
	<p>Include Municipal Offices in the structure.<sup>189</sup></p>
<p><b>Section 20. Powers and Functions</b>  <i>Page 156</i></p>	
	<p>Give the Provincial Health Office the power to screen applicats in the hiring and directly conduct the orientation of the employees.<sup>190</sup></p>
<p><b>Chapter 7. Halal Accreditation Board</b>  <b>Sections 31, 32, 33 and 34</b>  <i>Pages 161-163</i></p>	
	<p>Change the “Halal Accreditation Board (HAB)” to “Bangsamoro Halal Board (BHB)”, amending the whole of Chapter 7, Sections 31 to 34 to that effect.<sup>191</sup></p>
<p><b>Section 33. Composition of the HAB</b>  <i>Page 162</i></p>	
	<p>Include the following: The Bangsamoro Halal Board shall also include: (1) The Mufti of the Bangsamoro Darul Ifta as Vice Chairperson; and The Minister of Finance, Budget and Management.<sup>192</sup></p>

<sup>186</sup> MP Adzfar Usman, during August 14, 2020 consultation.

<sup>187</sup> MTIT Minister Abu Amri Taddik, during August 14, 2020 consultation.

<sup>188</sup> MTIT Minister Taddik

<sup>189</sup> Mohammad Aquil Mamainte, Provincial Director, MTIT Lanao del Sur, during August 19, 2020 consultation.

<sup>190</sup> Mamainte.

<sup>191</sup> Position Paper of Al Malik Diamla, Member, United Architects of The Philippines.

<sup>192</sup> Position Paper of Diamla.



<b>Chapter 8. Bangsamoro Trade Council</b> <b>Section 36. Functions of the BBTC</b> <b>Section 36 (e)</b>	
Why does the Bangsamoro Barter Trade Council submit recommendations to the Parliament, and what is the consequence of doing so? <sup>193</sup>	
<b>Title XV</b> <b>Transportation and Communication</b>	
<b>Chapter 4. Sectoral Offices</b> <b>Section 21. CAAB Organizational Structure</b> <i>Page 171</i>	
	Establish a provincial office, especially BaSulTa. <sup>194</sup>
<b>Other Recommendations</b>	
	<p>1. Option A:<sup>195</sup>          Maybe MOTC can be expanded to Ministry of Transportation, Telecommunications and ICT;</p> <p>Option B:<sup>196</sup>          Create another Ministry of ICT. This will save money by having Standard Systems Software and Hardware used like HR System, Payroll to all the Ministries, Offices and Agencies. This will also prevent corruption during procurement, bidding of hardware and software; and</p> <p>Under the Ministry of ICT as an attached agency, is the Cyber Crime Investigation Office. This includes the Digital Forensic Laboratory, and the Bangsamoro Computer Emergency Response Team (CERT).</p>

<sup>193</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>194</sup> *Carmencita Salik, Airport Manager, CAAP-BARMM, during August 19, 2020 consultation.*

<sup>195</sup> *Moslemen Macarambon Jr, IT Professional during August 22, 2020 consultation.; also submitted a Position Paper.*

<sup>196</sup> *Macarambon, Jr.*

**Title XVI  
Bangsamoro Commissions**

**General observation on Title XVI**

Why does the Bangsamoro Sports Commission have its budget approved by the Parliament while the other Commissions mentioned in Title XVI (Women; Youth; Cultural Heritage) do not?

Why must the Cultural Heritage Commission report to the Parliament while the others have no such obligation?<sup>197</sup>

There should be a rational basis for the occasional specific, but apparently arbitrary, roles conferred on Parliament by the Code<sup>198</sup>

**Chapter 4. Bangsamoro Commission on the Preservation of Cultural Heritage  
Section 11. Bangsamoro Commission on the Preservation of Cultural Heritage  
Page 182**

Amend the composition, from “2 commissioners,” to “5 commissioners”.<sup>199</sup>

**Section 12. Mandate  
Page 182**

Proposed Amendment:

“Pursuant the Bangsamoro Organic Laws, the BCPCH shall have the primary responsibility to write the history of the Bangsamoro people and 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, 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

<sup>197</sup> Westminster Policy Brief.

