



Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Transition Authority Parliament
OFFICE OF THE SECRETARY GENERAL

BTA Bill No: 42

RECEIVED

By: NORIA Y. TAHA

Date: 01-30-2020

Signature: _____

Time: 9:36 AM

**AN ACT ESTABLISHING A BANGSAMORO INTER-TRIBAL COMMISSION
COMPOSITION, POWERS AND FUNCTIONS AND PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Bangsamoro has scattered identity as manifested by the existence of the 13 Bangsamoro ethnolinguistic tribes in the Bangsamoro region. The concept of **ummah** and that the Muslims are **all brothers** in Islam, the **5 pillars of Islam** and the **6 articles of Islamic** faith unite them nonetheless.

The 13 Islamized Bangsamoro Ethnolinguistic Tribe were never mention in the Bangsamoro Organic Law where in fact they have supported and contributed the significant thrust to the Bangsamoro struggle for self-determination. **Moro Islamic Liberation Front (MILF)**, officially founded in 1984, its origins were in a group led by Central Committee member Salamat Hashim that left the MNLF shortly after the collapse of the Tripoli Agreement in 1977. All members of the MILF come from the 13 Islamized Bangsamoro ethnolinguistic tribes. The MILF is one of the groups organized in pursuing Bangsamoro self-determination.

The rationale for the establishment of the Bangsamoro Inter-Tribal omission are as follows:

To recognize the efforts and sacrifices of these groups who ingrain tears and blood for the victory we are devouring now. The 1987 Philippine Constitution repeatedly speaks of the Filipino people and the indigenous people exhibiting the State's high regard on its people's sake while the Bangsamoro Organic Law forgets the grassroots and the minority groups, the people who stood before hardships, hostilities and conflicts, who invested their lives, liberty and honour from their ancestors up to the present generation.

To strengthen the tie between these 13 Islamized Bangsamoro ethnolinguistic tribes. These 13 Bangsamoro ethnolinguistic tribes have different traditions, practices, rituals and rites on certain occasions or eventualities such as marriage, conciliation of feuds, among others. There must be a Commission that will set forth rules and regulations that will resolve the differences and discrepancies among the different tribes to establish unity and coherence. This in line with the State's intense desire to strengthen all the ethno-linguistic communities in the Philippines within the context of their respective way of life in order to bring about a cumulative result satisfying the requirement of national solidarity and social justice¹.

¹ Presidential Decree No. 1083, A Decree to Ordain and Promulgate A Code Recognizing the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing For Its Administration and For Other Purposes.

the context of their respective way of life in order to bring about a cumulative result satisfying the requirement of national solidarity and social justice².

To insure active participation in the promotion of Bangsamoro government activities and programs that will enhance peace and development of the Bangsamoro.

In view of the foregoing, approval of the bill is earnestly sought.



Hon. Sultan Edrieza H. Nasser Rimbang

Bangsamoro Transition Authority

Member of Parliament

² Presidential Decree No. 1083, A Decree to Ordain and Promulgate A Code Recognizing the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing For Its Administration and For Other Purposes.



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*Be it enacted by the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao
assembled:*

**CHAPTER 1
PRELIMINARY PROVISIONS**

Section 1. Short Title. – This Act shall be known as the “Bangsamoro Inter-Tribal Act of 2020”.

Section 2. Declaration of Policy. – The Bangsamoro Organic Law³ recognizes the justness and legitimacy of the cause of Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity. The Bangsamoro Government is vested with the power of developing programs and laws for indigenous people’s rights. It is the intense desire of the Bangsamoro government to strengthen all the ethno-linguistic communities in the Philippines within the context of their respective way of life in order to bring about a cumulative result satisfying the requirements of national solidarity and social justice.

**CHAPTER II
DEFINITION OF TERMS**

Section 3. Definition of Terms. - For the purpose of this Act, the following terms shall mean as follows:

- a) **Bangsamor People.** Those who, at the advent of Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands whether mixed or full blood, shall have the right to identify themselves, their spouses and descendants, as Bangsamoro.
- b) **Bangsamoro Political Structures.** Refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision making and participation identified by the 13 Bangsamoro tribes such as, but not limited to, Sultanate of Sulu, Sultanate of Maguindanao, Sultanate of Lanao, among others or any other tribunal or body of similar nature.
- c) **Customary Laws.** Refers to a body of written or unwritten rules, usages, customs and practices traditionally observed, accepted and recognized by respective Bangsamoro ethnic tribes. E.g. *Taritib and Ijma*
- d) **Customs and Practices.** Refers to norms of conduct and patterns of relationships or usages of a community over time accepted and recognized as binding on all members.

