



Republic of the Philippines  
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO  
Bangsamoro Government Center, Cotabato City

BANGSAMORO TRANSITION AUTHORITY-PARLIAMENT  
SECOND REGULAR SESSION  
Bill No. 67

**AUTHORED BY: MP MOHAMMAD S. YACOB**

**AN ACT CREATING THE BANGSAMORO BANTAY-KORUPSYON OFFICE,  
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES**

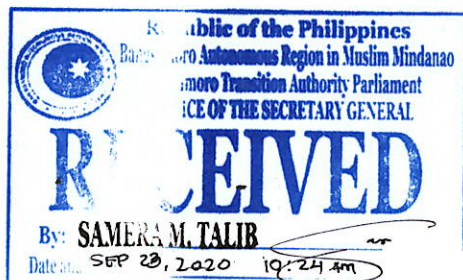
**EXPLANATORY NOTE**

The current administration of President Duterte is firm on its campaign to fight and to end corruption in the government. In 2017, he issued Executive Order No. 43, series of 2017 creating the Philippine Anti-Corruption Commission under the Office of the President. On October 4, 2018, the Chairman of this Commission, Dante Jimenez, bared the state of corruption in the Philippines, to wit: "There is corruption in high places, corruption in the rank-and-file. Corruption everywhere".

Corruption in the government does not exempt the newly created Bangsamoro Autonomous Region in Muslim Mindanao. Different issues have been circulating in various social media platforms that discredit the integrity of the Bangsamoro Government. Worthy to note in this relation is the aspirations of the Bangsamoro People to have a better and a meaningful self-governance. To attain this end, the BTA Parliament shall enact legislations that will preserve this endeavor especially during this transition period.

We cannot deny that corruption one way or the other deters development. Thus, when the Bangsamoro Transition Authority is finally established, the Interim Chief Minister of the Bangsamoro Government has made the pronouncement that leadership in the Bangsamoro Autonomous Region should be founded on Moral Governance. The Chief Minister believes that only through moral governance can our government be truly set in the teachings of Islam that is to enjoin good and forbidding evil. This bill shall be an effective deterrent and avenue for the path to a graft and corruption free Bangsamoro Government.

In order to guarantee moral governance and the fight against corruption, it is imperative that the BTA Parliament pass this act into law creating a special office under the Office of the Chief Minister that will oversee this effort.



  
MP Mohammad S. Yacob, Ph.D

**AN ACT CREATING THE BANGSAMORO BANTAY-KORUPSYON OFFICE,  
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES**

*Be it enacted by the Bangasamoro Transition Authority Parliament assembled:*

**Article I  
Title**

**Section 1. Title** – This Act shall be known as the “Bangsamoro Bantay-Korupsyon Office Act of 2020”;

**Article II  
POLICY AND PRINCIPLES**

**Section 2. Declaration of Policy** – It is a declared policy that government power resides in the people and public office is a public trust. Public officers and employees as representatives of the people shall at all times be accountable to them and serve with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. Thus, corruption is an enemy of the State whose silent arms seeps into civilized society and prevents its progress at its roots. It shall be the declared policy of the Bangsamoro government that governance shall be clean, guided by moral governance and free from corruption.

**Section 3. Moral Governance.** – refers to the set of rules, practices, and processes completely devoid of all the evils of graft and corruption, and explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, and integrity.

**Article II  
BANGSAMORO BANTAY-KORUPSYON OFFICE**

**A.  
Mandate and Nature**

**Section 4. Creation** – The Bangsamoro Bantay-Korupsyun Office (hereinafter referred to as “Office”) is hereby created which shall be an attached agency to the Office of the Chief Minister.

**Section 5. Mandate.** – The Office shall be the primary authority in investigating complaints involving graft and corruption against any public officer and employees of the Bangsamoro Government and its constituent local government units, as well as their co-principals, accomplices, and accessories from the private sector, if any.

