



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

**BANGSAMORO TRANSITION AUTHORITY
(FIRST REGULAR SESSION)**

BANGSAMORO AUTONOMY ACT NO. 5

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

**AN ACT
CREATING THE BANGSAMORO ATTORNEY-GENERAL'S OFFICE, DEFINING
ITS FUNCTIONS AND POWERS, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER RELATED PURPOSES**

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

ARTICLE I

PRELIMINARY PROVISIONS

Section 1. Title. – This Act shall be known as the “Bangsamoro Attorney-General’s Office Act of 2019”.

Section 2. Definition of Terms. – For purposes of this Act, the following terms are hereby defined as follows:

- (a) “Attorney-General” refers to the person appointed as such under this Act.
- (b) “Employee”, when used with reference to a person in the public service, includes any person in the service of the Bangsamoro Government or any of its ministries, agencies, offices, or instrumentalities.
- (c) “Legal officer” refers to a person appointed to carry out a legal service in the Bangsamoro ministries, agencies, offices, or instrumentalities.
- (d) “Legal service” refers to services involving legal duties such as issuance of legal opinions, initiation or resolution of administrative cases, provision of legal advice, representation in courts, and/or law related matters.
- (e) “Chief Minister” refers to the Head of Government of the Bangsamoro Autonomous Region.
- (f) “Office” refers to the Bangsamoro Attorney-General’s Office.

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

ARTICLE II

ESTABLISHMENT AND FUNCTIONS OF THE BANGSAMORO ATTORNEY-GENERAL'S OFFICE

Section 3. Creation. – The Bangsamoro Attorney-General's Office is hereby created pursuant to Section 8, Article XVI of Republic Act No. 11054.

Section 4. Mandate of the Bangsamoro Attorney-General's. – The Bangsamoro Attorney-General is the chief legal counsel of the Bangsamoro Government.

Section 5. Appointments of Attorney-General and Assistant Attorney-General. – The Chief Minister shall appoint the Bangsamoro Attorney-General and the Bangsamoro Assistant Attorney-General. In line with the primarily confidential nature of the positions, the appointments of the Bangsamoro Attorney-General and Bangsamoro Assistant Attorney-General shall be coterminous with the appointing authority.

The Bangsamoro Attorney-General shall be the appointing authority of all officials and employees below the Bangsamoro Assistant Attorney-General, subject to civil service laws, and applicable rules and regulations.

Section 6. Qualifications. – No person shall be appointed Bangsamoro Attorney-General unless he or she is a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence, a bonafide resident of the Bangsamoro Autonomous Region, and has been engaged in the practice of law for at least ten (10) years.

The Bangsamoro Assistant Attorney-General shall be a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence, a bonafide resident of the Bangsamoro Autonomous Region and has been engaged in the practice of law for at least six (6) years.

Section 7. Salary and Compensation. – The Bangsamoro Attorney-General shall have the rank of a cabinet member with a salary grade of 28, while the Bangsamoro Assistant Attorney-General shall have a salary grade of 27.

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

Section 8. Functions of the Bangsamoro Attorney-General. –

- (1) The Bangsamoro Attorney-General shall:
 - (a) Be the chief legal counsel of the Bangsamoro Government. As such, he/she shall render legal opinion in all legal matters brought to him to the Parliament, the Chief Minister, and other Ministries of the BARMM, and provide legal advice when called upon by any officials or agents of the BARMM, either motu proprio or when called upon to render such advice;
 - (b) Review, vet and interpret local, national, and international documents, contracts, and agreements for and on behalf of the Chief Minister;
 - (c) Recommend appropriate actions on administrative complaints lodged before the Office of the Chief Minister;
 - (d) May be called upon by the BARMM Inter-Governmental Relations officials to assist the IGR body when necessary; and
 - (e) Perform such other functions as may be provided by law and/or assigned by the Chief Minister.