³ Republic Act No. 11054, An Act providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Propose Republic Act No. 6734 “ An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao”, As Amended by Republic Act No. 9054, Entitled “An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao”

- e) **Filipino Muslim.** Refers to Philippine populace who professes Islam as their way of life. The Muslim population of the Philippines has been reported as about 6% of the total population as of a census in 2000. According to a 2015 report of Philippine Statistics Authority, 6% of Filipinos are Muslims⁴.
- f) **Maranao Sultanate.** The Sultanates of Lanao was founded in the 16th century through the influence of Shariff Kabunsuan, who was enthroned as first Sultan of Maguindanao in 1520. It is uniquely decentralized. The area was divided into Four Sovereign States of Lanao or the *Pat a Phangampong a Ranao* which are composed of a number of royal houses (Sapolo ago num a Panoroganan or the Sixteen (16) Royal Houses) with specific territorial jurisdictions within mainland Mindanao. This decentralized structure of royal power in Lanao was adopted by the founders, and maintained up to the present day, in recognition of the shared power and prestige of the ruling clans in the area, emphasizing the values of unity of the nation (*Kaiisaisa o Bangsa*), patronage (*kaseselai*) and fraternity (*kaphapagaria*)⁵.
- g) **Maguindanao Sultanate.** It is a Sultanate state that ruled parts of the island of Mindanao, in southern Philippines, especially in modern-day Maguindanao province and Davao City. Its known historical influence stretches from the peninsula of Zamboanga to the bay of Sarangani. During the era of European colonization, the Sultanate maintained friendly relations with British and Dutch traders.⁶
- h) **Moral Governance.** It is the integration of Islamic morality into the way the Bangsamoro takes itself and the process and structure that are used to realise its goal.
- i) **Shariah Law.** – Is a religious law forming part of the Islamic tradition. It is derived from the religious precepts of Islam, particularly the Quran and the Hadith⁷.
- j) **Sulu Sultanate** – It is a Muslim state that ruled over many of the islands of the Sulu Sea, in the southern Philippines. It existed centuries earlier in the time of Raja Baguinda Ali, genealogical sources place the founding of the Sultanate in 1457⁸.
- k) **Thirteen (13) Islamized Bangsamoro Tribes.** Refers to the various tribes comprising the Bangsamoro. To be herein refer to as the Islamized Bangsamoro Tribe (IBT) for brevity.
- 1) **Badjao** – means man of the seas, this tribal group is known as the Sea Gypsies because they move with the wind and the tide on their small houseboats called vintas, they can be found in many coastal settlements and inhabit the waters and shores of the Sulu archipelago.
 - 2) **Iranon** – also known as Illanun are closely related culturally and linguistically to the Maranao and Maguinadaon. Majority of Illanun live along the coastline of the towns of Nulingi, Parang, Matanog, and Barira in Maguindanao Province.
 - 3) **Jama Mapun** – literally means “people of Mapun”, occupy the island of Cagayan de Sulu in southwestern Philippines. They are closely related to the Samal, and they are often referred to as the Samal Cagayan by the Tausug of Sulumor as the Badjao or Orang Cagayan by the coastal Muslim of Borneo.
 - 4) **Kalagan** – Kagan or Kalagan are concentrated in Sirawan, Davao City; Tagum, Davao del Norte; Mati, Davao Oriental; and some areas of Davao del Sur. They speak a mixture of the Tagakaolo, Tausug, and Maguindanaon languages.
 - 5) **Kalibugan** – most of its population is found at Zamboanga provinces.
 - 6) **Maguindanaon** – inhabit north Cotabato, south Cotabato, Sultan Kudarat, Zamboanga del Sur, and Maguindanao. Maguindanaon means “people of the flood plain” for they primarily inhabit the broad Pulangi River valley and delta which occasionally flooded.
 - 7) **Maranao** – The Maranao inhabit Lanao del Norte and Lanao del Sur in Mindanao. The term Maranao means “People of the Lake”, after their traditional territory in the area surrounding Lake Lanao in the Bukidnon-Lanao Plateau.
 - 8) **Molbog** – also called Melebuganon are found in the Balabac island groups in southern
 - 9) **Palawanon.** They are said to be migrants from northern Borneo.
 - 10) **Sama** – Island Garden City of Samal (IGACOS), homeland of Sama group.