**Section 6. Fiscal Autonomy.** – The Office shall have fiscal autonomy. It shall be provided with adequate funding, which shall be regularly and automatically released. The compensation and emoluments, privileges, or any other benefits enjoyed by its officials and employees shall not be decreased.

**B.  
Composition and Appointment**

**Section 7. Composition.** – The Office shall consist of the Director and Assistant Director whom shall be appointed by the Chief Minister.

The Office shall be composed of the following divisions: (1) Legal Affairs and Research Division; and (2) Investigation and Evaluation Division.

The Director of the Office shall be the appointing authority of all officials and employees, subject to civil service laws, and applicable rules and regulations.

All officials and employees of the Office shall not assume their respective positions until after they have undergone a Comprehensive Values Development Training conducted by the Development Academy of the Bangsamoro, or its accredited partners.

**Section 8. Qualifications.** – No person shall be Director and Assistant Director of the Office unless he or she is a citizen of the Philippines, a member of the Philippine Bar in good standing for at least eight (8) years, of recognized probity and independence, of good moral character, must not have been a candidate for any elective positions in the immediately preceding election, and a bonafide resident of the Bangsamoro Autonomous Region.

**Section 9. Term of Office and Compensation.** – The Director shall receive compensation equivalent to salary grade 25 along with the privileges, emoluments, and benefits attached thereto and shall serve for a term of six (6) years.

The Assistant Director shall be appointed to a permanent position and shall receive compensation equivalent to salary grade 24 along with the privileges, emoluments, and benefits attached thereto.

**Section 10. Prohibition and Disqualifications.** – Upon assumption of Office, the Director and Assistant Director shall declare all properties, and interest they may have. Thereafter, they shall not, during their tenure, directly or indirectly practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office. They shall not be qualified to run for any office in the election immediately following their cessation from office. They shall not be allowed to appear or practice before any matters in the Office for two (2) years following their cessation from office.

**Section 11. Functions of the Office.** - The Office shall exercise the following functions:

- a. Act as the primary authority to conduct investigations over alleged graft and corruption, whether criminal or administrative, involving any public officers and employees, as well as their co-principals, accomplices, and accessories in the private sector;
- b. Collect, identify, evaluate, and preserve evidence relating to a case under investigation and/or request to access information found in another branch or instrumentality of the government relating to the same case;
- c. Subpoena witnesses and/or documents, and take testimonies for the same purpose;
- d. Recommend to the Chief Minister, Local Government Executives and other prosecutorial arm of the government, the imposition of the proper

penalty, if any, and other recommended course of action as borne out by the evidence it has gathered;

- e. Conduct lifestyle checks against public officials and employees involved;
- f. Request the cooperation and assistance of any branch of government or Local Government Unit for the effective implementation of the Office's mandate;
- g. Engage the service of experts and consultants as may be reasonably necessary to complete its investigation;
- h. Exercise such other acts as may be reasonably necessary in order to carry out its functions and mandate;

#### **Article IV PROCEDURE**

**Section 12. *Who may file a complaint.*** – An investigation may be initiated upon certification of the Chief Minister that an investigation over an act or omission is necessary, or upon receipt of a verified complaint.

No anonymous complaint shall be given due course unless the act complained of may be verified by documentary or direct evidence.

**Section 13. – *Valid Complaint.*** – No complaint may be initiated unless the same is in writing, and subscribed and sworn by the complainant. The complaint shall contain the following:

- a. Full name and address of the complainant;
- b. Full name and address of the person complained of as well as his/her position and office;
- c. A clear, simple and concise narration of the relevant and material facts which show the act or omission complained of;
- d. Documentary evidence and affidavits must be Certified True Copies;
- e. Certification that no other cases has been initiated in other forums or courts.

**Section 14. *Prima Facie Case.*** – Upon receipt of the complaint the Director shall conduct a summary evaluation of the form and substance of the complaint, as well as its attached documentary evidence and affidavits, in order to determine the existence of a prima facie case.

In the absence of a prima facie case, the complaint shall be dismissed without prejudice to a filing of a similar case.

