

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY 2
Cotabato City

First Regular Session

BTA PARLIAMENT
BTA Parliament Bill No. 09

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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AN ACT
CREATING THE HASHIM SALAMAT MUNICIPALITY UNDER THE MAGUINDANAO PROVINCE, WHICH SHALL BE COMPOSED OF THE 63 BARANGAYS IN THE COTABATO PROVINCE WHICH JOINED THE BANGSAMORO AUTONOMOUS REGION, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

Explanatory Note

This bill seeks to create a new municipality in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) to be known as the **Hashim Salamat Municipality**. It shall be composed of sixty-three (63) barangays from the six (6) municipalities in the Cotabato Province that opted to join the BARMM in a plebiscite held on February 6, 2019.

Section 10, Article VI of the Organic Law provides that the authority of the Bangsamoro Government to regulate the affairs of its constituent local government units shall be guaranteed in accordance with the Organic Law and Bangsamoro Local Government Code to be enacted by the Parliament.

Section 4, Article XIII of the Organic Law underscores that the development plans, programs and projects of the Bangsamoro Government shall take into account the development plans of the provinces, cities, municipalities and barangays as approved by their respective local development council.

Section 2, Article XIII of the same law mandates that the Bangsamoro Government shall likewise provide equitable opportunities for the development of constituent local government units and shall strengthen the governance system to enhance people's participation.

Specifically, the parliament may create, divide, merge, abolish, or substantially alter boundaries of municipalities or barangays in accordance with a law enacted by the Parliament (*Section 2[l], Article V, BOL*). The municipalities or barangays created, divided, merged, or whose boundaries are substantially altered, shall be entitled to their appropriate share in the national taxes or Internal Revenue Allotment: Provided, That the criteria laid down in Republic Act No. 7160 or Local Government Code (LGC), as amended, and other national laws shall be satisfied: Provided, Further, That it shall be approved by a majority of the votes cast in a plebiscite in the political units directly affected.

Section 4, Article 15 of the same law allows the reconstitution of local government units. Specifically, it provides that [t]he Parliament may, by law, provide for the **reconstitution of geographical areas in the Bangsamoro Autonomous Region into appropriate territorial or political subdivisions depending on the results of the plebiscite**. Nothing herein shall be construed to allow the Parliament to create legislative districts.

Under *Section 442 of R.A. 7160 or the Local Government Code of 1991 (LGC)*, there are four requisites in order for a new municipality to be created. Under *Section 442* the following requisites must be met:

1. A municipality may be created if it has an average annual income, as certified by the provincial treasurer, of at least Two million five hundred thousand pesos (P2,500,000.00) for the last two (2) consecutive years based on the 1991 constant prices; a population of at least twenty-five thousand (25,000) inhabitants as certified by the National Statistics Office; and a contiguous territory of at least fifty (50) square kilometers as certified by the Lands Management Bureau: Provided, That the creation thereof shall not reduce the land area, population or income of the original municipality or municipalities at the time of said creation to less than the minimum requirements prescribed herein;
2. The territorial jurisdiction of a newly-created municipality shall be properly identified by metes and bounds. The requirement on land area shall not apply where the municipality proposed to be created is composed of one (1) or more islands. The territory need not be contiguous if it comprises two (2) or more islands;
3. The average annual income shall include the income accruing to the general fund of the municipality concerned, exclusive of special funds, transfers and non-recurring income;

4. Municipalities existing as of the date of the effectivity of this Code shall continue to exist and operate as such. Existing municipal districts organized pursuant to presidential issuances or executive orders and which have their respective set of elective municipal officials holding office at the time of the effectivity of this Code shall henceforth be considered as regular municipalities (lifted from *Section 442, R.A. 7160, Official Gazette*).

In the case of the proposed municipality, based on data from the Commission on Audit (COA), the total income for C.Y. 2020 of the 63 component barangays amount to Two Hundred Twenty-Eight Million Seventy-Three Thousand Three Hundred Eight Six and Ten Centavos (Php 228,073,386.10), which satisfies the required average income of a municipality. Furthermore, based on the 2020 Census of Population and Housing conducted by the Philippine Statistics Authority (PSA), the 63 component barangays of the proposed Hashim Salamat municipality has a population of Two Hundred Fifteen Thousand Four Hundred Thirty-Three (215,433). As for the metes and bounds, the Ministry of Environment, Natural Resources and Energy (MENRE) is tasked to provide the legal description of the metes and bounds of the 63 barangays.

Given these and based on the supporting documents and data submitted pertaining to the required population and income, and when the legal description of metes and bounds will be provided by the MENRE, the proposed municipality will meet the requirements set forth in the Local Government Code.

The creation of a new municipality will enable the 63 barangays to act on their own initiative to adopt local ordinances and laws and resolutions that will promote the general welfare of their people.

In view of the foregoing, the passage of this legislative measure is earnestly sought.


