

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

Bangsamoro Autonomous)
Region in Muslim)
Mindanao)

Committee Report No. 11

RE: Deliberation of Bangsamoro Transition Authority (BTA) Cabinet Bill No. 26

Date: December 18, 2019

Author: BTA Parliament

Mr. Speaker,

The Committee on Rules has the honor to report back to the Bangsamoro Transition Authority the deliberation of BTA Cabinet Bill No. 26, "AN ACT CREATING THE ATTORNEY GENERAL'S OFFICE, DEFINING ITS FUNCTIONS AND POWERS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER RELATED PURPOSES." respectfully recommending for its approval with the amendments, to wit:

1. The insertion of the word "Bangsamoro" in all Attorney General and Assistant Attorney General titles;
2. In Section 1. Title, The title has been changed to

This Act shall be known as the "Bangsamoro Attorney General's Office Act of 2019";
3. In Section 2. Definition of Terms (e), has been changed to

"Chief Minister" refers to the Head of Government of the Bangsamoro Autonomous Region";
4. In Section 3. Creation and composition, has been changed to

"Creation. – The Bangsamoro Attorney General's Office is hereby created pursuant to Section 8, Article XVI of Republic Act No. 11054";
5. In Section 4. Mandate of the Attorney General's Office, has been changed to

"Section 4. Mandate of the Bangsamoro Attorney General's Office. - The Bangsamoro Attorney General's Office is the chief legal counsel of the Bangsamoro Government and legal advisor to the Bangsamoro Government of the Chief Minister";
6. In Section 5. Appointments of Attorney General and Assistant Attorney General, Paragraph 2, "The Attorney General shall be the appointing authority of persons under Section 3 (c) and (d), subject to civil service laws, and applicable rules and regulations."

was changed to,

“The Attorney General shall be the appointing authority of persons of all officials and employees below the Bangsamoro Assistant Attorney General , subject to civil service laws, and applicable rules and regulations.”;

Section 6. Qualifications.- “The Attorney General shall be a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence and with experience in the practice of law for at least ten (10) years.

The Assistant Attorney General shall be a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence and with experience in the practice of law for at least six (6) years.”

was changed to

“No person shall be appointed Bangsamoro Attorney General unless he or she is a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence, a bonafide resident of the Bangsamoro Autonomous Region and has been engaged in the practice of law for at least ten (10) years.

The Bangsamoro Assistant Attorney General shall be a citizen of the Philippines, a member of the Philippine Bar in good standing, of recognized competence, a bonafide resident of the Bangsamoro Autonomous Region and has been engaged in the practice of law for at least six (6) years.”;

7. In Section 7. Salary and Compensation- “The Attorney General shall have the rank and salary similar to a Regional Cabinet Member , while the Assistant Attorney General shall have the rank and salary similar to an Assistant Regional Cabinet Member of the Bangsamoro Government.

The Attorney General and Assistant Attorney General shall be entitled to benefits and other emoluments as may be prescribed by the civil service law, and other applicable rules and regulations as may be enacted.”

was changed to

“Section 7. Salary and Compensation. – “The Bangsamoro Attorney General shall have the rank and salary of a Minister , while the Bangsamoro Assistant Attorney General shall have the rank and salary of the Deputy Minister of the Bangsamoro Autonomous Region.

The Bangsamoro Attorney General and Bangsamoro Assistant Attorney General shall be entitled to benefits and other emoluments as may be prescribed by the civil service law, and other applicable rules and regulations.”;

8. Delete the entire Section 8. Administration of Office that contains the following:

“(1) The administration of the Office, the discharge of its duties, the exercise of the powers and the relationship of the Office with Legal Officers in the Bangsamoro Government shall be governed by this Act.

(2) The Attorney General shall discharge the mandate of the Office specified in this Act either in person or through a subordinate officer to whom the function is delegated.

(3) The composition of the administration staff of the Office shall consider the ethnic diversity of the Bangsamoro, as well as gender equity.”;

9. In Section 9. Functions of the Attorney General, now Section 8.

“(1) The Attorney General shall:

- (a) Act as the official and chief legal counsel of the Bangsamoro Government;**
- (b) Serve as the legal consultant of all BARMM Ministries, Commissions, Agencies and offices;**
- (c) Negotiate, draft, vet and interpret local and international documents, contracts, and agreements for and on behalf of the Bangsamoro Government and its agencies;**
- (d) Draft legislative proposals for the Bangsamoro Government;**
- (e) Recommend appropriate actions on administrative complaints lodged before the Office of the Chief Minister;**
- (f) Assist the Chief Minister in preparing executive issuances, contracts and other legal documents;**
- (g) Perform such other functions as may be provided by law and/or assigned to the Attorney General by the Chief Minister.**

