

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 **BANGSAMORO PARLIAMENT**
4 Cotabato City

5
6 BTA Parliament Bill No. 56

7
8 Introduced by: **MP. ENGR. AIDA M. SILONGAN AND MP. ATTY.**
9 **LANANG ALI JR.**

10
11 **AN ACT CREATING THE OFFICE OF THE WALI OF THE**
12 **BANGSAMORO, DEFINING ITS DUTIES, FUNCTIONS, AND**
13 **RESPONSIBILITIES AND APPROPRIATING FUNDS THEREFOR AND FOR**
14 **OTHER PURPOSES**

15
16 **EXPLANATORY NOTE**

17
18 One of the peculiar features of the Bangsamoro Government is the
19 inclusion of the Wali as an integral part of the acts of autonomous
20 governance. This is consistent with its parliamentary form as enshrined in
21 Republic Act No. 11054 or the "Bangsamoro Organic Law". Wali is a
22 ceremonial head that performs ministerial functions without powers relating
23 to government. However, while his functions are merely symbolic, his duties
24 are essential parts in the exercise of governmental powers.

25 The Organic Law for the Bangsamoro Autonomous Region in Muslim
26 Mindanao (hereinafter referred to as "BOL") clearly emphasized this role of
27 the Wali. For this purpose, Section 3, Article VIII of R.A No. 11054 provides
28 that the Wali shall only perform ceremonial duties such as opening the
29 session of the Parliament, administering the oath of office, dissolving the
30 Parliament upon the advice of the Chief Minister after a vote of no confidence
31 against the government of the day, calling for election of a new Parliament,
32 and attending to public ceremonies. Consistent with the Bangsamoro
33 Government's principles and policies, the Wali shall also encourage and
34 promote programs intended for social, cultural, and moral recovery of the

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

RECEIVED

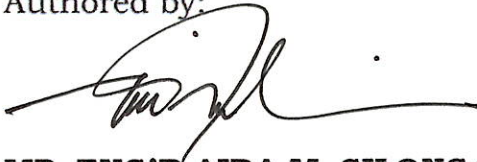
By: NORIA Y. TAHA Date: 7-8-20
Signature: [Signature] Time: 10:07

1 Bangsamoro people. Thus, there is a need to establish an office for this
2 purpose.

3 Hence, this bill seeks to establish the Office of the Wali, defining its
4 duties and functions, and for other purposes.

5 In view of the foregoing, the passage of the bill is earnestly requested.
6
7
8
9
10

11 Authored by:

12 
13

14 **MP. ENG'R AIDA M. SILONGAN**

15 BTA MEMBER / MOST, Minister
16
17

18 **MP. ATTY. LANANG ALI JR.**

19 BTA MEMBER / MAJORITY FLOOR LEADER
20
21
22
23
24
25
26
27
28
29
30
31

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 **BANGSAMORO TRANSITION AUTHORITY**
4 Cotabato City

5
6 **BTA Parliament Bill No. 56**

7
8 Introduced by: **MP. ENGR. AIDA M. SILONGAN AND MP. ATTY. LANANG ALI**
9 **JR.**

10
11 **AN ACT CREATING THE OFFICE OF THE WALI OF THE BANGSAMORO,**
12 **DEFINING ITS DUTIES, FUNCTIONS, AND RESPONSIBILITIES AND**
13 **APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

14
15 **BE IT ENACTED** by the Bangsamoro Transition Authority in Parliament
16 assembled as follows:

17
18 **PART 1**
19 **PRELIMINARY PROVISIONS**

20
21 **Section 1. Title** - This Act shall be known as, **“An Act Creating the**
22 **Office of the Wali of the Bangsamoro 2020”**.

23
24 **Section 2. Definition of Terms** - For purposes of this Act, the following
25 terms are hereby defined:

- 26
27 (a) “Council of Leaders” refers to the group which shall advise the Chief
28 Minister in matters of governance in the Bangsamoro Autonomous
29 Region consisting of the following members:
30
31 (i) Chief Minister as Head of the Council;
32 (ii) Members of the Congress of the Philippines from the
33 Bangsamoro Autonomous Region;

- 1 (iii) Provincial governors, and mayors of chartered cities in the
2 Bangsamoro Autonomous Region;
- 3 (iv) Representatives of traditional leaders, non-Moro indigenous
4 communities outside of the Bangsamoro communities outside
5 of the Bangsamoro Autonomous Region; and
6 (v) Representative of other sectors.
- 7
- 8 (b) “Dissolution” refers to the winding up of the Parliament upon the
9 advice of the Chief Minister after a vote of no confidence
10 against the government of the day;
- 11
- 12 (c) “Employee”, when used in reference to a person in public service,
13 includes any person in the service of the Bangsamoro Government
14 or any of its ministries, agencies, bureaus, offices, or
15 instrumentalities;
- 16
- 17 (d) “Director” means the Director III of the Office of the Wali;
- 18
- 19 (e) “Minister” refers to the Chief Minister or the Heads of the Ministries
20 in the Bangsamoro Government;
- 21
- 22 (f) “Oath of Office” refers to the affirmation undertaken by the Chief
23 Minister and all the Members of the Parliament upon their election
24 and before discharge of their duties;
- 25
- 26 (g) “Office” refers to the Office of the Wali of the Bangsamoro;
- 27
- 28 (h) “Officer”, refers to a person whose duties, not being of a clerical
29 nature, involves the exercise of discretion in the performance of the
30 functions of the Bangsamoro Government. When used with
31 reference to a person having authority to do a particular act or
32 function in the exercise of governmental power, “officer” includes
33 any Bangsamoro Government employee having the authority to do
34 such act or exercise of that function;