- (2) In the execution of the functions conferred by this Act, the Bangsamoro Attorney-General shall provide efficient and professional legal services to the Bangsamoro Government for the purpose of facilitating, promoting and monitoring democracy, the rule of law and good governance.

Section 9. Powers of the Bangsamoro Attorney-General. –

- (1) The Bangsamoro Attorney-General, in discharging the functions under this Act, shall have the power to:
 - (a) require any officer or employee in the Bangsamoro Government to furnish any information in relation to the performance of his or her duties and functions as provided in this Act;
 - (b) summon any officer or employee in the Bangsamoro Government, except Members of Parliament, and their immediate staff, to explain and/or provide assistance including case build-up relative to any matter which is, or could be, the subject of litigation by or against the Bangsamoro Government; and
 - (c) administer oaths, consistent with Sec. 41 (2), Chapter 10 of Executive Order No. 292.

- (2) The Bangsamoro Attorney-General shall, in exercise of executive functions:
 - (a) subject to the approval of the Cabinet propose to the Parliament the establishment, merger and or abolition of such divisions, sections or units in the Office as may be necessary for the efficient delivery of legal service;
 - (b) supervise the formulation of policies and plans of the Office; and
 - (c) perform any other action necessary in the administrative interests of the Office.

- (3) The Bangsamoro Attorney-General shall, upon request, appear and advise on any legal matter in any committee of the Bangsamoro Parliament.

Section 10. Bangsamoro Assistant Attorney-General. –

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

Section 11. Divisions in the Bangsamoro Attorney-General's Office. –

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

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

- (2) The Litigation Division shall provide services related to the function of the Bangsamoro Attorney-General as the legal counsel of the Bangsamoro Government, as hereunder provided:
 - (a) Represent the Bangsamoro Government in all its civil and administrative proceedings, as well as in criminal proceedings where the Bangsamoro Government is the plaintiff;
 - (b) Appear before any court in actions involving the validity of any law, executive order, proclamation, or regulations when, in the BAGO's judgment, intervention is necessary or when requested or directed by the court;
 - (c) Initiate court action against any person, corporation, or firm for the enforcement of a contract with the Bangsamoro Government;
 - (d) Upon request of the Chief Minister or other proper office of the Bangsamoro Government, prepare documents for use in official transactions with conformity to law and public interest in mind;
 - (e) Deputize government legal officers to assist the BAGO, with the concurrence of the head of office to which the legal officers belong;
 - (f) Upon directive of the Chief Minister and in coordination with the Office of Attorney-General, represent the Bangsamoro in international litigations, negotiations, or conferences where the legal position of the Bangsamoro must be defended or represented; and
 - (g) Carry out other functions assigned by the Bangsamoro Attorney-General.
- (3) The Legal Research and Opinion Division shall assist the Bangsamoro Attorney-General in providing legal advice to the Chief Minister, the Bangsamoro Cabinet, and ministries, agencies, offices and instrumentalities of the Bangsamoro Government as may be established. In particular, the LROD shall carry out the following functions:
 - (a) Review, recommend, draft legal orders, and/or conduct due diligence on the following matters that are subject to the decision of the Chief Minister, such as:

- i. Executive orders, proclamations, administrative orders, memorandum orders, and other legal documents initiated or issued by the Chief Minister;
 - ii. Decisions reversing or modifying the decisions, resolutions or orders of a head of ministry; and
 - iii. Other matters that the Chief Minister, may refer to the Bangsamoro Attorney-General.
- (b) Provide legal assistance to the Chief Minister on Parliamentary agenda of the Bangsamoro Government;
 - (c) Draft and/review contracts and legal documents for approval of the Chief Minister and the various Ministers;
 - (d) Formulate and review policy on Shari'ah matters to ensure compliance with Shari'ah rules and principles, and provide written Shari'ah opinions to the Chief Minister and the Cabinet; and
 - (e) Exercise functions as may be delegated by the Bangsamoro Attorney-General.
- (4) The Administrative and Finance Division shall be established to carry out the following functions:
- a. Provide administrative support to the Office;
 - b. Manage the finances of the Office; and
 - c. Carry out other administrative functions assigned by the Bangsamoro Attorney-General.