<sup>198</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>199</sup> *Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.*

	<p>the Bangsamoro heritage and 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.”<sup>200</sup></p>
	<p>Proposed new provisions:<sup>201</sup></p> <p>Sec. 14. The powers of the BCPCH- To carry out its mandate, the Commission shall exercise the following powers:</p> <ol style="list-style-type: none"> <li>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;</li> <li>b. To appoint and promote the personnel of the Commission, subject to existing Civil Service rules and regulations;</li> <li>c. Provide leadership in the formulation and initiation of regional policies and plans, and setting of priorities and direction of culture, arts, and heritage promotion and development programs and activities;</li> <li>d. Establish consultative mechanisms which shall provide a forum 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;</li> <li>e. Issue rules and regulations in pursuance of the provisions of this Act;</li> <li>f. Accredite, register, and oversee cultural mapping initiatives and registry of</li> </ol>

<sup>200</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

<sup>201</sup> Position Paper of BCH.

	<p>cultural property;</p> <ul style="list-style-type: none"> <li>g. Promulgate its own rules and procedures;</li> <li>h. 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;</li> <li>i. Enter into contracts;</li> <li>j. Acquire, possess, and dispose of real and personal properties in furtherance of its mandates;</li> <li>k. Solicit and accept donations, gifts, requests, and grants in cash and in kind, or enter into agreements with any legitimate entity, local or foreign, consistent with its mandate</li> <li>l. To perform any and all other acts incident to or required by virtue of its creation.</li> </ul>
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**Section 14. Functions of the BCPCH**  
*Page 183*

	<p>Proposed amendment:<sup>202</sup></p> <p>“To conserve and promote the Bangsamoro historical and cultural heritage, the BCPCH shall have the following functions:</p> <ul style="list-style-type: none"> <li>a. Lead the monitoring and systematize retrieval and conversation of artifacts of Bangsamoro culture and history and all Bangsamoro cultural treasures from all over the Bangsamoro Autonomous Region and the Philippine archipelago;</li> <li>b. Initiate and support the study, recognition and preservation of endangered human as to the conservation and development of artistic, linguistic and occupational skills that are threatened with extinction;</li> <li>c. Lead the promotion, establishment, and preservation of cultural and historical monuments, markers, names and sites;</li> </ul>
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<sup>202</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

	<ul style="list-style-type: none"> <li>d. Spearhead the establishment and/or maintenance all over the Bangsamoro Autonomous Region of museums, libraries, archive, private or public, as repositories, respectively of all cultural artifacts and artistic creation, printed works, archival records and all other materials indispensable to the study and evaluation of Bangsamoro culture and history;</li> <li>e. Encourage the private sector to establish and maintain private museums and libraries;</li> <li>f. Lead the engagement and support for scholarly research into and documentation of Bangamoro 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 various aspects of Bangsamoro culture;</li> <li>g. Lead and support the writing of history from the Bangsamoro perspective; and</li> <li>h. Ensure the standard of excellence are pursued in programs and activities implementing policies herein stated, it shall encourage and support continuing discussion and debate, through symposia, workshops, publication, etc., On the highest norms available in the matrix of Bangsamoro culture.”</li> </ul>
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**Section 15. Composition and Terms of Office**  
Page 184

	<p>Proposed amendment:<sup>203</sup></p> <p>“The Commission en banc shall be composed of a Chairperson and five (5) Commissioners representative the major political subdivisions of</p>
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<sup>203</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