- 1
- 2 (i) "Public Ceremony" refers to the formal religious or public occasion,
3 affairs and events of the Bangsamoro Government.
- 4
- 5 (j) "Speaker" refers to the Speaker, Deputy Speaker or any other person
6 presiding over the Parliament.
- 7
- 8 (k) "Wali" refers to the person appointed as such under this Act and it
9 shall be pronounced as "Wāli".
- 10
- 11 (l) "Written Notice" refers to the written communication, information,
12 advice, invitation, or notification delivered in person or sent by
13 registered mail, electronic mail, facsimile transmission or by courier.
- 14

15 **PART 2**

16 **ESTABLISHMENT AND FUNCTIONS OF THE OFFICE OF THE WALI**

17

18 **Section 3. Creation and Composition-** The Office of the Wali is hereby
19 created pursuant to Section 1, Article VIII of Republic Act No. 11054, which shall
20 be composed of the following:

21

- 22 a. The Wali;
23 b. Director III;
24 c. Heads of Divisions; and
25 d. Personnel and Staff.
- 26

27 **Section 4. Appointments-**

- 28
- 29 (a) The first Wali, who shall be appointed by the Bangsamoro Transition
30 Authority through a resolution reflecting its consensus;
- 31 (b) Each succeeding Wali shall be appointed by the Parliament through
32 a resolution reflecting its consensus.

- 1 (c) The Wali shall be selected from the list of names of eminent residents
2 of the Bangsamoro Autonomous Region submitted by the Council of
3 Leaders;
- 4 (d) The Chief Minister shall be the appointing authority of all officials,
5 personnel and staff of the Office of the Wali;
- 6 (e) The appointing authority shall take into account moral, legal and
7 physical qualifications in the appointment of the officials, personnel
8 and staff of the Office of the Wali.

9

10 **Section 5. Qualifications-** The Wali shall possess the following
11 qualifications:

- 12
- 13 (1) Natural-born citizen of the Philippines;
- 14 (2) Able to read and write in Filipino, English, or Arabic;
- 15 (3) At least forty 40 years of age at the time of nomination;
- 16 (4) A resident of the Bangsamoro Autonomous Region for at least fifteen
17 (15) years; and,
- 18 (5) Never been convicted of any criminal case, administrative offense
19 nor violation of local legislation by any court, tribunal, board or
20 quasi-judicial body.

21

22 **Section 6. Oath and Term of Office-** The first and each succeeding Wali
23 shall take his oath of office before a duly authorized officer and shall hold office
24 for three (3) and six (6) years, respectively.

25

26 **Section 7. Administration of the Office -**

- 27
- 28 (a) The administration of the Office, the discharge of duties, the exercise
29 of the functions and the relationship of the Office of the Wali with
30 the Bangsamoro Government shall be governed by this Act.
- 31 (b) The Wali shall discharge the mandates of the Office specified in this
32 Act either in person or through the Director to whom the function is
33 delegated.

- 1 (c) The composition of the officials, personnel and staff of the Office
2 shall be in accordance with the regional and ethnic diversity of the
3 Bangsamoro people, and gender equity.
4

5 **Section 8. The Director –**

6
7 **The Director shall perform the following functions:**

- 8 (a) It shall be the Chief Executive Officer of the Office of the Wali;
9 (b) It shall administer, manage, and supervise all the divisions and
10 other support services of the Office;
11 (c) It shall represent the Wali on all matters officially assigned to him
12 except those functions exclusively vested in the Wali; and
13 (d) It shall perform such other official functions as the Wali may require.
14

15 **Section 9. Divisions-**

- 16
17 (a) The Office of the Wali shall consist of the following divisions:

- 18 (i) Administrative and Finance Services Division;
19 (ii) Research and Planning Division;
20 (iii) Protocol, Security and Support Services Division.
21

- 22 (b) The Administrative and Finance Division shall be established for the
23 day-to-day operations of the office which shall perform the following
24 functions:

- 25
26 (i) Provide general administrative services and management of
27 financial operations of the Office;
28 (ii) Oversee the physical operations of the office, human
29 resources, and internal processes for the proper functioning
30 of the different Divisions;
31 (iii) Ensure judicious utilization of funds allocated to the Office;
32 (iv) Prepare the necessary financial information to assist other
33 divisions in planning, directing and coordinating their
34 programs, projects and activities;

