

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

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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SECOND PARLIAMENT
First Regular Session

Parliament Bill No. 18

Bangsamoro Transition Authority
OFFICE OF MP AMIR S. MAWALLIL
RELEASED

Date: 9/19/22
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Signature: [Signature]

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

AN ACT
REORGANIZING THE MINISTRY OF BASIC, HIGHER, AND TECHNICAL EDUCATION, ADJUSTING ITS UNITS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao provides that the Bangsamoro Government shall establish, manage, and support a complete and integrated system of quality education, which shall be a subsystem of the national education system.

At present, the Bangsamoro Education System covers all education systems in the region, including formal, non-formal, and informal, public and private learning institutions, in all levels, basic, higher, technical, and *Madaris* education.

Consequently, the administration of the Bangsamoro education system, as well as its supervision and regulation, is vested with one central ministry – the Ministry of Basic, Higher, and Technical Education (MBHTE) - without prejudice to state colleges and universities which are governed by their respective charters.

Unlike the structure of the national government which reflects a trifocal education system where there are independent and separate agencies tasked to supervise, administer, and regulate the different areas of education in the country, the MBHTE is organized in such a way that it shall be the sole regional government agency tasked to formulate, plan, implement, and coordinate the policies, plans, programs, and projects of all these areas of education in the Bangsamoro education system.

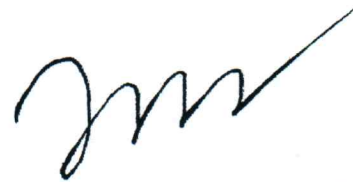
Due to the complex nature, broad scope, and multifaceted objectives of each of these areas, the author wishes to file this measure to reorganize the current structure and segregate each area into its own independent ministry, with its plans, programs, and projects, as well as the appropriation peculiar to each of these areas.

This bill seeks to reorganize the Ministry of Basic, Higher, and Technical Education (MBHTE) by creating a separate Ministry for Basic Education to give more focus to the needs of the basic education sector in the Bangsamoro Region including the *Madaris* and Indigenous Peoples' Education, distinct from those of the Higher Education and Technical Education.

This will likewise refocus and provide a central direction for the region's basic education system which strives to ultimately protect and promote the right of every Bangsamoro to quality, equitable, culture-based, and complete basic education, and provide for the establishment and maintenance of a complete, adequate, and integrated system of basic education relevant to the goals of regional development in the Bangsamoro Autonomous Region.

In so doing, the author humbly seeks to strengthen the current Bangsamoro educational framework toward becoming a system that is more relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro people.

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



AMILBAHAR S. MAWALLIL
Member of the Parliament

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Cotabato City

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Name: ARDELIN D. PATUAN Signature: [Signature]
Date: 09/19/22 Time: 4:00 PM

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Co-authored by
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AN ACT
**REORGANIZING THE MINISTRY OF BASIC, HIGHER, AND
TECHNICAL EDUCATION, ADJUSTING ITS UNITS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES**

Be it enacted by the Bangsamoro Parliament in session:

Section 1. Declaration of Policy. – It is the declared policy of the Bangsamoro Government to establish, maintain, and support an integrated system of quality basic education that shall instill in the learners the foundational knowledge, attitudes, and values and develop the skills essential for the learners to know, to do, to be, and to live together and also to prepare the learners for higher learning if they opt to proceed.

Section 2. Reorganization. – The Ministry of Basic, Higher, and Technical Education (MBHTE) is hereby reorganized, structurally, and functionally in accordance with the provisions of this Act.

Section 3. Ministry of Education. – There is hereby created a Ministry of Education, hereinafter referred to as the Ministry, separate and distinct from Higher and Technical Education.

Section 4. Mandate. – The Ministry shall be primarily responsible for the formulation, implementation, and coordination of the policies, plans, programs, and projects in the areas of formal and non-formal basic, *Madaris* and Indigenous Peoples' (IPs) education. It shall supervise all elementary and secondary education institutions, including alternative learning, *Madaris*, and IP Education (IPEd) systems, both public and private in the Bangsamoro Autonomous Region; and provide for the establishment and maintenance of a complete,

adequate, and integrated system of basic education relevant and responsive to the needs, ideals, and aspirations of the Bangsamoro People.