	<p>the Bangsamoro Autonomous Region, namely:</p> <ol style="list-style-type: none"> <li>a. Maguindanao, including Cotabato City and the 63 barangays of North Cotabato that joined the Bangsamoro Autonomous Region;</li> <li>b. Lanao del Sur, including Marawi City;</li> <li>c. Sulu;</li> <li>d. Basilan, including Lamitan City;</li> <li>e. Tawi-Tawi</li> </ol> <p>There shall be two ex-officio Commissioners coming 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. “</p>
	<p>Proposed new provisions:<sup>204</sup></p> <p>Sec. 17. Appointments –The Chairperson and the Commissioners shall be appointed by the Chief Minister.</p> <p>The Chairperson, as a matter of policy, shall be rotated every term in accordance with representations in the major geographical subdivisions.</p> <p>For the first set of appointees to the positions of Chairperson and Commissioners, the Chief Minister shall select from the list of nominees submitted by cultural groups, cultural organizations or cultural-serving organizations operating within the BARMM and which have been in existence for at least three (3) years as of the approval of this Act.</p>

<sup>204</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

	<p>For succeeding appointees, the Chief Minister shall select from a list containing between three (3) and five (5) names for each position, submitted by cultural groups, cultural organizations or cultural-serving organizations in their respective areas as duly accredited by the Commission.</p> <p>Nominating cultural groups, cultural organizations or cultural-serving organizations should have been in existence for at least three (3) years at the time of the submission of the nomination.</p>
	<p>Proposed new provision:<sup>205</sup></p> <p>Section 18. Terms of Office and Compensation – 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.</p> <p>Thereafter, all succeeding appointees shall serve for a term of three (3) years fixed term. They may be re-appointed for another term, provided that they shall not exceed the age limit at the time of their appointment. In no case shall any member be appointed, re-appointed, more than once, nor designated in a temporary or acting capacity.</p> <p>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.</p> <p>Appointees to any vacancy occurring during the term shall serve only for the remaining portion of said term.</p>

<sup>205</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

	<p>The Chairperson and the regular Commissioners shall receive compensation equivalent to Salary Grade 28 and 27 respectively.</p>
<p><b>Section 16. Qualifications of the Chairperson and the Commissioners</b>  <i>Page 184</i></p>	
	<p>Proposed amendment:<sup>206</sup></p> <p>“Section 19. Qualifications – The Chairperson and the Commissioners, including the regular and ex-officio Commissioners shall have the following qualifications:</p> <ul style="list-style-type: none"> <li>a. A citizen of the Philippines;</li> <li>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;</li> <li>c. A resident of the BARMM for a period of two (2) years;</li> <li>d. Holders of a Master’s degree and/ or Doctoral degree;</li> <li>e. Of good moral character;</li> <li>f. Must have at least three (3) years of exposure to cultural affairs, history, project and program management; and</li> <li>g. Must have at least four years (4) years of managerial experience;</li> <li>h. At least 35 years of age at the time of his/ her appointment.</li> </ul>
	<p>Proposed new provision:<sup>207</sup></p> <p>Section 20. Powers of the Chairperson – The Chairperson:</p> <ul style="list-style-type: none"> <li>a. Shall convene and preside over regular and special sessions and meetings of the Commission and divisions it may constitute;</li> </ul>

<sup>206</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

<sup>207</sup> Position Paper of BCH.



	<ul style="list-style-type: none"> <li>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;</li> <li>c. Acts as a focal point of communication of the Commission;</li> <li>d. Appoint the employees and other personnel of the Commission;</li> <li>e. Approves or disapproves the transfer or detail of employees subject to the provisions of existing laws and regulations; and</li> <li>f. Performs such other powers as may be vested by the Commission proper.</li> </ul>
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**Section 17. The Executive Director, Functions Term of Office**  
*Page 184*

	<p>Proposed amendment:<sup>208</sup></p> <p>“Section 21. The Executive Director and Directors - There shall be an Executive Director, Director for Administration and Finance, and Director for Operations 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 operations.</p> <p>For this purpose, the Executive Director shall be supported by one (1) Director for Administration and Finance and one (1) Director for Operations.</p> <p>xxx</p> <p>The Director for Administration and Finance and Director of Operations shall be appointed by the Chief Minister with regular <i>plantilla</i> appointment.</p> <p>The Executive Director and Director for</p>
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<sup>208</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

