

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. 102

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Introduced by:
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Co-authored by:
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AN ACT
SPLITTING THE MINISTRY OF AGRICULTURE, FISHERIES, AND AGRARIAN REFORM (MAFAR) INTO THREE (3) AGENCIES, THEREBY CREATING THE BANGSAMORO MINISTRY OF AGRICULTURE (B-MOA), THE BANGSAMORO MINISTRY OF FISHERIES AND AQUATIC RESOURCES (B-MFAR), AND THE BANGSAMORO AGRARIAN REFORM OFFICE (BARO), DEFINING THEIR POWERS AND FUNCTIONS, AMENDING BOOK I, TITLE I, BANGSAMORO AUTONOMY ACT NO. 13 OR THE BANGSAMORO ADMINISTRATIVE CODE, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

Explanatory Note

The Philippines is an archipelagic country located in the southeast portion of Asia. Being a country with more than 7,000 islands, the country's main industries center on agriculture and fisheries. These industries are the backbone of our country. Thus, these industries are heavily protected by our 1987 Constitution. In fact, the supreme law of the State provides for a myriad of provisions with regard to agriculture, fisheries, and agrarian reform.

The 1987 Constitution also provides, in part, under Article XII, Section 1 on National Economy and Patrimony that "[t]he State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair foreign competition and trade practices."

With regard to fisheries, under the same Article, the Constitution provides that, also in part, that “[t]he Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fishworkers in rivers, lakes, bays, and lagoons. x x x¹

As regards agrarian reform, Article II, Section 21 of the 1987 Constitution states that one of the state policies is the promotion of comprehensive rural development and agrarian reform.

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is heavily reliant on agriculture and fisheries. While the autonomous region is predominantly services-based, which is 38.9% of the 2021 Gross Regional Domestic Product (GRDP), however, it is immediately preceded by agriculture, forestry, and fishing (AFF) at 36.4% share and industry with 24.7%. Further, based on BARMM GRDP per major industry, AFF accelerated from 2.7% from 2019 to 2020, to 8.3% from 2020 to 2021.² Significant agricultural lands remain untapped in the region.

Rightfully so, in Republic Act No. 11054, it is provided under Section 23, Article XIII, which provide for the provisions on Regional Economy and Patrimony, that:

Section 23. Agriculture, Fisheries, and Aquatic Resources. – Consistent with the provisions of Republic Act No. 8550, otherwise known as “*The Philippine Fisheries Code of 1998*,” as amended, and other relevant national laws, **the policies and laws of the Bangsamoro Government on agriculture as a key development strategy, promote productivity measures, and provide support for small farmers, landholders, and marginal fisherfolk.** *The Bangsamoro people, indigenous peoples, and resident marginal fisherfolk shall enjoy preferential fishing rights in the Bangsamoro regional waters, without prejudice to the fishing rights in the Bangsamoro regional waters, without prejudice to the fishing rights of other citizens of the Philippines, whether residents or nonresidents of the Bangsamoro Autonomous Region.*

The importance of these industries cannot be gainsaid. The BARMM is a key producer of agricultural crops in the country, such as *palay*, cereals, and corn, root crops like sweet potatoes, taro or cocoyam, cassava, as well as beans and legumes, condiments like ginger, pepper, commercial crops like rubber, and of course, fruits and vegetables, like ampalaya, cabbage and lettuce, as well as tomatoes, durian, mango, banana, marang, papaya, to name a few.³ It is also a producer of livestock, like goat, cattle, and carabao, poultry, like ducks and chicks and their eggs. In April of 2022, there was an estimated total number of 2,342,822 in the autonomous region.⁴ Production in the area of agriculture in the region fluctuates every quarter, thus increases and decreases are always expected.⁵

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<http://rssoarimm.psa.gov.ph/sites/default/files/011%202021%20BARMM%20Gross%20Regional%20Domestic%20Product%20%28GRDP%29.pdf?width=800&height=1020&iframe=true>

³ <http://rssoarimm.psa.gov.ph/release/content/special/55832>

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<http://rssoarimm.psa.gov.ph/sites/default/files/026%20BARMM%20Livestock%20and%20Poultry%20Inventory%20as%20of%20April%202022.pdf?width=800&height=1020&iframe=true>

