

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

Fourth Regular Session

BTA Bill No. 192

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Date: 05/25/22 Time: 3:55 PM

Introduced by **MP AMILBAHAR S. MAWALLIL**
Co-authored by **ENGR. BAIN TAN A. AMPATUAN, ATTY. LAISA MASUHUD ALAMIA, ATTY. RASOL Y. MITMUG, JR., ATTY. SUHARTO M. AMBOLOD TO, ENGR. DON MUSTAPHA A. LOONG, RASUL E. ISMAEL, ABRAHAM T. BURAHAN**

AN ACT ESTABLISHING THE BANGSAMORO MUSEUM, PROVIDING FOR THE CREATION OF THE BANGSAMORO MUSEUM BOARD, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The history of the Bangsamoro Museum can be traced to 1977 when Regional Commissioner Simeon A. Datumanong issued an executive order creating the Regional Cultural Heritage Council. This was later replaced by the Regional Cultural Heritage Affairs Services (RCHAS) with the aim of preserving and promoting the cultural identity and history of Region XII.¹


When the Autonomous Region in Muslim Mindanao (ARMM) was created by R.A. No. 6734, the RCHAS was again replaced by the Bureau on Cultural Heritage-ARMM. During these years, the National Museum of the Philippines created a branch in Cotabato City and exhibited several important and priceless artifacts, the most valuable of which are the 19 limestone burial jars. During the transition period from ARMM to Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the National Museum left the care of the collections to the Bureau.²

The Bangsamoro Museum was established on January 22, 2019 by virtue of Executive Order No. 32 issued by then ARMM Regional Governor Mujiv S. Hataman. The Museum holds valuable and priceless artifacts including 125 ethnographic specimens loaned by the

¹ Report on the Technical Assistance extended to the BARMM Museum, NCCA-NCOM Executive Council

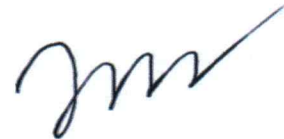
² *supra*

Bangsamoro Transition Authority
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National Museum. Most prominent and astonishing are the 19 limestone burial jars.³ On March 29, 2019, three months after the Executive Order was signed, the BARMM was inaugurated replacing the ARMM. Under R.A. No. 11054 (the Organic Law for the BARMM), the primary responsibility to establish museums has been conferred upon the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH). Corollary thereto, Bangsamoro Autonomy Act No. 13 (BARMM Administrative Code) tasked the BCPCH to encourage and support the establishment of museums in the region. As it is, the BCPCH holds office at the Bangsamoro Museum but its organizational structure does not include an office or even a plantilla position that would manage the Museum and be accountable therefor. Considering the valuable properties under the custody of the Museum and the important role of the Museum in the preservation of artistic and cultural heritage of the Bangsamoro people, the establishment of the Bangsamoro Museum as an agency becomes vital.

In view of the foregoing, the immediate passage of this measure is earnestly requested.



AMILBAHAR S. MAWALLIL
Member of the Parliament

³ Report on the Technical Assistance extended to the BARMM Museum, NCCA-NCOM Executive Council

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**AN ACT ESTABLISHING THE BANGSAMORO MUSEUM, PROVIDING FOR
THE CREATION OF THE BANGSAMORO MUSEUM BOARD, AND
APPROPRIATING FUNDS THEREFOR**

BE IT ENACTED by the Bangsamoro Transition Authority in Parliament assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “*Bangsamoro Museum Act of 2022*”.

SEC. 2. *Declaration of Policy.* – It shall be the policy of the Bangsamoro Autonomous Region in Muslim Mindanao to recognize as an integral component of regional development the transcendental importance of collecting, preserving, reviving, protecting and harnessing the cultural heritage of the people in the Autonomous Region.

SEC. 3. *Establishment of the Bangsamoro Museum.* – The Bangsamoro Museum is hereby established which shall be under the supervision of the Bangsamoro Commission for the Preservation of Cultural Heritage. It shall be a permanent institution in the service of the community and its development, accessible to the public, and not intended for profit.

SEC. 4. *Permanent Home.* – The Bangsamoro Museum building at the Bangsamoro Government Center in Cotabato City shall be the permanent and exclusive site of the Museum.

