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BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO  
Bangsamoro Transition Authority  
BARMM Compound, Cotabato City

Office of the Minority Leader-BTA  
MP Atty. Laisa Alamia

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Bill No. 140

Bangsamoro Autonomous Region in Muslim Mindanao  
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BILLS AND INDEX DIVISION  
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**AN ACT STRENGTHENING THE REGIONAL TRANSITIONAL JUSTICE AND  
RECONCILIATION PROGRAM, CREATING THE REGIONAL TRANSITIONAL  
JUSTICE AND RECONCILIATION COMMISSION FOR THE BANGSAMORO, AND  
APPROPRIATING FUNDS THEREFOR**

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

**Section 1. Short Title.** – This Act shall be known as the “Regional Transitional Justice and Reconciliation Commission for the Bangsamoro Act.”

**Section 2. Declaration of Policy.** – It is hereby declared the policy of the Bangsamoro government to pursue normalization and development and to end conflict in the region by promoting peace through justice. Towards these goals, the Bangsamoro government shall implement the plans and programs of the national government, and formulate and implement plans and programs of its own, as part of the peace process, to address legitimate grievances of the Bangsamoro people, historical injustices, human rights violations, and marginalization through land dispossession. The Bangsamoro government shall further guarantee non-recurrence of such injustices and violations.

**Section 3. Definition of Terms.** – As used in this Act:

- (a) *Historical injustice* includes acts committed and transactions entered into by state and non-state actors with the Bangsamoro and other inhabitants of the Mindanao and Sulu archipelago that have placed the latter at a political and economic disadvantage and, while having occurred in the past, continue to impact their lives today;

- (b) *Land dispossession* includes dispossession by ostensibly lawful means, such as public land laws, but may have been attended by force, duress, intimidation, stealth, and deception;
- (c) *Marginalization* refers to the political and economic disenfranchisement that the Bangsamoro people and other inhabitants of the Mindanao and Sulu archipelagos suffered due to unjust national laws, programs, and policies, as well as government neglect and failure to address destructive and exploitative actions of non-state actors; and,
- (d) *Transitional justice* means the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation, which include criminal prosecutions, truth telling, reparations programs and institutional reform.

**Section 4. *Regional Transitional Justice and Reconciliation Program for the Bangsamoro.*** – There is hereby established a Regional Transitional Justice and Reconciliation Program for the Bangsamoro, hereinafter referred to as the “Regional Program,” which shall address legitimate grievances of the Bangsamoro people, historical injustices, and human rights violations, including marginalization through land dispossession, with the following aims:

- (a) Provide venues for the victims of conflict to be heard and mechanisms for the investigation of serious violations of international human rights law and international humanitarian law, and enable inquiries into specific events of the armed conflict;
- (b) Contribute to the resolution of outstanding land disputes in conflict-affected areas in the Bangsamoro and address the legacy of land dispossession with concrete measures to provide redress;
- (c) Provide effective counteractions to impunity, by promoting accountability and strengthening the rule of law in relation to past and present wrongdoings, including crimes identified under international conventions to which the Philippines is a signatory;
- (d) Promote healing and reconciliation among the different communities affected by the conflict;
- (e) Capacitate local government units to recognize and include transitional justice and reconciliation programs and mechanisms in their local plans; and,



- (f) Develop partnerships with civil society organizations and other citizens' groups to cultivate active and effective reporting, monitoring, and feedback systems for transitional justice and reconciliation programs.

**Section 5. *Regional Transitional Justice and Reconciliation Commission on the Bangsamoro.***

– There is hereby created a Regional Transitional Justice and Reconciliation Commission on the Bangsamoro, hereinafter referred to as the “Regional Commission.” The Commission shall design and formulate mechanisms to implement the Regional Program and supervise such implementation. In crafting the mechanisms, the Regional Commission shall be guided by a framework of dealing with the past that respects, protects, and fulfills the right to truth, right to justice, and right to reparation of the victims, and ensures non-recurrence of any violation. For this purpose, the Regional Commission shall adopt its own operational guidelines and rules of procedure.

**Section 6. *Composition.*** – The Regional Commission shall be composed of a Chairperson and four (4) regular Commissioners to be appointed by the Parliament. The Chairperson shall be responsible for the overall supervision of the Regional Commission and each of the four (4) Commissioners shall be responsible for the four (4) sub-commissions under Section 8 of the Act.