	Administration and Finance and Director of Operations shall receive compensation equivalent to salary grade 26 and 25 respectively.
<b>Section 18. Qualifications of Executive Director</b> <i>Page 185</i>	
	<p>Proposed amendment:<sup>209</sup>:</p> <p>“Section 23. Qualifications of the Executive Director – No person shall be appointed as Executive Director of the Commission unless:</p> <ol style="list-style-type: none"> <li>a. A citizen of the Philippines;</li> <li>b. A resident of the Bangsamoro Autonomous Region;</li> <li>c. At least thirty (30) years of age;</li> <li>d. Of good moral character;</li> <li>e. With Master’s degree;</li> <li>f. Must have at least three (3) years of relevant managerial experience in any of the following fields: law, economics, public administration, commerce, management, social services, or finance.” </li></ol>
	<p>Proposed new provisions:<sup>210</sup></p> <p>Section 24. The Commission Secretariat;</p> <p>Section 25. Duties and Responsibilities of the Secretariat;</p> <p>Section 26. Organizational Structure – The Commission shall be composed of the following Divisions:</p> <ol style="list-style-type: none"> <li>1. Technical Services Bureau headed by the Director of Operations which shall consist of the following divisions: <ol style="list-style-type: none"> <li>a. Policy and Planning Division;</li> <li>b. Museums Management Division;</li> <li>c. History and Archives Division;</li> <li>d. Culture and Arts Division;</li> </ol> </li> </ol>

<sup>209</sup> Position Paper of the Bureau of Cultural Heritage (BCH) signed by Ardan Sali, Executive Director.

<sup>210</sup> Position Paper of BCH.

	<p>2. Administrative and Finance Bureau headed by the Director for Admin and Finance which shall consist of the following divisions:</p> <ol style="list-style-type: none"> <li>a. Administrative Division</li> <li>b. Finance Division;</li> </ol> <p>Section 27. Offices of the Commissioner – Each Commissioner shall head an office in the province he/she represents;</p> <p>Section 28. Powers and Functions of the Offices of the Commissioner;</p> <p>Section 29. Fiscal Autonomy;</p> <p>Section 30. Appropriation.</p>
<p><b>Title XVII</b> <b>Other Commissions and Bodies</b></p>	
<p><b>Observation:</b></p>	
<p>Do we need to legislate to translate it into a much clearer definition, and the mechanics on how to preserve the independence of these bodies (Bangsamoro Human Rights Commission and Bangsamoro Auditing Body)?<sup>211</sup></p>	
<p><b>Title XVIII</b> <b>Administrative Services</b></p>	
<p><b>Chapter 1. Human Resource Development and Management</b> <b>Section 12. Performance Management System</b> <i>Page 194</i></p>	
	<p>Create a Program and Project Control Board in every ministry/office.<sup>212</sup> To include the following sections<sup>213</sup>:</p>

<sup>211</sup> MP Ziaur-Rahman Adiong during August 14, 2020 consultation.

<sup>212</sup> Position Paper of the United Voices for Peace Network, Inc. (UVPN) signed by Hamodi Tiboron, CPA, Chairman and Mohammad Abqary Alon, Deputy Executive Director, UVPN; a concerned believer of Development Academy of the Bangsamoro during August 22, 2020 consultation.

<sup>213</sup> Position Paper of the United Voices for Peace Network, Inc. (UVPN) signed by Hamodi Tiboron, CPA, Chairman.

