

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

**BANGSAMORO TRANSITION AUTHORITY  
PARLIAMENT**  
(Second Regular Session)

**Journal No. 52**  
February 16-18, 2021

CALL TO ORDER

At 1:51 p.m., the Honorable Deputy Speaker Ziaur-Rahman A. Adiong, called the session to order.

INVOCATION

MP Said Z. Salendab led the invocation.

NATIONAL ANTHEM AND BANGSAMORO HYMN

The Body sang the national anthem and the Bangsamoro Hymn.

ROLL CALL

Upon direction of the Chair, the Secretary-General called the Roll and the Members of the Parliament, who were physically present, responded to the call:

1. Hon. Haron M. Abas
2. Hon. Mudjib C. Abu
3. Hon. Ziaur-Rahman Alonto Adiong
4. Hon. Ibrahim D. Ali
5. Hon. Lanang T. Ali, Jr.
6. Hon. Suharto M. Ambolodto
7. Hon. Baintan A. Ampatuan
8. Hon. Susana S. Anayatin
9. Hon. Muslima A. Asmawil
10. Hon. Anna Tarhata S. Basman
11. Hon. Musa K.S. Diamla
12. Hon. Saffrulah M. Dipatuan
13. Hon. Hadji Abduladzis M. Esmael
14. Hon. Eduard U. Guerra
15. Hon. Abdullah B. Hashim
16. Hon. Hatimil E. Hassan
17. Hon. Rasul E. Ismael
18. Hon. Raissa H. Jajurie
19. Hon. Muslimin A. Jakilan
20. Hon. Bainon G. Karon
21. Hon. Maisara D. Latiph
22. Hon. Mussolini S. Lidasan
23. Hon. Abdulraof A. Macacua

24. Hon. Jamel D. Macaraya
25. Hon. Marjanie S. Macasalong
26. Hon. Amilbahar S. Mawalil
27. Hon. Datu Midpantao M. Midtimbang
28. Hon. Rasol Y. Mitmug, Jr.
29. Hon. Abdulmuhmin A. Mujahid
30. Hon. Hussein P. Muñoz
31. Hon. Ubaida C. Pacasem
32. Hon. Abdulwahab M. Pak
33. Hon. Nabila Margarita P. Pangandaman
34. Hon. Diamila D. Ramos
35. Hon. Edrieza H.N. Rimbang
36. Hon. Modayao M. Sacar
37. Hon. Said Z. Salendab
38. Hon. Romeo C. Saliga
39. Hon. Ali O. Salik
40. Hon. Ali B. Sangki
41. Hon. Alzad T. Sattar
42. Hon. Romeo C. Sema
43. Hon. Aida M. Silongan

The following Members of the Parliament, who were virtually present, responded to the call:

1. Hon. Akmad I. Abas
2. Hon. Zul Qarneyrn M. Abas
3. Hon. Basit S. Abbas
4. Hon. Abdulla A. Ahang
5. Hon. Laisa M. Alamia
6. Hon. Faiz S. Allaudin
7. Hon. Eddie M. Alih
8. Hon. Zesar H. Alil
9. Hon. Hamid Aminoddin D. Barra
10. Hon. Mohammad Zainoden P. Bato
11. Hon. Abraham T. Burahan
12. Hon. Bai Maleiha B. Candao
13. Hon. Abdullah E. Gayak
14. Hon. Don Mustapha A. Loong
15. Hon. Abdullah G. Macapaar
16. Hon. Khadafeh G. Mangudadatu
17. Hon. Malik A. Mantawil
18. Hon. Sittie Shahara I. Mastura
19. Hon. Al-Syed A. Sali
20. Hon. Punduma B. Sani
21. Hon. Said M. Sheik
22. Hon. Ali B. Solaiman
23. Hon. Nabil A. Tan
24. Hon. Narciso C. Yu Ekey

The following Members of the Parliament appeared after the roll call:

1. Hon. Mohagher M. Iqbal
2. Hon. Jose I. Lorena
3. Hon. Datu Tucao O. Mastura
4. Hon. Suwaib L. Oranon
5. Hon. Omar Yasser C. Sema
6. Hon. Paisalin P. Tago

7. Hon. Melanio U. Ulama
8. Hon. Adzfar H. Usman

The following Members of the Parliament were on official business:

1. Hon. Ahod B. Ebrahim
2. Hon. Ali Pangalian M. Balindong

The following Members of the Parliament were absent:

1. Hon. Sahie S. Udjah
2. Hon. Mohammad S. Yacob

With sixty-seven (67) Members of the Parliament, the Chair declared the presence of a quorum.

#### READING AND APPROVAL OF JOURNAL NO. 36

Upon motion of MP Ali (L.), Jr., duly seconded and there being no objection, the Body dispensed with the reading of Journal No. 36 dated June 18, 23, 24 and 25 of 2020 and approved the same, subject to style.

#### MANIFESTATION OF MP MAWALLIL

MP Mawallil manifested that some of his comments were taken out of context. He has his hope that the secretariat could come up with a standard styling guide on writing the journal. He stated that in a particular section of the journal, he had said “far-flung areas” but was written instead as “far plank areas”. thus, he inquired whether the secretariat is allowed to put in the journal a direct quote from the Members of the Parliament, explaining that in other parliaments in the world, the journals are expressed in direct quotation. He pointed out that the secretariat is contextualizing what the Members of the Parliament are saying without actually putting a direct quotation of what a particular Member of the Parliament has said during the deliberation.

The Chair took note of MP Mawallil’s manifestation.

MP Mawallil moved that the Journal Division of the Parliament submit a report on the style of journal writing to his office.

The foregoing motion of MP Mawallil, having been duly seconded and there being no objection, was approved.

#### DIRECTION OF THE CHAIR

Thereupon, the Chair directed the secretariat to improve the documentation of the comments of the Members of the Parliament during the plenary deliberation.

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#### MANIFESTATION OF MP AMBOLODITO

MP Ambolodto pointed out that the secretariat uses the third person method in the preparation of the journal. He stressed that it might not be faithful to what have transpired during the plenary proceedings. Thus, he stated that the Committee on Rules could explore on what methods should be used in the preparation of the journal.

The Chair noted the manifestation of MP Ambolodto, saying that it is one of the issues that would be discussed by the Committee on Rules.

#### READING AND REFERRAL OF THE PROPOSED RESOLUTIONS

Upon direction of the Chair, the Secretary-General read the titles and the names of the authors of the following proposed resolutions which were, in turn, on separate motions of MP Ali (L.), Jr., duly seconded and there no objection, referred to the appropriate committees:

1. Proposed Resolution No. 380 entitled:

RESOLUTION RECOMMENDING THE MINISTRY OF ENVIRONMENT  
NATURAL RESOURCES AND ENERGY (MENRE) THE  
AVAILMENT OF THE SOLAR LIGHTING SYSTEM AS A SOURCE  
OF ELECTRICITY FOR THE REMOTE AREAS OF FIVE PROVINCES  
OF THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM  
MINDANAO (BARMM)

Author: MP Edrieza H.N. Rimbang  
To the Committee on Environment, Natural Resources and Energy

2. Proposed Resolution No. 381 entitled:

A RESOLUTION URGING THE BANGSAMORO GOVERNMENT  
THROUGH THE MINISTRY OF BASIC AND HIGHER EDUCATION  
TO INITIATE THE INTEGRATION OF SCHOOL CURRICULUM IN  
ALL COLLEGES AND UNIVERSITIES, BOTH PUBLIC AND  
PRIVATE, WITHIN BANGSAMORO AUTONOMOUS REGION IN  
MUSLIM MINDANAO

Authors: MPs Narciso C. Yu Ekey, Aida M. Silongan, Akmad I. Abas  
and Ibrahim D. Ali  
To the Committee on Basic, Higher and Technical Education

#### READING OF PROPOSED RESOLUTION NO. 382

Upon further direction of the Chair, the Secretary-General read the title and the names of the author and co-authors of Proposed Resolution No. 382 entitled:

RESOLUTION URGENTLY DIRECTING THE MINISTRY OF HEALTH  
TO PROVIDE AND PRESENT A REPORT TO THE BANGSAMORO  
PARLIAMENT REGARDING THE ASSESSMENT, PLAN AND  
PROGRAM ON THE DISTRIBUTION OF COVID-19 VACCINE

Author: MP Maisara D. Latiph

Co-authors: MPs Basit S. Abbas, Ibrahim D. Ali, Abdulla A. Ahang, Susana S. Anayatin, Musa K.S. Diamlala, Abdullah B. Hashim, Rasul E. Ismael, Bainon G. Karon, Hussein P. Muñoz, Suwaib L. Oranon, Abdulwahab M. Pak, Nabila Margarita P. Pangandaman, Diamila D. Ramos, Al-Syed A. Sali, Romeo C. Saliga, Punduma B. Sani and Aida M. Silongan

#### REFERRAL OF PROPOSED RESOLUTION NO. 382 TO COMMITTEE

At this juncture, MP Ali (L.), Jr. moved that Proposed Resolution No. 382 be referred to the Committee on Health.

#### SUGGESTION OF MP AMBOLODITO

MP Ambolodto suggested that instead of referring Proposed Resolution No. 382 to the Committee on Health, it should be treated as a simple resolution and be included in the Business for the Day.

#### COMMENT OF MP ALI (L.), JR.

MP Ali (L.), Jr. commented that it should be referred to the Committee on Health so that they could discuss the particular issue on COVID-19 as it has something to do with the limitation of the project of the Government of the Day.

#### CONTENTION OF MP AMBOLODITO

MP Ambolodto contended that the proposed resolution seeks to request and not to direct the MOH to provide the Bangsamoro Parliament an update on the matter of the COVID-19 plan and program including the vaccine distribution plan so there would be no need to discuss it in the committee.

#### INFORMATION OF MP ALI (L.), JR.

MP Ali (L.), Jr. informed the Body that Proposed Resolution No. 382 has the same intention as Proposed Resolution No. 383. Thus, he stated that before they could decide on the particular issue raised by MP Ambolodto, the Body should also consider Proposed Resolution No. 383.

#### READING OF PROPOSED RESOLUTION NO. 383

Upon direction of the Chair, the Secretary-General read the title and the names of the authors and co-authors of Proposed Resolution No. 383, entitled:

A RESOLUTION RESPECTFULLY URGING THE MINISTRY OF HEALTH TO PREPARE A VACCINATION PROGRAM PLAN AHEAD OF THE PUBLIC DISTRIBUTION OF COVID-19 VACCINES IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, ENSURING EQUITABLE DISTRIBUTION TO LOWER INCOME GROUPS AND TO THE MOST VULNERABLE FAMILIES.

Author: MP Abdullah B. Hashim

Co-authors: MPs Romeo C. Saliga, Bainon G. Karon, Basit M. Abbas, Maisara D. Latiph, Paisalin P. Tago, Susana S. Anayatin, Don Mustapha A. Loong, Omar Yasser C. Sema, Bai Maleiha B. Candao, Mudjib C. Abu, Muslima A. Asmawil, Mohammad P. Bato, Zul Qarneyn M. Abas, Abduladzis M. Esmael, Abdulla A. Ahang, Diamila D. Ramos, Punduma B. Sani, Ibrahim D. Ali, Musa K.S. Diamlala, Rasol Y. Mitmug, Jr., Nabila Margarita P. Pangandaman and Rasul E. Ismael

#### MOTION TO CONSOLIDATTE PROPOSED RESOLUTION NOS. 382 AND 383

Thereafter, MP Ali (L.), Jr. moved that Proposed Resolution Nos. 382 and 383 be consolidated and referred to the Committee on Health.

MP Tan moved that the motion of MP Ali (L.), Jr. be amended by including qualification that the Committee on Health would give utmost priority and take immediate action on the consolidated Proposed Resolution Nos. 382 and 383.

MP Ali (L.), Jr. accepted the amendment of MP Tan.

#### MOTION TO TREAT PROPOSED RESOLUTION NOS. 382 AND 383 AS SIMPLE RESOLUTIONS

MP Abas (Z.Q.) clarified that the Ministry of Health (MOH) has already finished their plan on the roll out of COVID-19 vaccination. Thus, he moved that Proposed Resolution Nos. 382 and 383 be treated as simple resolutions, so that he could present the MOH plan for COVID-19 vaccination roll out.

The Chair remarked that the motion of MP Abas (Z.Q.) supported the earlier suggestion of MP Ambolodto to treat Proposed Resolution No. 382 as a simple resolution.

MP Ambolodto inferred that there should be a ruling from the Chair on the motion to consolidate the proposed resolutions.

#### APPROVAL OF THE MOTION TO CONSOLIDATE PROPOSED RESOLUTION NOS. 382 AND 383

The Body approved the motion of MP Ali (L.), Jr. to consolidate Proposed Resolution Nos. 382 and 383.

#### MANIFESTATION OF MINORITY FLOOR LEADER

MP Alamia manifested that she seconded the motion of MP Ambolodto and MP Abas (Z.Q.). She explained that there would be nothing to discuss at the Committee on Health as the consolidated proposed resolutions is just a manifestation of the sentiment of the Bangsamoro Transition Authority. that they would need to listen to the MOH report with respect to COVID-19 vaccination plan. In view thereof, she moved that the consolidated proposed resolutions be treated as a simple resolution and be transfer to the Business for the Day.

MP Ali (L.), Jr. withdrew his motion to refer the consolidated Proposed Resolution Nos. 382 and 383 to the Committee on Health.

#### TREATMENT OF CONSOLIDATED PROPOSED RESOLUTION NOS. 382 AND PR NO. 383

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the Body treated the consolidated Proposed Resolutions No. 382 and No. 383 as a simple resolution and included the same in the Business for the day.

#### QUERY OF MP TAN

Thereupon, MP Tan inquired whether the Deputy Minister of Health would be ready to render the MOH report to the plenary.

#### MANIFESTATION OF MP AMBOLODITO

MP Ambolodto manifested that the Body would still have to consider the consolidated proposed resolutions requesting the MOH to submit a report to the Parliament and would not require it to render a report right away.

Thereupon, the Chair remarked that they would act on the consolidated proposed resolutions in the Business for the Day.

#### READING ON FIRST STAGE OF BTA-PARLIAMENT BILL NO. 78

Upon direction of the Chair, the Secretary-General read the title and the names of the authors of BTA-Parliament Bill No. 78 which was, in turn, declared by MP Ali (L.), Jr. as a private member bill, entitled:

AN ACT ESTABLISHING A BANGSAMORO FISHERIES  
DEVELOPMENT AUTHORITY (BAFDA)

Authors: MPs Jose I. Lorena, Ali Pangalian M. Balindong, Nabil A. Tan,  
Paisalin P. Tago and Amilbahar S. Mawallil

#### QUERY OF MP TAN

MP Tan inquired from MP Ali (L.), Jr. on what would be the action of the Body on the private member bill after it is read on First Stage, to which the latter responded that under the Rules of the BTA Parliament, the First Stage is just the reading of the number, title, and names of the authors of the bill and there is no other action needed. He explained that on the Second Stage, the proponent delivers a sponsorship speech, and thereafter, the bill is referred to the appropriate committee.

#### SECOND STAGE OF BILLS

There were no bills on Second Stage of Bills.

#### COMMITTEE REPORTS

There were no new committee reports scheduled for deliberation.

#### UNFINISHED BUSINESS

At this juncture, the Body proceeded to the Unfinished Business in the Order of Business.

#### RESUMPTION CONSIDERATION OF COMMITTEE REPORT NO. 53

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the Body resumed the consideration of Committee Report No. 53 as reported out by the Committee on Rules, through Committee Chairman, MP Ali (L.), Jr. on BTA-Cabinet Bill No. 59, entitled:



AN ACT PROVIDING FOR THE BANGSAMORO CIVIL SERVICE  
CODE OF THE BANGSAMORO AUTONOMOUS REGION IN  
MUSLIM MINDANAO (BARMM)

Parliamentary status: Period of Debate and Interpellation (Deferred on  
January 28, 2021)

PERIOD OF DEBATE

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the  
period of debate and interpellation was opened.

MANIFESTATION OF MP AMPATUAN

Thereafter, MP Ampatuan manifested that she prepared a PowerPoint presentation  
as a guide for her clarifications and recommendations on how to improve and how to  
level off the contents of the Bangsamoro Civil Service Code. She mentioned that the  
second file is about the concerns that she would raise in the PowerPoint presentation and  
that she had given the files to the secretariat.

INTERPELLATION OF MP AMPATUAN

MP Ampatuan prefaced her interpellation by citing that it is stated in the Civil  
Service Code that Article 7, Section 39 of the Bangsamoro Organic Law (BOL) mandates  
the Bangsamoro Government to enact a “Civil Service Law”. She stated that the Civil  
Service Code should be in accordance with the existing national laws. She also cited a  
provision of the BOL which says that *“In case of conflict with national laws, the  
constitution and still existing National Civil Service Law, rules and regulations shall  
prevail.”* She explained that it is the reason why she is stressing that it should be the basis,  
framework and guidelines of all the things that they would discuss in the succeeding  
deliberation.

She mentioned that she took some time to study the relationship of the  
Administrative Code with Civil Service Code, with the Education Code, and with the  
Local Government Code. She pointed out that the mother code is the Administrative  
Code which provides the structure of the entire bureaucracy and the Civil Service Code  
defines the standard, procedures and scope of the Civil Service. In view thereof, she

opined that it is a basic framework that they should have in mind and that is how she interprets it as far as she is concern.

She pointed out that only Article 80 of the Civil Service Code talks about Madaris Education which states “*This includes Madaris Education as may be defined by the Bangsamoro Education Code*”. She stressed that although it is part of the definition of terms, it does not provide any other provision generally in the entire Civil Service Code. She expressed that she does not know the reason of defining it when it is not provided anywhere else in the entire document.

As to the basis of the term “*Deputy Chief Minister*”, she pointed out that there should be an explanation if the term “*Deputy Chief Minister*” is based on seniority in age.

As to the term “*agency*”, it was used to refer to ministries, bureaus and offices and it also included the committee which should not be part of it.

As to the terms “*Civil Service Commission*”, “*Commission*”, “*CSC*”, “*CSC for BARMM*”, “*CSC BARMM*” and “*BARMM Civil Service*”, she stated that the Body needs to be consistent since the aforementioned terms all refer to the Civil Service Commission.

As to the terms “*agency*”, “*ministries*”, “*offices*” *Bangsamoro ministries*, “*bureau*” which either starts in a capital letter or small letter in other times. She also noted that the above mentioned terms have the same meaning so she recommended that they should use the term “*agency*” as defined in the first of the Definition of Terms.

As to the use of term “*Bangsamoro Autonomous Government*”, she stated that she could not understand why they used that term. She pointed out that the use of the term in the Civil Service Code once or twice is entirely different from the other items.

As to the numbering, whether numbers 1 to 9 are written in words and numbers 10 and above are written in numerical figure only.

#### SUSPENSION OF THE SESSION

At 3:19 P.M the Chair *motu proprio* declared a fifteen minute suspension of the session for *Asr* prayer.

#### RESUMPTION OF THE SESSION

At 4:01 p.m the session resumed.

As to the acronyms, she pointed out that there were acronyms that were not defined in the first use such as “*HRMO*”, “*MBHTE*”, “*NAPOLCOM*” and “*COMELEC*”. She also mentioned that there were acronyms which were repeatedly defined like “*LGUs*”, “*UCCs*” and “*HUCs*”. She informed the Body that she had already marked those acronyms in the second document and gave the same to the secretariat for the consideration of the proponent.

As to how the term “*RA or Republic Act Numbers*” is used, she pointed out that the lawyers know what specific titles of laws were being stated just by the corresponding RA number but the readers do not know what titles were pointed out in the code.

She stated that this is her appreciation as far as Madaris Teacher is concerned. She pointed out that while the Administrative Code defines the framework or the structure, the Civil Service Code defines the standard of the civil servant but excluding the qualifications standards for the Madaris Teachers.

As to the difference between “*CSC*” and “*CSC BARMM*”, she stated that CSC refers to national and CSC for BARMM refers to the field office. She suggested that they need to define the major functions of the CSC BARMM to have a clear distinction with the CSC National. She stressed that they should have the first line or front line as the CSC for BARMM rather than going to the national directly and leaving the CSC BARMM as a front line service provider.

As to Article 168, she mentioned that the proposed amendments by some Members of the Parliament should be deleted since it is not applicable to the career civil servants but rather, to the Members of the Parliament and the Cabinet.

As to the Bangsamoro director-general, she pointed out that in the national level, is equivalent to a cabinet position.

With regards to the Bangsamoro director-general, MP Ampatuan stated that she has actually very strong reservation on it, pointing out that at the national level, when they talked about director-general qualification, it is equivalent to a cabinet position. She noted that if it is simply translated by putting the word “*Bangsamoro*”, it becomes a career position. She expressed doubt if the foregoing is a matter of consistency.

She pointed out that there is a need to connect Article 26, Item No. 12 with Article 127. She added that there is a provision on Article 26, Item No. 13 that talks about placement committee which came out of nowhere and is not defined in any part of the code.