**Section 15. *Reply.*** – The respondent shall be informed of the investigation against him and may submit a Reply within seven (7) days of receipt of the finding of a prima facie case against him.

**Section 16. Clarificatory hearing.** – After submission of the Reply, a clarificatory hearing may be held upon the request of the investigating officer. The respondent has the right to be assisted by counsel of his choice during the proceedings.

**Section 17. Investigation Report.** – Within twenty (20) days from the submission of evidence or the clarificatory hearing, whichever comes later, the Office shall conclude its investigation and summarize its findings in an Investigation Report addressed to the Chief Minister and copy furnished the respondent and the immediate supervisor of the respondent.

The Investigation Report shall contain the following:

- a. a brief summary of the facts and evidence on record;
- b. the applicable law and jurisprudence;
- c. the recommendation of the Office which must be supported by the findings of facts and the evidence on record.

**Section 18. Motion for Reconsideration.** – The respondent may file a verified Motion for Reconsideration on the findings and recommendation of the Investigation Report in any of the following cases:

- (a) The recommendation is not supported by evidence on record or there is misapprehension of facts;
- (b) The recommendation is not supported by law

**Section 19. Preventive Suspension.** – The Director may request for Preventive Suspension in any of the following cases:

(a) Upon commencement of the investigation, the Office may recommend to the Chief Minister or the appropriate Local Government Executive, the preventive suspension of a public officials and employees of the Bangsamoro Government when circumstances warrant the same or when the respondent continued stay in the office will prejudice the investigation. The preventive suspension shall continue until the completion of the investigation, but in no case shall exceed sixty (60) days.

(b) The Office, upon approval of the Chief Minister, may recommend to the Bangsamoro Parliament through the Office of the Speaker the preventive suspension of any of its members when the evidence of guilt is strong and the continued stay in office of the respondent could influence the witnesses or may pose threat to the integrity of the records, but in no case shall exceed sixty (60) days.

(c) The Office may request the Chief Minister to direct all concerned officials of its constituent local government units for the preventive suspension of their subordinate officials and employees, subject to the provisions of the Bangsamoro Local Government Code, to pave way for the impartial conduct of the investigation.

**Section 20. Disclosures.** – The records of an on going investigation shall be confidential in order to prevent undue public influence upon the Office.

**Section 21. Bill of Rights.** – The respondent shall have all the rights pertinent to a criminal procedure, including the right to counsel, and presumption of innocence.

**Section 22. Referral to Other Government Office.** – When the results of the investigation and evidence warrants, upon approval of the Chief Minister, the Office may cause the filing of the appropriate criminal charges in the Office of the Ombudsman or the Department of Justice.

**Section 23. *Legal Assistance.*** – The Office may request legal assistance from the Bangsamoro Attorney General’s Office when needs arises. The Bangsamoro Attorney General, or its representative, shall act as a lead counsel of the Office during the conduct of litigation.

**Section 24. *Rules and Regulations.*** –The Office shall promulgate its own Rules and Regulations for the effective implementation of this Act.

**Article V  
COORDINATION AND COOPERATION**

**Section 25. *Coordination with other Government Agency.*** –The Office may requests the aid and support of the Commission on Audit, National Bureau of Investigation, Philippine National Police, Armed Forces of the Philippines, and other law enforcement or prosecutorial agency for the effective and efficient implementation of the Office’ mandate.

**Article VI  
MISCELLANEOUS PROVISIONS**

**Section 26. *Facilities.*** – The Bangsamoro Government shall provide adequate facilities for the efficient functioning of the Office.

**Section 27. *Appropriations.*** – The Ministry of Finance and Budget Management shall determine the funding requirements of the Office.

**Section 28. *Separability Clause.*** – If any provision of this Act is held unconstitutional, the other provisions not affected thereby shall remain valid.

**Section 29. *Repealing Clause.*** – All laws, orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or amended accordingly.

**Section 30. *Effectivity.*** –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 Autonomous Region.

**APPROVED.**