	<ol style="list-style-type: none"> <li>1. Sec. (___). Participatory Program Management Policy. It is the policy of the Bangsamoro Government ensure co-ownership and needs, responsiveness of government programs and projects to its beneficiaries through an institutionalized government-stakeholder feedbacking mechanism.</li> <li>2. Sec. (___). Creation of Program and Project Control Board. A Program and Project Control Board (PPCB) shall be created in each ministry/office/agency and their provincial offices. It shall be the joint government stakeholder decision-making body of the ministries/offices/ agencies for its programs and projects The PPCB shall have the following functions: <ol style="list-style-type: none"> <li>a. Deliberate programmatic solutions to the latest data, trend, situation, and clamor from the ground;</li> <li>b. Design, plan, and allocate funds on ministry/office/agency programs and projects;</li> <li>c. Monitor and evaluate the effectiveness of program and project in terms of implementation, impact, and fund execution;</li> <li>d. Ensure the ministry/office/agency's compliance with any guidelines set for a centralized project management information system that may be developed in the Region.</li> </ol> </li> </ol>
	<p>Add another chapter for Administrative Reforms, with the following sections.<sup>214</sup></p> <ol style="list-style-type: none"> <li>1. Sec. (___). Administrative Efficiency Policy. The Bangsamoro Government shall institutionalize a collaborative mechanism</li> </ol>

<sup>214</sup> Position Paper of the UVPN.

	<p>among key oversight agencies in the Region that will ensure an efficient administrative systems and policies in the bureaucracy.</p> <p>2. Sec. ( ). Creation of Bangsamoro Inter-Agency Task Force (BIATF) on Administrative Reforms. An Inter-Agency Task Force shall be created to maintain a policy environment of administrative efficiency in the Region. The Task Force shall be chaired by the Ministry of Finance, and Budget and Management (MFBM) and co-chaired by the Office of the Senior Minister (OSM), with the following as members: a. Bangsamoro Internal Auditing Body (BIAB); b. Bangsamoro Planning and Development Authority (BPDA); and c. Development Academy of the Bangsamoro (DAB); Representatives to the Task Force shall have a rank not lower than the assistant/deputy of the ministry/head of the office / agency and duly authorized by the minister/head of the office / agency concerned.</p> <p>3. Sec. ( ). Functions. The BIATF on Administrative Reforms shall have the following functions:</p> <ul style="list-style-type: none"><li>a. Review, deliberate, develop, modify, harmonize, unify, and simplify new or existing administrative systems, policies, procedures, and guidelines with an end view of addressing systemic administrative defects in the Region;</li><li>b. Participate in the development, implementing rules and regulations of any legislation enacted by the Bangsamoro Parliament that may involve disruption of established administrative systems, policies, and procedures;</li><li>b. Harmonize Regional administrative</li></ul>
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	<p>systems, policies, procedures, and guidelines with that of the National Government;</p> <p>c. Manage changes in cases of bureaucratic reorganization, resizing, and repurposing; and</p> <p>d. Perform such other functions and powers as may be necessary.</p> <p>4. Sec. (___). Secretariat and Technical Services. The Development Academy of the Bangsamoro (DAB) shall serve as the Secretariat of the Task Force as well as its technical resource institution.</p> <p>5. Sec. (___). Involvement of National Government Agencies in the BARMM. The Task Force may invite the Civil Service Commission (CSC) for BARMM, Commission on Audit (COA) for BARMM to provide their respective insights on the administrative reform policies and guidelines being deliberated.</p>
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**GENERAL OBSERVATIONS ON THE PROPOSED BANGSAMORO ADMINISTRATIVE CODE**

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<b>Structure and Contents of the Code</b>	
1. The BOL is a mini Constitution in relation to the proposed Admin Code. <sup>215</sup>	<p>A provision in the BOL should not be repeated in the proposed BARMM Administrative Code since the former is already a binding and enforceable law.<sup>216</sup></p> <p>There seems to be no good reason for repeating in the Code provisions of the BOL – and, indeed, it is undesirable to do so, seeing that the Code is a</p>

<sup>215</sup> Atty. Michael Henry Yusingco, LLM., invited expert during August 14, 2020 consultation.

<sup>216</sup> Atty. Yusingco.