⁴ https://en.wikipedia.org/wiki/Islam_in_the_Philippines

⁵ https://en.wikipedia.org/wiki/Confederation_of_sultanates_in_Lanao

⁶ https://en.wikipedia.org/wiki/Sultanate_of_Maguindanao

⁷ <https://en.wikipedia.org/wiki/Sharia>

⁸ https://www.newworldencyclopedia.org/entry/Sulu_Sultanate

11) **Sangil** –most of its population is concentrated in Balut and Sarangani islands, some can also be found living in some coastal region of south Cotabato and Davao del Sur provinces.

12) **Tausug** – It is the dominant ethnic group in the Sulu archipelago because of their political and religious institutions, the Tausug occupy Jolo, Siasi, and Patikul in Sulu. There are also scattered settlements in Zamboanga del Sur and Cotabato, and all the way to Malaysia.

13) **Yakan** – They are concentrated in Tipo-Tipo, Lamitan, Sumisip, and Tuburan in the Basilan Island. They are also scattered in the islands of Sakol, Malanipa, and Tumulutad, east of Zamboanga Peninsula. Yakan means “Dayak Origin” as they are believed to be descendants of Orang Dyaks or Tagihamas of eastern Indonesia.

CHAPTER III

BANGSAMORO INTER-TRIBAL COMMISSION PROPER

Section 4. *Creation.* - The Bangsamoro Inter-Tribal Commission, herein after referred to us Commission, is hereby organized, structurally and functionally in accordance with the provision of this Act.

Section 5. *Mandate.* - The Commission is hereby created to serve as the primary agency under the Office of the Chief Minister tasked to promote the general welfare of the IBT members: formulate, plan, coordinate, promote, advance, uplift, administer, implement policies and undertake systematic development program for managing and monitoring the status and situation of the IBT members.

Section 6. *Composition.* – The Bangsamoro Inter-Tribal Commission shall consist of Chairperson, and 13 Commissioners coming from different Islamized Bangsamoro tribes.

The Chairperson and 13 Commissioners shall be appointed by the Chief Minister.

Section 7. *Qualifications.* - The members of the Commission shall possess the following qualifications and submit the required documents to the Office of the Chief Minister as indicated:

- a) He/She must be natural born Filipino citizen;
- b) He/She must be at least thirty five (35) years of age at the time of appointment;
- c) He/She must be bona-fide member, by consanguinity, of the IBTs as certified by his/her tribe, through the attestation of the barangay chairperson. The aspirant must likewise submit anthropological proof of bona-fide IBT membership, through the submission of his/her genealogy, at least, to the fourth generation in the ascending order, duly certified by traditional leaders in the role of key informants;
- d) He/She must submit a document containing his/her experience in ethnic affairs for at least ten (5) years with an IBTs community;
- e) He/She must be of proven honesty and integrity, and must not be convicted of any crime involving moral turpitude, graft and corruption or administrative charges;
- f) All documents submitted by the aspirant-Commissioner shall be verified by the Office of the Chief Minister through field validation; and
- g) Any act of public or ethnic misrepresentation by an aspirant shall be penalized according to the customary law of the aggrieved tribe and/or other related laws.

Section 8. *Appointment and Authority of the Chairperson.* - In constituting this Act, the Chief Minister shall appoint one (1) Chairperson and thirteen (13) Commissioners according to the following considerations:

- a) They shall come from one of the IBTs;

- b) There must be representation of women in the Commission.;
- c) There must be at least one Member who is a member of Philippine Bar or Shariah Bar;
- d) Each Members shall be recommended by IBT leaders in their respective region; and
- e) The principle of rotation of tribal representation in the composition of the Commission shall be observed by the IBTs in their recommendation.

The Chairperson shall have the authority to preside the Commission. Any delegation of authority by the Chairperson to other Commissioners shall be done in writing.

The members of the Commission shall hold office for a period of three (3) years, and may be subject to re-appointment for another term. In no case shall a Commissioner serve for more than two (2) terms, or six consecutive years. Appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity.