The Executive Director of the Regional Commission and four (4) representatives from civil society who are likewise appointed by the Parliament shall sit as non-voting members of the Regional Commission. The Chairperson, Commissioners, and the non-voting members must be citizens of the Philippines of proven competence, integrity, probity, and independence, and must be bona fide residents of the Bangsamoro Autonomous Region in Muslim Mindanao or any of its constituent local government units for at least 3 years prior to the date of appointment.

The following persons are disqualified from appointment as Chairperson, Commissioner, or Executive Director of the Regional Commission:

- (a) Those who have been found culpable of human rights violations or abuse;
- (b) Those who have been sentenced by final judgment of any offense involving moral turpitude;
- (c) Those who have been removed from office or suspended for at least one (1) year as a result of disciplinary action from the government or private sector;
- (d) Those who are fugitives from justice; or,

- (e) Those who are otherwise disqualified by law.

**Section 7. Powers and Functions.** The Regional Commission shall have the following powers and functions:

- (a) Serve as the primary organ of the Bangsamoro government in designing, formulating, and implementing transitional justice and reconciliation programs and mechanisms. The Regional Commission shall coordinate with the national, regional, and local governments, their sub-divisions and instrumentalities, including advisory councils and task forces, to facilitate the effective execution of said programs and mechanisms;
- (b) Conduct a region-wide information, education, and dissemination program for the popularization of the rationale and principles of transitional justice and reconciliation, as well as its implementing mechanisms;
- (c) Investigate, study, and recommend measures for the resolution of cases of adversely affected by armed conflict, serious violations of human rights and international humanitarian law, and outstanding land disputes in the conflict-afflicted areas, generally and as provided in the mandates of the sub-commissions. Pursuant to this, the Regional Commission and its sub-commissions may take testimony or receive evidence, administer oaths, summon witnesses, and require the production of documents by *subpoena duces tecum*. Further, that the Regional Commission may call upon the Bangsamoro Human Rights Commission, and seek the assistance of the Commission on Human Rights in performing the human rights component of the transitional justice and reconciliation mechanism;
- (d) Determine the factors that contribute to impunity in relation to past and present wrongdoings, and recommend appropriate actions to dismantle impunity, promote accountability, and strengthen the rule of law;
- (e) Coordinate with the public and private sectors in the formulation of short, medium, and long-term programs under a comprehensive approach to transitional justice and reconciliation;
- (f) Call upon other government agencies, both national and regional, including government-owned and controlled corporations and government financial institutions, for any support it needs to carry out its mandate;
- (g) Call upon civil society and other citizens' organizations for their assistance in promoting awareness of transitional justice and reconciliation, in reporting cases of violations and injustice, in contributing to an agenda towards peacebuilding and normalization, and in



developing a robust monitoring and feedback mechanism for transitional justice and reconciliation programs;

- (h) Submit to the Parliament and to the President recommendations for further action, including proposed bills on matters requiring legislative action, when necessary, to fully implement its proposals and programs; and
- (i) Perform other such functions as may be necessary for the effective discharge of its mandate.

**Section 8. *Organizational Structure and Staffing Pattern.*** – Within three (3) months from the convening of the Regional Commission, the organizational structure and staffing pattern shall be formulated and finalized in coordination with the Ministry of Finance, and Budget and Management. To assist the Regional Commission in the performance of its duties, four (4) sub-commissions are hereby created, which shall deal with specific aspects of transitional justice for the Bangsamoro:

- (a) **Sub-Commission on Bangsamoro Historical Memory**, which shall have the following specific functions:
  - (i) To contribute to confidence-building in communities affected by the conflict through fact finding and truth seeking, while ensuring their protection, safety, and dignity. In particular, the sub-commission shall listen to the testimony of victims in closed or public hearings, in order to collect witness statements and evidence related to specific violent events, with sensitivity to accounts of women who have been victims of gender-based and sexual violence;
  - (ii) In coordination with the Bangsamoro Human Rights Commission, investigate serious violations of international human rights and international humanitarian law, focusing, among others, on specific emblematic cases of mass atrocity crimes, of land dispossession, and of conflict-related gender-based and sexual violence to determine whether such forms of violence were practiced as a deliberate strategy of war in the Bangsamoro conflict;
  - (iii) To publish series of reports on the results of the investigation, and on cases of international human rights law and international humanitarian law violations, which include an analysis of the findings and recommendations related to individual, collective, and symbolic forms of reparations, accountability for crimes committed, institutional reforms, and reconciliation; and,

- (iv) To pursue partnership with the Bangsamoro Human Rights Commission in establishing databases on violations of international human rights and international humanitarian law in the Bangsamoro from 1948 until the present, particularly a database on conflict-related human casualties.