She further also mentioned that while some provisions of the code talk about the first level and the second level positions, there is no mention of third level position, but somewhere in the document, as far as the consistency is concerned, they talk about 3<sup>rd</sup> level position. She, however, emphasized that Article 113 does not recognize the third level position. Thus, she inferred that there is really inconsistency as far as the provision is concerned. She explained that it does not mean that she does not support the third level position. She pointed out that the CSC BARMM Director came out from the entire discussion which has not been mentioned first in the code.

As to the eligibility for the Shariah, she mentioned that it is a concern raised by many, stressing that they have called her attention about it. She explained that there are two standards; the pre and the post year. She continued that Prior to January 2014, only first eligibility is applicable only to the first level position but when they took and pass the exam after January 2014 they qualified to the first and second level position which she pointed out that leads to her question, she asked if what is the difference between the two. She specifically asked what is in January 2014 that makes the exam special than the other.

As to the incentives, she manifested that she supports having incentives for those deserving career and civil servants but she does not support giving them too much.

She pointed out that that Article 10 and Article 13 which talks about the requirements for Career Executive Civil Service Eligibility shall not apply to 3<sup>rd</sup> level positions in the BARMM. She stressed that they are not subordinate to the national and that they are actually at par as far as competence is concerned. She added that there are a lot of Bangsamoro who are professionals, have gained CESO eligibility or who have gained 3<sup>rd</sup> level eligibility. She stressed that they should not be neglected and instead, they should be recognize. She further pointed out that it is not consistent with the

provision under the civil service code on credible merit and fitness system articulated in the Article 3 of the Civil Service Code. With this, she manifested her strong reservation about Article 12.

At this point, the Chair expressed thanks to MP Ampatuan for her detailed presentation and asked if she would like the proponent to respond one by one to the questions in her presentation, to which MP Ampatuan responded affirmatively.

#### RESPONSE OF MP JAJURIE

In her response, MP Jajurie stated that there could be improvement in the draft by making sure that they have used consistent terms. She explained that the “*Civil Service Commission*” in the Definition of Terms refers to the Commission and that all other terms about the Civil Service Commission using CSC could be changed to Commission. She, however, pointed out that for the “*CSC for BARMM*” or “*Civil Service Commission for BARMM*”, the Civil Service Commission actually issued a memorandum circular clarifying that the CSC Regional Office in the BARMM shall be called CSC for BARMM. Thus, she emphasized that in the definition of terms, they are abiding by the CSC Memorandum Circular No. 03, Series of 2020. She reiterated that all references to CSC-BARMM should be changed to “*CSC for BARMM*”. She informed the Body that in the Committee level there was an omnibus motion to change CSC-BARMM to CSC for BARMM, but it is not reflected in the Bill that they would use CSC for BARMM rather than CSC-BARMM.

As to the use of the terms agencies, ministries or offices several times in different forms, MP Jajurie replied that they would have to review the specific provision particularly if there is a reference to the department, explaining that it may refer to the national agency or department of the national government, but in the level of Bangsamoro, they use the term ministries, offices or agencies, so that the ministries, commissions, agencies and offices are covered.

Whereupon, MP Ampatuan pointed out that it is indicated in the definition of terms that “*agency*” embraces all the other instrumentalities. In view thereof, stressed that if they would decide to use the word “*agency*” to serve as generic term for all, they

should be consistent with its use in the succeeding pages, to which MP Jajurie replied that they were amenable to any amendments. She, however, emphasized that they would need to go through what specific provision particularly for the department.

Thereupon, MP Ampatuan stated that she marked all those words in the second document that she gave to the Secretariat.

#### QUERY OF THE CHAIR

Whereupon, the Chair asked MP Ampatuan if she had submitted her proposals for amendment, to which MP Ampatuan responded that she has adding that she would send a copy with the markings of the proposals to MP Jajurie.

#### DIRECTION OF THE CHAIR

Upon resumption, the Chair directed the Secretariat to flash the slide where they left of the discussion.

#### MANIFESTATION OF MP . JAJURIE

MP Jajurie manifested that in that case, she would like to manifest that the draft has some provisions referring to third level positions but if they go to the minutes of the committee meeting the intention was to take out third level references to third level positions such that there were still be three levels. She enumerated the three level position; one is first level, the others is second level and the last is second level positions an exercising executive or managerial functions so the third level if it appears in the draft should actually be deleted because it was an advertence in the part of the committee when it did not delete that part because in the other section they made it clear that there will be three levels and the third one is the second level positions exercising executive and managerial functions and not third level.

When clarified if in the Civil Service law there is such thing as second level executive managerial positions, MP Jajurie responded that in better understanding, she opined that the specific provision is actually taken or comes from ORA-OHRA and EO 292 which is the administrative code book bind.

#### SUSPENSION OF THE SESSION

At 4:09 P.M. the Chair *motu proprio* declared a one minute suspension of the session.

#### RESUMPTION OF THE SESSION

At 4:13 P.M. the session resumed.

#### EXPLANATION OF MP JAJURIE

With regards to the salary grade of second level executive managerial position, MP Jajurie responded that they look at Civil Service Memorandum Circular 7 Series of 2010 dated March 29, 2010 and clarified the guidelines as to the scope of the third level positions in the civil service. She explained firstly that the third level or career executive service shall only cover the positions under the secretary, assistant secretary, bureau director, assistant bureau director, regional director, assistant regional director, chief of department service and other offices of equivalent rank maybe identified by the Career Executive Service Board all of whom are appointed by the President and the executive and managerial position career service other than before going shall belong to the second level.

She also stated that they also have Civil Service Commission Resolution Number 1100472 promulgated April 8, 2011 which provides the adoption of policies on executive slash managerial positions in the second level that are none presidential appointees. There is no third level position in the BARMM but they do make a distinction as to second level positions who are exercising executive and managerial functions and differentiating that into the other sector level positions. She opined that they may say that there is a third level position and they agreed that there is but in the BARMM, she explained that this position does not exist and therefore they reflect the set up in the BARMM which is having second level positions, exercising executive and managerial positions and this category is also supported by the Civil Service Commission through the various issues.

#### CONTINUATION OF THE INTERPELLATION OF MP AMPATUAN

MP Ampatuan pointed out that it was mentioned earlier that the Career Executive Service Board Resolution No. 945 dated June 14, 2011 defines the criteria of determining whether a position belongs to the career executive service. She asked why they are

avoiding to have a third level eligibility when there is a lot of eligible produced by the Bangsamoro. She pointed out that there are many competitive eligible and asked why they could not hire them. She added that the third level eligible positions are deserve by those who have the third level eligibility.

When being clarified if the two slides flashed in the screen are the same, MP Jajurie responded that one slide refers to Civil Service Commission issuance and the other slide comes from the Career Executive Service Board Resolution No. 945. She pointed out that in paragraph two, there are other memorandum circulars as well as matters such as CLC vs. Court of Appeals which categorically says that CES covers presidential appointees only. She added that there is also a memorandum circular coming from the Civil Service Commission dated 2016 also providing for or supporting the second level managerial functions.

MP Ampatuan stated that a lot of Bangsamoro male and female have gained a third level eligibility. In that case, she stated that they are not recognizing or or encouraging all those next in line to follow their footstep. She stressed that they have thousands of third level eligible who should be recognized, to which MP Jajurie responded that they are not saying that CESO eligible should not be recognized saying that they want them all to join the Bangsamoro Government. Further, she informed the Body that according to the chairperson of the Civil Service Commission, since there is no presidential appointee in the regular Bangsamoro Government. Thus, she emphasized that there is no third level positions which requires CESO eligibility in the BARMM.

#### INTERPELLATION OF MP AMBOLODTO

As to whether the Body could not consider the appointee of the Chief Minister as equivalent to presidential appointee, to which MP Jajurie responded that the president is definitely not the Chief Minister and what is clear to them is that for third level position there should be presidential appointees.

As to whether the Parliament could create third level positions in the Career Executive Service, MP Jajurie answered negatively saying that unless there is a new law or Supreme Court ruling regarding third level positions.



As to how the Body differentiate the career system in the ARMM from the BARMM and as to how distinct it is or different from the bureaucracy that was established under the ARMM in RA 9054 originating from RA 6734, MP Jajurie responded that the difference is that the BARMM is able to articulate, dissect and review what position are existing in the structure, whereas in the ARMM there was no Civil Service Code and there was no discussion regarding the matter. In view of the availability of the opportunity to review and discern the Civil Service regime that was not in attendance during the defunct ARMM.

As to whether their output is the proposed Civil Service Code and whether there is a system created that is better if not equal to the national standard, MP Jajurie replied that they could not go beyond the existing positions in the region and that even if they would put third level positions, it would not pass the definition under national laws and jurisprudence. Thus, she stressed that it is not relevant to the BARMM and therefore should not be included in the Bangsamoro Civil Service Code. She stated that she would not answer whether it is better or not but her position is that it reflects the reality on the ground.

As to whether there are no changes in the Civil Service before and the current Civil Service, MP Jajurie answered that is premature and that there are other provisions that are particular to BARMM and these are reflected in the draft that could be discussed later.

As to whether the eligibility for second level position would be adequate for appointment to the rest of the second level position within the BARMM bureaucracy and whether it the LET eligibility is adequate for appointment to the position of principal, district supervisors, and schools division superintendent, MP Jajurie responded that when they look at the specific position, even if they are classified as second level, there are different qualification standards.

As to whether there would still be necessary qualifying examinations for appointment to the position of principal, district supervisors, and schools division superintendent, MP Jajurie responded affirmatively.

## INTERPELLATION OF MP MITMUG, JR.

As to what is the relation of Omnibus Rules on Appointment and Other Human Resource Actions (ORAOHRA) and the Civil Service Code to the Bangsamoro Civil Service Code and if the ORAOHRA is for the BARMM or just a portion of it, MP Jajurie responded that they are guided by the provision of the BOL that the Civil Service Code which the Parliament is tasked to pass and it should be consistent with the Constitution, national laws including ORAOHRA and other issuances of the Civil Service Commission except when there are specific provisions that shall be discussed with the National Civil Service Commission.

As to what specific areas they could improve or engage in, MP Jajurie responded that there is a provision regarding the Madaris Teachers' qualifications which are not present in other regions. Thus, she added that the Body could provide different qualification standards for Madaris Teachers considering the unique situation and the structure of MBHTE which also looks at Madaris Education.

As to what is the difference between the earlier Shari'ah Bar Examinations and the later Shari'ah Bar Examinations, MP Jajurie responded that the provision of ORAOHRA on the Shari'ah Counsellor is that there is a line between the 2013 Shari'ah Bar Examinations and the 2014 Shari'ah Bar Examinations onwards. She informed the Body that those who took the Shari'ah Bar Examinations before January 2014 were not required to be graduates of any four year course, whereas for those who have taken their Shari'ah Bar Examinations in January 2014 onwards must be a bachelor degree holders.

As to whether there is a provision in the ORAOHRA that prohibits them to put a CESO requirement, MP Jajurie responded that as she mentioned earlier, the provision as it appears in the committee report reflects the situation on the ground and that there are no presidential appointees in the BARMM. She stated that they are not prohibited from joining and therefore if there are those who are qualified to apply or be recruited in the BARMM government, they would be allowed.

## COMMENT OF THE CHAIR

Whereupon, the Chair commented that in other words there is no such thing as over qualified to which MP Jajurie responded affirmatively.

#### INTERPELLATION OF MP MITMUG, JR.

As to whether there is a provision in the Civil Service Code that states that they would have to resign if they file for candidacy or be nominated on a political party, MP Jajurie responded that it would apply. However, as for being nominated on a political party, MP Jajurie responded in the negative.

#### INTERPELLATION OF MP ALAMIA

As to the difference between the director-general position in the BARMM and the director-general position in other parts of the country, MP Jajurie responded that she would just verify that the position in the BARMM is called Bangsamoro Director-General. She explained that the word “Bangsamoro” actually appears in the title of the position and it is different from the Director-General. She also explained that the Bangsamoro Director-General and the director-general in the national government have different qualification standards. She further explained that the qualifications standards for the national position of Director General would be higher compared to the qualification standards for the position of the Bangsamoro director-general.

As to the qualification standards of the Bangsamoro director-general and compared to the director-general as defined in Civil Service Rules, MP Jajurie responded that they really have extend the specific qualifications standard with respect to the Bangsamoro director-general. She also stated that they also have a different appointing authorities while Bangsamoro director-general is appointed by the Chief Minister. It is of director-general, she informed the Body that the position where the president is the appointing authority, they could specific qualification standard in terms of education training and so forth.

As to whether it is safe to say that the qualification standard for the Bangsamoro director-general is lower than the qualification standard for the director-general position of national level or other regions, to which MP Jajurie responded that as she mentioned earlier, it has a lower salary grade compared to the national position of director general.

As to what does the qualification standards pertains to, MP Jajurie responded that the qualification standard required of the Bangsamoro director-general as to education is Bachelor's degree with the appropriate RA 1080, as to the training, it requires 120 hours of supervisory management learning development intervention, for experience is 5 years of supervisory or managerial experience and an appropriate RA1080 eligibility for position involving practice.

As to whether there would be a difference in the quality of service of someone occupying the position compared to someone who would be occupying the director-general position in other parts of the county, MP Jajurie responded that she is not certain about the exact difference in the quality of service.

As to what is the reason for Article 113, why are they saying that the requirement for CES eligibility shall not apply to third level positions in the BARMM. And why they will not apply the CES eligibility requirement for third level positions, MP Jajurie responded that there are certain provisions that were inadvertently retained and it is one of those provisions. She pointed out that the levels of positions were actually introduced during the committee hearing, but the Committee decided that there should not be any third level eligibility and the third level position should be the second level position with managerial and executive functions. She also pointed out that the provision should be amended for consistency to read as follows: *“The requirement of Career Executive Service eligibility shall not apply to second level positions exercising second level positions with managerial or executive functions unless otherwise provided by law or existing jurisprudence”*.

As to what would happen to the current third level positions in BARMM and how they would be treated under the Bangsamoro Civil Service Code which only talks about second level positions that have executive and managerial functions, MP Jajurie responded that in the ARMM, there was no opportunity to discuss it but she pointed out that if they look at the definition of third level positions which would require appointment by the President that provision will not apply in the ARMM or in the BARMM. She explained that it was the reason why they took it out and provided only for second level

positions. Thus, she stressed that the third level positions are reflected as second level positions exercising executive and managerial functions.

As to whether the positions of those who are occupying third level positions would be downgraded to the second level positions, MP Jajurie replied that even during the ARMM, the Career Executive Service Eligibility is required for the Schools Division Superintendent. She explained that there is an exception which says “*unless otherwise provided by law or existing jurisprudence*”. Thus, she stated that the third level eligibility is still required for the Schools District Superintendent as decided by the Supreme Court.

As to what is the basis for the qualification standards of the third level positions, MP Jajurie responded that third level positions are those where the appointing authority is the President was also taken from a Supreme Court decision. Thus, she inferred that it is compliant or following the ruling of the Supreme Court.

As to whether what is the date of such Supreme Court decision and whether it came earlier or later than the decision of Supreme Court with respect to third level eligibility for Schools Division Superintendent and Assistant Schools Division Superintendent, MP Jajurie responded that the case law is from Civil Service Commission vs. Court of Appeals and the Philippine Charity Sweepstake Office which is dated or promulgated in November 2010 and also incorporated in the Civil Service Commission Resolution No. 1100472 promulgated in April 2011.

As to whether those are the decisions and resolutions that came prior to the latest decision of the Supreme Court with respect to the CES Eligibility, MP Jajurie responded that with respect to the qualification standards, as they mentioned earlier, each position has its own set of qualification standards in terms of education, trainings, experience as well as eligibility. She stressed that these qualification standards assure that those who would be appointed have the qualifications, the skills, the knowledge, the experience in handling the positions they are applying for.

MP Jajurie clarified that the category of the 2<sup>nd</sup> level positions exercising executive or managerial is not new. She stated that they already cited earlier the different circulars and references that made reference to the 2<sup>nd</sup> level positions exercising

executive or managerial functions. She emphasized that it reflects fact on the ground that there are no third level positions. She clarified that she was not saying that there are no CES eligible in the BARMM, saying that in fact there are many CES eligible in the BARMM and their presence in the BARMM Government would be truly beneficial to the delivery of Social Services by the BARMM and the quality of bureaucracy as a whole. She emphasized that they were taking out the third level positions not because they would not want CES eligibles to be in the BARMM, but because there are no third level positions in the BARMM.

As to whether the positions of Schools Division Superintendent and Assistant Schools Division Superintendent are not third level positions, MP Jajurie that the jurisprudence which requires Schools Division Superintendent to have CES eligibility still stands. She explained that under Article CXIII of the Bangsamoro Civil Service Code there are many positions which are exempted from the general rule.

As to whether there are third level positions in the BARMM, MP Jajurie responded that based on the jurisprudence there are third level positions in the BARMM. She stressed that whether it is a third level or second level position, the requirement of CES eligibility is recognized by the Bangsamoro Civil Service Code.

#### REQUEST OF THE CHAIR

Thereafter, the Chair requested the Members of the Parliament to present their proposals in the period of amendments.

#### SUSPENSION OF THE SESSION

On the motion of MP Ali (L.), Jr. duly seconded and there being no objection, the session was suspended until the following at 1:30 in the afternoon.

It was 5:29 p.m.

#### RESUMPTION OF THE SESSION

On February 17, 2021 at 1:44 p.m., the Presiding Officer, Deputy Speaker Adiong declared the resumption of the session.

#### INVOCATION

MP Pak led the invocation.

## INFORMATION FROM THE MAJORITY FLOOR LEADER

MP Ali (L.) Jr., informed the Body that they are already in the period of the debate on the proposed Bangsamoro Civil Service Code.

## REMARK OF THE CHAIR

Whereupon, the Chair remarked that there are five or six members who already signified their intent to clarify some points to the proponent of this measure who were MP Mawallil, MP Macaraya, MP Dipatuan, MP Sangki and MP Sattar. He added that they will recognize first the names that were mentioned.

## INTERPELLATION OF MP SATTAR

As to the difference between moral governance and good governance, MP Jajurie responded that they will first would lay down the basis for the language that appears in the definition of moral governance. She opined that it is a called from the Administrative Code as well as a introduce amendment coming from MP Latiph was deliberated in the level of the committee on rules, to which MP Jajurie responded that there is a lot of intersection between the definition of good governance and moral governance. She stated that she would even dare to say that when they have moral governance it is also good governance but opined that there is emphasis on the matters of driving away or channing graft and corruption and as well as moral values to guide the civil servants in the execution of his task and duties.

As to whether on control of corruption it is also in the definition of good governance and if the proponent agree with him that it is more on moral values because of spiritual element, MP Jajurie responded that she believe so.

Thereafter, MP Satar stated that in that case he has an amendment later on to which MP Jajurie responded that it is the exact language appears in the Bangsamoro Administrative Code so they lifted it from the administrative code and also use in the Civil Service Code so that there is a consistency and uniformity in the definition. She continued that any amendment may result some confusion if they have a different definition that appears in two laws passed by the same parliament.

Whereupon, MP Satar agreed but opined that the amendment is for enhancement and it will not create a problem on the content to the definition.

With regards to the Article 36, on the employment status of the teachers pointing out that it is said that the employment status of teachers to any teaching positions shall be any of the following, permanent, provisional, temporary, substitute and contractual. As to whether it does include also the Madaris teachers, MP Jajurie responded that the status of employment of teachers particularly the section that was cited in Article 36, is based on the ORAOHRA. She stressed that it is lifted from the ORAOHRA and place in the Civil Service Code. She continued that as they mentioned, there is a matter of employment of Madaris teachers and their proposed language, the proposed provision in the Civil Service Code is that it should be the Education Code that should provide for the qualification standards which is the status of employment of the Madaris teachers. MP Satar agreed but expressed that he needed to include some amendments to be consistent with Article 78 on Madaris teachers And Article No.80 of education later on period of amendment.

With regards to Article 63, on positions exempt from publication and posting. He mentioned that the following are exempt from publication and posting requirements. Letter A, primarily confidential, Letter B policy determining, with regards to Letter C which stating that highly technical which includes the faculty and the academic staff of a state, local colleges and universities and scientific and technical position in scientific research and institutions with establish merits systems, as to what is the basis of these exemptions, MP Jajurie responded that the whole section Article 63 is part of the ORAOHRA and it appears on Section 26 rule 7 of the 2017 ORAOHRA as service in 2018. She added that it has the same language.

At this point, MP Satar mentioned that he heard the Republic Act No. 7041 says that the CSC National mandates agencies strictly abide the rules on the publication and posting on vacancies ensure transparency and equal opportunities on the recruitment and hiring of government workers. He mentioned that vacant positions authorize to be filled should be published and post it in at least 3 conspicuous places to a period at least 10



calendar days and for the national government agencies, government owned or controlled corporations and specifically state universities and colleges. He stressed that it is Republic Act No.7041 which is an act requiring regular publication of existing vacant positions in the government offices appropriating funds thereof and other purposes and at least 15 calendar days for local government units for Republic Act No.7160 or the Local Government Code of 1991. He also cited that under the new 2017 ORAOHRA which says that the screening evaluation and deliberation of applicants by the agencies and human resource merit promotions and excellent board should begin only after the mandatory publication period to which MP Jajurie responded that the law that was cited was enacted in 1991. She mentioned that the one they are citing and provisions which they incorporated in the Civil Service Code which exempts from publication the positions of highly technical positions and faculty and academic staff of state and local colleges and universities is the ORAOHRA which came out in 2017 but amended in 2018. So, she added that it is a much later enactment.