(2) In the execution of the functions conferred by this Act, the Attorney General shall provide efficient and professional legal services to the Bangsamoro Government and the public for the purpose of facilitating, promoting and monitoring the rule of law, democracy and good governance.”

was changed to

“(1) The Bangsamoro Attorney General shall:

- (a) Be the chief legal counsel of the Bangsamoro Government;**
- (b) Be the legal advisor of the Chief Minister;**
- (c) Review, vet and interpret local, national, and international documents, contracts, and agreements for and on behalf of the Chief Minister;**
- (d) Draft legislative proposals for the Government of the Day;**
- (e) Recommend appropriate actions on administrative complaints lodged before the Office of the Chief Minister;**
- (f) Assist the Chief Minister in preparing executive issuances, contracts and other legal documents;**
- (g) Provide technical and administrative services support to the different Intergovernmental Relation Bodies, and for this purpose, shall maintain an operational unit within the office of the Bangsamoro Attorney General;**
- (h) Perform such other functions as may be provided by law and/or assigned by the Chief Minister.**

(2) In the execution of the functions conferred by this Act, the Bangsamoro Attorney General shall provide efficient and professional legal services to the Bangsamoro Government for the purpose of facilitating, promoting and monitoring the democracy, rule of law and good governance.”;

10. In Section 10. Powers of the Attorney General, now Section 9.

“(1) The Attorney General, in discharging the functions under this Act, shall have power to:

- (a) require any Officer or employee in the Bangsamoro Government to furnish any information in relation to any matter which is the subject of legal inquiry;**
- (b) summon any Officer or employee in the Bangsamoro Government to explain and/or provide assistance including case build-up relative to any**

- matter which is, or could be, the subject of litigation by or against the Bangsamoro Government; and
- (c) administer oaths, consistent with Sec. 41, Chapter 10 of Executive Order No. 292.

(2) The Attorney General shall, in exercise of executive functions:

- (a) establish such divisions, sections or units in the Office as may be necessary for the efficient delivery of legal service;
- (b) supervise the formulation of policies and plans of the Office; and
- (c) perform any other action necessary in the administrative interests of the Office.

(3) The Attorney General may, upon request, appear and advise on any legal matter in any committee of the Bangsamoro Parliament.”

was changed to

“(1) The Bangsamoro Attorney General, in discharging the functions under this Act, shall have power to:

- (a) require any officer or employee in the Bangsamoro Government to furnish any information in relation to the performance of his or her duties and functions as provided in this Act;
- (b) summon any officer or employee in the Bangsamoro Government, except Members of Parliament and their immediate staff, to explain and/or provide assistance including case build-up relative to any matter which is, or could be, the subject of litigation by or against the Bangsamoro Government; and
- (c) administer oaths, consistent with Sec. 41 (2), Chapter 10 of Executive Order No. 292.

(2)The Bangsamoro Attorney General shall, in exercise of executive functions:

- (a) subject to the approval of the Cabinet propose to the Parliament the establishment, merger and or abolition such divisions, sections or units in the Office as may be necessary for the efficient delivery of legal service;
- (b) supervise the formulation of policies and plans of the Office; and
- (c) perform any other action necessary in the administrative interests of the Office.

(3) The Bangsamoro Attorney General shall, upon request, appear and advise on any legal matter in any committee of the Bangsamoro Parliament.”;

11. In Section 11. Assistant Attorney General, now Section 10.

“(1) The Assistant Attorney General shall advise and assist the Attorney General in formulating and implementing policies and programs and in providing overall supervision and direction to divisions of the Office.

(2)The Assistant Attorney General may exercise all the power and functions of the Attorney General in the latter’s absence, unless any such power or function has been specifically delegated exclusively to another Officer.”

was changed to

“(1) The Bangsamoro Assistant Attorney General shall advise and assist the Bangsamoro Attorney General in formulating and implementing policies and programs and in providing overall supervision and direction to divisions of the Office.

(2)The Bangsamoro Assistant Attorney General shall perform such other functions as may be assigned to him/her by the Bangsamoro Attorney General.”;

12. In Section 12. Division on the Attorney General’s Office, will now become Section 11;

13. Under Subsection 1, deletion of letter (c) Shariah Division and reordered letter (c) and (d) for Inter-governmental Relations Division (IRD) and Administrative and Finance Division (AFD), respectively; and

Addition of paragraph “The following divisions shall perform their mandated functions hereunder enumerated under the control and supervision of the Bangsamoro Attorney General.”

