



*Republic of the Philippines*  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY**  
Bangsamoro Government Center, Governor Gutierrez Avenue,  
Rosary Heights VII, Cotabato City, Philippines

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Bangsamoro Transition Authority )  
Bangsamoro Autonomous )  
Region in Muslim Mindanao )  
2<sup>nd</sup> Regular Session )

**COMMITTEE REPORT NO. 26**

Submitted by the Committee on Rules on June 25, 2020

**RE: PROPOSED RESOLUTION NO. 247**

Recommending for its approval with improvements and amendments

Author: ATTY. LANANG T. ALI, JR., ATTY. MAISARA C. DANDAMUN-LATIPH and  
SUSANA S. ANAYATIN

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**Mr. Speaker,**

The Committee on Rules to which was referred

BTA Proposed Resolution No. 247 entitled:

**RESOLUTION AUTHORIZING THE MEMBERS OF THE BANGSAMORO TRANSITION  
AUTHORITY (BTA) TO UTILIZE THEIR RESPECTIVE MAINTENANCE AND OTHER  
OPERATING EXPENSES (MOOEs) IN PROVIDING ASSISTANCE TO THE  
BANGSAMORO CONSTITUENTS DURING THE COVID-19 PANDEMIC**

has been deliberated and respectfully recommending for its approval with amendments and improvements, to wit:

1. In the Whereas clause, it shall be included as follow:

*WHEREAS, Section 4, (v), (9) of Republic Act no. 11469 provides that notwithstanding any law to the contrary, direct the discontinuance of appropriated programs, projects or activities (P/A/P) in the FYs 2019 and 2020 General Appropriation Act (GAA), whether released and unreleased, the allotments for which remain unobligated, and utilize the savings generated therefrom to augment the allocation for any item directly related to support operations and response measures, which are necessary or beneficial in order to address the COVID-19 emergency, consistent with the declared national policy and the item in the budget which is under allocations to Local Government Units (LGUs) shall be prioritized for augmentation.*

*WHEREAS, Section 4, (v) last paragraph further provides that notwithstanding the provision of this Act, the discontinued program, activity, or project may be revived at any time after national emergency has ceased.*

2. In the Resolved part, it shall be amended as follow:

*RESOLVED, by the Bangsamoro Transition Authority, as it is hereby resolved, To authorized the Members of the BTA to utilize their respective MOOEs in providing support operations and response measures which are necessary or beneficial in order to address the COVID-19 emergency, consistent with the declared national policy as provided in Section 4 (v), (9) of Republic Act no. 11469.*

Respectfully submitting,

  
HON. ATTY. LANANG T. ALI, JR.  
Chairperson, Committee on Rules

HON. ATTY. LAISA M. ALAMIA  
Vice Chairperson, Committee on Rules

  
HON. ATTY. UBALDA C. PACASEM  
Member

  
HON. ATTY. TARHATA S. BASMAN  
Member

  
HON. HARON M. ABAS  
Member

  
HON. NARCISO CO YU EKEY  
Member

  
HON. ZIAUR-RAHMAN ALONTO  
ADIONG  
Member

  
HON. UST. ABDULLAH E. GAYAK  
Member

  
HON. IBRAHIM D. ALI  
Member

  
HON. RASUL E. ISMAEL  
Member

  
HON. EDDIE M. ALIH  
Member

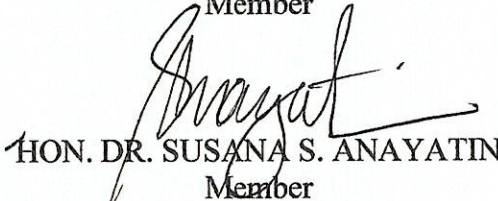
  
HON. MOHAGHER M. IQBAL  
Member

HON. ATTY. SUHARTO M. AMBOLODITO  
Member

HON. ATTY. RAISSA H. JAJURIE  
Member

HON. ENGR. BAINATAN A. AMPATUAN  
Member

HON. ATTY. MAISARA C. DANDAMUN-  
LATIPH  
Member

  
HON. DR. SUSANA S. ANAYATIN  
Member

HON. ENGR. DON MUSTAPHA A. LOONG  
Member



HON. ATTY. JOSE I. LORENA  
Member



HON. ALI O. SALIK  
Member

HON. DR. MARJANIE S. MACASALONG  
Member

HON. ENGR. AIDA M. SILONGAN  
Member



HON. MALIK A. MANTAWIL  
Member

HON. ATTY. OMAR YASSER C. SEMA  
Member

HON. AMILBAHAR S. MAWALLIL  
Member



HON. ROMEO K. SEMA  
Member

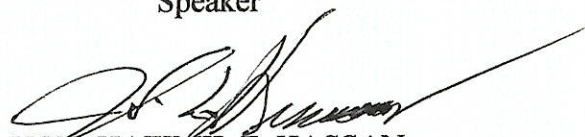
HON. DATU MIDPANTAO M.  
MIDTIMBANG  
Member