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	<p>subsidiary document to the BOL and cannot amend it. The rationale for why certain sections of the BOL were omitted from the Code (especially, in the case of Parliament, the BOL provisions on Sessions; Officers; Rules; Proceedings), and also for why other provisions of the BOL were subject to minor amendments to the Code, also needs to be considered further.<sup>217</sup></p>
<p>2. Much of the second half of the Code, and parts of the first half, consist of what one would expect to see in an Administrative Code – even if, from a UK viewpoint, details of the way a bureaucracy is organized are not usually set out in primary legislation: Whether some of the more minor administrative details set out in the Code really need to be expressed in primary legislation is a question worth considering further.<sup>218</sup></p>	
<p>3. Other parts of the Code may need further amplification, perhaps in a separate Code. An example is Chapter II on intergovernmental relations – these are likely to be tested as disputes about boundaries of powers arise, and more detail about, for example, dispute resolution mechanisms may be needed. The Bangsamoro justice system also probably merits its own Code;<sup>219</sup></p>	
<p>4. Does the BARMM Administrative Code serve its purpose containing all the essential structural, functional and procedural rules and principles of governance of the Bangsamoro Government to guide the Bangsamoro government during the transition?<sup>220</sup></p>	

<sup>217</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>218</sup> *A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>219</sup> *A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>220</sup> *Ma. Christina Valte, invited expert during August 14, 2020 consultation.*

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<p>5. As written in the Administrative Code, is there an alignment or harmony of ministry structure, functions and authorities vis a vis the ministry mandate?<sup>221</sup></p> <p>Organizational incongruities are evident in major ministries<sup>222</sup></p>	
<p>6. Can we say that the BARMM Administrative Code mirrors the streamlined and potentially more efficient and more effective bureaucracy compared to the ARMM Regional government?<sup>223</sup></p>	
<p>7. Practically all offices and ministries is heavily on staff position, admin, finance, human resource, etc, but lack those related to policy research, planning and monitoring and evaluation<sup>224</sup></p>	
<p>8. The line functions are not well-defined--all the units that are critical in implementing the priority programs of the Government of the Day as reflected in ministries' mandates<sup>225</sup></p>	
<p>9. The draft Administrative Code was heavily lifted from the ARMM Code, which in turn was copied from the Administrative Code of 1987 (Executive Order 292). This is a very old law promulgated during the Freedom Constitution by President Cory Aquino in 1987. It is a 33-year old law, and there have been many laws passed during the 33 years that changed the landscape of said law. There may be many provisions of the ARMM Code copied in the draft BARMM Code, which may not be effective and outdated already.</p>	

<sup>221</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

<sup>222</sup> Valte.

<sup>223</sup> Valte.

<sup>224</sup> Valte.

<sup>225</sup> Valte.



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<p>10. The extensive citation of the ARMM Administrative Code begs the question of whether a thorough organizational assessment was undertaken to determine the appropriate structure in light of the Bangsamoro Government’s mandate.<sup>226</sup></p>	
<p>11. The Code could benefit from some reorganization. For example, it seems irrational that Book III, Title IV deals with the Chief Minister, Ministers and the bureaucracy when other provisions about these are contained in later Books. The inclusion of an index and a Table of Contents would also be very helpful.<sup>227</sup></p>	
<b>Parliamentary Form of Government</b>	
<p>1. Cabinet Bill No. 60 does not reflect a parliamentary structure, as the provision of the bill leans towards a presidential structure, particularly giving power to the chief minister that inherently belongs to a presidential system. So, in that regard, Cabinet Bill 60 fails to represent a parliamentary system and a parliamentary structure.<sup>228</sup></p>	
<p>2. The political relationship between the Parliament and the Government of the Day was not allocated with a specified administrative policy in the Administrative Code.<sup>229</sup></p>	
<p>3. The “principle of separation of powers”, “principle of checks and balances,” “System of responsible government,” and “System of</p>	

<sup>226</sup> Ma. Christina Valte, invited expert during August 14, 2020 consultation.

<sup>227</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment* by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.