ENGR. BAIN TAN ADIL-AMPATUAN, CSEE, MNSA

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Be It enacted by the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao assembled:

Section 1. Title. – This Act shall be known as the “*Hashim Salamat Municipality Act of 2022*”.

Section 2. Declaration of Policy. – It is a policy of the Bangsamoro Government to exercise its right to self-governance and is free to pursue its political, economic, social, and cultural development, as mandated by the Organic Law. The Bangsamoro Autonomous Region shall have a democratic political system that allows its people to fully participate in the political processes within its territorial jurisdiction.

Section 3. Creation of the Hashim Salamat Municipality. – In accordance with the provision of the Organic Law, the Hashim Salamat Municipality is hereby created, which shall be composed of the 63 barangays which joined the Bangsamoro Autonomous Region.

Section 4. Component Barangays. - The following are the component barangays of the Hashim Salamat Municipality:

- a. From *Pikit Municipality* (22 barangays) -Macabual, Gligli, Rajah Muda, Bagoaingud, Bulol, Kabalasan, Buliok, Barungis, Bualan, Lagunde, Panicupan, Batulawan, Fort Pikit, Pamalian, Manaulanan, Balong, Balungis, Nabundas, Gokoton, Nalapaan, Macasendeg, Nunguan;
- b. From *Pigcawayan Municipality* (12 barangays) - Lower Baguer, Balacayon, Buricain, Datu Binasing, Datu Mantil, Kadingilan, Libungan Torreta, Matilac, Lower Pangangkalan, Upper Pangangkalan, Patot, Simsiman;
- c. From *Carmen Municipality* (7 barangays) - Kitulaan, Pebpoloan, Manarapan, Langogan, Tupig, Kib-Ayao, Nasapian;
- d. From *Kabacan Municipality* (7 barangays) -Tamped, Simbuhay, Simone, Nanga-an, Buluan, Pedtad, Sanggadong;
- e. From *Midsayap Municipality* (13 barangays) - Central Labas, Malingao, Tumbras, Kapinpilan, Sambulawan, Tugal, Mudseng, Kadingilan, Nabalawag, Kadigasan, Damatulan, Olandang, Kudarangan; and
- f. From *Aleosan Municipality* (2 barangays) - Barangays Dunguan and Tapodoc.

Section 5. Territorial Boundaries. - As the ministry mandated to establish and implement accelerated inventory, surveys, and classification of the region's environment and natural resources, the Ministry of Environment, Natural Resources and Energy (MENRE) shall conduct the survey for the identification of the metes and bounds of the 63 barangays.

The Hashim Salamat Municipality shall serve as the primary general government for the coordination and delivery of services and effective governance of inhabitants within its territorial jurisdiction. Its seat of government shall be in **Manaulanan, Pikit**, considering its strategic location and it having the biggest population of all the 63 barangays.

Section 6. Plebiscite. - The Hashim Salamat Municipality shall acquire corporate existence upon the ratification of its creation by a majority of the votes cast by qualified voters in a plebiscite to be conducted in the barangays comprising the Hashim Salamat Municipality and the municipalities from which these barangays were part of, namely the municipalities of Pikit, Pigcawayan, Carmen, Kabacan, Midsayap and Aleosan within 120 days after the approval of this Act.

The Ministry of Interior and Local Government (MILG) shall coordinate with the Commission on Elections (COMELEC), which shall conduct and supervise the plebiscite.

Upon ratification of its creation by a majority of the votes by qualified voters in a plebiscite, the mayor, the vice-mayor, and the members of the *Sangguniang Bayan* shall be appointed by the Chief Minister and shall serve until the new set of officials have been elected and qualified in the next local elections following approval of this Act.

Section 7. Powers, Functions and Responsibilities. – The Local Government Code (LGC) provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

1. Powers, Duties and Responsibilities of the Municipal Mayor

The Municipal Mayor, as the Chief Executive of the municipal government, shall exercise such powers and perform such duties and responsibilities as provided in the LGC and other laws necessary to promote the general welfare of the municipality and its inhabitants to include but not limited to the following:

- a. Exercise general supervision and control over all programs, projects, services and activities of the municipal government;
- b. Enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under Section 22 of LGC, implement all approved policies, programs, projects, services and activities of the municipality;
- c. Initiate and maximize the generation of resources and revenues, and apply the same to the implementation of development plans, program objectives and priorities particularly those resources and revenues programmed for agro-industrial development and country-wide group and progress;
- d. Ensure the delivery of basic services and the provision of adequate facilities as provided for under Section 17 of the LGC; and
- e. Exercise such other powers and functions as may be prescribed by law or ordinance.

2. Powers, Duties and Responsibilities of the Vice-Mayor

The LGC grants the Municipal Vice-Mayor the power to act as the Presiding Officer of the *Sangguniang Bayan*, in which he sits as an ex-officio member. He shall assume the Office of Municipal Mayor in the event of permanent vacancy and exercise the powers or perform the duties and functions of the Municipal Mayor in case of temporary vacancy. He shall also administer the funds of the *Sangguniang Bayan*.