HON. MELANIO U. ULAMA  
Member

HON. HUSSEIN P. MUÑOZ  
Member

EX-OFFICIO MEMBERS:

HON. ATTY. ALI PANGALIAN BALINDONG  
Speaker



HON. HATIMIL E. HASSAN  
Deputy Speaker



Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY**  
Bangsamoro Government Center, Cotabato City

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**SECOND REGULAR SESSION**

**PROPOSED RESOLUTION NO. 247**

**RESOLUTION AUTHORIZING THE MEMBERS OF THE BANGSAMORO TRANSITION AUTHORITY (BTA) TO UTILIZE THEIR RESPECTIVE MAINTENANCE AND OTHER OPERATING EXPENSES (MOOE's) IN PROVIDING ASSISTANCE TO THE BANGSAMORO CONSTITUENTS DURING THE COVID-19 PANDEMIC.**

**WHEREAS**, Section 22, Article IX of the Republic Act No. 11054, otherwise known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao" provides, among others, that the Bangsamoro Government shall assist and cooperate with the National Government in the provision of quarantine services for the prevention and control of epidemic and other communicable diseases;

**WHEREAS**, Republic Act No. 11469, otherwise known as the "Bayanihan To Heal As One Act" empowered the President of the Philippines to ensure that all Local Government Units are acting within the spirit and letter of all the rules and regulations and directives of the National Government pursuant to such act, allowing them to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set, and are fully cooperating towards a unified, cohesive and orderly implementation of the national policy to address COVID-19;

**WHEREAS**, Section 4, (v), (9) of Republic Act no. 11469 provides that notwithstanding any law to the contrary, direct the discontinuance of appropriated programs, projects or activities (P/A/P) in the FYs 2019 and 2020 General Appropriation Act (GAA), whether released and unreleased, the allotments for which remain unobligated, and utilize the savings generated therefrom to augment the allocation for any item directly related to support operations and response measures, which are necessary or beneficial in order to address the COVID-19 emergency, consistent with the declared national policy and the item in the budget which is under allocations to Local Government Units (LGUs) shall be prioritized for augmentation.

**WHEREAS**, Section 4, (v) last paragraph further provides that notwithstanding the provision of this Act, the discontinued program, activity, or project may be revived at any time after national emergency has ceased.

**WHEREAS**, the aforementioned law declared a national policy that "there is an urgent need to: a) mitigate, if not contain, the transmission of COVID-19; b) immediately mobilize assistance in the provision of basic necessities to families and individuals affected by the imposition of Community Quarantine; c) undertake measures that will prevent the overburdening of the healthcare system; and d) ensure that there is sufficient, adequate and readily available funding to undertake the foregoing," among others;

**WHEREAS**, Section 4, Paragraph (g), Article XVI of Republic Act No. 11054 empowers the Bangsamoro Transition Authority to legislate on matters that may be necessary for the protection and promotion of the general welfare of the constituents of the Bangsamoro Autonomous Region;



**WHEREAS**, to date, drugs are still being tested in clinical trials to see if they are effective against COVID-19;

**WHEREAS**, with the implementation of the Balik Probinsya Program, constituent provinces of the Bangsamoro Autonomous Region started receiving persons who are tested positive of the COVID-19;

**WHEREAS**, due to the uncertainty that the aforementioned program may bring such as an outbreak, there is a need to prepare funds that can be used for the purpose of addressing the existing situation and the future unforeseen events;

**WHEREAS**, considering the number of the members of the BTA and the funds allocated for their respective MOOEs, those who will voluntarily choose to spend such fund in providing assistance to the Bangsamoro constituents affected by the COVID 19 Pandemic can make a substantial contribution thereof;

**WHEREAS**, according to the latest data dated February 2020 from the Philippine Statistics Authority (PSA), the BARMM region has the highest incidence of poverty in the Philippines at the rate of 61% or roughly around 2.5 million of the population unable to earn enough for food and non-food needs in 2018. This translates to 2.5 million Filipinos in the region living below the poverty threshold pegged at P11,482.00 on average for a family of five per month;