ARTICLE III

LEGAL LIASON NETWORK OF THE BANGSAMORO GOVERNMENT

Section 12. Legal Liaison Network. – The Legal Officers in the Bangsamoro Attorney-General's Office and the legal officers in various Bangsamoro ministries, agencies, offices, or instrumentalities who carry out legal services or other legal duties, shall form and compose the Legal Liaison Network (LLN) of the Bangsamoro Government. They shall cooperate and coordinate on legal, policy, and legislative matters. The Bangsamoro Attorney-General shall be the *ex-officio* Chairperson of the LLN.

Section 13. Legal Services. –

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

Section 14. Administrative Support. – The Bangsamoro Attorney-General shall manage the budget allocated to its office. For this purpose the Bangsamoro Government shall directly transfer and release to the Bangsamoro Attorney-General's Office its regular fund allocation.

Section 15. Referral of matters for opinion of the Bangsamoro Attorney-General. – All Bangsamoro ministries, agencies, offices, or instrumentalities may seek the opinion of the Bangsamoro Attorney-General on matters involving constitutional issues.

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

Section 16. Notice to the Bangsamoro Attorney-General. – All Bangsamoro ministries, agencies, offices, or instrumentalities shall notify the Bangsamoro Attorney-General of all litigation within three (3) days upon notice. No case or litigation of any kind shall be filed or commenced in behalf of the Bangsamoro Government, its ministries, commissions, agencies and other offices without prior notice to the Bangsamoro Attorney-General.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 17. Protection from personal liability. –

- (1) No criminal civil or administrative suit shall be brought against the Bangsamoro Attorney-General, the Bangsamoro Assistant Attorney-General or a subordinate officer in respect of any proceeding in a court of law or in the course of discharging of the functions of the Bangsamoro Attorney-General under this Act.
- (2) The Bangsamoro Attorney-General, the Bangsamoro Assistant Attorney-General or a subordinate officer shall, if the exercise of official function is done in good faith, not be personally liable for any action, claim or demand whatsoever.

Section 18. Facilities. – The Bangsamoro Government shall provide adequate facilities for the efficient functioning of the Office.

Section 19. Appropriations. – The initial amount of Fifteen Million Pesos (P15,000, 000.00) for Personal Services and Three Million Pesos (P3,000,000.00) for the initial operation of the BAGO shall be sourced from the Miscellaneous Personnel Benefits Fund and the Contingent Fund, as appropriated, subject to existing rules and regulations. Additional funding for Personal Services and Capital Outlay may be requested from MPBF and Contingent Fund. Subsequent funding requirements shall be included in the Bangsamoro Appropriations Act.

Section 20. Amendments or Revisions. – Consistent with the provisions of the Bangsamoro Organic Law, this Act may be amended or revised by the Bangsamoro Parliament.

Section 21. Separability Clause. – The provisions of this Act are hereby declared to be separate and in the event one or more of such provisions are held unconstitutional, the validity of other provisions shall not be affected thereby.

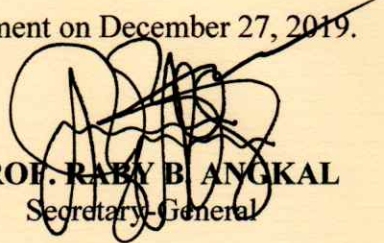
Section 22. Repealing Clause. – All laws, decrees, orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or amended accordingly.

Section 23. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its complete publication in at least one (1) newspaper of general circulation in the Bangsamoro region.

APPROVED.


ATTY. ALI PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Parliament on December 27, 2019.


PROF. RABY B. ANGKAL
Secretary General

APPROVED:


AHOD BALAWAG EBRAHIM
Chief Minister

Date: 01-11-2020