MP Sattar then agreed but stated that he would like to register that what he mentioned on the ORAOHRA the mandatory publication period.

His last question is actually more of a recommendation in Article 121 on Shariah bar eligibility although he opined that he understand the explanation of the proponent the other day. He stated that the 2014 shariah bar examinations conducted after should be applicable for first and second level positions whereas, before that only in the first level position. He pointed out that his only concern is more on the application of those who passed the Shariah bar examinations pointing out that he knows a judge of Shariah bar and councilor but not practicing Muslim. He explained that it is not to discriminate the brothers who passed the Shariah bar but he opined that the word Shariah alone should not be taken lightly pointing out that it defeats the purpose. He is also hoping that things like this will not happen in the BARMM wherein the judge of Shariah is a non-practicing Muslim.

INTERPELLATION OF MP DIPATUAN

Upon recognition, MP Dipatuan manifested that he is for the immediate passage of the Bangsamoro Civil Service Code also give importance to the fact that they cannot sacrifice the quality of the codes that they are passing. He mentioned that he was watching ongoing deliberation or hearing of the congressional committees with regards to the extension of the BARMM and he expressed that he is becoming emotional when their leaders in the BARMM are being questioned with regards to the delay in the passage of their codes which become part of their principal mandates.

With regards to the school divisions superintended these are 3rd level positions, it is why they are require the Civil Service Eligibility of CESO. He narrated that in fact, his conversations with the minister of MBHTE, he mentioned to him the reason why some of the school divisions superintended that are in placed now are merely OIC or acting incapacity because they do not possess the CESO eligibility. He stressed that what he understand is that CESO eligibility is a 3rd level eligibility for 3rd level positions and it is required of school division superintended.

He pointed out that in the BARMM, they have the Bangsamoro Director General, a position that suppose to be the highest career position in a certain ministry. So, in the MBHTE, he opined that they have 3 or 4 director generals. He continued that in case the MBHTE, the school division superintended are required to have CESO eligibility and so what he understand is that these are 3rd level position but are under the director general and the director general is not required to have a CESO position which means that, the director general may not be a 3rd level position.

As to how can a 3<sup>rd</sup> level position be under the direction or supervision of someone who is not even a 3<sup>rd</sup> level occupying a 3<sup>rd</sup> level position, pointing out that they should look into it because it might cause problem with regards to it since they believe that in the seniority of position, the 2<sup>nd</sup> level will be overseen by the 3<sup>rd</sup> level explaining that in the case of School Division Superintendent in 3<sup>rd</sup> level but the director general seems like not in 3<sup>rd</sup> level, MP Jajurie responded that they recognize the concern and that their understanding is that the categorization of the school district superintendent is based on a supreme court decision and which came before the well the hopefully the enactment

of the Civil Service Code and as they mentioned earlier the provisions also provide for some exceptions recognizing that there is jurisprudence where the supreme court required the career executive eligibility of the School District Superintendent and that is an exception to the rule considering the history that is unfolding from the supreme court jurisprudence and then the enactment of the Bangsamoro Civil Service Code that will still be recognized but will be considered as an exception.

#### MANIFESTATION OF SUPPORT OF MP SANGKI

When recognized, MP Sangki manifested the following:

*“I just would like to relate to this Body that yesterday I was handed by the Philippine Shari’ah Lawyers Incorporated a paper about the proposed Article CXVII of the Civil Service Code on Sharia and just to share some ideas I was then the secretary of the Office on Muslim Affairs when the issue on the implementation of the Sharia Court was taken up in the Office on Muslim Affairs, but before that I would like to inform this body that the implementation of the code of Muslim Personal Laws of the Philippines was in pursuant with PD 1083 this PD was crafted and I was a researcher a staff of Denmahul with the Attorney Mike Mastura and Attorney Musib that led to the creation of the Muslim Personal Laws of the Philippines just for food for thought because it is very important the PD 1083 was issued as a Presidential Decree by President Marcos on February 1977 but the first Sharia bar examination took place in 1984 from 1984 up to the time that I was the secretary of the Office on Muslim Affairs on 2010 there were about close to 700 Sharia lawyers but this is very regrettable Mr. Speaker that while PD 1083 created 5 Sharia district court 51 circuit court the sharia district court is almost equivalent to the regional trial court but very ironical that up to this point in time not 1 of the 5 Sharia district court was made operational out of 51 circuit court liken to a municipal circuit court for the better Muslim out of 51 only 30 was made operational and then we have close to 700 Muslim sharia lawyers why we have not been able to made it operational I’m referring the Shari’ah district court and out of 51 why only 30 when we have more than enough Sharia lawyers so this is something that this august body the Bangsamoro Autonomous Region in Muslim Mindanao must take a look into and that it is worth mentioning here that during my time at the Office on Muslim Affairs no less than governor Gwendolyn Garcia of Cebu was asking us even to the point of writing a letter to the supreme court asking for the putting up of a sharia court in Cebu and Bacolod you can just imagine they want to have a sharia court in Cebu and also in Bacolod and that I met the court Administrator in Manila Mr. Perez and they were even contemplating to put up a Sharia Hall of Justice in the main office of the supreme court but that would require a Muslim legislator in congress to supplement the idea of the honourable governor of Cebu. So what I’m saying here Mr. speaker is that if we want to make the Muslim better Muslim I think the government is giving us everything but it is because of ourselves Muslim themselves who failed to react positively and that in fact there was a complain that if I’m not contented in a decision of the Sharia court where will I go because PD 1083 did not create the Sharia affiliate court and the government created under republic act 9054 enhancing the power or the Autonomous Region it created a Sharia affiliate court then what happened? We have not been able to enact the enabling law to implement a Sharia affiliate court so you see to my mind this proposed civil code on the Sharia court should be as I look at it is this good enough? But what is*

*lacking is the concerted effort to make the muslim better muslim by pursuing the Sharia court implementation that in fact I wish to inform this body that even Davao City was asking for us to put up a sharia court even Baguio City was asking for us to put up a sharia court and I suppose that this is very timely that the Bangsamoro Autonomous in Muslim Mindanao will be able to enhance the implementation if the Sharia court in the Philippines however while I was receiving this document from a gentleman who is who I supposed is still in this chamber I was asking what is the status of this we have the Philippine Sharia Lawyers Incorporated I suppose that in the public hearing when we are discussing of the Civil Service Code they should have been invited in the public hearing to contribute to this idea on Civil Service Code of the Autonomous Region in Muslim Mindanao so mr. Speaker I would like to put on record that what I have just stated is a part of my statement to support the immediate approval of the BARMM Civil Service Code on Sharia thank you very much. ”*

#### INTERPELLATION OF MP TAGO

MP Tago prefaced his interpellation by congratulating the people that created and finished the Bangsamoro Civil Service Code most particularly the chairman of cabinet cluster MP Silongan, the chair of panel that conducted the public consultation MP Jajurie, the chair and the members of the technical working group who assisted the committees, to the chair of the committee on rules MP Ali (L.), Jr., his members and his colleagues, also the members of the parliament who contributed immensely in the enhancement of the historic Bangsamoro Civil Code.

He mentioned that he was bothered in the wording that was put in the Bangsamoro Organic Law Section 39 Article 7 of the Bangsamoro Organic Law or 11054 mentions the enactment of the Bangsamoro Civil Service Law provided that shall be in accordance with existing national law. He mentioned that in case of conflict with that national laws the constitution and existing national civil service laws, rules and regulations shall prevail and to be conferred to Article 16 Section 4 of the same organic law. He pointed out that the Bangsamoro Transition Authority may also enact a Bangsamoro Civil Service Code as provided in the organic law subject to the constitutional mandate of the Civil Service Commission.

As to why are they making Bangsamoro Civil Service Code pointing out that it is stated in the law that it should be consistent on national, constitution national civil service law rules and regulation and continued that if it is the same with what is in the mind of the framers of Bangsamoro Organic Law. He pointed out that they should have put that

the Civil Servants of the Bangsamoro Autonomous Region shall be govern by the national Civil Service Law, rules and regulation and the constitution, MP Jajurie responded that first of all she opined that the basis would still be the provision that the good gentleman from Lanao cited which is Section 39 which as he read provides for the power of the parliament to enact its own civil service code and she opined that also that it is important because in the same provision it also says that the disciplinary authority of the Bangsamoro over its employees is also recognized so that the Civil Service Code can also clarify the internal processes based on rules that maybe promulgated by the Bangsamoro on the matter of disciplining its employees. She stated that it is one reason however and also opined that even with that provision and as they engage with the National Civil Service Commission while the general rule is they abide and they should be covered by the constitution and national laws they are given some leeway in some specific matters that are unique and peculiar to the Bangsamoro region for as long as it does not go directly against any national law.

MP Tago agreed and pointed out that it is right and explained it is why national government authorizes the Bangsamoro government to enact Bangsamoro Civil Service code in order to craft our Civil Service Code that will be in consonance to their culture, their religious belief and to their rights to self determination stressing that it is the reason why it has been given to them by the national government. He pointed out that the Civil Service Code that they will make should be directed to what will be the needs of our constituents for example he asked if the code contains where the *hafidz, ulama, asatidz* and those who finishes arabic learning and from abroad would be, stressing that there are many of these people and his main concern is it should be directed towards them explaining that other provision in the Bangsamoro civil service code picked from the ORAOHRA and racks which is of course it is a creation from the national government. He opined that the civil service code was granted to them by national government and they have made their own civil service code which the focus should be the needs of the Bangsamoro Autonomous Region in Muslim Mindanao to which MP Jajurie responded by reiterating that under the Bangsamoro Organic Law they are directed the parliament or

the Bangsamoro government is directed to enact that law and it should contain the following matters: the conduct of civil servants, the qualification for non elective positions, the adoption of a merit and fitness system, protection of civil service eligibles as well as the disciplinary authority of the Bangsamoro government over its own officials and employees. She pointed out that these would be the parameters and the contents substantive wise that should found in the civil service code.

With regards to the *Ulama* and the *Hafiz* if they are part of the Civil Service MP Jajurie responded that there should be provisions regarding their employment in the government but as she mentioned yesterday with respect to *Madaris* education the qualifications for teachers for under the *Madaris* system, she mentioned that their proposal is to provide for that in under the Education code so that the Civil Service Code will apply to them but based on qualifications that are set out under the Education code. She continued that there are also some other unique matters that the Civil Service Code covers like training institution so they included the boarding seminars to be provided by the development academy of the Bangsamoro. She added that there is a provision on *Mujahideen* and some other provisions.

MP Tago explained that he asked that basic question general principal question opining that there are inconsistencies in Provisions of Section 39 Article VII and Article 26 Section 4 of the Bangsamoro Organic Law. He pointed out that in the most specific provision of Article 26 on mandate of Bangsamoro Transition Authority stating that they would be making the Civil Service Law according to the mandate of the Civil Service Commission not according to the consistency of Civil Service Rules, Civil Service Laws Rules and Regulation.

He stressed that what has been said is in accordance to the mandate of the Civil Service Commission and asked if what mandates the Civil Service Commission. He stated that being the central personal agency of the national government they can schedule appointment based on merit and fitness but pointed out that the merit and fitness that is being stated in the law, the constitution itself is very generic term. He explained that a person can have merit but has no fitness or they might not know that a disabled

person is excellent at doing other things that he is capable of. He stressed that the definition of merit and fitness in the constitution has very generic meaning and he suggested that the BARMM could make their own qualifications standard. He further pointed out that what is stated in the law under Article 26, Section 4 is that they will be making Civil Service Law according to the mandate provided by the civil service commission. He pointed out that it is not stated in the law that it should be in consistent with the provision with the national civil service law rules and regulations. He stated that it is his interpretation of the two laws to which MP Jajurie responded that these provisions appear in the same law and opined that they should read them together and not put meaning that would provide opposite positions so they are reading holistically as they appear in one law.

MP Tago pled the position but states that he will maintain his position that being an Autonomous Government, they can craft their own qualification standards system provided that what they are saying that a person has merit, weakness and other, still have morality. Secondly, he mentioned that during the time of Marcos there has been given illegibility for a cultural communities as he hear it is RCCO or RCCE, he then asked if they have studied it to apply it for the Bangsamoro. He explained why he is saying this pointing out that BARMM was created for the purpose of Bangsamoro so that they can upgrade their standing in the nation. He mentioned that in Malaysia as a quick background, Malays have risen from poverty because they adopted the policy called Bumiputera which is great priority to the Malays. He explained how these helps to prioritize the Malays to give them priorities and sufficient opportunities that is why they are now a prosperous country in the world. He asked if they are have studied so that they can give opportunities to the fellow Bangsamoro explaining that they know the fact that they are going against due to late education and that they have something to fight for the children and the youth are left behind. He pointed out that they should have a consideration on the qualification standards to give them sufficient their fellow eligibility.

He stated further that if the proponent is willing if they have studied the so called CCP of which there is unassembled to which MP Jajurie responded that although she was

also young then she stated that she also knew that there was a law that allowed in providing eligibility for those who have rendered service. For cultural minorities as well but the provision of the Civil Service Code that they are now proposing a there is a section or an Article regarding special examinations for Moro and Non Moro Indigenous Peoples so that the Bangsamoro Government shall request the Civil Service Commission for the provision of the special examination. She stated that they cannot direct the Civil Service Commission to administer said law because it is a constitutional body. She pointed out that they do not have control over it and cannot directive to conduct or administer the special examination but there is this provision that gives the message that it is their request, their intent and that they will ask the civil service commission to administer such special examination.

MP Tago stated that with the indulgence of their colleague acting Minority Floor Leader and opined that those eligibilities including the CESO eligibility, executive managerial training, he continued that training without examination is made only as course of training because the other, it is hard to pass the written examination that is why it suddenly seems consideration making training to pass or to be eligible. He pointed out that this is for them to expound because the civil service code is very important it serves as the foundation of administrative code. He stressed that they have made the administrative code but the foundation is the Civil Service Code and further pointed out that if the foundation which is the Civil Service Code is weak, Administrative code will collapse. He added that it is what the government holds, the Civil Servants is what the admin holds so he suggested that they should study it to apply those process which is during that time many have benefited from it to which MP Jajurie responded that they recognize that even if the general understanding is that they have to passed certain examinations in order to be eligible there is still positions which will not require that and a the eligibility will be based on other matter for example there is a recognition of a eligibility if they are for example a Sangguniang Barangay member or there the veteran rating eligibility, skills eligibility under different categories, scientific and technological



specialist eligibility, honor graduate eligibility foreign school honor graduate eligibility and so forth. Including honor graduate and foreign school foreign graduate eligibility.

As to what is the Civil Service Code regarding sa Sharia'h Bar Passers, to which MP Jajurie responded that as mentioned they incorporated the language of ORAOHRA and therefore for bar passers from 2014 onwards they are eligible for first and second level positions but for bar passers before 2014 in Sharia'h for Sharia'h Bar the eligibility will be up to level one the first level and as they explain, it is based on a supreme court the OHRAORA provision emanates from supreme court decisions which has the power over the administration of the Sharia'h bar prior to 2014 a non lawyer may take the shariah bar exam if they are college degree holders and have completed the seminar on Islamic Law and Jurisprudence or college graduate, college degree holders in Islamic Law and Jurisprudence of a Alazar University or of if any other Islamic institution of the same categories in other countries and then the third category of qualified examinees would be graduates of Islamic Secondary Schools duly authorize by the Philippine Government where Islamic Law and Jurisprudence where taught as part of the curriculum and have completed the seminar on Islamic Laws and Jurisprudence. She pointed out that it is for the non lawyer they change the rule in 2014 in Bar matter 2016 and they draft the third category. She further pointed out that thereby saying that only college degree holders whether from local law schools, local schools or other foreign schools like Alazar and other Islamic Institutions can take the examination and this is the reason why the ORAOHRA rule appears that way that there is a delineation between the those who took the examination prior to the 2014 and those who took it after with respect to their eligibility.

When clarified as to whether if a person passed the Sharia'h Bar Exam before 2014 and they are a college graduate meaning you graduated for a four year course if they are a college graduate of a four year course, he asked if they are only eligible for a first level position for clarificatory purposes, MP Jajurie responded that unfortunately because the rule in ORAOHRA provides for that delineation that is the consequence of the provision.

MP Tago stated that he will make a necessary amendments in due time explaining that before 2014 if a person are not in four year course graduate. If a person graduated a law but did not become a lawyer but would they would be given a Salary Grade 9, he opined that its degrading to the one who has that position. He pointed out that all of them should be qualified up to the salary second level position without any distinction because with due respect to the ORAOHRA of Civil Service explaining that the ORAOHRA and RACKS is fluctuating. He opined that it was mentioned in the committee on rules meeting and the acting speaker mentioned that it is fluctuating that is why in the Philippines have no Civil Service Code but only Civil Service Rules and labor issues. He further pointed out that sometimes the rules was adopted from the decision of the supreme court *juris provis*. He stated that they have put block printing which can be changed. He stated that they can ask with representation to civil service for them to have their leniency to the Shariah Bar passers. He mentioned that it is his consideration and in due time he stated that he will filed his necessary amendments.

His last question is about the definition on provision regarding *Mujahidin*. He pointed out that with regards to the *Muhahidad* there is indicated there that there is first level position that they are only allowed and he opined that it will be limiting the positions that will be giving to the *Mujahidin and the Mujahidad*. He stressed that they are still standing there because of the *Mujahidin* so the national government also realizes that they are broadening the level of position that will be given for *Mujahidin*. He continued that they will understand, as far as the peace process is concern, they have gone into the government to give them consideration. He reiterated that this is his position not to limit only on the first level position up to Salary Grade 9 and pointing out that with regards to the salary if they remove the deductions, he estimated that it would be only 10,000 (Ten Thousand). He pointed out that that the amount 11,000 (Eleven thousand) does not suffice to sustain their living. He also reiterated that in due time he will make a necessary amendment.

RESPONSE OF MP JAJURIE

In response, MP Jajurie manifested that regarding on the Sharia'h lawyers provision they are open to any proposals that would reflect the rational of the rules that came out under the ORAOHRA. She pointed out that they can consider the language that proposed by MP Tago that could cover the distinction and will also consider the educational attainment or the degree of the sharia'h bar examiner examinee sorry.

With regards to the *Mujahidin*, she pointed out that it is actually a special provision which appears in transitory provisions of the bill and in fact it covers those who do not have eligibility saying that they can still be appointed or be it in a temporary basis that can be renewed for three times and that there is also an effort to have them integrated permanently in the civil service by way of training's that maybe offered by the development academy of the Bangsamoro. She added that there is also a provisions that gives respect to the structure of the MILF and MNLF saying that the *Mujahidin* and *Mujahidad* mention under this provision shall be based on the list to be provided by the fronts covering their organic members.

#### REMARKS FROM THE CHAIR

At this point, the Chair reiterated that the members of the chamber who have proposal in the period of amendment better avail the period of amendment so they can fast track the deliberation of the Civil Service Code.

#### INTERPELATION OF MP MAWALIL

As to whether they can assume that they will not enact the Bangsamoro Civil Service Code, what will happen to the bureaucracy and mentioned that earlier the proponent stated that they are enacting a separate Bangsamoro Civil Service Code because they wanted to provide some leeway's in her own words leeway's to some in the futures within the BARMM. He asked if how do they qualify the word leeway's in this context, MP Jajurie responded that she believe that they can provide for certain rules and include them. She explained that the Bangsamoro Civil Service Code, for example as she mentioned earlier they gave premium to the role of the development academy of the Bangsamoro since they have that institution, they incorporated that matter in the civil service in the Bangsamoro Civil Service Code which will not appear in the national rules.

She also mentioned that they also have the job portal which is also mentioned in the administrative code and also included in the Bangsamoro Civil Service Code

As to the matter of *Mujahidin* which has mentioned earlier, she stated that since it is special provision and in the words of Civil Service Commission in its resolution that is based on equity and taking into account the provision of the BOL regarding rehabilitation, reintegration of the *Mujahidin*, they allowed the transitory provision so she stated that for as long as there is no rule that is directly opposed and in the case of *Mujahidin* while it is a special provision, it was a product also of negotiation and dialogue with the Civil Service Commission so she said that she do not have a list yet of all this deviation but continued that they are working on it.

When requested to follow a list of the some of the things that were articulated by the proponent, MP Jajurie responded affirmatively and stated that it is the matter that she referred to earlier that we are working on it and hoping to send it maybe within the day but later in the day.

With regards to what will happen in the BARMM bureaucracy if they do not pass or enact a Bangsamoro Civil Service Code, MP Jajurie responded that since the BOL clearly provides that they are still under the Civil Service Commission. She then opined that they will just implement the National Laws and Rules and have the bureaucracy of the Bangsamoro covered by those laws and rules.