Section 5. Powers and Functions. – The Ministry shall have the following powers and functions:

- a. Formulate general basic, *Madaris* and IPs education objectives and policies, and adopt educational plans for elementary and secondary public schools based on the Bangsamoro Educational Framework;
- b. Ensure the high standards of all basic, *Madaris* and IPs education institutions in the Bangsamoro Autonomous Region;
- c. Develop appropriate curricula, quality textbooks, and teaching materials;
- d. Establish linkages with institutions with a track record of excellence to provide pre-service and in-service training for teachers and training courses for non-teaching staff;
- e. Formulate the annual budget for basic, *Madaris*, and IPs education of the Ministry in consultation with Division field offices and local government units, and in coordination with the Bangsamoro Planning and Development Authority to ensure support for the implementation of the regional and division educational plans and the school improvement plans;
- f. Receive, allocate, and disburse funds for basic, *Madaris* and IPs education, including those for the Divisions, subject to nationally and internationally accepted accounting and auditing standards for transparent, effective, and efficient implementation of plans and programs;
- g. Approve and support the establishment and operation of public and private elementary, high schools, *Madaris*, IPEd, and learning centers;
- h. Exercise the powers of selection, recruitment, appointment, and promotion of teaching and non-teaching personnel;
- i. Determine the organizational components and propose staffing patterns for the divisions and schools;
- j. Provide specialized education services to learners with special needs in a way that addresses their individual differences and learning needs;
- k. Promulgate rules and regulations or such guidelines as may be required for efficient and effective administration, control and supervision, and regulation of basic educational institutions, *Madaris* education, and IPEd;
- l. Monitor and evaluate the performance and compliance with Ministry standards of those bodies to which it has delegated powers, functions, or responsibilities;
- m. Evaluate all schools division superintendents and assistant division superintendents in the Bangsamoro Autonomous Region;
- n. Adopt and implement programs and projects in coordination with various stakeholders for the promotion and advancement of both formal and informal basic education;
- o. Propose and recommend measures on basic, *Madaris* and IPs education for enactment into laws;
- p. Establish, promote and foster linkages and conduits with national as well as international academic, research, and Islamic-oriented educational and cultural institutions whose objectives are consistent with this Act;
- q. Ensure effective institutional and funding support for IPEd across all Bangsamoro Education System education levels; and
- r. Perform such other functions and powers as may be provided by law.

Section 6. *Composition.* – The Ministry shall be headed by a Minister and shall be composed of the Ministry Proper, the ministry services, bureaus, divisions, and units, and provincial, municipal, and city offices.

Section 7. *The Minister.* – The Minister shall be appointed by the Chief Minister and shall exercise all powers and authority inherent to his/her office and responsibility.

Section 8. *The Deputy Minister.* – The Minister shall be assisted by a Deputy Minister in implementing the policies and in overseeing the operations and program developments of the Ministry. The Deputy Minister shall be appointed by the Chief Minister upon the recommendation of the Minister.

Section 9. *Qualifications.* - No person shall be appointed Minister, or Deputy Minister of the Ministry unless he is a citizen of the Philippines, a resident of the BARMM, of good moral character, and of proven competence in any of the following fields: (a) education; (b) public administration; (c) management; or (d) law.

Section 10. *Ministry Services.* - Subject to the power of the Minister, with the approval of the Chief Minister, to reorganize, restructure, and redefine the functions of the Ministry for the effective discharge of its powers and functions under this Act, the Ministry shall have the following services, bureaus, divisions, and units:

- (a) Legal and Legislative Liaison Division;
- (b) Internal Audit Division;
- (c) Information and Communications Division;
- (d) Planning Division;
- (e) Administrative and Finance Services.

Under the Administrative and Finance Services shall be the following divisions: (a) Administrative Division; (b) Finance Division; (c) Human Resource and Management Division; and (d) Education Support Division.

The Administrative and Finance Services shall be headed by a Director II while each of the divisions shall be headed by a Division Chief.