**WHEREAS**, the latest Labor Force Survey (LFS) of COVID-19 Pandemic, BARMM Region ranked the highest in unemployment rate at 29.8% in the entire country;

**WHEREAS**, according to a data from the Ministry of Social Services and Development, BARMM had only been allocated 506, 954 beneficiaries for Emergency Cash Subsidy for COVID-19 pandemic under the Bayanihan To Heal as One Act. The BARMM region has the lowest number of allocation for Emergency Cash Subsidy in the country despite the fact that BARMM has the highest number of poverty incidence and highest unemployment rate in the entire Philippines;

**WHEREAS**, by reason of the successive lockdowns and community quarantines imposed by both local and national government due to COVID-19 pandemic, many individuals and families experienced untold hunger and hardships due to lack of income, access to food and limited movement, which includes the most vulnerable and at-risk sectors such as senior citizens, women, youth, internally displaced population (IDP), solo parents, low-income earners, stranded individuals and students in various schools and universities;

**WHEREAS**, in our June 2020 Survey Research, 28% of respondents stated that they were not able to receive any form of support from the government, 29% received support only once, and the remaining 43% received support more than once;

**WHEREAS**, in the same survey research, 90% of respondents said their sources of income were affected. Those who were affected are the daily wage earners such as the small and medium vendors, store owners, transport sectors and contractual workers. Mostly regular government worker's income was not affected by the pandemic;

**WHEREAS**, relative to the mandate of R.A. No. 11054 to assist and cooperate with the National Government in its declared policy under Republic Act No. 11469 to ensure that there is sufficient, adequate and readily available funding, there is a need to correspondingly exhaust all available funds in order to maximize the efforts of the Bangsamoro Government in providing service and assistance to the Bangsamoro people;

**WHEREAS**, authorizing the members of the BTA to use their respective funds allocated for the MOOEs in providing various assistance as response to the COVID-19

pandemic and its adverse effects can contribute to the collective efforts of the National Government, various Bangsamoro Ministries, and constituent Local Government Units in alleviating the plight of the Bangsamoro people severely affected by the crisis in terms of health and/or income.

Now, therefore, be it,

**RESOLVED**, by the Bangsamoro Transition Authority, as it is hereby resolved, To authorized the Members of the BTA to utilize their respective MOOEs in providing support operations and response measures which are necessary or beneficial in order to address the COVID-19 emergency, consistent with the declared national policy as provided in Section 4 (v), (9) of Republic Act no. 11469.

**Adopted**, \_\_\_\_\_.

Certified Correct:

**PROF. RABY B. ANGKAL**  
Secretary General

Attested:

**ATTY. ALI PANGALIAN M. BALINDONG**  
Speaker



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

BTA Parliament Bill No. 46

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Introduced by : <<Name>>

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**“AN ACT DEFINING THE POWER OF APPOINTMENT IN THE  
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO AND  
FOR OTHER PURPOSES.”**

**EXPLANATORY NOTE**

The passage of Republic Act No. 11054, otherwise known as the Bangsamoro Organic Law, which puts in place a parliamentary form of government in the Bangsamoro Autonomous Region, is the perfect indication that democracy is alive in the Republic of the Philippines.

The defining characteristic of the Bangsamoro parliamentary system, which is considered *sui generis* in a country practicing a unitary form of government, is the merging of the executive and legislative functions. The legislative function is conducted through a unicameral, one-chamber parliament composed of members accountable to the people they represent. The Chief Minister and the cabinet members compose the executive department, who primarily carry out the executive duties and functions.

Many executive and/or administrative duties and functions cannot be delegated in the absence of any statutory provision expressly or impliedly permitting the delegation. In the case of the power of appointment to an office, which is plainly an executive or administrative act, it is clear that the Chief Minister exercises such power under Article VII, Section 32 (b) and (c) of the Bangsamoro Organic Law, particularly that:

**“Section 32. Powers, Duties, and Functions of the Chief Minister. - The Chief Minister shall exercise the following powers, duties, and functions:**

(a) head of the Bangsamoro Government;

**(b) Appoint heads of ministries, agencies, bureaus, and offices of the Bangsamoro Government or other officers of Bangsamoro-owned or controlled corporations or entities with original charters;**

**(c) Appoint other officers in the Bangsamoro Government, as may be provided by the Parliament;**

*x xx; and*

*(h) Exercise such other powers and functions inherent to the office.”*  
(Emphasis supplied)

The power to appoint granted by law to the Chief Minister under item (b) is specific, while that under item (c) necessitates a parliamentary act. Concomitantly, for the purpose of ensuring an effective and efficient organization by way of the selection and appointment of officials and personnel in the various ministries, offices, bureaus, boards, commissions, agencies in the Bangsamoro Autonomous Region in Muslim Mindanao, and even in the Bangsamoro Parliament, and in keeping with the above-mentioned characteristic of a parliamentary form of government, there is a need to pass a law defining the power of appointment of the Chief Minister, the Speaker of the Bangsamoro Parliament, and the heads of offices named therein.