Section 9. Compensation. - The Chairperson and the 13 Commissioners shall be entitled to compensation with Salary Grade 28 and 27 respectively subject to Civil Service rules and regulations.

Section 10. Removal from Office. - Any member of the Commission may be removed from office for cause, after due notice and hearing, by the Chief Minister on his own initiative or upon recommendation by any IBT community before the expiration of his term and after complying with the due process requirement of law.

Section 11. Requirements for Removal of Chairperson/Commissioners from Office. - The removal for cause of the Chairperson and 13 Commissioner shall require the following:

- a) A complaint shall be filed to the Office of the Chief Minister in Cotabato City; and
- b) The complaint shall include, but not be limited to, a narration of facts and circumstances describing the crime, illegal act/s, or other act/s contrary to customary law which subject the IBT community to unnecessary risks that threaten their territorial and cultural integrity, which were committed by the Member/s. The complainant shall attach the necessary documents supporting the complaint.

Section 12. Inhibitions Againsts Members of the Commission. - All prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interests so provided in Republic Act 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, other laws, rules and regulations shall be applicable to the all members of the Commission.

CHAPTER IV

COMMITMENT TO PROTECT THE RIGHTS OF THE 13 ISLAMIZED BANGSAMORO TRIBES (IBT)

Section 13. Right to be Recognize as People who have been the Fore Runners of the Bangsamoro self-determination. - The members of the IBT shall be given a recognition for having contributed the greatest effort in the realization of the Bangsamoro government.

Section 14. Right to Resolve Conflicts According to Taritib and Ijma (Customary Law). - All conflicts pertaining to property rights, claims and ownership, settlement of land disputes within ancestral domains/ lands shall be resolved in accordance with the *Taritib and Ijma*, traditions and practices of the IBTs in the area where the conflict arises.

If the conflict between or among members of IBT is not resolved, through such *Taritib and Ijma*, traditions and practices, the Commission who participated in the attempt to settle the dispute shall certify that the same has not been resolved. Such certification shall be a condition precedent for the filing of the complaint with the proper court having jurisdiction of the controversy.

Section 15. *Authentication of Ethnic Tribal Leadership Titles and Certificates of Tribal Membership.* - Each ethnic tribe concerned shall have the power to authenticate tribal leadership titles. Certificates of membership will be given by each ethnic tribe leader.

Section 16. *Right to Confer Titles.* The IBT concerned, in accordance with their *Taritib and Ijma* practices, shall have the sole right to vest titles such as, but not limited to Sultans and Bae Labis, and such other titles to their members.

Section 16. *Recognition of Titles.* To forestall undue conferment of titles and misrepresentations, each IBT leader, may, at their option, submit a list of their recognized traditional socio-political leaders with their corresponding titles to the Commission. The Commission shall conduct a field validation of said list and shall maintain a directory thereof.

Section 17. *Issuance of Certificates of Islamized Bangsamoro Tribal Membership.* - Only the recognized leaders are authorized to issue certificates of tribal membership to their members. Such certificates shall be confirmed by the Commission based on its census and records and shall have effect only for the purpose for which it was issued.

Section 18. *Holder of Certificate of Membership.* - Holders of Certificate of Bangsamoro Tribal Membership enjoy rights and privileges granted to Indigenous Peoples/Indigenous Cultural Communities provided for under Republic Act No. 8371 and its Implementing Rules and Regulations not inconsistent with this Act.

Section 19. *Special Measures.* - The Commission in close coordination with the Ministry of Labor and Employment and such other related agencies shall adopt special measures to ensure the effective and legal protection of IBT with regard to the following:

- (1) Recruitment and employment conditions applicable to workers in general;
- (2) Establishment of an IBT Desk at the Ministry of Labor and Employment (MOLE);
- (3) Protection of IBT members' right to affirmative action with regards to their employment in government and private undertakings by setting up mechanisms for the recruitment and hiring of IBT members in proportion to their population in their areas of operation; and
- (4) Periodic monitoring of IBT members' employment with GOs, NGOs and private companies.