SEC. 5. *Mandate.* - The Bangsamoro Museum shall be a repository of artifacts, works of art and textual and iconographic records relevant to the cultural memory of the Bangsamoro. Its primary mission shall be to acquire documents, preserve, exhibit, and foster scholarly study

and appreciation of works of art specimens and cultural and historical artifacts representative of or unique to the artistic and cultural heritage of the Bangsamoro people and the natural history of the Bangsamoro Autonomous Region.

SEC. 6. Provincial, Area and Site Museums. – In coordination with the BCPCH, the Bangsamoro Museum shall establish provincial museums as well as area and site museums wherever necessary:

The specific sites of new provincial, area and site museums and satellite offices shall be selected based on considerations of geography, population distribution, and administrative efficiency as well as of outstanding artistic, cultural and natural heritage significance, and educational, environmental and tourism considerations.

SEC. 7. The Museum Board. – A Museum Board, hereinafter referred to in this Act as the “Board”, is hereby created and vested with the following powers and functions:

- a) To formulate the museum’s vision and mission;
- b) To represent and mobilize pertinent areas of the private sector and the public sector in support of the mission and aims of the Bangsamoro Museum;
- c) To serve as the appointing authority for the Head of Agency and Agency Management in the various museums within BARMM established under this Act;
- d) To exercise general oversight over the operations and performance of the Bangsamoro Museum through the Head of Agency and Agency Management;
- e) To approve strategic policies, goals and directions for the Bangsamoro Museum where necessary, and any such special projects and programs as it may consider appropriate to carry out for its benefit, for implementation through the Head of Agency and Agency Management;
- f) To consider and appropriately dispose of appeals regarding administrative decisions of the Head of Agency;
- g) To provide an important link between the Museum and the community; and
- h) To carry out such other functions as provided herein, as well as in other pertinent laws and issuances.

SEC. 8. Composition of the Museum Board. - The Board shall comprise nine (9) members, to be composed of the following:

(a) Three (3) representatives of the private sector, all citizens of the Philippines, each with a demonstrated personal or professional commitment to the mission and aims of the Bangsamoro Museum, to include at least one (1) distinguished Bangsamoro artist, architect or cultural worker, one (1) distinguished Bangsamoro anthropologist or historian, and one (1) distinguished Bangsamoro scientist in the field of natural history;

(b) The following six (6) government officials as ex officio members:

(1) The Chairperson of the appropriate Committee of the Bangsamoro Parliament covering the field of culture;

(2) The Chairperson of the Bangsamoro Commission for the Preservation of Cultural Heritage

- (3) The Minister of Basic, Higher and Technical Education ;
- (4) The Minister of Environment, Natural Resources and Energy;
- (5) The Minister of Trade, Industry and Tourism; and
- (6) The Director-General of the Bangsamoro Museum.

SEC. 9. *Appointment of Members of the Board.* - The members of the Board representing the private sector shall be appointed by the Chief Minister for a term of three (3) years, and are eligible for reappointment to one term, based on merit and performance. Appointment to a position vacated due to death, disability, resignation or any similar cause, shall be for the duration of said unexpired term only.

The Chairperson of the Board shall be designated by the Chief Minister from among the ex officio members. Such designation shall be effective for the current term of the representative concerned. In the absence of any such designation, the Board may elect an Acting Chairperson until such designation shall be made by the Chief Minister.

Members of the Board representing the private sector may not designate any proxy to act on their behalf relative to any matter concerning the Museum. Ex officio members may designate a representative, but only for purposes of attending meetings of the Board. Such representatives, in the case of members who are Ministers, shall be of a rank no lower than that of a Deputy Minister, in the case of the Chairperson of the Chairperson of the Bangsamoro Commission for the Preservation of Cultural Heritage, no lower than that of the Deputy Executive Director, and in the case of the Director-General of the National Museum, no lower than that of a Deputy Director-General.

SEC. 10. *Organization of the Museum Board.* - The Board shall meet at any agreed location within the region, and the presence of a majority of all its incumbent members shall constitute a quorum.

The members of the Board shall serve without compensation. The members of the Board representing the private sector shall be entitled to an appropriate honorarium for attendance at meetings, in accordance with pertinent laws and guidelines, and all members may receive appropriate allowances and reimbursement of expenses related to travel and participation in the official activities of the Bangsamoro Museum, within the Philippines and overseas, with the necessity of such to be certified by the Director-General and approved by the Chairperson of the Board.