⁵ As provided in quarterly reports of the Philippine Statistics Authority <http://rssoarimm.psa.gov.ph/statistics/agriculture%2C-forestry-and-fishing?page=2>

The autonomous region has also vastly improved its fisheries industry. In fact, the Philippine fisheries production in the country has reached 1,213.31 metric tons. Of this figure, 28.6% of it, or 346.42 metric tons, were from BARMM. The autonomous region ranked first among the country's top five (5) fish-producing regions during the second quarter of 2022. Given the said figures, the BARMM has become the biggest contributor fisheries production in the country. From seaweeds, different kinds of fish like tuna, scad fish, and mackerel, among others, were produced in the BARMM. These productions, through aquaculture, were produced in the island provinces of Tawi-Tawi, Sulu, and Basilan, whereas the others were from the other provinces, namely Maguindanao and Lanao del Sur.⁶

As regards agrarian reform, it is recognized under R.A. No. 6657 or the Comprehensive Agrarian Reform Law that the State recognizes that there is not enough agricultural land to be divided and distributed to each farmer and regular farmworker so that each one of them can own an economic-size family farm. Thus, there is a need for a meaningful agrarian reform program to uplift the lives and economic status of the farmer and his/her family.⁷ A lot of farmers in the autonomous region share the same plea. According to the said law, this can only be achieved through simultaneous industrialization aimed at developing a self-reliant and independent national economy effectively controlled by Filipinos.

On July 25, 2022, during his first State of the Nation Address (SONA), President Ferdinand R. Marcos, Jr. also proposed a National Government Rightsizing Program (NGRP) before the legislature. It is a reform mechanism which aims to "enhance the government's institutional capacity to perform its mandate and provide better services, while ensuring optimal and efficient use of resources." One of the strategies is the splitting of some offices.⁸ "The rightsizing efforts will also involve the conduct of a comprehensive strategic review of functions, programs and projects that will cut across various agencies."⁹

Farmers and fisherfolk serve and provide for this country. They are the very foundation of the industries that we enjoy today. They should be given enough opportunities to improve their lives. Given these facts and figures, it is immensely important for these the agriculture and fisheries industries, as well as agrarian reform, to be given great importance. Thus, it is important for these industries to have separate agencies to focus on their growth and their further development.

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


MP BAIN TAN ADIL-AMPATUAN, MNSA

⁶ Usop, K. (August 25, 2022). Bangsamoro Information Office. Retrieved from <https://bangsamoro.gov.ph/news/latest-news/barmm-tops-regions-in-q2-2022-fisheries-production/>

⁷ <http://lis.dar.gov.ph/documents/7014>

⁸ <https://www.rappler.com/nation/full-text-transcript-president-marcos-jr-state-nation-address-2022/>

⁹ *supra*

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AN ACT
SPLITTING THE MINISTRY OF AGRICULTURE, FISHERIES, AND AGRARIAN REFORM (MAFAR) INTO THREE (3) AGENCIES, THEREBY CREATING THE BANGSAMORO MINISTRY OF AGRICULTURE (B-MOA), THE BANGSAMORO MINISTRY OF FISHERIES AND AQUATIC RESOURCES (B-MFAR), AND THE BANGSAMORO AGRARIAN REFORM OFFICE (BARO), DEFINING THEIR POWERS AND FUNCTIONS, AMENDING BOOK I, TITLE I, BANGSAMORO AUTONOMY ACT NO. 13 OR THE BANGSAMORO ADMINISTRATIVE CODE, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES

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

BOOK I:
GENERAL PROVISIONS

Section 1. Title. – This Act shall be known as the “*Bangsamoro Agriculture, Fisheries, and Agrarian Reform Act of 2022*”.

Section 2. Overall Declaration of Policy. – It is the policy of the Bangsamoro Government to ensure resiliency and productivity for food security, income and rural

employment in an enabling environment for farmers, fisherfolks, and agrarian reform beneficiaries.¹⁰

Section 3. Separation of Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR). - The existing Ministry of Agriculture, Fisheries and Agrarian Reform is hereby separated into three (3) agencies, thereby creating the Bangsamoro-Ministry of Agriculture (B-MOA), Bangsamoro-Ministry of Fisheries and Aquatic Resources Office (B-MFAR), and the Bangsamoro Agrarian Reform Office (BARO).