CHAPTER V

POWERS AND FUNCTIONS OF THE COMMISSION

Section 16. *Powers and Functions of the Commission.* - The Commission shall have the following duties and functions:

- a) To accredit the different Sultanates comprising the Bangsamoro regions;
- b) Formulate and implement plans, programs and guidelines that will ensure the protection and promotion of the general welfare and well-being of the IBT communities;
- c) Promote the advancement of harmonious relationship between and among IBT members;
- d) Conduct studies on the current socio-economic status of IBT members and recommend policies to aggrandize their dignity;

- e) To serve as the primary government agency through which the IBT members can seek government assistance and as the medium through which such assistance may be extended;
- f) To promulgate rules and regulations within sixty (60) days after the appointment of the Commission Chairperson and members, Commission shall cause the preparation of the Implementing Rules and Regulations of the Act in consultation with the Committee on Rules;
- g) The promulgation of rules and regulations governing the hearing and disposition of cases filed before it and those pertaining to internal functions.
- h) To protect and preserve the cultural heritage of the IBTs;
- i) Such other duties and functions necessary to the Commission;
- j) To render annual report to the Chief Minister of its activities and programs.

CHAPTER VI

ORGANIZATION AND STRUCTURE

Section 17. *The Commission as a Collegial Body.* The Bangsamoro Inter-Tribal Commission is composed of the Chairperson and Thirteen (13) Commissioners. As a collegial body, the Commission shall promulgate rules, orders, and resolutions necessary for the efficient conduct of its business and administration, towards the performance of its mandates.

In the exercise of its powers and functions, the Commission shall sit and render its order and resolution *en banc*. Every such order or resolution of the Commission must bear the concurrence and signature of majority of Members thereof.

The Commission shall meet regularly. A majority of the Members constitutes a quorum needed in any *en banc* meeting of the Commission.

Section 18. *Structural Organization of the Commission.* – The Commission shall have the power following offices and units:

1. Office of the Chairperson;
2. Offices of the Commissioners;
3. Office of the Executive Director which shall be the head Secretariat of the Commission and shall be in charged with the over-all supervision of the operations of the Commission;
4. Administrative and Finance Services Division which shall provide administrative support to the Commission and to its division and offices; and
5. Technical Services Division which shall be responsible for providing the Commission with efficient and effective services in terms of planning, implementation, monitoring and evaluation. It shall be composed of Three (3) units, namely; Policy and Program Development Unit (PPDU); and Monitoring and Evaluation Unit (MEU); and Coordinating and Public Engagement Unit (CPEU).

CHAPTER VII
APPROPRIATION

Section 19. Appropriations. – The initial amount of Thirty Million Pesos (PhP 30,000,000.00) for Personnel Services, Fifteen Million Pesos (PhP 15,000,000.00) for the Miscellaneous and Other Operating Expenses, and Five Million Pesos (PhP 5,000,000.00) for the Capital Outlay of the Office shall be sourced from the Miscellaneous Personnel Benefits Fund (MPBF) and the Contingent Fund respectively in accordance to Bangsamoro Act No. 3, subject to existing rules and regulations. Additional funding for personnel services, maintenance and other operating expenses and capital outlay maybe requested from the MPBF and Contingent Fund. Subsequent funding requirements shall be included in the Bangsamoro Appropriations Act.

CHAPTER VIII
FINAL PROVISIONS

Section 20. Post legislative scrutiny. - Five years after the implementation of this Act there shall be a post legislative scrutiny to review, examine, overlook and evaluate the performance of the Commission to be conducted by the Office of the Chief Minister and the latter shall advise, recommend and suggest necessary measures for more efficient execution of its mandate.

Section 21. Special Provision. - The provisions of the Act relating to the civil, political, social and human rights and those pertaining to the identification, delineation, recognition, and titling of ancestral lands and domains are applicable throughout the Bangsamoro homeland.

Section 22. Separability Clause. - In case any clause, sentence, or provision of these rules and regulations or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other provisions hereof which are not affected thereby shall continue to be full force and effect.

Section 23. Repealing and Amending Clause. - All administrative orders, rules and regulations, memoranda, circulars, and other orders inconsistent herewith or contrary to the provisions of these rules and regulations are hereby repealed or modified accordingly. The Commission shall have the authority, among others, to amend, revise, add to, supplement, interpret, clarify, delete, or make exemptions to any provision of these rules and regulations with the end in view of ensuring that the provisions of the Act are properly implemented and enforced, and the goals and objectives adequately achieved.

Section 24. Effectivity. - These rules shall take effect fifteen (15) days upon its publication in any newspapers of general circulation.