The Board shall establish an Executive Committee composed of five (5) members, namely:

- (a) The Chairperson of the Board;
- (b) The Director-General of the Bangsamoro Museum; and
- (c) Three (3) of the members of the Board.

The Board shall formally prescribe the functions of the Executive Committee, which may include taking action on its behalf in any aspect of the authority vested in the Board under this Act, subject to ratification at the next meeting of the Board.

The Board may also constitute such other committees as may be necessary, as well as retain the services of paid or pro bono consultants. Advisory boards may likewise be established by the Board, with the members thereof appointed by it entitled to appropriate honoraria for attendance at meetings as well as appropriate allowances and reimbursement of expenses related to travel and participation in the official activities of the Bangsamoro Museum, within the Philippines and overseas, with the necessity of such to be certified by the Director-General and approved by the Chairperson of the Board.

The Board shall be authorized to adopt an Official Seal which shall be judicially noticed and to make such bylaws, rules and regulations as it may deem necessary for the administration of its functions under this Act, including the organization and rules and regulations of the Board and any other matter that falls within the ambit of its powers and functions, in accordance with this Act and other pertinent laws, rules and regulations.

SEC. 11. *Head of Agency and Management of the Bangsamoro Museum.* - The Bangsamoro Museum shall be headed by a Director-General, who shall serve as the Head of Agency with the rank and emoluments of a Deputy Minister. The Director-General shall be assisted by two (2) Deputy Directors-General, namely, a Deputy Director-General for Museums and a Deputy Director-General for Administration, each with the rank and emoluments of an Executive Director.

The provincial museums and the satellite offices of the Bangsamoro Museum shall be managed and supervised by the Director-General and Deputy Directors-General with the assistance of Museum Curators, each of whom shall have the appropriate managerial rank.

Changes in designations and ranks of these Bangsamoro Museum officials, including the creation of additional plantilla positions up to the level of Museum Curator and Assistant Curator that may be necessary for the appropriate management and administration of the provincial museums and offices, shall be authorized by the Board, subject to approval of the Ministry of Finance, and Budget and Management.

The abovementioned positions shall be occupied by citizens of the Philippines, with proven track records of competent administration, appropriate knowledge of museum or relevant institutional operations or management, and demonstrable personal or professional commitment to the mission and aims of the Bangsamoro Museum, who shall pass qualification standards for the said positions as may be established by the Board in coordination with the Civil Service Commission in line with existing pertinent laws, rules and regulations.

SEC. 12. *Appointment and Term of the Head of Agency and Agency Management.* - The Director-General, Deputy Directors-General, Museum Curators provided for herein shall be appointed by the Board for a term of four (4) years, and are eligible for reappointment to succeeding terms of four (4) years, based on merit and performance. Appointment to a position vacated due to death, disability, resignation or any similar cause, shall be for the duration of said unexpired term only.

Each Bangsamoro Museum official shall be provided with appropriate support staff as endorsed by the Board and approved by the Ministry of Finance, and Budget and Management.

The Board may also appoint or designate persons to the aforementioned positions in an acting capacity in cases of vacancy, illness, absence or other cause, and may change such appointment or designation from time to time as the interests of the Bangsamoro Museum may in its judgment require.

SEC. 13. *Free Admission for the General Public.* - The general public shall be granted free admission to all public museums and Bangsamoro historical shrines and landmarks, subject to capacity and availability as determined by the Bangsamoro Museum.

Appropriate fees may be charged to special activities, programs or temporary exhibitions upon approval of the pertinent Head of Agency.

SEC. 14. *Disposition of Donated Funds.* - The Bangsamoro Museum is authorized to accept grants, endowments, donations, foreign assistance and other forms of aid which shall be considered as gratuities and be credited to the Bangsamoro Museum Donations Fund. The handling and accounting of such donations shall be subject to rules and regulations to be prescribed by the Bangsamoro Museum in agreement with the Commission on Audit within six (6) months after the effectivity of this Act.

As a general principle, and unless otherwise provided for by law, the retained income of, and donations covered by deeds of donation that do not have any specified purpose to, the Bangsamoro Museum shall be applied to the purchase of capital assets for the benefit of the Bangsamoro Museum, including real properties and movable assets such as equipment and collections items. In all cases, the disbursement of such funds shall be subject to the authorization of the Board and existing budgeting, accounting and auditing rules and regulations.