When clarified if there is not actually much difference if they do not legislate Bangsamoro Civil Service Code since they can always follow the national guidelines rules and regulations of the Civil Service Commission, MP Jajurie responded that it is not exactly pointing out that as they said earlier there are some *leeways* that are provided to them. She also pointed out that it is an opportunity to look at the specific situation of the Bangsamoro bureaucracy and its employees and see whether they can have that provision that may not be there in the national laws or rules but will apply to the Bangsamoro. So she added that they will lose that opportunity if they do not pass Bangsamoro Civil Service Code.

As to whether the Bangsamoro Civil Service Code only applies during the transition period, MP Jajurie responded negatively and stated that it will apply upon its effectivity and will continue to be effective until and unless it is repealed or amended by this parliament or future parliament.

With regards to the definition in its context in the Bangsamoro Civil Service Code the definition of third level eligibility – third level positions in the Bangsamoro Autonomous Region in Muslim Mindanao, MP Jajurie responded that they do not define it in the code-explaining that their proposal is that instead of the third level position category there should be a second level category covering second level positions where which allows or which gives the mandate to the employee to exercise executive or managerial functions.

With regards to the definition on the context of the Bangsamoro Service Code, the definition of career positions, MP Jajurie responded that Article IX it is the provision on Career Service which says that it shall be characterized by entrance based on merit and fitness to be determined as far as practicable by competent examination but that does not apply the appointments, the position which are policy determining the primarily confidential or highly technical quality – qualifications and number two opportunity for advancement to higher career positions and three security of tenure and then there is a enumeration of the positions covered by the career service.

With regards to the discussion on previous session, MP Mawallil opined that he came across discourse on the third level positions and which the proponent or the some of the members of parliament yesterday describe as those who are appointed by the president, to which MP Jajurie responded affirmatively.

MP Mawallil opined that he with the good lady MP Jajurie from Sulu, they were together in the crafting in the committee level and up to the plenary level drafting of the Human rights, Bangsamoro Human Rights Commission and stated that he do understand that if his recollection is right that the appointment of the presidential appoint the chairperson and the two commissioners for the Bangsamoro Human Rights Commission. In this context, he asked how do they treat the positions of the chairperson, the two

commissioners of the Bangsamoro Human Rights Commission, to which MP Jajurie responded that with the passage of the BHRC Law and which is superseded by the Administrative code the chair and the commissioners are to be appointed by the President however, she pointed out that they cannot be considered career service positions since they have a fixed term and there is a specific provision on this matter Article 11 which enumerates the non-career service and number 3 in the enumeration the chairperson and members of the commissions and boards with fixed terms of office and their personal or confidential staff so they are not third level positions

When clarified if the positions of the commissioner the two commissioner of the Bangsamoro Human Rights as well as the chairperson of the commission of the Bangsamoro Humans Rights Commissions are not third level, MP Jajurie responded that they are not even career service.

With regards to item 3 of Article 11 as to whether all the positions created by the parliament would be considered as career service, and if they can limit the definition to only those created and consequently appointed by the Chief Minister to limit only to those with higher salary grades, MP Jajurie responded affirmatively and explained that under item 3 of Article 11 they must specify the position referred to as to avoid being declared as void on grounds of vagueness.

As to whether the positions created by the parliament, by the office of the Ministry of Finance through NOSCA etc. are the only positions considered as career positions, MP Jajurie responded that it says that the positions in the BARMM and pointed out that it is qualified by the opening paragraph and therefore this positions should comply the requirements provided in the opening paragraph meaning there is a entrance base on merit and fitness and then there is opportunity for advancement and there is security of *tenure*.

As to the filing of the anonymous complains, when asked what is the procedure on how to examine complainant and veracity of complain. He further asked what is the quantum of proof needed will the disciplining authority act both as complainant and prosecutor and bureau of the presence of the anonymous complainant, MP Jajurie

responded that the essence the quantum of the evidence will still be substantial evidence as to it is always the case in administrative cases.

When asked if there is no need to articulate in the provision for there will be supplementary phrases that are needed to qualify, to which MP Jajurie responded that if MP Mawallil wants to include as specific provision there, he stated that they can consider that during the period of amendment the specific language.

MP Mawallil manifested that there was no intention on his part to introduce some amendments during the period of amendments, but continued that they will try to revisit the provision.

#### INTERPELATION OF MP SALIGA

Upon recognition, MP Saliga asked if they do have office or agency, to which MP Jajurie responded that there was a civil service commission, memorandum circular saying that the regional office that has jurisdiction over the BARMM and stated that they will call it the Civil Service Commission for the Bangsamoro . She stressed that it is already existing.

He pointed out that Article 270 on the motion for the consideration Chapter 10, there is a statement, a provision, that the party adverse the affected by decisions may file a motion for reconsideration before the office of the Disciplining Authority. With the Civil Service Commission for BARMM, when asked what will be the participation in the implementation of the said code, MP Jajurie responded that the code itself provides for the different functions and powers of the Civil Service Commission. She have given an for example in the appeal of cases in the receipt of complaints over appointments they have powers so they can look through and read through the specific provisions but pointed out that since the BOL says that they are still under the mandate of the Civil Service Commission then the powers of the Civil Service Commission as provided in the laws, in the specific provision in the code it will stands and they will exercise its powers.

When clarified as to whether upon the ratification of the said law or passage of the law, if it does not create any office like a Civil Service Commission BARMM or any structures for this purpose, MP Jajurie responded that there is no separate Civil Service

Commission for BARMM what they call a Civil Service Commission for BARMM is still a unit, regional unit of the National Civil Service Commission and it is already there. She continued that it has been created or through the circular. She added that it converted the regional office of the BARMM to the civil service commission for BARMM.

As to whether the said cases could be brought to the disciplining officers are administrative cases, MP Jajurie responded that some would be disciplinary cases and administrative cases.

With regards to the cases that cannot be handled or cannot be resolve by the level of the disciplining authority, will the complainant the public servant can brought it to the civil service commission for appropriate resolution to which MP Jajurie responded affirmatively.

When asked about what is special with the provisions on the special examination for indigenous peoples, MP Jajurie responded that the intent of the provision as it says specifically is to promote a inclusivity and accelerate development in our areas and concluded that therefore they are asking the appropriate government agencies including the Civil Service Commission to reach out to the indigenous peoples. She pointed out that it is not just the non-moro but also the people who ascribe to the Bangsamoro identity to reach out to them and to provide for a special examination intention for them. She further concluded that meaning its not the regular and continued it may not be in the regular program, nor regular schedule but as a special one only for the moro and non-moro indigenous peoples.

#### MANIFESTATION OF MP SALIGA

Upon recognition, MP Saliga concluded his interpellation by manifesting that he find the provision relevant specially in the cases of the indigenous peoples in the remote communities where no regular teachers for example the public servants want to be assigned. With this provision, he manifested that he is very hopeful that they will be provided with such accreditation or equivalent recognition for their effort and become part of our government.



## SUSPENSION OF THE SESSION

The Chair *motu proprio* declared a fifteen minute suspension of the session for Asr prayer.

## SUSPENSION OF RULES

Subsequently, on motion of MP Lidasan duly seconded and there being no objection, the rules was suspended.

## INFORMATION FROM MP LIDASAN

Upon recognition, MP Lidasan informed the Body that they have guests a guest from the United Nation resident coordinator named Gustavo Gonzales the united nation resident humanitarian coordinator, with his colleague *Krister Faulstel* peace and development officer

When asked what the gentlemen from Maguindanao wishes for their guest to address the Parliament, MP Lidasan stated that if the honorable speaker would allow us to be give a few minutes for the guest to give them a short message for the Bangsamoro Parliament.

## ACKNOWLEDGING THE GUEST

In behalf of the Parliament Speaker, Atty. Pangalian M. Balindong and the head of the government of the day Chief Minister Ahod B. Ebrahim, the Chair welcomed the delegation from the U.N. residence coordinator' to the house of the Bangsamoro people.

## SPEECH OF THE GUEST

Upon acknowledgement and recognition, the guest Mr. Guztavo Gonzales delivered his following speech:

*“Thank you, thank you very much. First of all, I would like to thank BARMM authorities for this kind invitation. I’m the new representative of the United Nations in the Philippines, this is my first trip to Cotabato so this is a great honor. And I’m here with you at the moment that you are discussing key elements of the transition process, so thank you very much. At the same time I would like to convey the message from the United Nations Secretary General Antonio Gutierrez, congratulating BARMM authorities for the recent anniversary. So you have now three years plenty of challenges but with very concrete achievement. So the Secretary General is quite proud of engaging the UN in this process. Significant achievement have been accomplished since the establishment of BARMM, including forming the transitional government and parliament, the Bangsamoro*

*Transitional Authority present in this hall institutionalize in moral governance under the leadership of Interim-Chief Minister Murad Ebrahim, passing the 2020 and 2021 budget and decommissioning of former male combatants. At the same time, we have to recognize that due to the complexities of the peace process, due to the COVID-19 there is still a long way to go. What I would like to confirm today in front of you is the United Nations remains committed to the success of this transition, and the UN as you know is a global community of knowledge we have participated in hundreds of peace process. This experience, this knowledge is at your disposal, so I strongly encourage you to see this opportunity and make the most of what the UN can offer. In similar circumstances, in other peace building process we realized that now particularly with the challenges of the COVID-19, we need to join other efforts we need to make sure that we work together. We need to build coalitions alliances. This is the moment where the a close work between BARMM and UN is fundamental. We have I'm coming from a country that spend many years in getting reconciliation and recovery for different types of conflict and we have a sort of proverb that we say that "Individuals can change the curse of the day but partnership can transform history". So here today with all the challenges that we have beset and with the support of the UN I think that we can be part of this transformation of the history of the Philippines. So I thank you so much for your trust, I thank you so much for this long standing partnership with the UN uncertainly I've remained at your disposal."*

#### SUSPENSION OF THE SESSION

At 3:20 p.m., the Chair, *mutu propio* declared a fifteen-minute suspension of the session.

#### RESUMPTION OF THE SESSION

At 4:11 p.m., the session was resumed.

#### LIFTING SUSPENSION OF THE RULES

On motion of MP Ali (L.) Jr., duly seconded and there being no objection, the suspension of the rules was lifted.

#### INTERPELLATION OF MP LOONG

When asked who are the tribes included in IPs, MP Basman responded that when they mention Moro IPs they actually refer to all of the 13 ethnolinguistic groups that form part of the definition of the Bangsamoro.

When clarified as to whether the special examination for the IPs refers to everyone in the Bangsamoro from the Maranao, Maguindanao, Tausog, Yakan-Samar, and all the 13 ethnolinguistic tribes, MP Basman responded affirmatively and stated further all that belong to what is defined in the BOL as Indigenous People both moro and

non-moro. She added that this excludes groups within their population who are not by definition Indigenous Peoples.

As regards to those who are not Indigenous people by definition, MP Basman responded that by definition that these are the settler communities in the region.

MP Loong explained why he was asking it pointing out that as they know there is the IPRA Law and the IPRA head excluded some of the dominant Moro tribes from coverage of the definition of Indigenous Peoples and further stated that he liked to be clarified, to which MP Basman responded the IPRA Law or R.A. 8371, defines Indigenous People and the Indigenous Cultural Communities as a homogeneous group of people or homogeneous societies who by itself transcriptional ascription have continues believe that organized communities on communally bounded in defined territory and many other similarities within the same aggrupation. She explained that if they talk about the definition by law, by text then definitely the 13 ethnolinguistic groups of the Moro people are included in this definition. She added that how that is interpreted in the implementation in the NCIP is another question altogether.

MP Loong pointed out that what is important for him is that they are clear that when they say IPs in this Civil Service Code for the Bangsamoro then it refer to the 13 ethnolinguistic tribes in the Bangsamoro, to which MP Basman responded that the IPs in the Bangsamoro includes the 13 ethnolinguistic Moro tribes.

He clarified his comment that under Article 14 the word “may” be converted to “shall” so that it would be mandatory, the Article 14 on Special Examination for Indigenous Peoples in the BARMM, to which MP Basman the language is already directory and it already uses the word “shall” in that article.

With regards to the special provision on temporary appointments for the *Mujahideen* that under this provision shall be for the period of transition in the Bangsamoro government renewable every 12 months. MP Loong pointed out that considering that they are just going to approved the Bangsamoro Civil Service Code, he suggested that maybe they should include the word in such a way that it is effective until the BTA is dissolved or it is effective for the entire period of the transition to which MP

Basman responded that while she understood the intention and did appreciate. She pointed out that the meaning by law is that the temporary appointment can only last for a maximum of one (1) year, hence the limitation in this stated provision of validity is 12 months. However, she also pointed out that they have also provided the permissibility of tenuring in temporary appointment for three more times so it might even exceed the current period for transition.

MP Loong explained his point of view that assuming that they going approve it in 2021 and it is only effective for the transition, only effective up to 2022. But pointed out that as they know there is a congressional hearing already for the extension then the word that it is effective in the entire period of the transition period, or the desolation of the Bangsamoro authority whichever comes near in the month. He opined that his point of view is already express and they will just discuss it again in the period of amendment.

On the issue of the 3 levels in the career service, he mentioned that their proposal is that there are still 3 levels but in the Bangsamoro Civil Service Code about the third level, he inquired to the proponent if the 3<sup>rd</sup> level of the career service is the 2<sup>nd</sup> level with executive and managerial functions to which MP Basman responded that it is the third classification in the Civil Service Code that does not substitute and it does not replace the 3<sup>rd</sup> level position as defined in the National laws.

MP Loong pointed out that however in their proposed law they did mentioned that there would still be 3 levels in the career service. He expressed that his worry is that it would be confusing explaining that for the national administrative code, the 3 levels simply refer to the 1<sup>st</sup> level, 2<sup>nd</sup> level, and 3<sup>rd</sup> level which is the CES and if here in the Bangsamoro Civil Service Code, they still have three classifications but the second and third classifications are 2<sup>nd</sup> level with just a distinction in the one is technical and the other one is executive and Managerial. He also express his concern that it might lead to confusion in the future, to which MP Basman responded that a quite a number of the provisions in the Civil Service Code, there will be matters that are going to be unique to the Bangsamoro Civil Servant, and that is one such an example. So in the case of the

Bangsamoro Civil Service, for the civil servants they have three classifications refer the bridge is the 2<sup>nd</sup> level positions exercising executive or managerial functions.

As to whether there is no 3<sup>rd</sup> level eligibility in the Bangsamoro Civil Service Code, MP Basman responded affirmatively.

As to the wisdom of why they are totally removing the 3<sup>rd</sup> eligibility requirement in the Bangsamoro Civil Service Code, MP Basman responded that they are talking about civil servant in this Bangsamoro Civil Service Code and explained that by reason of the requirements in the national law, the 3<sup>rd</sup> level positions be presidential appointees, and there being that reality that no such position exist in the Bangsamoro Civil Service then she concluded that it becomes unnecessary to be included in the Bangsamoro Civil Service Code.

MP Loong pointed out firstly, that the reason why a the national government require career executive service officers and eligibility is that for career position which an employee a public servant exercises for the rest of his life for 30 years or 40 years. The career executive service office provides as number one the standards where they have be technical managerial capacities.

Secondly, they are continuously assets by the career executive service board on a yearly basis, and then the career executive service board provides for continues training on important managerial and technical capacities. Now that is why in the national government is if highly competent highly effective public servants.

As to whether they do have an alternative measure in which to improve or assist in to ensure that those occupying salary grades career executive service position levels salary grade 25 and higher to be in a constant state of improving themselves their managerial capacity as well as be assessed by a board that ensures that they are effective in their mandate, MP Basman responded that 2 points of clarification before she directly answer the questions, number one the fact that 3<sup>rd</sup> level positions are not mentioned in the Civil Service Code does not deprive 3<sup>rd</sup> level civil service the civil service eligible from applying in position salary grade 25 and above. She pointed out that is not a point against them in fact they are more than welcome to apply in position in high position in the

Bangsamoro bureaucracy. Secondly, the CES board which the good gentleman has clarified is that institution that provides professional development for CES eligible is the one that classifies whether a position belongs to CES or CESO. She mentioned that even in the national government there are positions of a high salary grade but are not classify as CESO and it is going to be the same case in the Bangsamoro this positions high ranking they maybe and requiring more qualifications from their position holders such they are are still not CESO positions or third level positions. She pointed out that in that case, the question about how to ensure that our higher ranking bureaucrats in the Bangsamoro bureaucracy is are able to develop themselves professionally by manner of trainings and other professional engagement methodologies, is the same as what they do in the national civil service they are still required to attend a certain number of hour that training in a given year. And it is still going to be and is also something that is provided clearly in the Civil Service Code that is before them now.

With regards to the absence of a CES Board, as to what alternative system can they introduce to the Bangsamoro Civil Service Code that will do the same function, MP Basman responded that they are not creating their own version of a CESO in the Bangsamoro but all of the positions of a certain rank are still subject to certain qualification standards which require the trainings, the educational requirements, and the experience that are necessitated by the performance of the functions of the given position. She continued that as of what office will perform functions that are way to be similar to the CESO. She pointed out that they have mentioned the other the institution that they are going to empower in this Civil Service Code that will provide those kinds of trainings to our bureaucrats and many other opportunities of which she opined is available to the national government in terms of professional and career development are also available to the civil servant of the Bangsamoro.

#### MANIFESTATION OF MP LOONG

Upon recognition, MP Loong manifested that he agrees with the comment of MP Iqbal in the consolidated metrics where MP Iqbal mentioned that be non-applicability of the requirements for CES. He pointed out that for third eligibility level positions will

indeed open opportunities to many Bangsamoro aspirants however it can also close the doors to work competent and eligible applicants selection made become so safety ball to outside influence and interventions and may have to repeat of lapses in the past administration. He manifested that he agrees with the statement in the sensual and really support that all the third level position be filled up but he added that as stated by MP Iqbal, it can also close doors to highly effective potential hard working eligible applicants that concern in this very important very influential and very critical positions.

#### CONTINUATION OF INTERPELLATION OF MP LOONG

Upon recognition, MP Loong mentioned that in accordance to the statement of MP Iqbal, there are two directions that they are moving in the coming Civil Service Code on the Bangsamoro, they are doing away with CES eligibility to provide opportunities to the Bangsamoro applicants and aspirants whoever the other a side to that is that they also deprive the highly competent, effective and hardworking applicants to the position. He concluded that with these two directions that MP Iqbal mentioned, he pointed out that they are deciding to just accept the open provide opportunities to the Bangsamoro and closing that doors to a the very highly competent a hardworking a professional in the Bangsamoro, to which MP Basman responded by a Civil Service Eligible even if they are not even if the positions in the Bangsamoro bureaucracy are not classify the third level positions are not a prevented from applying to this position that is number one. Secondly, as as the eligibility in here's to the person they are occupying a position that is no longer classify the third level position as in the case of the BARMM a Civil Servants the some prevent them from a going to the CES be a organize trainings. She pointed out that they are only talking about the positions in the BARMM bureaucracy, they are not talking about the a people who they are expecting to occupy this positions. She stressed that what they are saying is that there are no third level positions in the BARMM bureaucracy but there may be occupant occupants of those positions who have certain eligibilities that go beyond above and beyond what are require by the qualification standard spelled out in the Civil Service a for the Bangsamoro.

MP Loong states that on the career executive although his recommendation is was to be able to provide an alternative mechanism to have continues assessment and continues training a for the competency of a of a higher level a positions explaining that as they know the requirement for a managerial and executive officials which is not third classification in the Bangsamoro is just five (5) years' experience and along with 120 hours of training so he hopes that before this Civil Service Code is approve it will have that mechanism. He pointed out that with regards to the Madaris teachers, if they have provided for the a means of a for there they have provided for there qualifications and the for there the requirements for their appointments and qualifications and for their eligibility, to which MP Basman responded that a seventy eight of the current bill a provides that it is the Bangsamoro Education Code which will spell out qualification standards for the Madaris teacher and then task the MBHTE to coordinate with the CSC for the BARMM for the for the spelling out of the details there in.

As to what prevents them from including already the proposal, the one that is being propose in the Bangsamoro Education Code to be integrated in the Bangsamoro Civil Service Code, MP Basman responded that there is a technical working group that is working on the enhancement of the education code some of their colleagues are part of that technical working group under the committee on education and opined if her recollection search her right that a lot of provisions or a focus on Madrasa education and it can in fact a discuss the details on the qualification standards for the Madaris teacher in those provisions while it is true that nothing prevents them as is it also a law that it is to be enacted by the parliament to include that those details in this Civil Service Code but a the position of the proponents is that it is better serve a if discuss a holistically in the Education Code.