14. Under subsection 2, First Paragraph was revised from “The Litigation Division shall serve as the official legal representative of the Bangsamoro Government, including its officers, in all cases before any court, body or tribunal where the case involves the exercise of official functions. For such purpose, it may include the following functions:” to

“The Litigation Division shall provide services related to the function of the Bangsamoro Attorney General as the legal counsel of the Bangsamoro Government, as hereunder provided:”;

15. Under subsection 2, letter (e) was revised from “Deputize government legal officers to assist the AGO” to “Deputize government legal officers to assist the BAGO, with the concurrence of the head of office to which the legal officers belong”;

16. Under subsection 2, letter (f) the word “the instruction” was rephrased to “directive”;

17. Under subsection 3, was amended from “The Legal Research and Opinion Division shall serve as the legal advisory body to the Chief Minister, the Bangsamoro Cabinet, and other ministries xxx” to

“The Legal Research and Opinion Division shall assist the Bangsamoro Attorney General in providing legal advice to the Chief Minister, the Bangsamoro Cabinet, and ministries xxx”;

18. Under subsection 3 (a) (i) was amended from “Executive orders, proclamations, administrative orders, memorandum orders, and other legal documents initiated by the Chief Minister” to

“Executive orders, proclamations, administrative orders, memorandum orders, and other legal documents initiated or issued by the Chief Minister”;

19. Under subsection 3 (a) (iii) was deleted;
20. Under subsection 3 (a) (iv) "Other matters that, in the judgment of the Chief Minister, take on a sensitive and/or strategic nature.", now Subsection 3 (a) (iii) was revised to "Other matters that the Chief Minister, may refer to the Bangsamoro Attorney General.";
21. Under subsection 3 (d) was revised from "Exercise functions as may be delegated by the Attorney General" to "Formulate and review policy on Shari'ah matters to ensure compliance with Shari'ah rules and principles, and provide written Shari'ah opinions to the Chief Minister and the Cabinet; and";
22. Under subsection 3, letter (e) was added which states "Exercise functions as may be delegated by the Attorney General.";
23. Deletion of the entire Subsection 4 under section 12, now Section 11;
24. Deletion of the entire Subsection 5 under section 12, now Section 11;
25. Subsection 6 will now be Subsection 4;
26. Section 13. Legal Liaison Network, now section 12.- from "xxx. They shall cooperate and coordinate on legal, policy, and legislative matters in the Bangsamoro Parliament. The Attorney General shall act as *ex officio* Chairperson of the LLN." to "xxx. They shall cooperate and coordinate on legal, policy, and legislative matters. The Bangsamoro Attorney General shall be the *ex officio* Chairperson of the LLN.";
27. Section 14 will now be Section 13;
28. Section 14 now Section 13, subsection 2 was amended from "A Bangsamoro Government agency may, in writing, request the Attorney General to provide legal service to it as may be necessary in the efficient discharge of public functions" to "A Ministry, agency or office of the Bangsamoro Government may, in writing, request the Bangsamoro Attorney General to provide legal service as may be necessary in the efficient discharge of public functions.";
29. Subsection 3 under Section 14 now Section 13. The word "when" in "xxx and in case when the agency xxx" was deleted;

30. Section 15 will now be Section 14 was revised from “**Independence** – When carrying out its functions, the Attorney General is not subject to the direction of any person except the Chief Minister, a court or a direction required under law.” to

“Section 14. **Administrative Support**- The Bangsamoro Attorney General shall manage the budget allocated to its office. For this purpose the Bangsamoro Government shall directly transfer and release to the Bangsamoro Attorney General’s Office its regular fund allocation.”;

31. Section 16 will now be Section 15;

32. Section 16 now Section 15 was amended from “Section 16. **Referral of matters for opinion of the Attorney General**. All Bangsamoro ministries, agencies, offices, or instrumentalities shall seek the opinion of the Attorney General only on any matter raising substantial or complex legal or constitutional issues.

As such, legal officers of ministries, agencies, offices and instrumentalities of the BARMM may render legal opinions on other matters, copy furnished the Attorney General’s Office.” to

“Section 15. **Referral of matters for opinion of the Bangsamoro Attorney General**. All Bangsamoro ministries, agencies, offices, or instrumentalities may seek the opinion of the Bangsamoro Attorney General on matters involving constitutional issues.

Legal officers of ministries, agencies, offices and other instrumentalities of the Bangsamoro Government may render legal opinions on other matters, copy furnished the Bangsamoro Attorney General’s Office.”;

33. Section 17 and Section 18 was integrated and amended, and will be Section 16.

From

“Section 17. **Notice to the Attorney General**. - All Bangsamoro ministries, agencies, offices, or instrumentalities shall notify the Attorney General of all litigation within three (3) days upon notice.