- 1 (v) Ensure that the public spending of the Office is in accordance
2 with Annual Procurement Plan (APP), Project Procurement
3 Management Plan (PPMP) and the general principles of public
4 fiscal management;
- 5 (vi) Conduct procurement of supplies, services and other
6 administrative requirements of the office and its divisions;
- 7 (vii) Monitor and supervise the implementation of logistic policies
8 pertaining to the flow of supply, distribution, and disposal of
9 office equipment.
- 10 (viii) Carry-out other functions as may be assigned to it by the Wali
11 or the Director.
- 12

13 (b) The Research and Planning Division shall be established to perform
14 the following functions:

15

- 16 (i) Conduct researches for the enhancement of the roles of the
17 Wali;
- 18 (ii) Prepare plans, programs and activities;
- 19 (iii) Undertake monitoring and evaluation; and,
- 20 (iv) Carry out other functions as maybe assigned by the Wali or
21 the Director.

22 (d) The Protocol, Security and Support Services Division shall be
23 established to carry out the following functions:

24

- 25 (i) Provide the necessary arrangement, plan or program for the
26 foreign and local dignitaries visiting the BARMM;
- 27 (ii) Supervise, monitor and provide protocol services and security
28 support to the Wali on all ceremonial functions and other
29 social engagements;
- 30 (iii) Provide the necessary manpower for utility, food and other
31 relevant support services for the Office;
- 32 (iv) Provide support to the Marching Band;

- 1 (v) Implement rules and regulations on protocol and security of
2 personnel and properties; and
3 (vi) Carry out other functions that may be assigned by the Wali or
4 the Director.
5
6
7

8 **Section 10. Functions and Duties of the Wali –**
9

10 (1) The Wali shall only perform ceremonial duties such as:

- 11
12 (a) Opening the session of the Parliament;
13 (b) Administering the Oath of Office;
14 (c) Dissolving the Parliament upon the advice of the Chief
15 Minister after the vote of no confidence against the
16 government of the day;
17 (d) Calling for the election of new Parliament; and,
18 (e) Attending to public ceremonies.
19

20 (2) The Wali shall encourage the promotion of social, cultural, and
21 moral recovery programs for the Bangsamoro Government.
22

23 **Section 11. Per Diem of the Wali** - The Wali shall receive per diem,
24 subject to existing rules and regulations on the grant of per diem.
25

26 The per diem shall be sourced from the funds of the Bangsamoro
27 Government and shall be provided for in its annual appropriations law.
28

29 **Section 12. Removal of the Wali –**
30

31 a) The Wali may be removed from office by the Parliament on any of the
32 following grounds:

- 33 (i) Failure to dissolve the Parliament after a vote of no confidence;

- 1 (ii) Conviction of a crime involving moral turpitude;
2 (iii) Failure to perform the functions of a Wali; and,
3 (v) Such other grounds as the Parliament may provide.

- 4 (b) In case of death, removal, resignation, or permanent disability or
5 legal incapacity of the Wali, the Bangsamoro Mufti shall act as Wali
6 on a concurrent capacity until a new Wali shall have been appointed
7 by the Parliament but shall in no case exceed ninety (90) days from
8 the day the said position is declared vacant.
- 9 (c) In case of vacancy due to reasons mentioned in the preceding
10 paragraph, the newly appointed Wali shall only serve the unexpired
11 term of the Wali.

12 **PART 3**

13 **PERFORMANCE OF FUNCTIONS OF THE APPOINTED WALI**

14 **Section 13. Personal Appearance of the Wali –**

- 15
- 16 (a) Except as may be provided by law, the Wali shall personally appear on
17 the following functions:
- 18 (i) Opening the session of the Parliament;
19 (ii) Administering the oath of office;
20 (i) Dissolution of Parliament; and
21 (iv) Calling for election of a new Parliament.
22
23
24

25 **Section 14. Notice to the Wali** - All offices that will conduct public
26 ceremonies requiring the attendance of the Wali shall give prior written notice to
27 the Office at least ten (10) working days before the ceremony.
28

29 **Section 15. Independence** - When carrying out official functions, the Wali
30 is not subject to the direction of any person except those required under the law.
31

1 **Section 22. Separability Clause** - The provisions of this Act are deemed
2 separate. If any of its section or provision is declared unconstitutional, other
3 sections or provisions, which are not affected by such declaration, shall continue
4 to be valid and in full force and effect.

5
6 **Section 23. Effectively Clause** - This Act shall take effect after fifteen (15)
7 days following its complete publications in at least one (1) newspaper of general
8 circulation in the Bangsamoro region and/or in the official website of the
9 Bangsamoro Autonomous Region in Muslim Mindanao.

10
11
12
13
14
15 APPROVED:

16
17 **ALI PANGALIAN M. BALINDONG**
18 Speaker

19
20
21 This Act was passed by the Bangsamoro Transition Authority Parliament on
22 _____, 2020.

23
24
25 **PROF. RABY B. ANGKAL**
26 Secretary-General

27
28 APPROVED:

29
30
31 **AHOD BALAWAG EBRAHIM, Al-Hadj**
32 Chief Minister