He pointed out that it says in their propose bill that the Civil Service Code commission shall promoted rules and regulation to set the standard for their qualifications, appointment and promotion for in the Bangsamoro Education Code or on the recommendation of the Bangsamoro Government. He hoped that the Education Code is already in the late stages of which there is refinement that many of there has been



extensive consultations and continued that perhaps it would be more supportive for the Madaris teachers not only the Madaris teachers act as well as that as for teachers in the Arabic teachers to have an affirmative action to provide for the qualifications appointments and promotions so that it will be the Bangsamoro Government that recommends to the Civil Service Commission the qualifications appointments and promotions otherwise, he stressed that and asked what is the purpose of the Bangsamoro Civil Service Code if they are going to throw it back to the Civil Service Commission National to which MP Basman responded that first of the point of including it here , she pointed out that they have made it clear that they find that to serve it will do the the requirements of the qualification standard for Madaris teachers a greater justice if those are called out and those are spelled out in the Education Code which can discuss it lengthily given that is the code that is devoted to the Education System of the Bangsamoro. Secondly, she pointed out that as him any other position including in the National Government to talking about technical position which a includes a a the a teaching person of Madrasa Education it is really the process that is the agency which a comes up base on law or their own a or their own estimation what the qualification standard should be for the teachers so that is what going to happen its MBHTE which will base on the Education Code that is going to be Pass Insha Allah it's the MBHTE which comes up with the propose QS for the Madaris Teachers and by process it will submit that a QS to the CSC for its approval for its approval. Then once that is approve its the QS that will be posted by the MBHTE for vacancies for this kinds of position.

He also pointed out that during the dialogue, one a way to help the Madaris Teachers, the assertive teachers in the Arabic Teachers is to be find a new position that is not a percent or that is unique to the Bangsamoro because the reason why Madaris Teachers have difficulty as regards eligibilities before is that their positions are equated to teacher one or teacher two which is based on the current DBM position description so she hope and stressing that in the committee hearing is that here in the Bangsamoro Civil Service Code they already defined what are the Madaris Teachers who are the assertive teachers which are higher in level than the Arabic Teachers and then the Arabic Teachers

with their propose qualifications and appointments that way it will have a stronger basis because if they are just going to defend it on the Education Code then submit it to the Civil Service and Bangsamoro Civil Service Code did not provide for it then essentially they have given up their rights to support and help Madaris teachers or Arabic teachers while the thousands who she opined to a probation in this article seventy five they can actually pro-actively make an affirmative acts to define it that way the the Bangsamoro Civil Service Code provides for its qualification appointment and promotion defines new positions and then supported also by the Bangsamoro Education Code that way in statutory construction stronger rather than it is justifying the Bangsamoro Education Code, to which MP Basman responded that just to be clear a of really appreciate the good intention of the good gentleman in this intervention but to make it clear number one the intention is similar they are also envisioning a scenario where a unique positions a that are available to Madaris and Madaris Teachers the assertive are going to be available in the Bangsamoro Educational System so we are not a disregarding their current situation where it's the regular positions for teachers are being made available to them so the vision the intension is the same that in the Bangsamoro Region at least there are specific positions intended and meant for a Educators in the Madaris Education System. Secondly, weather they will put those qualification standards here in the Civil Service Code or in the Education Code once a teacher a Parliament the process is going to be the same it is still going to be a qualification standard drafted in a formulated by the MBHTE but still subject to submission to the CSE before it can be used for the publication the posting of vacancies under those position so it really does not make much of a different in the process is still going to be the CSE that approves the QS for the technical positions including the Madaris and Madaris teachers but it will be the MBHTE wants the education code set the legal framework for the qualification standards which will come up with this recommendation for approval of the CSE.

#### MANIFESTATION OF MP MUJAHID

Upon recognition, MP Mujahid manifested his support the propose bill and continued that he is with the those who are urging for the immediate approval of this

Civil Service Code. However, he stated that in the period of amendment , he has some short amendment or points to be raise in due time.

#### INTERPELLATION OF MP LATIPH

As to what are the powers of the parliament in enacting the Civil Service law under the Bangsamoro organic law, MP Basman responded that the Parliament was empowered to enact the law that govern the civil servant with in the Bangsamoro provided and the only limitation is that they are in accordance with national laws and implicitly that they do not a contrary the constitutional mandate of the Civil Service Commission.

As to what powers does the Bangsamoro Parliament pass in enacting the Civil Service Law meaning or what are the power that it can enact or provide for in the Civil Service Law, MP Basman responded that per the relevant section in the BOL the Civil Service Law that the Bangsamoro Parliament enact shall govern. She quoted the conduct of civil servant the qualification for non-elective positions adopt the merit and system and protect Civil Service Eligible in various government positions including GOCC with the regional charters in the Bangsamoro autonomous region and it also a clarify that the Bangsamoro Governmental disciplinary authority over its all officials employees.

As to how qualification standard defined, MP Basman responded that the qualification standard include those education requirements training experience and eligibility that a position holder must have comply with to hold that position.

With regards to the terms of eligibility, as to what are three different eligibility that are provided under the national law, MP Basman responded that a Civil Service professional sub professional and the career executive service eligibility.

With regards to what levels of three kinds of eligibilities they are pertaining to, MP Basman responded that the first level eligibilities are a those that are not covered by BARMM board special laws and other special eligibilities as they determine by the Civil Service Commission the relevant articles are they relevant provision in the Civil Service Code on the second level eligibilities are those that are appropriate for appointment

positions in the second and first level and the third level eligibility is the requirement for career executive service board.

MP Latiph pointed out that the powers includes the power to legislate on the conduct on the qualification standard the power to adopt merit and fitness the power to protect Civil Service eligibles in Bangsamoro and asked if it includes the power to protect third level eligibilities, to which MP Basman responded by stressing that as they have mentioned the non-inclusion of third level position in the Civil Service of the Bangsamoro does not deprive a third level eligibles or the civil career executive service eligibles from the protections from the benefits any adhere to them as such eligibles

When asked if is there any law that prohibits the Bangsamoro Government or Bangsamoro Parliament in providing for a third level positions and saying third level position, MP Basman responded that a since it is the CES board that defines which positions are third level and stated further that she is afraid that they cannot by this law substitute our a judgment over that of the CES board.

As to how was the CES board created and what virtue of law it was created, Hon. MP Basman responded that by presidential decree.

As how is the Bangsamoro organic law created, MP Basman responded that it is a national law as well.

As to what is the statutory construction with regards to later laws, MP Basman responded by citing two rules of statutory construction that is applicable in this case. Firstly, the later law definitely prevail over any earlier law but equally material in the discussion is that statutory construction rule on a law that delves in specificities will prevail over a law or a provision that deals with generalities. In this case, the subject Presidential Decree, the national law that creates the CES Board is specific in directly deals with the career executive service board and the its mandate. For the BOL, a national law of later enactment, it deals with the host of powers and authorities of the Bangsamoro Government. By statutory construction she stated that they leave it to the Supreme Court to make a decisive ruling in this matter should the opportunity arise. She added that the earlier law is maybe read as an exception to the generality of the provision in the BOL.

MP Latiph pointed out that the later law gives the power to the Parliament to enact a civil service law that provides for its own qualification standards with its own eligibilities, with its own merit and fitness system, with its own adoption of conduct, with its own disciplinary authority. Is that not more specific for you to which MP Basman responded that it is correct, and added that is qualified that legislative authority is qualified that it be consistent and does not contravene existing national laws, including the aforementioned PD No. 1.

She pointed out that the existing national law for that matter is it not the Bangsamoro Organic Law that fully devolves the power to provide for qualification standards, to provide for eligibilities, to provide for code of conduct, practically all aspects of civil service law, to which MP Basman responded affirmatively and stated that it is subject to any exemptions already provided by any other law.

In the enactment of Bangsamoro Organic Law, she mentioned that they submit that in the category of laws, the Bangsamoro Organic Law is *sui generis* and stated that it is not even comparable to a national law considering that it passed the plebiscite. So, are they now surrendering that categorization that it is a *sui generis*. In view thereof, she pointed out that it is an exception to all of this categories of laws because it's higher than ordinary laws, to which MP Basman responded that she do not oppose that position, although one of the people who would argue that it is in fact a *Sui Generis law*, a matter to its own right. However, she pointed out that the provision that they are discussing clearly reserves in the delegation of legislative authority such matters that already discussed in the national law. So, in this case, she stated that despite the station of the BOL as a law that ranks higher than other national laws by reason of it being subjected to a plebiscite, to a plebiscite, the clear text and the intention of the law is to reserve some matters of civil service from the legislative authority of the Bangsamoro Parliament.

As to whether the proponent is aware that there are also existing third level eligibilities that does not require Presidential appointment under the CES Law, or CES

Board under PD No. 01, MP Basman responded that the PD No. 01 clarifies that it should be a Presidential appointee, however pointed out that in the course of the discussion in the last two days, it has been established that a jurisprudence exempting the school divisions superintendents from that requirement, particularly in the Autonomous Region has been called out.

MP Latiph explained that she is asking because there are three kinds of CES eligibilities. She pointed out that firstly that was mentioned in the Pangandaman case, the superintendent eligible for the Department of Education, number two, the CES, the Career Executive Service, for a Executive Service, and then number three, the CESO, the Career Executive Service Officers, that requires the attestation of the President being a Presidential appointee. In view thereof, she asked if considering that there are no presidential appointees in this case of Bangsamoro because the one who appoints, the managerial positions are the Chief Minister. She further ask if they can not consider the two other categories as third level eligibles to which MP Basman responded by clarifying that the first two items enumerated by their collage refers to jurisprudence. She stated that if she understand the readings of those descriptions correctly, it was the National Law that was applied to the qualification standards of those positions. She explained that by reason of the absence of regional law governing Civil Service. So, it was the reason why the Supreme Court, in those specific instances held that, since that national law states that those positions require position holders to be career executive service eligible, then that requirement was applied to them despite them being not appointees of the President and they can argue the entire day of how that decision, the ruling itself and the obiter in that ruling affects what they do here in the Parliament in enacting and deliberating on the Civil Service Code for the Bangsamoro, but she opined that the proponents have made it clear that in this Civil Service Code, they are not contemplating third level positions in the Bangsamoro Bureaucracy but they are not depriving those eligible from availing of the benefits and advantages that adhere or inhere to them by reason of their eligibility.

As to what law the superintendent is eligible of and if she is aware of it, MP Basman responded that it is RA 9155 or the Governance of the Education Act that provides that the superintendent should be third level eligible which does not require a Presidential appointee, appointment. In view thereof she stated that as legislators, as the one who are given the power under the Bangsamoro Organic Law, they are free to enact to put in our law that same kind of eligibility. She pointed out that there is no law that prohibits them because in the case itself, the Supreme Court that says that absent of law that requires eligibility for third level position, then this law shall govern. She also pointed out that this exception shall govern.

She pointed out that in that case, by point of reasoning, now as a Bangsamoro Transition Authority exercising legislative power, she stated that they can enact and put that in our law, that third level positions or even second level positions require a certain form of eligibility that is different from the second level eligibility that is for ordinary professional services to which MP Basman responded that just to clarify, they are ready to listen at the period of amendments for any such compromise positions on the relevant provisions but just to clarify that point that the law mandates or requires that holders of SDS and ASDS positions have Career Executive Service Eligibilities also provides that it is the President that appoints them. Hence She continued that they are third level position classification. It was also discussed, the same was also discussed in the cited jurisprudence. It was also because, it was ARMM Governor which appointed. She stated that the subject, SDS appointee that was why it became an issue but elsewhere in the country, it is the President that appoints those holders of those positions and in a later case. She explained that it was clear in later case, in Buena vs. Benito in 2014 that the Supreme Court did not return a ruling that states that the CES, the Career Executive Service, covers Presidential appointees only. She pointed out that it was only the reason it became an issue is because it happened in the ARMM where it is the Governor at that time which issued the appointment but elsewhere in the country, it was not an issue of

who the appointing power is and the character of their positions being third level because it is the President that appoints them.

#### MANIFESTATION AND PROPOSAL OF MP LATIPH

Upon recognition, MP Latiph manifested and proposed the following:

*“Mr. Speaker, in that case, in the, in the very same case, it was stated that absent a regional law for that matter, this provision, this interpretation of the Supreme Court holds. Meaning, at that time that the regional Governor is the one who appointed the Civil...the superintendent, it equated it to the President. Because it’s the President under other jurisdiction that appoints the superintendent. In the case of the Bangsamoro, since we are a sub-national government, we have our own ministries equivalent to cabinet secretaries, cabinet departments. Then, it is by point of reasoning that it is the Chief Minister equivalent to the appointing authority that is pertain to the President that appoints third level executives in the Bangsamoro. So, that’s the reasoning there in the absence of the Regional law. So now, we are enacting a Regional law, we are at the freedom to put that there. However, if they do not want to yield that proposition, there’s also another category of third level eligible, the CES, the Career Executive Service eligible in the roster of eligibles that are not appointed by the president but they are protected by law because they are holding third level eligibilities. Now, if we remove that in the equation, what substitute can we hold? Because that very important eligibility is the highest that a civil servant can aspire for. Because it connotes excellence in service. It connotes that it has the leadership competence to steer the governance forward because the training, the examination, the education and experience required. It’s higher in the categories than the second level. So, Mr. Speaker, I propose that since there is no prohibition for this Parliament to create its own Bangsamoro Executive Service Board, because the CES Borad anyway was created under PD No. 01, a national law. We can create, I propose, our own Bangsamoro Executive Service Board covering our own third level eligible for our own third level positions which takes it away from the CES Board. That is my proposition.”*

#### CONTINUATION OF INTERPELLATION OF MP LATIPH

When asked why is hiring of qualified *Mujahidins* only applicable during transition period and with regards to the provision on *Mujahidin*, Article 306 of the code, MP Basman responded affirmatively and stated that it is classified as a transitory provision but it does not apply only during the transition period regardless of the length of transition period. She explained that it is transitory in nature, meaning, it is one of the things that they apply from now until the *mujahidin* and *mujahidat* that are the subject of



the special provision are able to acquire the necessary experience and the necessary training while in the Bangsamoro Bureaucracy.

When clarified if the second paragraph of article 306 of the code, says that the appointment under this provision shall be valid for 12 months, renewable for three times, if it means that an eligible or not eligible *mujahidins* without eligibility can only be hired for three years, MP Basman responded that if they do not have this kind of a provision they will not even be able to enter the Civil Service of the Bangsamoro. But explained that by reason of this, they have at least four years, because the provision mentions three renewals of the temporary appointment, they have four years to be hired in the bureaucracy and that same length of time is that their opportunity to complete their required eligibility for their positions.

As to what will happen to the *Mujahidin* who were not able to comply with the eligibility requirements after three years, MP Basman responded that because this transitory provision it is a beneficence to the *mujahidin and mujahidat* in recognition of their service to our people, they are given that time, exempting them from the regular application of strict civil service rules, whether in the national or in the regional level as to the possession of certain qualifications for them to be appointed to these positions. She explained that in that length of period if they are not able to comply with the requirements then the usual rules for civil service which requires that all position holders are holders of the eligibilities, the qualification standards that are required in the position will apply to them already.

As to whether the *Mujahidin* will be removed from service, MP Basman responded that it they are temporary appointments and explained that upon the expiration of their temporary appointments, renewed for maximum of three times, they will no longer be qualified for renewal of their temporary appointment.

As to what is the basis of it, MP Basman responded that temporary appointments have a maximum length of one year by Civil Service laws and the ORAOHRA.

When clarified, if it is based on the ORAOHRA and not the Civil Service law and if they can provide for a silent provision on this matter that it will not just be during the transition period, MP Basman responded that it does not say that it is only valid during the transition period and explained that the reference to the transition period is with respect to the central committees of the MILF and the MNLF, in determining who in their roster will qualify to avail in this provision but pointed out that the length of service as temporary appointees of the *mujahidin and the mujahidat* is not limited to the transition period.

As to whether they remove the word during the transition period, legally, MP Basman responded that if they remove that then it is only the length of the period of time within which the central committees of the revolutionary fronts are asked to determine who among their *mujahidin and mujahidat* can avail of this provision. So she explained that as much as they want to have this provision realized and operationalized as soon as possible, that period of submission of the names is being provided there.

As to whether after the transition period if it no longer holds true, MP Basman responded that it is a transitory provision so, it is really temporary measure. So that they do not leave their mujahidin and mujahidat behind in their forming of BARMM of the Bangsamoro Bureaucracy in its exception.

As to whether there is a reciprocity provision provided for in the Civil Service Code, reciprocity in terms of acceptance of third level eligibles coming outside the Bangsamoro and at the same time if their eligible here are also accorded the same with respect by other jurisdiction, MP Basman responded that reciprocity rules are principles of International Law and pointed out that it is why she got confused. She stated that the question is about the eligibility of Bangsamoro civil servants being recognized outside of the territorial jurisdiction of the Bangsamoro and stated further that definitely they are all under the same Civil Service Commission and are all being run under same rules. She stressed that as her fellow proponent has mentioned, certain leeways and certain unique

aspects of our Civil Service but she sum up that on the whole we are still civil servants of the Philippine Republic.

As to whether can be hired anywhere and not necessarily within, Hon. MP Tarhata Basman responded affirmatively.

When asked if for example a position that outside the Bangsamoro is considered third level eligible comes in here or goes out of the Bangsamoro but she just care is second level eligibility and she insist on being hired on a third level eligibility outside she cannot legally do so because she only possesses second level eligibility in the bangsamoro. As to whether that would not prejudice the civil servant in the Bangsamoro, MP Basman responded that again the absence of third level position in the Bangsamoro bureaucracy should not and does not prevent the civil servant aiming higher in terms of their qualification as individuals. She explained that if they have aspiration of being future holder of third level position then as individual public servant, they are free to get themselves the necessary eligibility.

MP Latiph pointed out that they cannot be accorded the same respect because outside the will be carrying second level eligibility but outside that is considered are third level eligibility, thereby creating a legal anomaly wherein that position that very same position that the third level eligibility outside bangsamoro is carried by those civil servants but for the bangsamoro they will be discriminated because they are just carrying second level eligibility, to which MP Basman responded that the fact that they are not creating their own separate clear executive service board which confers that kind of eligibility which exclusively confers that kind of eligibility means that everybody who is a career executive service eligible in the Bangsamoro is of the same rank the same level because the same institution granted them that eligibility. She opined that there is going to be a discrimination because its their location that is different from who is hired in another region in the country but it is the same career executive service board that candid them that confers upon them that eligibility.

MANIFESTATION OF MP LATIPH

MP Latiph manifested that she would like to clarified that when they go outside the Bangsamoro jurisdiction they go outside bangsamoro those position carrying division chief above career and managerial executive they are third level but when they go out, they are carrying with them the person's eligibility only a second level eligibility not to its standing that they have been executive working for 15 years and still be carrying a second level eligibility which she pointed out will not protect eligibilities in the bangsamoro when in fact that is foremost duty to protect civil service eligibilities under the bangsamoro organic law Article 39. She stressed that it is her submission and her proposed amendment.

#### INTERPELLATION OF MP MACARAYA

Upon recognition, MP Macaraya clarified about Article 7, chapter 3 letter (F) and stated that they have just experienced the termination of the provisional teachers throughout the BARMM. Letter (F) under page 32, it provides appointees to teaching f under provisional status shall undergo a provisional period for not less than 1 one year from the date of the original provisional appointment. He then asked what is the wisdom behind granting appointees to teaching position under provisional teachers to undergo provisional period for not less than one year specifically the particular article or section.to which MP Basman responded that the provision is taken in toto from the ORAOHRA.

As to what is the position of the proponent or what should be the position of the BARMM government in case there is revision of the ORAOHRA that effects the bangsamoro civil service law, MP Basman responded stating that if they read the BOL it states not only that they need to passed the civil service code that is in accordance with existing national laws but in the event that should revision of the national laws occur in it. She stated further that there are conflicting revision with our civil service code is the national law that will prevail so that is going to happen where any provision in the civil service code or any other law enact with the parliament in reference to the civil service will have to be affected by that revision.

With regards to the the definition of terms, As to whether the proponent is confine or if they put limit to the definition of moral government under the said code, MP

Basman responded that it is also lifted elsewhere which is the administrative code that they enacted here in the parliament.

When clarified with regards to the definition of terms of moral governance, if it is tight up with the admin code, MP. Basman responded affirmatively.

#### INTERPELLATION OF MP ALAMIA

When clarified if there is no third level position with BARMM, MP Basman responded that by reason of the jurisprudence sighted yesterday and today the SDS and the ASDS are the only third level position in the BARMM.

As to whether the proponent would agree that the jurisprudence and the decision of the supreme court are considered also the law of the land, MP Basman that it is the definition of jurisprudence.

MP Alamia pointed out that if they are going to discuss legally then in the civil service in the BARMM therefore even if we create a third category which is also allowed with the national level that there is first level position, there is a second level position and that would we want to create a second level position with managerial or executive function but they refuse to include the third level position as a category. She asked how would the proponent explain it in fact that it is very obvious that it is not true that there is no third level position in the BARMM. She stated further even if its third level position by jurisprudence which is part of the law of the land pertains to the school's division superintendent and the assistant of schools division superintendent, to which MP Basman responded that the facts of the cases sighted in the jurisprudence will no longer be the reality of the region once the civil service code is enacted. She stated that those cases refer to situation where there is an absent of qualification standard set for position that are considered third level position at the national level. She pointed out that in the event of the enactment of the civil service code of the bangsamoro that not going to be the case anymore and she can even argue that the supreme court was left with no choice but to apply national laws on the situation of those two specific cases. She stated further that once the bangsamoro civil service code is enacted should that situation again arise then the supreme court will have a different, a new additional legal framework.