3. Sangguniang Bayan (Legislative Body) Composition, Powers and Functions

Composition of Members

The *Sangguniang Bayan* shall be composed of the following:

- a. the Municipal Vice-Mayor as presiding officer;
- b. the eight (8) regular members;
- c. the president of the municipal chapter of the *Liga ng mga Barangay*;
- d. the president of the *Pambayang Pederasyon ng mga Sangguniang Kabataan*;
- e. three (3) sectoral representatives.

The *Sangguniang Bayan*, as the legislative body of the municipality, shall enact ordinances, approve resolutions, and appropriate funds for the general welfare of the municipality and its inhabitants, pursuant to Section 16 of the LGC and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 LGC. It shall also:

- a. approve ordinances and pass resolutions necessary for an efficient and effective municipal government;
- b. generate and maximize the use of resources and revenues for the development plans, program objectives, and priorities of municipality as provided in Section 18 of LGC with particular attentions to agro-industrial development and countryside growth and progress;
- c. grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances, levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority;
- d. regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare;
- e. approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of LGC; and
- f. exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 8. Organizational Structure and Staffing. – Every local government unit shall design and implement its own organizational structure and staffing pattern, taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission.

The staffing requirements of the municipality include both mandatory and optional positions. The mandatory positions based on LGC and MMA Act No. 25 are: Municipal Treasurer, Municipal Assessor, Municipal Accountant, Municipal Budget Officer, Municipal Planning and Development Coordinator, Municipal Civil Registrar, Municipal Engineer, MDRRMO, and SB Secretary.

The optional positions are as follows: Municipal Administrator, Municipal Legal Officer, Municipal Agriculturist, Municipal Architect, Municipal Social Welfare Officer and Municipal Information Officer.

The LGC further provides that the Municipal Mayor shall, unless, the Code provides otherwise, appoint all municipal heads of departments and offices, with the concurrence of the majority of all *Sanggunian* members, subject to the Civil Service Law rules and regulations.

Other mandatory positions are provided under Section 12 of R.A. 10121 or Philippine Disaster Risk Reduction and Management (DRRM) Act of 2010 and are those other positions incidental to the implementation of Executive Order 138, series

of 2021, or the Full Devolution of Certain Functions of the Executive Branch to Local Governments, Creation of a Committee on Devolution, and for Other Purposes.

Section 9. Plebiscite Budget. – The amount necessary to conduct the plebiscite as provided for under this Act shall be borne by the Bangsamoro Autonomous Region in Muslim Mindanao, chargeable against the Contingent Fund of the Bangsamoro Government.

Section 10. Appropriations and Budget Preparation. – The LGC prescribed certain principles and policies on the preparation of the local government budget to include the following:

- a. Local budget plans and goals shall, as far as practicable, be harmonized with national development plans, goals, and strategies in order to optimize the utilization of resources and to avoid duplication in the use of fiscal and physical resources;
- b. Local budgets shall operationalize approved local development plans;
- c. LGUs shall ensure that their respective budgets incorporate the requirements of their component units and provide for equitable allocation of resources among these component units; and
- d. National planning shall be based on local planning to ensure that the needs and aspirations of the people, as articulated by the LGUs in their respective local development plans, are considered in the formulation of budgets of national line agencies or offices.

Local government budgets primarily consist of two parts: the estimates of income and the total appropriations covering the current operating expenditures and capital outlays.

The proposed budget of the local chief executive shall be accompanied by a budget document which contains:

- a. a budget message of the local chief executive;
- b. a brief summary of the functions, projects, and activities to be accomplished in line with the goals and objectives of the LGU for the ensuing fiscal year; and
- c. a summary of financial statements.

Section 11. Source of Revenue. – The sources of revenues of the Hashim Salamat Municipality shall include, but are not limited to, the following:

- a. appropriation, internal revenue allotment, and other budgetary allotments from the National Government;
- b. annual Block Grant from the National Government;
- c. donation, foreign assistance, and other forms of aid subject to the Constitution and BARMM policies;
- d. business taxes, fees and charges; and

- e. Government revenues generated from the exploration, development, and utilization of all-natural resources in Hashim Salamat Municipality.

Section 12. Separability Clause. - If for any cause, any part of this Act is declared unconstitutional or contrary to the provisions of Bangsamoro Organic Law, the rest of the provisions shall remain in force and effect.

Section 13. Repealing Clause. - All laws, orders, rules, and regulations which are inconsistent with the provisions of this Act, are hereby repealed, modified, superseded, or amended accordingly.

Section 14. Effectivity. - This Act shall take effect after fifteen (15) days following its full publication in a newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

Adopted,


Engr. Baintan Adil-Ampatuan, CSEE, MNSA