

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY

FIRST REGULAR SESSION

PROPOSED RESOLUTION NO. 123

Introduced by **MP PAISALIN P.D. TAGO** and Co-Authors: MP IBRAHIM D. ALI, MP ABRAHAM T. BURAHAN, MP ABDULLAH G. MACAPAAR, MP BASIT S. ABBAS, MP MOHAMMAD ZAINODEN P. BATO, MP ABDULWAHAB M. PAK, MP JOSE I. LORENA, MP NABILA MARGARITA P. PANGANDAMAN, MP OMAR YASSER C. SEMA, MP ALZAD T. SATTAR, MP ABDULMUHMIN A. MUJAHID, MP MAISARA DANDAMUN-LATIPH, MP MODAYAO M. SACAR, MP MARJANIE S. MACASALONG, MP SAID M. SHIEK, MP TUCAO O. MASTURA, MP MIDPANTAO M. MIDTIMBANG, MP KHADAFEH G. MANGUDADATU, MP PUNDOMA B. SANI, MP DIAMILA D. RAMOS

A RESOLUTION CALLING FOR THE CREATION AND/OR CONSTITUTION OF A SPECIAL COMMITTEE TO COMPILE THE NAMES OF BANGSAMORO FIGHTERS(MUJAHIDEENS) WHO SACRIFICED THEIR LIVES IN EFFECTUATING BANGSAMORO'S RIGHT TO SELF-DETERMINATION SO THAT PROPER ACKNOWLEDGEMENT/RECOGNITION BE ACCORDED TO THEM AND THEIR FAMILY

WHEREAS, the right of peoples to self-determination is a "*jus cogens norm*" or a peremptory norm of international law and enshrined in numerous United Nations declarations/instruments, among which are:

Article 55 of the United Nations charter providing in part the duty of the organization to create "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . ."

General Assembly resolution 1514 (XV) of 14 December 1960, which states that, "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.";

WHEREAS, further strengthening the pursuit of peoples of their right to self-determination is embodied in Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant Economic, Social, and Cultural Rights (ICESCR) by declaring that,

"All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development."

WHEREAS, the 1987 Constitution recognizes this right to self-determination by explicitly providing in Section 15 Article X the mandatory duty of the government to establish an autonomous government which states:

"There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common

and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.”;

WHEREAS, in pursuit of this universally sanctioned right of peoples, the Bangsamoro people have waged a struggle for decades for a just and genuine recognition of their entitlement of this basic right;

WHEREAS, in the course of their struggle, many have perished and those who fought through arms have been martyred and throughout the years these individuals have been left unknown or unheard of to the very people whom they have sacrificed their lives;

WHEREAS, the Government of the Republic of the Philippines, acknowledging the legitimacy of the cause of the struggle, both in the spheres of international law and domestic law have paved for the creation of an autonomous government through the enactment of R.A. 6734 (an Act Providing for the Autonomous Region in Muslim Mindanao) as amended by R.A. 9054;

WHEREAS, the failure of the autonomous government to quell the persistence of the aspirations of the Bangsamoro for genuine autonomy manifested by the continuous struggle, led the government to revisit the extent of autonomy given to the Moros and found the need to strengthen the same to give meaningful and genuine self-governance which resulted to the enactment of the Organic Law for the Bangsamoro Autonomous Region (R.A 11054);

WHEREAS, as an instrument of peace, the Organic Law for the Bangsamoro Autonomous Region (R.A. 11054) in Section 3 of Article 1, it provides for the recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos in the BARMM to secure their identity and posterity that allows for meaningful self-governance;

WHEREAS, part of the recognition of the justness and legitimacy of the cause is to extend the appropriate acknowledgment of those Bangsamoro Martyrs (Mujahideens) who died in the name of the struggle for right to self-determination;

WHEREAS, with all due respect to our ancestors who has fight fiercely for a similar right to self-determination, the reckoning period for acknowledgement or recognition of those martyred freedom fighters shall start when the Unified Moro National Liberation Front was organized in 1969 or 1970;

NOW THEREFORE, be it **RESOLVED** as it is hereby **RESOLVED** BY THE BANGSAMORO TRANSITION AUTHORITY, as follows:

Section 1. Constitution of a Special Committee on the Compilation of Bangsamoro Fighters (Mujahideens) Martyred in the Course of the Struggle. – There is hereby constituted a Special Committee for the compilation of Bangsamoro Fighters (Mujahideens) who were martyred in the course of the Bangsamoro Struggle for recognition of their right to self-determination, otherwise known as the Special Committee on Compilation, which shall serve as the BTA’s mechanism for gathering and validation of information on the identities of those martyred in the course of the struggle which shall be the basis for the issuance of the appropriate acknowledgement/recognition of their heroism;

Section 2. Composition. – The Special Committee on Compilation shall be composed of a Chairman, a Vice Chairman, and with equal representation of component provinces and cities

of the BARMM as members pursuant Rules or as the BTA may allow. The composition of the Special Committee shall be confirmed by the BTA in plenary session;

Section 3. Function. – The Special Committee on Compilation shall perform the following functions:

- a. Gather information on the identities of *mujahideens* who died in the course of the struggle while fighting for the recognition of the basic right of the Bangsamoro people of their right to self-determination;
- b. Identify the period to reckon the listing;
- c. Receive, evaluate, and if necessary conduct investigation on the information obtained in the course of the gathering through establishment of a mechanism of validation and assessment;
- d. Upon proper validation, approve with finality the identity of the individuals to be included in the list;
- e. Exercise administrative and supervision over the secretariat;
- f. Recommended to the plenary the final list for purposes of conferment;
- g. Promulgate such rules as may be necessary to carry out the primary objective of the Special Committee;
- h. Perform such other duties, functions, and responsibilities as maybe necessary to effectuate effectively the purpose of the Special Committee.

Section 4. Secretariat of the Special Committee. – The Special Committee shall be assisted by a Secretariat headed by Director. Personnel of the Secretariat may come from the existing personnel of relevant agencies of the BARMM without prejudice to the hiring of additional personnel as determined by the Special Committee.

The following shall be the functions of the Secretariat:

- a. Assist the Special Committee in technical functions;
- b. Gather information through research and studies; and
- c. Other duties as may be assigned by the Special Committee.

The Chairperson of the Special Committee shall appoint the Director of the Secretariat for the duration of the existence of the Special Committee.

Whenever necessary, the Special Committee may hire additional personnel consistent with the rules and regulations of the CSC and its budgetary allocation.

Section 5. Budget. – The Chairperson shall request from the Chief Minister and/or the Speaker such budget as the performance of its functions shall require.

Section 6. Assistance for the BARMM Government – For purposes relevant to its mandate and assigned tasks, the ministries and other agencies, office, and units in the BARMM Government shall cooperate with and extend necessary assistance to the Special Committee upon request.

Section 7. Continuation of Existence. – The Special Committee shall continue to exist until it has completed its primary task of a comprehensive compilation of those martyred in the quest of the Bangsamoro to their right to self-determination.

Adopted _____

Paialin P. Tago
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Member of Parliament

NORIA Y. TAHA

10-15-19
4:10 PM

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RECEIVED

By: NORIA Y. TAHA
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Date: 10-17-19
Time: 4:00