She pointed out that considering it despite the fact that there are laws that are available the national level under the civil service commission also the administrative code of the Philippines the revised administrative code under section 8, which provide for the classes of position in the career service and this has been defined and has been established for several decades now that there are positions in the civil service pertain to three (3) positions: the first level, second level and third level position. But the proponent it appears is not open to a compromise on how we are able to reconcile this provision in the national level provision and laws that are passed by the national government by congress with the desire of the proponent to at least recognize that there are third level positions in the BARMM.

She asked how will it be implemented, the notion that there are no third level positions in the BARMM, how will it be operationalized. She pointed out that the moment that the civil service code will be passed does this mean that the appointment papers and the position description forms of those who are occupying third level positions right now. She further asked who are permanent whose positions are permanent will their appointment papers and position description forms be revised to reflect that their positions are not third level positions. She added that she would like to understand how will it come out, to which MP Basman responded that affirmatively and stated that with practical terms, it is yes.

She requested the proponent to reconsider and think about it. She pointed out that what they are going to do is to amend, revise, issue a new appointment paper to those civil servants in the BARMM who have been occupying third level positions and who are who have passed third level eligibility meaning to distinguish third level positions from third level eligibility. She asked if they are saying that all those currently who are occupying permanent positions who have for several years proven themselves qualifying and have actually occupied third level positions and with civil service eligibility either CSEE from the civil service commission or career executive service from the CES board then positions will now be downgraded by the speaker to second level positions with managerial executive functions. She further asked how is it going to be operationalized, to

which MP Basman responded that it is an appeal from the good minority floor leader and which they note that and they will consider it at the proper time.

#### MANIFESTATION OF . MP ALAMIA

Upon recognition, MP Alamia manifested the following:

*“Mister speaker, considering this mister speaker since there are existing third level position with occupants having third level eligibility and they are not appointed by the president mister speaker. the requirement that person who is appointed to a third level position with third level eligibility does not require appointment by the president except for those position that have identified under the law creating the CES board but the civil service commission also issues third level eligibility mister speaker. because there are third level position that are not appointed by the president as stated earlier by MP Maisara Latiph which found in the education act of the national government that also applies in the BARMM mister speaker. I will make my proper proposed amendment mister speaker when the time for amendment will come with respect to were concealing it only seems that there are contradicting mister speaker. pero pwede po sya i-reconcile. wag po tayo kung gusto po ng proponent ay mag-create ng position later na hanggang second level position lamang na merong managerial executive function wala pong problema. pero hindi po natin pwedeng i-deny na may oranges po dyan sa basket na yan. and these oranges are the third level position. the occupant of the third level position right now who are permanent and who have third level eligibility. Hindi po natin pwede i-set aside. we can recognize them and say that yes there is a third level position. and the eligibility for that is required is the third level eligibility which can either be CSEE by the civil service commission or CES by the CES board mister speaker. I will the proper amendment later on Mister speaker”*

#### CONTINUATION OF INTERPELLATION OF MP ALAMIA

Upon recognition, MP Alamia proceeded to her next question which is under Article 9 of book 1. She mentioned that during the committee level I made recommendation for change on it but apparently this were not included by the committee. under Article 9, it defines the career service as characterized by three ( 3 ) elements: entrance base on merit and fitness to be determined as far as practicable by competitive examination. second, opportunity for advancement for higher position. and third, security of tenure. She pointed out that this is the very language found in the civil service law mister speaker at the national level in the rules. She, however, the freeze but does not apply to appointments to position which are policy the termini, primarily confidential or highly technical was added as a definition in the term in the Article 9, the term for career

service. Her question is with regards to number 3, which says the bangsamoro career service shall include other position in the BARMM. She further pointed out that this include bangsamoro director general and other position that may be created by the bangsamoro parliament.

As to what is the basis for Article 9, paragraph 3, MP Basman responded that in the course of the enactment of the administrative code and defining the structure of all of our government agencies and instrumentality so that the region certain for that position have been created and they are there comply with the three (3) requirements for a position to be considered career service. so, these are those position

Whereupon, MP Alamia prefaced her questions by commenting that they have a number three (3) that says; other positions in the BARMM. She asked which include the Bangsamoro Director General. She asked how different is it, pointing out that it talks about the career service but there is a colatilla to it. She stressed that it is career service but in the first element it does not apply to appointments to positions with the policy determining and primarily confidential or highly technical. She specifically asked how do they reconcile it with the nature of the career service and the nature of the position of other positions in the BARMM such as the Bangsamoro Director General, to which MP Basman responded that they should read this colatilla on highly technical policy determining and primarily confidential positions alongside the other relevant provision. She pointed out that she don't see how they conflict with each other by a blanket whole scale including all of the position created by the Bangsamoro Parliament that comply with the three (3) requirements for them to be considered career service and deserving to other classifications those that are policy determining primarily confidential or highly technical. She also mentioned that some of them might be covered by other forms of appointment that are not career in nature.

With regards to Article 11 which talks about Non-Career Service as mentioned by the proponent and in the Non Career Service in Article 11 under Paragraph 5, MP Alamia pointed out that it talks about positions which are policy determining or primarily



confidential which appears to pertain to number three (3) of Article 9 and the element number one (1) of Article IX which talks about entrance base on merit and fitness but does not apply to appointments to position which are policy determining, primarily confidential or highly technical.

As to whether the positions which are policy determining or primarily confidential are non-career service or career service, pointing out that both terms are included in the definition of the career service and non-career service to which MP Basman responded that if they are talking about inclusion of the term policy determining in the Article that defines career service. She opined that it is an exemption whereas in the non-career service definition under Article 9 which includes those positions. So she states that she do not see how they conflict with each other. She pointed out that the earlier provision exempts from the career service positions that are by nature policy determining, highly confidential and in the section. She added that in the next article it says that this position are precisely non-career.

MP Alamia pointed out that if this is the case, then we should remove that definition, that element under the Article 9 on the definition of career service because it is very clear that for career service position. She stated that these are characterize by those three (3) elements and does not pertain to appointments to positions which are policy determining, primarily confidential or highly technical and therefore because that description of positions which are policy determining or primarily confidential are found under non-career service. She stressed that these positions are non-career and they are not career positions to which MP Basman responded by citing that if they read the article on career service it says, “ The Bangsamoro Career Service shall be characterize by entrance base on merit and fitness to be determine as far as practicable by competitive examinations but does not apply to appointment to positions which are policy determining, primarily confidential or highly technical qualifications.

As to why the definition of career service under element number one (1) does not apply to appointment to positions which are policy determining, primarily confidential or highly technical, MP Basman responded that when they mention policy determining, primarily confidential, highly technical in the career service; they talk of exemptions. She pointed out that these are not career service positions. When you go to the next article, we say that they are non-career.

MP Alamia responded that if this is the case, it is not about contradictions but creates absurdity and a confusion and indignity. She stated that if these positions which are policy determining, primarily confidential or highly technical are considered non-career service therefore it shall suffice that the definition of non-career service will include that and the definition for the career service will not include that statement and considering that the proponent agrees that these positions are non-career. She asked would the proponent be open to an amendment of Article 9 and/or Article 11 with respect to positions that are policy determining, highly confidential or highly technical to make the language clear to which MP Basman responded that the interpellator and the proponent have divergence in opinion on what constitutes absurdly or what causes confusions but they are open to hearing propose amendments to the bill on the table at the appropriate time.

Her next question still pertains to career service and non-career service. Paragraph again number three (3), Article 9 with respect to other positions that include Bangsamoro Director General that may be created by the Bangsamoro Parliament. She pointed out that if they look at the classification of the Bangsamoro Career Service as define in this draft Civil Service Code, each classification has an explanation why they considered career service. For example open-career positions for appointment which prior qualification to an appropriate examination is required; Second, close-career position which is scientific or highly technical and so on and so forth, there is an explanation.

As to what is the reason why the number three (3) other positions in the BARMM are considered as career service, MP Basman responded as she mentioned earlier there may be position created by the Bangsamoro Parliament in the course of its enactment of laws, creation of offices and etc. but if the good minority leader has a propose language in order to make the language of this enumeration parallel then they are prepared to listen.

#### SUSPENSION OF SESSION

At 5:51 p.m., the Chair *mutu proprio* declared a suspension of the session.

#### RESUMPTION OF THE SESSION

At 6:28 p.m , the session was resumed.

#### CONTINUATION OF INTERPELLATION OF MP ALAMIA

As to what is the basis for Article 184 which says that there's no detail or reassignment within three (3) before any, MP Basman responded that the basis is the administrative code, E.O. 292 meaning the National Administrative Code in Book V, Chapter 8 Section 58 which reads “No detail or reassignment or whatever shall be made within three (3) months before any election”.

MP Alamia asked if the proponent has considered decision, a resolution that has been issued by the Civil Service Commission en banc in 2019 which follows what is found under Article 261 (h) of the Omnibus Election Code which is under BT Bilang 881 that talks about the prohibition on the transfer of movement of officers and employees. She pointed out that it is not just the detail or the reassignment but transfer movement and even appointment of any person in the Civil Service during the election band and under these rules in the Omnibus Election Code it states that the prohibition for detail, reassignment or appointment shall take place not just prior to the elections but also after the election and this pertains to the election period and this happens every three (3) and this is standard jurisprudence and also law with respect to elections that for 45 days before regular election and thereafter there should be no appointments, details or reassignment. She asked further if the proponent would be open to amending this

provision because it does not conform to what is the law with respect to elections and within the jurisdiction of a constitutional commission the COMELEC to which MP Basman responded by stressing that it was lifted from the Admin Code but if the interpellator wishes to expound on this and change the title of the Article to cover all prohibitions in relation to the period of election then they are ready to listen during the period of amendments.

She stated that her next question is on Article 187. She mentioned that in relation to Article 187 with respect to nepotism, she expressed that she is very glad that in the draft Civil Code of the BARMM, the term nepotism is included and it declares that all appointments that are made in favour of the relative of the appointing or recommending authority or the head or the chief of the bureau or office or the person exercising immediate supervision over him or her are hereby prohibited. She pointed out that these pertains to the third degree either of consanguinity or affinity.

With regards to nepotism, as to why is the word relative define as only referring to the 3<sup>rd</sup> Degree of either of consanguinity or affinity as opposed to the definition in the regular laws on nepotism that talks about the 4<sup>th</sup> Degree either of consanguinity or affinity, MP Basman responded that if the good minority leader can mention to us which law that is it might be later but they only base that definition and it was only lifted again from Administrative Code EO 292 in Book V, Chapter 8 Section 59 which read exactly as it is reflected in the draft Civil Service Code.

#### MANIFESTATION OF MP ALAMIA

Upon recognition, MP Alamia manifested the following:

*“I will be identifying the law, the later law which is also found in jurisprudence and also in the Civil Service Commission decision with respect to degree of consanguinity or affinity but I would like to also. it is commendable that in the definition of the nepotism the jurisprudence on appointing authority has already been included which includes not just the one who is appointing but also the one who is recommending or the head or the chief of the bureau or office or of the person exercising immediate supervision. So, this does not pertain only to the appointing authority. Now with respect to Article 187 Mr Speaker, as to the exemptions from the rules*

*on nepotism which includes those who are employed in a confidential capacity, teachers, physicians, scientific and technology personnel provided that each particular instance a full report shall be made to the CSC for BARMM. In the 3rd Paragraph of Article 187 it says that, “ in order to give immediate effect to this provisions cases of previous appointments which are inter-convention hereof shall be corrected by transfer intending such transfer no promotional salary increase shall be allowed in favour” and then there is no period. So, it appears the sentence is incomplete.”*

As to what is the legal basis is whether it is a national law, a constitutional law or jurisprudence why this provision is included, MP Basman responded that it is direct lifting from the Administrative Code EO 29. She pointed out that it is provided in that Admin Code exactly as it is reflected in the draft Civil Service Code. She stated that they noted it however, she also pointed out that since they are already on operationalizing the band on nepotism from the office since they have followed national civil service rules thereon. She continued that the instance, in fact will no longer happen and explained further that this alternative movement or Human Resource Movement or action is no longer necessary because we do not foresee any approval of appointments prior to the enactment of the Civil Service Code that is covered by this paragraph.

As to whether the proponent would be open to a proposal to remove this last paragraph, MP Basman responded that at the appropriate time, they are ready to listen to that proposed amendment.

With regards to the Article 222 on construction which stating that the provisions of Book V shall be leaderly construed in order to promote their objective in obtaining a just, speedy and inexpensive disposition of administrative cases. The 2<sup>nd</sup> paragraph says that the administrative hearing and investigation under this book, under the Civil Service Code of BARMM is not bound with the technicalities of law and procedure and the rule obtaining in the courts of law provided the due process of law is not compromise.

With regards to the administrative proceedings that will be conducted based on the BARMM Civil Service Code, As to what will be the quantum of proof that are necessary for finding of guilt, MP Basman responded that it is going to be the same as in the standards of National law which is substantial evidence.

With regards to the penalties still on the jurisdiction of the Civil Service Commission, Under Article 280, MP Alamia pointed out that the Administrative Offenses and Penalties, talks about grave offenses, nepotism is there and also less grave offenses that are punishable by suspension of 6 months and 1 day to 1 year. She also pointed out that under number 4, it talks about inefficiency and incompetence in the performance of official duties. However, she stated that the guilty person may instead be punished by the motion in which case he shall suffer a diminution in salary corresponding to the next lower in degree with the same salary step.

With regards to the nepotism. She mentioned that she has not found any article in the Civil Service Code and it only identifies nepotism as an act that is prohibited and therefore is punishable. As to who will be the punished official and it would be both the appointed person and the appointing official, MP Basman responded that it is the appointing authority

When clarified if the one who is appointed will not be punished, MP Basman responded that the appointment of the appointee maybe affected but the punishment does not apply to him or her.

MP Alamia pointed out that considering it is substantive law and procedural law, it is not proper that these points will be included in these provisions with respect to nepotism as to who are punishable, who will be punished and what the punishment will be, MP Basman responded that at appropriate time, they are ready to listen to that kind of proposed amendment.

As to what are the parameters in determining that such act is disloyalty to Bangsamoro people, MP Basman responded that she, herself is aware of the elements of this particular offense. However, she pointed out that it is already contained in the 2017 RACCS and it is a replication with a few additions of the same offense which is considered grave punishable by dismissal from service. What the RACCS provides is simply disloyalty to the Republic of the Philippines and to the Filipino people. She continued that what they added as a form of enhancement is the inclusion of the Bangsamoro Autonomous Region in Muslim Mindanao and the Bangsamoro people. So,

in practical terms, operationally, she stated that she would defer to how the Civil Service Commission treated this offense how they were dealing with cases involving this specific offense.

As to whether it is possible for any of the proponents to explain the particular offense, MP Basman responded that what she understand, the desire of the good Minority leader to be very clear about this particular offense. She reminded them that they are not talking about criminal offenses where the elements needed to be spelled out for it to be valid. She pointed out that they are dealing with administrative offenses which if they look at the rest of the enumeration are also matters that are simply enumerated and whose elements are not define. For example, gross insubordination, the term "gross" is not defined. She explained that what constitute grossness of insubordination. So, she continued that it is going to be the same way that this particular offense on disloyalty to the Bangsamoro people and Bangsamoro region is to be treated both at the administrative level, at the level of the Civil Service Commission and as it is elevated through the judicial system But again, she stressed that if there is a proposal to qualify this considering that it is only taken directly from the RACCS and only added additional matters of the Bangsamoro Region and the Bangsamoro people then they are ready to listen.

#### MANIFESTATION OF MP ALAMIA

Upon recognition, Hon. MP Laisa M. Alamia manifested the following:

*“Thank you Mr. Speaker. Actually, Just in case, in the Civil Service Commission where the quantum of proof is only substantial evidence Mr. Speaker. So, I hope that the proponent, not now, if they are able to come up with an explanation this so that we are very clear. We do not include, because we are law makers Mr. Speaker, tayo ay mga manunulat ng batas dito sa BARMM. Kailangan po ay malinaw kung ano ang ating mga sinasabi na hindi pwede at pwede. Kung ano yung punishable at ano yung hindi punishable Mr. Speaker. I do not intend to... It is okay Mr. Speaker if the proponent is unable to explain the parameters of this. This can be done later Mr. Speaker. If I may proceed to the 2nd to the last inquiry. All of these offenses that are identified here are identified in the National Laws and they ate defined while the law would only say oppression, disgraceful and moral conduct, habitual absenteeism, these have been defined Mr. Speaker and the quantum evidence has already mentioned earlier is only quantum of tool is only substantial evidence. But still there are parameters to this Mr. Speaker. The parameters to disloyalty to the Republic of the Philippines and the Filipino people are clear Mr. Speaker and there's jurisprudence for that. But what we need are at least*

*an explanation on the parameters for disloyalty to the BARMM which can be anything Mr. Speaker. Off course, this is not a criminal case. This talks about administrative proceeding but still there are implications when someone is charged with disloyalty to the BARMM.”*

#### EXPLANATION OF MP BASMAN

Upon recognition, MP Basman explained the following:

*“If I may just make a last point on that Mr. Speaker. Nauunawaan po natin ang kagustuhan natin na ma i-klaro ang lahat ng mga salitang ginagamit sa ating mga panukalang batas. Yan po ay expected sa atin. Iyan po ay talagang gusto nating mangyari lahat. Kaya nga lang po, sa mga ganitong pagkakataon may mga instances na hindi po ito posible. Katulad po ng pag define ng kung ano ang offenses that constitute disloyalty and that Mr. Speaker is recognized even in administrative order issued by the Office of the President where citing... where it is discussed that the offense of disloyalty and I quote, however it can be inferred from RA 6713 otherwise known as Code of Conduct and Ethical standards for public officials and employees, the pertinent portion of which reads as follows " Every public official and employee shall observe the following standards of personal conduct in the discharge and execution of their official duties including commitment to democracy. Public officials and employees shall commit themselves to democratic way of life and values. Maintain the principle of public accountability and manifest by these as it is a civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to the country above loyalty to persons or party. Mr. Speaker, ibig lamang pong sabihin nito, kahit na matagal na pong nailabas ang admin code, kahit matagal na pong naisama ang offense sa disloyalty to the Republic and to the Filipino people posible pa rin po at nire-recognize na ito ay isang offense, isang kasalanan na walang kasing klarong depinasyon. May mga bagay na ganun, na ang jurisprudence lamang o ang own estimation of the disciplining authority and as elevated to the level of judicial decision. Yun lamang po ang makakapag set ng standard at yan po ay nangyayari sa maraming mga offenses na considered na administrative cases. And I was just informed that... yun nga po sa administrative order no. 236 series of 1991 disloyalty po ay nai - define by the office of the President. So, Mr. Speaker, if the Minority Leader wishes to lift from that AO a definition of disloyalty that they want to be included in the language of the Civil Service Code. At appropriate time Mr. Speaker, we are ready to listen to that proposed amendment.”*

#### COMMENT OF THE CHAIR

Whereupon, the Chair commented and opined that the proponent has already commit her statement clear regarding the definition. She cited few legal bases including Presidential and asked MP Alamia what was that to which she responded that it is Administrative Order 236.

#### CONTINUATION OF INTERPELLATION OF MP ALAMIA

When clarified about her manifestation as to how will it be implemented operationally and as to whether it is diminution in salary next lower in degree also a



diminution of the position or a change in the position while pointing out that it is not by the way provided for in the RACCS and this alternative penalty of demotion with regards to inefficiency and incompetence in the performance of duties. So as it is a new added element. So as to what is its rationality, MP Basman responded that it is not something that is only seen in the Civil Service Code draft before us. She stated that it also a direct lifting from the 2017 RACCS. So, she pointed out that it reads as the same as is read in the Civil Service Code before them. She mentioned that it is found in the RACCS under section 50 rule 10 letter C; the grave offense of inefficiency and incompetence in the performance of official duties may be punishable by demotion. She explained that in this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade with the same salary step. So, operationally she assumed that how it is being operationalized by the Civil Service Commission or its Regional Offices is the same way that we are going to do it here in the Bangsamoro to which she opined that how do they do it is if there's a position one grade lower than that occupied by the airing public servant then that position is the new... the airing public servant will be demoted to that position. In the event that that is not possible, meaning there is no vacancy, then she also opined that what they do is they simply suffer in diminution in salary. She added that it is one step lower than that prior to the offense.

MP Alamia pointed out that there are two (2) options for these in that case a diminution of salary at the same time, if it is available lowering of the position

As to whether the BARMM is deemed an LGU, MP Basman responded that negatively and stated that the BARMM is autonomous regional government. And it is a class of its own even as far as the civil Service is concerned.