**(b) Sub-Commission against Impunity and on the Promotion of Accountability and Rule of Law in the Bangsamoro, which shall be responsible for the following:**

- (i) To identify, investigate, and recommend policies, operational means, and concrete measures to address and overcome practices of impunity at all levels, whether of a technical, political, or financial nature and whether related to past or present wrongdoings;
- (ii) To coordinate with the Office of the Ombudsman and the Department of Justice in developing regional policies that root out impunity and corruption in the Bangsamoro;
- (iii) To request or recommend disciplinary procedures against public officials who fail to cooperate with ongoing investigations related to transitional justice and reconciliation, or who obstruct justice and the rule of law.

**(c) Sub-Commission on Land Dispossession in the Bangsamoro, which is authorized:**

- (i) To address issues related to land dispossession, use, and tenure in the Bangsamoro by developing or implementing a dispute resolution mechanism for land conflicts, including indigenous peoples' (IPs) claims on ancestral domains, and for identifying lands where there are competing claimants;
- (ii) To create a database on actual land ownership in the Bangsamoro and on land dispossession that may be used to support legal proceedings and restitution or reparation programs, including cadastral, geo-tagged, and community-based participatory mapping sets. Pursuant to this, the sub-committee may seek the assistance of the Department of Agrarian Reform, the Department of Human Settlements and Urban Development, and the Land Registration Authority;
- (iii) To support the overall redesign of land services in the Bangsamoro by recommending changes in the legal framework, as well as in all procedures related to land titling, registration, taxation, and management, including the claims of IPs on ancestral domains.



(d) **Sub-Commission on Bangsamoro Healing and Reconciliation**, which is empowered:

- (i) To identify and support traditional practices of reconciliation at the community level;
- (ii) To develop and promote a meaningful process for national reconciliation with a view of encouraging cultural and attitudinal change; and
- (iii) To support the other two (2) sub-commissions in the implementation of their mandate by shaping and promoting a reconciliatory vision for each of them.

Each sub-commission shall cooperate with relevant national, regional, and local institutions, both governmental and nongovernmental, in the exercise of its mandate. Moreover, each sub-commission shall ensure the meaningful participation of women in the processes that will be undertaken, in view of their experiences relevant to the objectives of transitional justice.

**Section 9. *Regional Consultation Process.*** – The appointment of members of the Regional Commission shall be made through regional public consultations.

For this purpose, the Parliament shall devise a nomination, selection, and appointment process for the members of the Regional Commission. This process shall include the appointment of a selection committee composed of representatives of regional and local sectoral stakeholders. The selection committee, after its convention, shall select the persons who shall be included in the short list of nominees from which the Parliament shall appoint the members of the Regional Commission. The selection committee and the Regional Commission shall ensure the inclusion of women in their membership, corresponding to representatives of regional and local sectoral stakeholders.

The Regional Commission, whenever it deems appropriate, shall likewise conduct regional public consultations to aid in formulating and implementing the mechanisms of the Regional Program.

**Section 10. *Regional Advisory Board.*** – There is hereby created a Regional Advisory Board composed of qualified individuals, including women, with proven expertise in the fields of transitional justice and reconciliation, to be appointed by the Parliament.

The Regional Commission may likewise engage or contract the services of resource persons, professionals, and other personnel determined by it as necessary to carry out its mandate.

**Section 11. *Secretariat.*** – The Regional Commission shall organize its Secretariat, headed by an Executive Director, which shall provide administrative and technical support.

**Section 12. *Appropriation.*** – The initial amount of Thirty Million Pesos (P30,000,000.00) for Personnel Services and Twenty Million Pesos (P20,000,000.00) for the initial operation of the Regional Commission shall be sourced from the Miscellaneous Personnel Benefits Fund and the Contingent Fund, respectively, subject to existing rules and regulations. Subsequent funding requirements shall be included in the Bangsamoro Appropriations Act.

The Regional Commission is likewise authorized to accept donations, contributions, grants, bequests, or gifts from domestic or foreign sources, for purposes relevant to its mandate and functions, in accordance with applicable laws, rules, and regulations subject to government accounting and auditing rules and regulations.[RS16]

**Section 13. *Implementing Rules and Regulations.*** – Within one hundred and twenty days (120) days from the approval of this Act, the Regional Commission shall promulgate rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) newspapers of general circulation.

**Section 14. *Repealing Clause.*** – All laws, orders, issuances, rules and regulations inconsistent herewith are repealed or modified accordingly.

**Section 15. *Separability Clause.*** – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

**Section 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation or in the Official Gazette.

Approved,

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