<sup>228</sup> Atty. Michael Henry Yusingco, LLM., invited expert during August 14, 2020 consultation.

<sup>229</sup> Atty. Yusingco.

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<p>Ministerial Responsibility” apply in a parliamentary system.<sup>230</sup></p>	
<p>4. Under the proposed Administrative Code, the acts of the ministers are considered as acts of the Chief Minister. This doesn’t find any legal basis in the Parliamentary System and is contrary to parliamentary principles and traditions<sup>231</sup></p>	
	<p>It is suggested that there should be a separate theme on this matter as follows:<sup>232</sup></p> <ol style="list-style-type: none"> <li>1. Define the relationship of Parliament and the Government of the Day.</li> <li>2. Define the reporting and transparency mechanism between the Parliament and the Government of the Day.</li> <li>3. What are the structural mechanisms to address No. 1 and No. 2 above?</li> <li>4. The Ministers to head their counterpart Committees in the Parliament considering should be specified in the Administrative Code - that it should not be allowed since there would no effective accountability and transparency mechanism. There would be a conflict of interest.</li> <li>5. The Parliamentary Structure must be provided for specifically in the Administrative Code. This was not included in the draft.</li> </ol>
<p>5. Does the Code give a full description of how a parliamentary system operates?<sup>233</sup></p> <p>An Administrative Code is not the place where the powers and responsibilities of Parliament</p>	

<sup>230</sup> Atty. Michael Henry Yusingco, LL.M., invited expert during August 14, 2020 consultation.

<sup>231</sup> Atty. Yusingco.

<sup>232</sup> Atty. Yusingco.

<sup>233</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment* by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.

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<p>should be set out, let alone details of its organization or operational methods. That should be in the basic constitutional document (the BOL in the case of the BARMM) and then in the Parliament’s own Rules of Procedure. So the fact that the Code does not fully describe how the parliamentary system operates does not seem to me to be a problem<sup>234</sup></p>	
<p>6. Are there provisions in the Code that are inimical to the principal characteristics of a parliamentary system, and can these be altered to strengthen the position of Parliament?</p> <p>Many of the elements of a parliamentary system are contained in the Code. So the Chief Minister is elected by the Parliament; a majority of Cabinet Ministers must be drawn from the Parliament; and there is a system of requests, questions, interpellations and motions by which Ministers can be held to account by MPs and their committees. As provided under Article 36 of the BOL, dissolution of the Parliament, and early elections, also occur in case of a vote of no confidence in the Chief Minister by Parliament. The fundamentals of a parliamentary system are therefore contained in the Code.<sup>235</sup></p>	
<p>7. Does the Code do anything to enhance the powers of Parliament?<sup>236</sup></p> <p>The Code certainly provides for a strong Chief Minister with wide powers over other Ministers and the agencies of the Executive, including the power of appointment and</p>	

<sup>234</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>235</sup> *A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>236</sup> *A Policy Brief submitted by Westminster Foundation for Democracy.*

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<p>dismissal. This has concerned some commentators who worry that such a system is incompatible with the parliamentary model. However, the Prime Minister of India, the Prime Minister in the UK, the Federal Chancellor in Germany and the Prime Minister in New Zealand all have similar powers in systems that are fully parliamentary. Of course, the Chief Minister's powers could be curtailed and some could be given to Parliament instead. But the present provisions are perfectly compatible with a parliamentary system.<sup>237</sup></p>	
<p>8. Most importantly, however, there are great indirect benefits for Bangsamoro's Parliament's oversight and scrutiny role because of the detail set out in the Code. This detail (for example, of the precise duties of Each Ministry) will be invaluable material for parliamentary committees as they oversee the expenditure, administration and policies of the Bangsamoro Executive. In that sense, the detailed Administrative Code is a rich source for future Parliaments.<sup>238</sup></p>	
<p><b>On Devolution of Power to LGUs</b></p>	
<p>Devolution is part of the government philosophy of BARMM governance.<sup>239</sup></p>	<p>1. Revisit the provisions on:</p> <ul style="list-style-type: none"> <li>a. Agriculture. Revisit the provisions of Book 5, Title 1 Chapter 5, Sections 14, 15 and 16 of Cabinet Bill 60.</li> <li>b. Social welfare. Book 5, Title 13, Chapter 4 Sections 10-14</li> <li>c. Health. Book 5, Title 5, Chapter 4, Sections</li> </ul>