Section 11. *Offices of the Bangsamoro Director-General.* - The Office of the Bangsamoro Director-General for Basic Education and the Office of the Bangsamoro Director-General for *Madaris* and IPed shall each have the following divisions:

- a. Curriculum and Learning Division - The Curriculum and Instruction Division, headed by a Division Chief, shall develop appropriate delivery services and ensure the provision of learning resources so that the organization focuses on the delivery of a relevant, responsive, and effective education curriculum around which all other offices shall provide support.
- b. Quality Assurance Division - The Quality Assurance Division, headed by a Division Chief, shall ensure the maintenance of high standards by all basic, *Madaris*, and IPs education institutions in the Bangsamoro Autonomous Region by assessing, monitoring, and evaluating their performance.

Section 12. Bureaus. - The following bureaus, headed by a Director I, shall be under the supervision of the Bangsamoro Director-General for Basic Education:

- (a) The Bureau for Basic Education;
- (b) The Bureau for Alternative Learning Systems;
- (c) The Bureau for Indigenous Peoples' Education;
- (d) The Bureau for Physical Education and Sports Development;
- (e) The Bureau for Special Education; and

The Bureau for *Madaris* Education and the Bureau for IPED shall be under the supervision of the Bangsamoro Director-General for *Madaris* and IPED.

Section 13. Division Offices. - The Ministry shall establish, operate, and maintain Division Offices for Basic and *Madaris* education in the Provinces of Lanao del Sur, Maguindanao, Sulu, Basilan, and Tawi-Tawi, the cities of Marawi, Lamitan and Cotabato, and one to cover the Special Geographic Area composed of the barangays that joined the Bangsamoro Autonomous Region. Each of the Division Offices shall be headed by a Division Superintendent who shall be assisted by an Assistant Division Superintendent.

Section 14. Functions. - The Division Offices shall:

- (a) Formulate and implement the Division Plan;
- (b) Implement laws, rules and regulations, policies, plans, programs, and projects of the Ministry;
- (c) Coordinate with local government units, civil society, and non-government organizations; and
- (d) Perform other functions as may be provided by law or by the Minister.

Section 15. Authority of the Ministry Proper over Division Offices. - The Minister shall exercise technical and administrative control and supervision over Division Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate or incidental in carrying out the implementation of basic and *Madaris* education programs and projects in their respective area.

Section 16. Transfer of Offices and Personnel. - The Offices of the Bangsamoro Director-General for Basic Education and *Madaris* and all operating units of the MBHTE with functions and responsibilities dealing with basic, *Madaris* and IPs education, their powers and functions, applicable funds and appropriations, records, equipment, property, and personnel are hereby transferred to the Ministry.

Section 17. Structure and Staffing Pattern. - Subject to the approval of the Ministry of Finance, Budget and Management (MFBM), the Ministry shall determine its organizational framework and staffing pattern. The authorized new positions created therein shall be filled by regular appointments by the Chief Minister or the Minister as the case may be: *Provided*, That, in the filling of positions created, preference shall be given to the personnel of the MBHTE; *Provided*, however, That such individuals comply with the qualification standards set by the Civil Service Commission for the positions that they shall be appointed to: *Provided*, finally, That, if such individuals possess the same qualifications, seniority shall be given priority.

Section 18. Transition Period. - The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the office and units, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Ministry shall be completed within six (6) months from the effectivity of this Act, during which time, the existing personnel shall continue to assume their posts at MBHTE in holdover capacities until new appointments are issued: *Provided*, That after the transfer of offices as specified in Section 16 of this Act, the Ministry, in coordination with the MFBM, shall determine and create new positions as may be needed.

Section 18. Appropriations. - The amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation under the MBHTE. Henceforth, funds sufficient to fully carry out the functions and objectives of the Ministry shall be appropriated every fiscal year in the General Appropriations Act of the Bangsamoro.

Section 20. Implementing Rules and Regulations. - The MBHTE, the MFBM, and the Bangsamoro Attorney General's Office shall issue within sixty (60) days from the effectivity of this Act the necessary rules and regulations for the effective implementation of this Act.

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

Section 22. Repealing Clause. - All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Section 24. Effectivity. - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the region.

Approved,

AUTHOR:



AMILBAHAR S. MAWALLIL
Member of the Parliament

Certified correct:

PROF. RABY B. ANGKAL
Secretary-General

Attested by:

HON. PANGALIAN M. BALINDONG

Speaker