It is worth mentioning that this draft legislation is patterned after Muslim Mindanao Autonomy Act No. 16, entitled “An Act Defining the Power of Appointment in the Autonomous Region in Muslim Mindanao and for Other Purposes”.

This Bill seeks to put to rest all challenges to the power of the Chief Minister, the Speaker of Parliament, and Heads of Offices, to appoint officials and personnel in the Bangsamoro Autonomous Region in Muslim Mindanao. Absent this, the default appointing authority is the Chief of Minister, who will be unduly burdened with the enormous task of exercising his discretion in the selection and appointment of each and every government new-hire, as well as the voluminous appointment papers that need to be signed.

In view of the foregoing, the passage of the Bill is earnestly requested.



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

BTA Parliament Bill No. \_\_\_\_\_

Introduced by : <<Name>>

**AN ACT DEFINING THE POWER OF APPOINTMENT IN THE  
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO AND  
FOR OTHER PURPOSES.**

**BE IT ENACTED** by the Bangsamoro Transition Authority in Parliament assembled, as follows:

**SEC. 1. Title.** - This act shall be known as “An Act Defining the Power of Appointment in the Bangsamoro Autonomous Region in Muslim Mindanao.”

**SEC. 2. Purpose.** - The purpose of this Act is to ensure an effective and efficient organization by way of the selection and appointment of officials and personnel of the various ministries, offices, bureaus, boards, commissions, and agencies, in the Bangsamoro Autonomous Region in Muslim Mindanao.

**SEC. 3. Definition of Terms.** -

- (1) **“Power of Appointment”** - refers to the authority exercised by the official concerned as authorized by pertinent provisions of Republic Act (R.A.) No. 11054, regional laws, Civil Service laws, rules and regulations, and other pertinent laws.
- (2) **“Heads of Office”** - refer to heads of Ministries, Offices, Commissions, Boards, and Agencies, in the Bangsamoro Autonomous Region in Muslim Mindanao, vested with the power to appoint, as may be provided for by law.

**SEC. 4. Appointing Authority.**- For purposes of this Act and in consonance with the provisions of Article VII, Section 32 of R.A. No. 11054, the following are the appointing authorities:

- (a) The Chief Minister shall be the appointing authority of heads of ministries, offices, commissions, boards, agencies, bureaus, and offices of the Bangsamoro Government, or other offices of Bangsamoro-owned or controlled corporations or entities with original charters.
- (b) The Chief Minister shall likewise be the appointing authority of the deputy ministers, directors or their equivalents, and all positions with a salary grade of 25 and above, unless otherwise expressly provided for by law.
- (c) The Speaker of Parliament shall exercise administrative supervision over the legislative personnel, staff, and secretariat of the Bangsamoro Parliament, and shall be the appointing authority to all career positions in Parliament including coterminous and contractual positions, as well as contracts of service thereat. Provided, that the Speaker shall consult with the Chief Minister on the appointment of those applying for positions with salary grade 25 and above.
- (d) The Heads of Offices shall appoint officials and employees to positions with a salary grade of 24 and below in their respective agencies or offices.

**SEC. 5. Repealing Clause.** – All laws, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 6. Separability Clause.** – In the event that any provision of this Act is declared to be unconstitutional or invalid, other provisions thereof that are not affected thereby shall continue to be in force and effect.

**SEC. 7. Effectivity.**- This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

**APPROVED:**

**ATTY. PANGALIAN M. BALINDONG**  
Speaker of the Parliament

This Act was finally passed into law on \_\_\_\_\_, 2019  
Gregorian Calendar and \_\_\_\_\_th day of \_\_\_\_\_, 1439, Hijra Calendar.

**PROF. RABY ANGKAL**  
Secretary-General



**APPROVED:**

**AHOD BALAWAG EBRAHIM**  
Interim Chief Minister

Date: \_\_\_\_\_