With regards to the case of the BARMM, as to how will the process be done, if all appointments that will be made need to be signed or attested by the Civil Service Commission, if it is found in the Civil Service Code, As to whether they are going to follow the process that is being implemented by Local Government Units or are they going to follow the process that was implemented by ARMM which submitted positions and listing called NOSCA to the DBM for approval in what you call the PSIPOP and as

to how it will be done so that Civil Service Commission will attest the appointments that are submitted to them, MP Basman responded affirmatively and stated that it is being done already as soon as they enacted the Administrative Code. So, to answer the question, is neither of the instances of the LGU nor of the former ARMM are applicable in the case of the BARMM. She explained what the BARMM does when the Administrative Code was issued it is the MFBM as the counter part of the DBM which issues the NOSCA. So, that process of elevating it to a National Government Agency is no longer required in our situation in the BARMM and that forms the basis for publication of the vacant positions and also of the CSC in the attestation of the appointments made based thereon.

When clarified if it means that the process now is that with the passage of the Administrative Code, the positions that have been created by the Government of the Day per Ministry, per agency are submitted to the Civil Service Commission and then later on that would be used as the basis for the attestation of the Civil Service Commission and the Parliament no longer needs to pass a law listing the positions that have been created, MP Basman responded that it is correct.

As to whether the process is included already in the Civil service Code, MP Basman responded that it is in the Admin Code and stressed that it is already being implemented in the appointments made within the Bangsamoro region.

#### CLOSING OF THE PERIOD OF DEBATE AND INTERPELLATION

On motion of MP Ali (L.), duly seconded and there being no objection, the period of debate and interpellation on Civil Service Code was closed.

#### REQUEST OF THE CHAIR

Thereafter, the Chair requested the members of the parliament who would like to signify their interest to propose amendments to send the proposed amendment to the secretariat.

#### SUSPENSION OF THE SESSION

On the motion of MP Ali (L.) Jr., duly seconded and there being no objection, the session was suspended until 1:30 p.m in the afternoon of the following day.

It was 7:08 p.m.

## RESUMPTION OF THE SESSION

On February 18, 2021 at 2:21 p.m., the Presiding Officer, Deputy Speaker Adiong declared the resumption of the session.

## INVOCATION

MP Solaiman led the invocation.

## DEFERMENT OF THE PERIOD OF AMENDMENTS

Considering the proponents of the Bangsamoro Civil Service Code were is still incorporating the amendments of the individual members of the Parliament, on motion of MP Ali (L.), Jr., duly seconded and there being no objection, the period of amendments for the Bangsamoro Civil Service Code was deferred until after *As'r* Prayer.

## CONSIDERATION OF CONSOLIDATED PROPOSED RESOLUTION NOS. 382 AND 383

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the Body proceeded to consider the consolidated Proposed Resolution Nos. 382 and 383:

### 1. Proposed Resolution No. 382, entitled:

RESOLUTION URGENTLY DIRECTING THE MINISTRY OF HEALTH TO PROVIDE AND PRESENT A REPORT TO THE BANGSAMORO PARLIAMENT REGARDING THE ASSESSMENT, PLAN AND PROGRAM ON THE DISTRIBUTION OF COVID-19 VACCINE

Author: MP Maisara D. Latiph

Co-author/s: MPs Basit S. Abbas, Ibrahim D. Ali, Abdulla A. Ahang, Dr. Susana S. Anayatin, Musa K. S. Diamla, Abdullah B. Hashim, Rasul E. Ismael, Bainon G. Karon, Hussein P. Muñoz, Suwaib L. Oranon, Abdulwahab M. Pak, Nabila Margarita P. Pangandaman, Diamila D. Ramos, Al-Syed A. Sali, Romeo C. Saliga, Prof. Punduma B. Sani and Aida M. Silongan

### 2. Proposed Resolution No. 383, entitled:

A RESOLUTION RESPECTFULLY URGING THE MINISTRY OF HEALTH TO PREPARE A VACCINATION PROGRAM PLAN AHEAD OF THE PUBLIC DISTRIBUTION OF COVID-19 VACCINES IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, ENSURING EQUITABLE DISTRIBUTION TO LOWER INCOME GROUPS AND TO THE MOST VULNERABLE FAMILIES.

Author: MP Abdullah B. Hashim

Co-Authors: MPs Romeo C. Saliga, Bainon G. Karon, Basit "Jannati Mimbantas" Abbas, Atty. Maisara C. Dandamun-Latiph, Atty. Paisalin P. Tago, Dr. Susana S. Anayatin, Engr. Don Mustapha A. Loong, Atty. Omar Yasser C. Sema, Princess Maleiha B. Candao, Engr. Mudjib C. Abu,

Muslima A. Asmawil, Mohammad P. Bato, Dr. Zul Qarneyn M. Abas, Md., Abduladzis “Kagui Jordan” M. Esmael, Abdulla A. Ahang, Diamila Disimban-Ramos, Punduma B. Sani, Ibrahim D. Ali, Musa K.S. Diamla, Atty. Rasol Y. Mitmug Jr., Nabila Margarita Pangandaman and Rasul E. Ismael

#### PERIOD OF DEBATE AND INTERPELLATION

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the period of debate on consolidated Proposed Resolution Nos. 382 and 383 was opened.

#### INFORMATION OF MP ABAS (Z.Q.)

MP Abas (Z.Q.) apologized to the Members of the BTA Parliament, saying that he was at the moment in Cagayan De Oro City attending a workshop. He, however, informed the body that he would present his report on the deployment and vaccination plan of the Ministry of Health for phase 1 vaccination.

#### POINT OF ORDER OF SEMA (O.Y.)

At this juncture, MP Sema (O.Y.) raised a point of order, explaining that the Body was still discussing the consolidated proposed resolutions and whether or not they would require the Ministry of Health to report to the body. He stressed that the Body must first approve the consolidated proposed resolutions before the Deputy Minister of Health, MP Abas (Z.Q.) render his report to the Body.

#### QUERY OF THE CHAIR

At this point, the Chair inquired from MP Ali (L.), Jr., whether the consolidated proposed resolutions was treated as simple resolution in the previous day of session, to which the latter responded affirmatively, adding that it was also included in the Business for the Day on the condition that the Ministry of Health would present a report to the body on the progress of the Covid-19 vaccination in the Bangsamoro.

#### CLOSURE OF THE PERIOD OF DEBATE AND INTERPELLATION AND DISPENSAL OF THE PERIOD OF AMENDMENTS

Upon omnibus motion of MP Sema (O.Y.), duly seconded and there being no objection, the Body closed the period of debate and interpellation and dispensed with the period of amendments for consolidated Proposed Resolution Nos. 382 and 383.

#### APPROVAL OF THE CONSOLIDATED PROPOSED RESOLUTION

Thereafter, on motion MP Sema (O.Y.), duly seconded and there being no objection, the Body approved the consolidated Proposed Resolution Nos. 382 and 383.

#### MANIFESTATION OF CO-AUTHORSHIP

The following Members of the BTA Parliament manifested to co-author the consolidated Proposed Resolution Nos. 382 and 383: MP Mujahid and MP Sema (O.Y.).

The Chair noted the foregoing manifestation.

#### REPORT OF MP ABAS (Z.Q.)

Before proceeding to his report, Hon. MP Abas (Z.Q.), apologized to the body that he cannot be physically present in the session hall due to scheduled urgent matters at Cagayan de Oro. Also, he failed to open his camera because of poor internet connection.

In his report, Hon. MP Abas (Z.Q.), updated the Body about the BARMM deployment and vaccination plan following national guidelines of the Department of Health (DOH) central office. He stated that they have already planned on the production, shipment, and storage. The distribution and deployment of the vaccines as well as the implementation of wide vaccination in the region were likewise discussed. Afterwards, evaluation and monitoring would follow. According to him, the process of shipment and storage considered the safety of the vaccines, monitoring, management of adverse effects, and immunization sites. He added that they were preparing on the vaccine readiness assessment tool for each province, considering that only Lanao Del Sur and Marawi City are 30% ready for the shipment and vaccine rollout. Furthermore, he said, the assessment showed that the rest of the provinces was 10%, 15%, and 20% completed; overall, the BARMM region was 30% ready. He noted that the Ministry of Health (MOH) projected that vaccination could start by the end of March or first week of April. He then stated that they have already assessed the end-to-end supply chain system from manufacturers to the storage, to the distribution, down to the areas where the vaccination will take place. He informed the Body that they have identified open vaccination facilities and the majority of these facilities are hospitals from Maguindanao. In the province of Maguindanao, they would do the vaccination at the Maguindanao Provincial Hospital; Amai PakPak Medical Center for Lanao Del Sur; Sulu Provincial Hospital for Sulu; Datu Halun Sakilan

Hospital for Tawi-Tawi; Lamitan District Hospital for Basilan; BARMM COMPLEX for the MOH as well as at the Police Regional Office-BARMM. He added that almost all the identified facilities are either hospitals or near the hospitals, for if an adverse effect happens during the vaccination procedure, it would be easy to treat the patients. In the case of distribution and deployment, he said that they identified priority eligible groups labelled as Group A, Group B and Group C. He elaborated that those who would be vaccinated first are the frontline health workers in both public and private health facilities such as hospitals and PPMF's who work temporarily at the equipment and monitoring facilities. Second, are all public health workers in RHU, CHO, MHO, MOH AND IPHO's, Barangay Health Workers and Barangay Health and Emergency Team. He added that the office of Ministry of Social Services and Development (MSSD), Ministry of Basic, Higher and Technical Education (MBHTE), Ministry of Local Government (MILG), Bureau of Jail Management and Penology-BARMM (BJMP), and the Bureau of Corrections (BuCor) are included in the frontline. Third are the indigent senior citizens; fourth is the remaining indigent population; fifth are uniformed personnel such as the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Bureau of Fire Protection (BFP) and the Bangsamoro Islamic Armed Forces (BIAF). The mentioned above are all the priority eligible groups following the World Health Organization Sage Prioritization Road map.

MP Abas (ZQ) pointed out that the primary goal of this is to direct reduction of the morbidity and mortality maintenance of the most critical essential services because the personnel mentioned in Group A are most needed in the community. The secondary goal was to substantially control the mission to minimize disruption of social economic and security functions. Lastly, the tertiary goal is to resume everything to normal. He then identified priority eligible group B which include teachers, social workers, other BARMM government workers, and other essential workers outside health, education; the social welfare sectors such as agriculture, food industry, transportation, tourism, manufacturing, construction, and the social demographic groups that are significantly at

higher risk like persons with disabilities, Bangsamoro living in high-density areas and lastly the Overseas Filipino Workers (OFW). He then identified the next priority eligible Group C who are the remaining Bangsamoro that are not mentioned in Group A and B. He explained that Group A was the one who would get vaccinated for phase 1 and that they already instructed the IPHO's in the region to conduct a master listing of all Group A. First on the list was the frontliners and before proceeding to the vaccination they must consider the readiness assessment tool which indicates if all the names in the master list were ready to get vaccinated and if the site passed the assessment. He underlined that the first thing they assessed were the storage facilities in provinces. He informed the Body that vaccines AstraZeneca, Moderna and, Sinovac were expected to arrive and that they did not request for Pfizer because these vaccines requires  $-70^{\circ}\text{C}$  storage, and unfortunately, they are neither equipped with a storage warehouse nor a vehicle that could transport this vaccine. He added that at present, the transportation for the vaccines only accommodates  $+2$  to  $8$  degrees centigrade and that's why Pfizer was not on the list of requested vaccines. He said that having no warehouse or regional vaccines for change room was a big problem for BARMM. He explained that the vaccines would be shipped directly to the DOH and would no longer pass through BARMM, whereas the vaccines that are intended for the provinces were directly given to them. He said that the readiness of the provinces was being assessed based on their activities prior to the implementation. He then noted that the IPHO's was able to identify the vaccines, the eligible population in the master list, the profiling and screening of the equipment and logistics needed in the vaccination site, and finally the last phase of assessment: the evaluation and monitoring. He explained that during vaccination, the identified target or eligible population would go to the provincial health office or city health office, where a QR code would be generated for every patient in a designated waiting area. While waiting, the staff would give some instructions to the patients and thereafter, they would enter the vaccination area. He said that after getting vaccinated, they have to wait for 15 minutes for monitoring of possible adverse effect, if none, they are allowed to go home. He added that the MOH has established a regional Covid-19 vaccination operation center at the BARMM-READi

office which roles and responsibilities are in coordination with other agencies like MFBM, MILG, PNP, BARMM-READi, MOTC, MTIT, and other ministries. They identified an immediate need for a cold room and vaccine refrigerators for it is stated in the mandate that it should not be stored on regular refrigerators. He said that they are challenged by the transportation of vaccines to the RHUs that's why the vaccination would take place at the hospital. He further explained that the MOH has already identified container vans with refrigerators as valuable solutions for the lack of regional cold chain storage room.

QUERY OF HON. RASOL Y. MITMUG, JR.

MP Mitmug Jr. asked as to how they could access the information reported by MP Abas (ZQ). He also asked what specific website they could visit since there were many sites like [Bangsamoro.gov.ph](http://Bangsamoro.gov.ph), Facebook page, and the IATF site.

He stated that he was happy with the master list made by MOH, although in other jurisdictions the citizens are more proactive and those who are willing to get vaccinated can easily be found. He observed that not all PNP personnel were willing to get vaccinated and cannot be forced to get vaccinated so even though they have a master list, they are uncertain if those in the master list would be willing to get vaccinated. He inquired if the MOH has similar schemes with other jurisdictions where they could text, email, or call first for the schedule of their vaccination based on the master list of MOH, to which MP Abas (ZQ) responded that the MOH was on the process of drafting its information plan for dissemination to the public through radio, and social media.

QUERY OF HON. MP BAI MALIEHA B. CANDAO

MP Candao, inquired whether the staff of the MPs are included in the master list of those who would be vaccinated and what vaccine would be given to them, to which MP Abas (ZQ) responded that the vaccines that would be given are AstraZeneca, Moderna and Sinovac.

Thereafter, MP Candao commented that the staff of the MPs are also frontliners.



## QUERY OF MP SATTAR

Hon. MP Sattar inquired whether the students are also included of those in the priority for vaccination since MP Abas (ZQ) mentioned that the teachers are one of the priorities. Secondly, he also inquired whether the Bangsamoro Islamic Armed Forces (BIAF) and the Bangsamoro Armed Forces (BAF) of the Moro National Liberation Front (MNLF) are included in the master list, to which MP Abas (ZQ) replied that the eligible groups are those frontliners, healthcare workers, senior citizens, indigent population, and the uniformed personnel. He also said that they would incorporate the BIAF and the BAF of the MNLF in the list. In the case of teachers, social workers, other BARMM government workers, workers outside health and other education sectors, they are on the list of category B. He added that the students are categorized as group C. MP Sattar commented that if teachers would be vaccinated, the students should also be included for the reopening of face to face classes.

He further inquired if the allocated Php 500 million for vaccination is enough, to which MP Abas (ZQ) gave an affirmative answer. He explained that they are still uncertain as to how many dosage would be given by the DOH to the BARMM.

As to whether the budget allocation was enough, MP Abas (ZQ) responded that it would depend upon the DOH, stressing that they were expecting that the supply from the DOH central office would be sufficient.

With regard to the safety of the patients, MP Abas (ZQ) responded that as presented, all vaccination sites are either hospitals or near hospitals to ensure the safety of individuals.

To MP Sattar's query saying whether the vaccine has *halal* components, MP Abas (Z.Q) replied that it is not indicated in the emergency use authorization given by the World Health Organization. However, he pointed out that Sinovac got its certification from Indonesia while Moderna and AstraZenica are being used in Europe where many Muslims reside. Nonetheless, he said, they were coordinating with Darul Ifta regarding the matter.

#### QUERY OF MP HASHIM

MP Hashim congratulated the office of MP Latiph for having a similar thought with his office on the matter. He expressed his gratitude to those who supported the consolidated Proposed Resolution Nos. 382 and 383 and those who co-authored the same and to MOH Deputy Minister, MP Abas (Z.Q.) for defending the consolidated proposed resolutions. Then, he inquired on whether the MOH is prepared in spreading awareness to the public regarding the vaccines in view of the fake news circulating about the danger of the vaccines, to which MP Abas (Z.Q.) responded that the MOH has already drafted an information plan for the whole area of BARMM, saying that the query of MP Hashim is one of the frequently asked questions (FAQ) on covid-19 vaccines.

As to whether the MOH could procure the vaccines with the Php 500 million budget, MP Abas (Z.Q.) answered that the first round of the vaccination was coming from the Department of Health central office, explaining that it was the reason why the MOH made a master list of all health workers who are under the Category A. He informed the Body that the MOH had requested the IPHOs to provide master lists of all the frontline health workers and those who belong on the list of Group A in order for the BARMM to know how many shots is needed and how many supplies of vaccines that would be allotted to the BARMM. He also informed the Body that the first to submit master lists are Lanao del Sur and Marawi City and that there are still provinces that have not yet fully submitted all their master lists like Maguindanao.

#### QUERY OF MP TAGO

MP Paisalin P. Tago inquired if the MOH has a time table for the roll out of the vaccine, to which MP Abas (Z.Q.) responded that the time table for the roll out of the vaccines is provided by the DOH central office would start on March or April and the end of the vaccination would depend on the vaccines that will be given to the BARMM.

Thereupon, MP Tago clarified if the Php 500 million allocated for the vaccines is sufficient to procure the vaccines for the people in the BARMM, Abas (Z.Q.) replied that the Php 500 millions is just to support in case there would be shortage of the vaccines. He stated that they actually get supply of the vaccines from the DOH central office. He

informed the Body that MOH is still looking if the supplies of vaccines coming from the the central office would be sufficient for the population of the BARMM.

As to whether the BARMM would get the vaccines from the National Government, MP Aba (Z.Q.) responded that all of the regions throughout the Philippines have their own allotted vaccines and the amount of the vaccines that would be given to every region would depend on the master lists they have submitted

#### QUERY OF MP MANGUDADATU

MP Mangudadatu asked about the efficacy rates of Sinovac and AstraZeneca. He stated that MOH should have an information drive campaign, considering that there are news circulating about the efficacy rates two vaccines companies, to which MP Abas (Z.Q.) replied that MOH is aware about the efficacy rate of the vaccines, stressing that the efficacy rate depends on its indication. He explained that if the indication is to prevent the progression of the Covid-19 from mild to severe, it has a different efficacy rate. He also explained that efficacy rate on the young and adult is also different.

MP Mangudadatu also inquired how much of the total population the MOH could cater in the first stage of the vaccination program, to which MP Abas (Z.Q.) responded that the amount of the vaccines that would depend on the master list submitted by the BARMM.

#### SUSPENSION OF THE SESSION

At 3:30 p.m., the Chair *motu proprio* declared a 25-minute suspension of the session *As 'r* Parayer.

#### RESUMPTION OF THE SESSION

At 4:10 p.m., the session was resumed.

#### QUERY OF HON. MP SAFFRULLAH M. DIPATUAN

MP Dipatuan congratulated MPAbas (Z.Q.) for updating the Body on the readiness of MOH for the roll out of the vaccination in the BARMM. He stated that based on the report, only Lanao del Sur and Marawi City are 30% ready and some parts of BARMM area are 10% to 15% ready. Then, he inquired from the proponent as to how

they could say they are 30% ready given the foregoing situation, to which MP Abas (Z.Q.) answered that the readiness assessment of the BARMM is still a projection, since there are still two (2) provinces that have not yet submitted their master lists. He stated that the update is still going on, but the MOH has already procured six (6) container vans and other things that are necessary that would be used for transporting the vaccines to the five provinces in the BARMM.

MP Dipatuan manifested that there are more than two thousand contractual human resource health (HRH) personnel under the DOH central office who have done a big help in terms of immunization coverage. He informed the Body that there is a reduction in the number of said HRH personnel which might affect the target coverage of the vaccination. Thus, he inquired if the MOH has a proactive action on the problem, to which MP Abas (Z.Q.) responded that they went to the DOH central office last January to discuss the possibility of augmenting further the health resources of the region. He stated that the reduction of the human resource for health, like nurses or midwives is nationwide because the Congress reduced the budget of the DOH which prompted the Department to reduce the number of its health personnel nationwide.

MP Dipatuan pointed out that the main problem in the success of the immunization is reaching out the target population and that the BARMM immunization projects are quite getting successful because the HRH personnel were able to reach the far-flung areas. He cited that as mentioned by MP Abas (Z.Q.) the immunization focuses on the hospitals because in case there is complication to the immunization, it is possible that the coverage would not reach its target as it would be difficult for some people who live in remote areas to reach the hospitals, especially that currently there is a lot of fake news circulating regarding the vaccines. Then, he inquired whether the MOH has a proactive action to the problem to get a higher coverage in the far-flung areas by making sure that the vaccines would reach them, to which MP Abas (Z.Q.) responded that the MOH has requested the DOH to retain the original figure of the HRH personnel and the DOH responded that they are still working on the matter. He also informed the Body that the MOH has lobbied for the release of the wages of all HRH personnel and the

answer of the DOH was that they were still waiting for the DBM to release the budget which is done quarterly.