<sup>237</sup> *The Role of Parliament in the Bangsamoro Administrative Code: A Comparative Assessment by Sir Paul Silk. A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>238</sup> *A Policy Brief submitted by Westminster Foundation for Democracy.*

<sup>239</sup> *Atty. Randolph Parcasio, invited expert during August 14, 2020 consultation.*

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	<p>10-12.</p> <ol style="list-style-type: none"> <li>2. Revisit these provisions is to harmonize with the pertinent provisions of the draft Local Government Code in order to ascertain that the local government units shall take the lead in the delivery of these basic services so that if ever ministries continue to maintain delivery of services within their localities it will be to provide supportive services and assistance to LGUs;</li> <li>3. If the BARMM Government, however, also continues to exercise power over these services in the locality as written in the administrative code, this proposal, it must fully capacitate the provincial and municipal offices.<sup>240</sup></li> </ol>
<b><i>On the possibility of establishing a professional bureaucracy; professional and apolitical civil service</i></b>	
<p>The Administrative Code should divide the organizational structure into two:</p> <ol style="list-style-type: none"> <li>1. Political Structure; and</li> <li>2. Apolitical Bureaucratic Structure: This should not be affected by the turnover; insulated; there is a continuity in the tenure, where hiring and promotion does not depend on political appointments but on meritocracy and competitive examinations.”<sup>241</sup></li> </ol> <p>“The following offices may not be part of the Admin Code and shall be governed by their special legislation:</p> <ol style="list-style-type: none"> <li>1. Commissions</li> <li>2. IGR bodies</li> </ol>	

<sup>240</sup> Atty. Randolph Parcasio, invited expert during August 14, 2020 consultation.

<sup>241</sup> Atty. Michael Henry Yusingco, LLM., invited expert during August 14, 2020 consultation.

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3. Councils 4. Judicial offices” <sup>242</sup>	

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<sup>242</sup> Atty. Yusingco.

Respectfully submitted,

*(Agreed to sign)*  
**MP ATTY. RAISSA H. JAJURIE**  
Panel Head

*(Agreed to sign)*  
**MP ZIAUR-RAHMAN A. ADIONG**  
Member

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**MP KHADAFEH F. MANGUDADATU**  
Member

**MP ATTY. LAISA M. ALAMIA**  
Member

**MP AMILBAHAR S. MAWALLIL**  
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*(Agreed to sign)*  
**MP PROF. EDDIE M. ALIH**  
Member

**MP ATTY. RASOL Y. MITMUG, JR.**  
Member

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**MP ATTY. SUHARTO M. AMBOLODITO**  
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**MP ATTY. UBAIDA C. PACASEM, CPA**  
Member

**MP ENGR. BAIN TAN M. AMPATUAN**  
Member

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**MP DIAMILA D. RAMOS**  
Member

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**MP DR. SUSANA S. ANAYATIN**  
Member

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**MP ROMEO C. SALIGA**  
Member

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**MP ATTY. ANNA TARHATA S. BASMAN**  
Member

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**MP ATTY. OMAR YASSER C. SEMA**  
Member

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**MP MUSA K. DIAMLA**  
Member

*(Agreed to sign)*  
**MP ROMEO K. SEMA**  
Member

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**MP ATTY. MAISARA D. LATIPH**  
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**MP ATTY. PAISALIN P. TAGO**  
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**MP ATTY. JOSE I. LORENA**  
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**MP ATTY. NABIL A. TAN**  
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**MP JAMEL D. MACARAYA**  
Member

**MP ADZ FAR H. USMAN**  
Member