Section 18. **Prior referral to the Attorney General**. - No case or litigation of any kind shall be filed or commenced in behalf of the Bangsamoro Government, its Ministries, Commissions, Agencies and other Offices without prior referral to the Attorney General.” to

“Section 16. **Notice to the Bangsamoro Attorney General**. - All Bangsamoro ministries, agencies, offices, or instrumentalities shall notify the Bangsamoro Attorney General of all litigation within three (3) days upon notice.

No case or litigation of any kind shall be filed or commenced in behalf of the Bangsamoro Government, its Ministries, Commissions, Agencies and other Offices without prior notice to the Bangsamoro Attorney General.”;

34. Section 19 will now be Section 17;

35. Section 19 now Section 17 (1) was amended from “No criminal proceeding or civil suit shall be brought against the Attorney General xxx” to

“No criminal, civil or administrative suit shall be brought against the Bangsamoro Attorney General xxx”;

36. Section 20 will now be Section 18.

37. Section 21 will now be Section 19 and was amended from

“Appropriations. – Funds necessary for the operations of the Office shall be included in the annual appropriations subject to the approval of the Parliament, and in accordance with the usual auditing rules and regulations.” to

“Section 19. Appropriations. – The amount necessary for the general administrative services, support to operation, and operation shall be sourced from the Miscellaneous Personnel Benefits Fund and the Contingent Fund, respectively, of the Office of the Chief Minister. Subsequent funding requirements shall be included in the Bangsamoro Appropriations Act. The Office shall include in its proposed budget the necessary amount to enable it to achieve its mandate.”;

38. Deletion of “Section 22. Hold-Over A person who immediately before the effectivity of this Act, was appointed as the Attorney General, an Assistant Attorney General, or an administrative staff of the Office, shall continue to act as such as if that person has been appointed under this Act.”;

39. Section 23 will now be Section 20 and amended from “Consistent with the provisions of the Bangsamoro Organic Law, this Act may be amended or revised by the Bangsamoro Parliament by a majority vote of all its members.” to

“Section 20. Amendments or Revisions. – Consistent with the provisions of the Bangsamoro Organic Law, this Act may be amended or revised by the Bangsamoro Parliament.”;

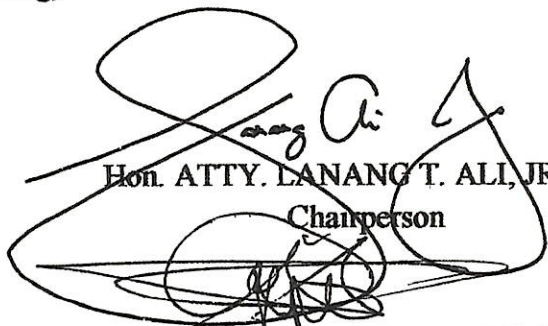
40. Section 23 will now be Section 21. Separability Clause;

41. Section 24 will now be Section 22. Repealing Clause;

42. Section 25 will now be Section 23. Effectivity Clause; and

43. The word “finally” from “This Act was finally passed into law on _____, 2019 Gregorian Calendar and ___th day of ___, 1439, Hijra Calendar.” was deleted.

Respectfully submitting,



Hon. ATTY. LANANG T. ALI, JR
Chairperson

HON. ATTY. LAISA M. ALAMIA
Vice Chairperson

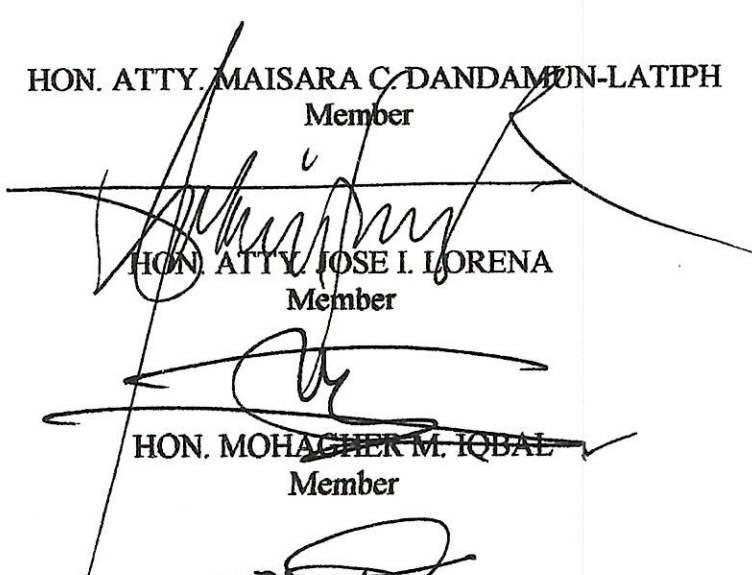
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Member



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Member



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