MP Dipatuan commented on the statement of MP Abas (Z.Q.) that MOH doesn't have a cold chain storage in the region and despite the fact that the BARMM has provided Php 500 million as a supplemental fund for the vaccines. Thus, he inquired if the MOH has a plan to establishing a cold chain storage for the vaccines in the region, to which MP Abas (Z.Q.) responded that they bought six (6) container vans as emergency cold chain storage which are equipped with cold chain equipment. He reiterate that each province would be provided with one container van and one container van would be placed at the regional office. said that they procured a total of six container van and one will be placed at regional office and the other five will be distributed to the provinces. He also also informed the Body that since the MOH has no cold chain storage, the vaccines coming from the DOH central office would be shipped directly to the provinces and each province is allotted with refrigerator.

#### CLARIFICATION OF MP MUJAHID

MP Mujahid clarified if the Barangay Health Workers are included in the priority group, stressing that they are also frontliners, to which Abas (Z.Q.) replied that frontline health workers include both public and private facilities. He explained that all RHUs, IPHOs, MHOs, MOH, barangay health workers, and barangay health emergency response teams are included in the priority group.

MP Mujahid manifested that he was concerned about the area of distribution in the different provinces since there are provinces or municipalities that are quite far away from the area of distribution like in Jama Mapun in Tawi-Tawi, and the island municipalities in Sulu. Then, he inquired if the MOH has plans for the distribution of vaccines, especially in the island provinces, to which MP Abas (Z.Q.) replied that the transportation plan is also included in MOH readiness assessment. He emphasized that the support of the local government units (LGUs) should also be included in the plans submitted by the IPHOs. He He stressed that MOH also took into consideration the Geographically Isolated and Disadvantaged Areas (GIDAs) not only the Jama Mapun

Island but also the Turtle Island in Tawi-Tawi. He informed the Body that the previous vaccination was also successful because they brought the vaccine to the far-flung areas and in the those areas where the transportation of the vaccine was not possible, they brought the people to the vaccination sites.

At this point, MP Mujahid also clarified if the *asatids* and their students are also included as priorities for vaccination, He stressed that in the remote areas, despite the restrictions, the *asatids* are still holding classes without even wearing facemasks, MP Abas (Z.Q.) replied that *asatids* are also included in the category of teachers which is category B.

As to the time frame of the vaccination is included in the MOH readiness assessment, MP Abas (Z.Q.) responded that he could not give an accurate answer on the time frame of the vaccination, since it is a continuous activity and dependent on the availability of the vaccines coming from the DOH central office.

#### QUERY OF MP RAMOS

MP Ramos praised the good Deputy Minister of Health, MP Abas (Z.Q.). Then, clarified on measure adopted by the MOH on the side effects of COVID-19 vaccines, to which MP Abas (Z.Q.) responded that when it comes to the side effects of the vaccines, there is a standard vaccine development that a developers should follow which would take take at least three (3) to four (4) years of study. He explained that what happen in COVID-19 was that the genuine sequencing of the RNA of the virus was already made available, because of the technological and scientific advancement which is the reason why the developers were fast in identifying the RNA of the virus within one year. He added that it was the reason why the World Health Organization (WHO) issued Emergency Used Authorization (EUA) for the emergency situation. He said that many countries conducted trials for the vaccines and based on the the available evidence they have, the COVID-19 vaccination is relatively safe. He also said that the usual side effect of the vaccines were like pain in the injection side, allergies if they have allergic to the content of the vaccine and fever. He stressed that all of the documented side effects of the vaccines were mild and there were no severe side effect that was documented.

As to the content of the information campaign (Z.Q.) informed the Body that it includes the information on the side effects of the vaccines, the background of the immunization, background of the vaccines, the situation of the COVID-19, what vaccination is all about, how does it work, and what would happen when people get vaccinated. He stated he would be providing the initial draft of FAQs to the Members of the Parliament.

#### MANIFESTATION OF HON. MP DIAMILA D. RAMOS

MP Ramos inquired if the MOH has a specific medium for intensifying the information campaign to the community, especially in the far-flung areas. She informed the Body that there were some barangay officials who approached after hearing that the vaccines would be coming to their barangays and told her some of their constituents got scared, and others have left and gone hiding. Thus, she suggested that if the MOH would want their information drive to be successful, it should look at the media used like television, radio station, social media and community visitations which could help in reaching the barangays in the far-flung areas.

#### INQUIRY OF MP LORENA

MP Lorena expressed his gratitude to the Deputy Minister of Health, MP Abas (Z.Q.). He stated that he was not supposed to raise a question, but when the procurement process was tacked and the vaccines are procured by the National Government, he was cautious in looking at whether the procurement process is good or bad. Thus, he inquired if the MOH has entered into an agreement with the National Government on the matter and the modality of the purchase of the vaccines for the BARMM, to which MP Abas (Z.Q.) responded that they coordinated with DOH Undersecretary Myrna C. Cabotage regarding the purchased vaccines and Undersecretary Cabotage advised them to keep the money first, since the vaccines they would give to the BARMM are already available. He stressed that the MOH would procure the vaccines, in case the vaccines coming from the DOH central office would be delayed. He informed the Body that DOH central office gave assurance that the vaccines that would be provided to all regions are available and sufficient.

Thereupon, MP Lorena expressed his concern, considering that the BARMM is the only political region in the country and all other regions are administrative regions which are covered by the National Government. In view thereof, he stated that in terms of priority given to the administrative regions, the BARMM has the capacity since it has a block grant. Then, he inquired on the time frame for the delivery of the vaccines by the national government, to which MP Abas (Z.Q.) replied that in the roll out of the vaccines, the DOH central office would directly send the vaccines to the provinces. He stressed that the delivery of the vaccines would depend on the readiness assessment, adding that if the readiness assessment would be completed they could start the roll out of the vaccines.

MP Lorena pointed out that under Article V of the Bangsamoro Organic Law (BOL) the BARMM has the power over health and the power to receive grants and donations. He explained that it doesn't mean that the donation stated in the provision refers to the donation made only for the State, stressing that WHO may grant donation to other entities. In relation thereto, he inquired if the MOH has looked into the possibility of receiving independent donation from the WHO for the BARMM considering that it is a political unit and has the power to receive grants and donations, to which MP Abas (Z.Q.) replied that they are aware of the power of the BARMM to receive grants and donations. He stressed that it is the reason why the MOH is procuring the vaccines and not channeling it through the DOH, saying, however, that they are just coordinating with the DOH in the procurement of the vaccines.

#### CLARIFICATORY QUERY OF MP TAN

MP Tan inquired if there was another allocation of Php 500 million for the year 2021, to which MP Abas (Z.Q.) responded that Php 500 million is allocation in the 2020 budget.

Thereupon, MP Tan reiterated that the MOH is 30% ready as of the moment since there are still two (2) provinces which have not yet submitted yet their readiness assessment. He inquired if what provinces that have not yet submitted their readiness assessment, to which MP Abas (Z.Q.) responded that it was not a big deal. He informed the body that the two (2) provinces have not yet finished their readiness assessment,



saying that there is no deadline yet for the submission. He said that Sulu has already sent its readiness assessment and Maguindanao has promised to complete its readiness assessment the following day.

As to when the readiness assessment of the BARMM would be completed, MP Abas (Z.Q.) the readiness assessment of the BARMM would be completed on the following day.

As to how many percent the readiness of the BARMM is, MP Abas (Z.Q.) replied that he could not give an estimation, since there are still a lot of indicators which they would be collecting. He informed the Body that they would still be considering their readiness on cold chain transportation, cold chain equipment, readiness on the transporting the patients, readiness of the sites, and readiness on conducting trial. He emphasized that they would be conducting trial in each province and everyday the readiness assessment based on the data submitted by the provinces.

MP Tan further inquired who are preparing the master lists, to which Hon. MP Zul Qarneyn M. Abas responded the PHOs and all of the IPHOs are ones tasked to prepare the master lists.

MP Tan stated that the LGUs in Metro Manila were holding vaccination simulation to show their readiness once the vaccines would arrive. In view thereof, he inquired if the MOH has a plan to do a vaccination simulation to show its readiness for the actual vaccination, to which MP Abas (Z.Q.) responded that they have tentative schedule for the conduct of vaccination simulation. He explained that it is a national protocol that before the roll out of vaccination, every province should conduct simulation in all the vaccinations sites.

At this juncture, MP Tan inquired whether the Php 500 million budget is ready to use or not, and whether the MOH has a plan of buying separately from what they would be getting from the National Government as buffer, to which MP Abas (Z.Q.) replied that they are still on the process of procuring the vaccines. He informed the Body that they had already coordinated with the manufacturer of the vaccines and on the process of

bidding although they had already talked with the DOH central office where they were advised to use the money for other purposes like support for immunization related activities. He explained that it is up to the MOH whether they would purchase the vaccines or not but they were considering to purchase vaccines.

#### ADDITIONAL QUERY MP TAN

At this point, MP Tan inquired if the MOH would be hiring vaccinators to speed up the actual administration of vaccines, to which MP Abas (Z.Q.) responded that the MOH has hired emergency HRH personnel to serve in the vaccination activities during the pandemic and that the hiring of the emergency HRH personnel is funded by the DOH central office. He informed the Body that they would be bringing the constituents to the vaccination sites.

MP Tan manifested that he was impressed by the performance of the MOH, saying that it is very good work.

MP Abas (Z.Q.) informed the Body that they have already initiated the information plan and already prepared the information materials which would be rolled out after its completion to the entire BARMM through all available media such as but not limited to print media, broadcast media and social media.

MP Tan concluded his query by manifesting that he supported the initiative of the MOH on COVID-19 vaccination program.

#### MANIFESTATION TO REPRODUCE THE TRANSCRIPT OF QUESTIONS AND ANSWERS FOR DISTRIBUTION TO THE MEMBERS OF THE PARLIAMENT

Thereafter, MP Sema (O.Y.) moved that the transcripts of questions and answers portion of the current proceeding be reproduced and distributed to the Members of the Parliament. He stated that if the secretariat was able to highlight the report, it would be better because there were proposals made during the question and answer portion. He stressed that said proposals could result to the amendments of the vaccination plan of the MOH. Thus, he inferred that said proposals could be referred to the Committee on Health.

The Chair inquired from MP Sema (O.Y.) if the latter meant to have the actual exchanges be transcribed in verbatim, to which the latter responded affirmatively.

## DIRECTION OF THE CHAIR

At this juncture, the Chair directed the secretariat to take note the manifestation of MP Sema (O.Y.)

## QUERY OF MP LOONG

Thereupon, MP Loong commended Deputy Minister of Health, MP Abas (Z.Q.), for the very comprehensive update to the Parliament. Then, he inquired on the two (2) options for the vaccines such as AstraZeneca and Moderna, to which Abas (Z.Q.) replied that the options AstraZeneca, Moderna and Sinovac.

MP Loong asked if what is the comment of the MOH as regards the issue on AstraZeneca where in South Africa they had stopped the roll-out of the vaccines after determining that it has only 25% efficacy for the local variant, to which MP Abas (Z.Q.) replied that the efficacy of the vaccines was documented. He stated that Pfizer has 97% efficacy rate, Moderna has 71% and AstraZeneca has 71%. He added that both Pfizer and Moderna have increased efficacy rates on the UK variant. He informed the body that they were not aware of the local situation in South Africa. He stressed that they have reports available that were widely published which specifically mention the efficacy of the vaccines.

MP Loong added that in terms of percentage, he inquired if how many percentage the total were the efficacy of all vaccines is, to which MP Abas (Z.Q.) replied that the DOH has not yet determined which of the vaccines that would be allotted to specific regions. He stated that it would be either AstraZeneca or Moderna which the MOH would procure.

Thereupon, MP Loong mentioned that based on news reports AstraZeneca is around \$4 US Dollar per unit while Moderna was around \$33 US Dollars per unit. He inquired if they would purchase AstraZeneca, there would be more vaccines available and whether the AstraZeneca could be transported using refrigerator, to which Hon. MP Zul Qarneyn Abas responded positively.

MP Loong pointed out that Moderna would require 4°C to -94°C. Thus, he inquired if the MOH is ready to transport, in terms of logistics, the Moderna vaccines, to

which MP Abas (Z.Q.) responded that they could transport eand Moderna because it requires 4°C, unlike Pfizer which requires -70°C. He added AstraZeneca is much easier to transport because it only requires plus 2 to plus 8.

MP Loong mentioned that according to Monthly Index of Medical Specialities or MIMS Reports there already an Indemnity Bill between the Philippine Government and Covax. In view thereof, he manifested that he would like to understand the Indemnity Bill which says that “This Indemniy Bill seeks to pay for adverse effect on those inoculated”. He explained that it means there is fund for the adverse effect side effects of the vaccines. Then, he inquired as to how the MOH would apply the Indemnity Bill in the Bangsamoro and whether the indemnity fund would be downloaded to the Bangsamoro or the Bangsamoro would need to provide contingency funds for the adverse side effects of the vaccines, to which MP Abas (Z.Q.) responded that the MOH is not aware of the Indemnity Bill nor does it receive information on the matter from the DOH central office. Thus, he stated that they would be coordinating with the DOH central office regarding the matter.

#### PROPOSAL OF MP LOONG

MP Loong proposed that the Bangsamoro Government should provide funding for the cost of adverse effect of the vaccines, to which MP Abas (Z.Q.) responded that proposal of MP Loong was well noted.

The Chair remarked that MP Loong could make proposal in the period of inquiry, saying, however, that he could file a separate resolution on matter.

MP Loong inquired as to how long the interval between the first and the second shots is, to which Abas (Z.Q.) responded that it’s two (2) weeks.

MP Loong expressed hope that the MOH can study again, pointing out that according to various researches circulating the long the distance between the first and the second shots for AstraZeneca the more effective it becomes and that accordingly interval of two to three months between the first and the second shots may increase the effectivity of the vaccines. In view thereof, he suggested to the MOH to coordinate for what is most appropriate interval between the first and the second shots, to which MP Abas (Z.Q.)

replied by correcting the information that the vaccines require two weeks from the first shot to the second shot. He explained that the three weeks is for Pfizer Biotech and more than one month for AstraZeneca from the first to to second shots.

#### QUERY OF MP ALAMIA

MP Alamia inquired as to when the vaccination would start based on the forecast, to which MP Abas (Z.Q.) responded that they have forecasted the start of the vaccination would be sometime on the last week of March or first week of April.

MP Alamia stated that that it's good to hear and *In Shaa Allah* by that time when they would get the second dose, things would be starting to normalize.

As to what additional help the MOH would need from the Parliament for the vaccination of the people of BARMM, MP Abas (Z.Q.) responded that the MOH really needs the help of the Members of the Parliament in those areas where there are poor internet connectivity. Secondly, he stressed that the BTA Parliament can help the MOH by passing a resolution supporting the vaccination program of the MOH, saying that it would really be a great push to the advocacy that the MOH would be rolling out.

MP Alamia suggested that with respect to the availability of hospitals that may act as vaccination areas, especially in the island provinces of Sulu and Basilan, giving as example the island Municipality of Siasi in Sulu where the Siasi District Hospital could be made a vaccination center for COVID-19. She informed the Body that in Basilan, there is Sumisip District Hospital which can also be made vaccination center. She stated that the plan of the MOH to bring the patients to the vaccination center so that they could be observed and monitored if there would be adverse effects of vaccines is a good plan. She also proposed to MP Abas (Z.Q.) to consider the inclusion of district hospitals she mentioned so that those coming from the island of municipalities of Tapul, Lugus and nearby areas could go to Siasi and the Sumisip District Hospital in Basilan so that those who are coming from the south of Basilan could to go to the Municipality of Sumisip, to which MP Abas (Z.Q.) responded that with regard to Siasi District Hospital and Sumisip District Hospital as the vaccination sites, the MOH is assessing the capability of the vaccination sites to handle the vaccine storage. He pointed out that the equipment should

be there and the cold chain storage should be ideal because it is very delicate. He reiterated that it requires plus 2 to for AstraZeneca and minus 4 for Moderna. He stated that considering they only have to procure one container van for each province, they have to stick with one vaccination site per province. He, however, explained that it does not mean that they would stop there, saying that they would be exploring other needs so that they could produce many vaccination sites for each provinces.

#### QUERY OF MP ANAYATIN

MP Anayatin commended and appreciated the activities or actions done by the MOH on the pre-vaccination, vaccination proper and post COVID-19 vaccination. In view thereof, she committed to help in the information dissemination, once the communication plan is rolled out. She pointed out that her concern is about the post vaccination scenario.

She clarified if MP Abas (Z.Q.) had mentioned that the vaccine is relatively safe. She also pointed out that they could not discount the adverse effects of the vaccines, like the Dengvaxia. She informed the Body that she heard over the radio that the Senate allocated Php 500 million as the indemnity fund for the COVID-19 vaccination.

In the case of BARMM where 60% the population is poor, she asked if up to what extent the MOH can help those patients who experience adverse effects of the vaccine. She manifested that she would the proposed resolution for the establishment of indemnity fund in the BARMM. She also pointed out that free hospitalization is not enough considering that there are the other needs of the family, to which MP Abas (Z.Q.) replied that the matter of the indemnity fund had been previously raised and the MOH would be accepting it. He stated that they are accepting it and it would one of the resolutions that the BTA Parliament should pass. He stated that they could consider the point raised by MP Anayatin. He added that with regard to post vaccination monitoring and surveillance, they usually observe the patient for one hour and watch out for any signs and symptoms such as shortest of breath or allergic reaction. He explained that it is the reason that they put the vaccination sites hospitals so that when there is adverse effect, they could immediately treat the the patient.

MP Anayatin manifested that she would co-author the proposed resolution for the establishment of indemnity fund in the BARMM.

MP Alih pointed out that it was mentioned earlier that DOH has enough supplies of vaccines for the 70% population. He added that MP Abas (Z.Q.) also mentioned the purchase of six (6) refrigerated vans and that that the Php 500 million allocation by the BARMM could be used as the buffer stock. In informed the Body that in Tawi-Tawi, they have Turtle Island and Mapun which are very far and take more than 24 hours to reach Bongao. He emphasized that if they have only one vaccination center in Bongao, the people of Mapun and Turtle Island would have have difficulty, considering that they would be transported by sea and it would be difficult to transport them to the vaccination cite in case there is strong wind. In view thereof, he suggested that MOH use part of the Php 500 million for the purchase of additional refrigerated van. He also suggested to the MOH to consideration the different situations in the five provinces in its vaccination activities.

In response thereto, MP Abas (Z.Q.) stated that they understand that the different provinces have different situations. He explained that one of the things they would consider in transporting the vaccines is their capability to transport the vaccines to the areas without compromising the cold chain. He stressed that it is the reason why they could not put vaccination sites in the far-flung areas. He also explained that another thing they would consider in putting up vaccination site is intermittent power supply, saying that if they would place the vaccines in a refrigerator in the area where there is frequent brownout, the vaccines would be destroyed.

MP Alih manifested that he understood the criteria for the putting up of vaccination sites. He narrated to the Body how difficult the situations in Mapun and Turtle Island are. He expressed hope that in the future there would be a district hospital in Mapun, Tawi-Tawi. He highlighted that they would need the help of the Armed Forces of the Philippines (AFP) in transporting the vaccines to the far-flung areas. He informed the Body that the salaries of the people in Mapun are carried by the AFP airplane from Zamboanga City. Thus, he inferred that in the current emergency situation, the MOH

could make representation with the AFP for assistance in transporting the vaccines to the districts hospitals in the remote areas of the BARMM.

Thereafter, MP Alih inquired whether the MOH has already initial talk with the IPHO people and the LGUs, to which MP Abas (Z.Q.) responded that part of the assessment is the transportation plan which is to be crafted by the IPHO in coordination with the LGUs. He informed the Body that it would be the LGUs that would bring the patients to the vaccination sites. He stated that MOH through the IPHOs are included in coordination activities with LGUs.

#### MANIFESTATION OF MP MACARAYA

At this juncture, MP Macaraya manifested that there are conflicting issues, contradicting information on the vaccine issue worldwide. He stated that part of his manifestation is the information of MP Hashim that some of the people are afraid of the vaccine. He quoted some of the comments of the three dioceses of Sydney, *“Wrestling on the moral tragedy of vaccines. Sydney’s dioceses have expressed about the use of cells from an aborted fetus in the manufacturing of a proposed covid-19 vaccine. While this is a morally serious position that should be respected, Christianity has a resource that might offer a way of living with the consequences of a great good derived from what is for many moral evil”*. He said that the Deputy Minister, MP Abas (Z.Q.) had said that the side effect of the vaccine is not yet known. He cited that MP Abas (Z.Q.) also mentioned according their Ulama that with respect vaccine that *“In the context of Islam, the origin of everything is halal except those that are declared explicitly by Islam as haram”*. In view thereof, he suggested to MP Abas (Z.Q.) to gather all the fuqaha or the Ulama who have expertise with respect to the vaccine by inviting Ulama from the Lanao, the Maguindanao, Basilan, Tawi-Tawi, Sulu and other parts of the country.

#### ADJOURNMENT OF THE SESSION

On motion of MP Ali (L.), Jr., duly seconded and there being no objection, the session was adjourned until Tuesday, February 23, 2021 at one o’clock in the afternoon.

It was 5:37 p.m.



I hereby certify to the correctness of the foregoing.

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