SEC. 15. *Exemption from Taxes, Duties, Fees and Charges.* - The Bangsamoro Museum shall continue to be classified as a Government Agency, as such:

- (a) The Bangsamoro Museum shall be exempt from the payment of taxes, fees and charges imposed by the Bangsamoro Government and its political subdivisions, agencies and instrumentalities;
- (b) All donations in any form to the Bangsamoro Museum shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of Republic Act No. 8424, otherwise known as the "National Internal Revenue Code of 1997", as amended; and
- (c) Importation of scientific, philosophical, historical and cultural books, supplies and materials for the use in the conservation and preservation work of the Bangsamoro Museum shall be exempt from customs duties.

SEC. 16. *Movable Cultural Properties and Collections of the Bangsamoro Government.* -All movable cultural properties, including natural history specimens, owned by the Bangsamoro Government, particularly works of fine and applied art, archaeological and

historical artifacts, relics of built heritage, and ethnographic materials of national significance, shall be registered with the Bangsamoro Museum and form part of a general inventory and catalogue of Bangsamoro Government collections in these areas that will be produced and published by it within three (3) years after the effectivity of this Act, and updated annually thereafter to incorporate any changes as reported by the agencies concerned to the Bangsamoro Museum. Such Bangsamoro Government collections shall be considered as being held in trust for the Bangsamoro people and shall not be alienated or otherwise disposed of without the approval of the Bangsamoro Museum, in accordance with its policies on de-accessioning as provided for in this Act.

The Bangsamoro Museum shall have the authority to request the transfer or loan of any such Bangsamoro Government collections, or any item pertaining thereto, for purposes of protection, preservation, study or public exhibition, and such requests shall be given the highest consideration by the Head of the Agency concerned. Likewise, all agencies of the Bangsamoro Government are enjoined to offer for transfer or loan to the Bangsamoro Museum such items of movable cultural property as they may possess, in support of the aforementioned purposes and the mandate of the Bangsamoro Museum.

SEC. 16. *Commercial Operations of the Museum.* - The Bangsamoro Museum shall be authorized to undertake commercial operations, the proceeds of which shall be credited to the Bangsamoro Museum Income Fund as established herein, and which shall include, but not limited to, the following:

- (a) The rental of dedicated areas for external events, functions and similar activities, the terms and conditions for which shall be prescribed by the Bangsamoro Museum according to a schedule of fees approved by the Board; and
- (b) The production and/or licensing of official merchandise, including publications and audio-visual media, which the Bangsamoro Museum shall be allowed to award, through public bidding, and giving preference to nonprofit organizations of a nature related to or supportive of its mandate, for a term of up to five (5) years per contract.

SEC. 17. *Personnel Training, Development and Performance Incentives.* - The Bangsamoro Museum shall undertake training and development programs to upgrade the capabilities of its personnel in the various functions of the Bangsamoro Museum. Personnel shall be allowed to train or study, in the Philippines or abroad, on official time, subject to the needs of the service, upon approval of the Director-General.

A system of monetary incentives shall be established by the Board to reward the superior performance and milestones of professional development on the part of management and administrative and technical personnel, subject to approval of the Ministry of Finance, and Budget and Management and, where applicable, to the Civil Service Commission.

SEC. 18. *De-accessioning Policy.* - The Bangsamoro Museum may provide for a de-accessioning policy with regard to its collections, except in those cases where it is restricted by terms of donations or by prevailing laws. The de-accessioning of any accessioned item pertaining to the collections of the Bangsamoro Museum shall require the approval of the Board in each and every case.

SEC. 19. *Internal Audit.* - In order to facilitate the objectives of this Act and ensure the highest standards of audit compliance, an internal audit unit shall be established within the organization of the Bangsamoro Museum.

SEC. 20. *Appropriations.* - The amount necessary to cover the initial implementation of this Act shall be charged against the appropriation of the Bangsamoro Commission for the Preservation of Cultural Heritage under the current General Appropriations Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 21. *Separability Clause.* - If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in full force and effect.

SEC. 22. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the region.

Adopted,

AUTHOR:



AMILBAHAR S. MAWALLIL
Member of the Parliament

Certified correct:

PROF. RABY B. ANGKAL
Secretary-General

Attested by:

ATTY. PANGALIAN M. BALINDONG
Speaker