BOOK II: BANGSAMORO-MINISTRY OF AGRICULTURE (B-MOA)

TITLE 1: GENERAL PROVISIONS

Section 1. Declaration of Policy. - It shall be the policy of the State to:

- (a) to provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services¹¹;
- (b) to promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets¹².

TITLE 2: MANDATE, POWERS AND FUNCTIONS

Section 2. Mandate. - The Bangsamoro-Ministry of Agriculture and its attached agencies and bureaus shall promote sustainable growth and development in agriculture and equitable land distribution, optimum economic benefits, and tenurial security for the benefit of the landless farmers in the Bangsamoro Autonomous Region.

It shall formulate a policy framework conducive to increase public investments and climate-resilient integrated support services under the direction of the Bangsamoro Government, to make land resources profitable to ensure food security through appropriate technologies towards the development of farmers. It shall ensure the availability, adequacy, accessibility, and affordability of food supplies at all times in the Bangsamoro Autonomous Region.¹³

¹⁰ lifted from Section 1, Chapter 1, Title 1, Book VI, Bangsamoro Autonomy Act (BAA) No. 13, otherwise known as the Bangsamoro Administrative Code

¹¹ Section 5, Article XIII, 1987 Constitution

¹² Article XII, Section 1, 1987 Constitution

¹³ lifted from Section 2, Chapter 1, Title 1, Book VI, BAA No. 13

Section 3. Powers and Functions of the Ministry of Agriculture.¹⁴ – The powers and functions of the Ministry of Agriculture are as follows:

- a. Provide integrated services to farmers and other food producers on production, utilization, conservation, and disposition of agricultural livestock;
- b. Plan, formulate, execute, regulate and monitor programs and activities relating to agriculture, food production, and supply;
- c. Promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and livestock resources;
- d. Establish central and regional information systems to serve the production, marketing, and financing data requirements of the farmers as well as domestic and foreign investors in agribusiness ventures;
- e. Provide comprehensive and effective extension services and training to farmers and other agricultural entrepreneurs on the financing, production, and marketing aspects of agricultural enterprises;
- f. Conduct, coordinate, and disseminate research studies on appropriate technologies for the improvement and development of agricultural crops, livestock, and other allied commodities;
- g. Provide the mechanisms for the participation of farmers and agricultural entrepreneurs at all levels of policy-making, planning, and program formulation;
- h. Coordinate with and enlist other public and private agencies for cooperation and assistance on matters affecting the policies, plans, and programs of the Ministry;
- i. Issue clearances and permits for the importation and exportation of agricultural commodities, subject to existing guidelines, laws, rules and regulations of concerned national and regional agencies;
- j. Call upon any government agency and non-government organization to extend full support and cooperation to program implementation; and
- k. Exercise such other powers and functions as may be provided for by law or directed by the Chief Minister to promote efficiency and effectiveness in the delivery of public services.

TITLE 3: ORGANIZATIONAL STRUCTURE

¹⁴ lifted from Section 3, Chapter 1, Title 1, Book VI, BAA No. 13

Section 4. Organizational Structure.¹⁵ - The Bangsamoro-Ministry of Agriculture is composed of the Office of the Minister, the Office of the Deputy Minister, the Office of the Director General, the Bureaus, and the Field Offices.

CHAPTER 1: OFFICE OF THE MINISTER

Section 5. Office of the Minister. - The Office of the Minister of Agriculture consists of the Minister, the Deputy Minister, and their immediate staff.

It shall be supported by Services, Bureaus, Divisions, Sections, and Units, such as but not limited to: Administrative and Finance; Technical; Operations; Legal; Field; and Internal Audit.

Section 6. Powers and Functions of the Minister.¹⁶ - The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to agriculture;
- b. Administer the B-MOA in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of B-MOA programs, projects, and activities;
- d. Establish policies and standards for the operation of the B-MOA pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out B-MOA's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the B-MOA, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the B-MOA in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the B-MOA except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;

¹⁵ lifted from Section 4, Chapter 1, Title 1, Book VI, BAA No. 13

¹⁶ lifted from Section 5, Chapter 1, Title 1, Book VI, BAA No. 13

- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the B-MOA as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the B-MOA's direction in accordance with this law; and
- k. Perform such other functions as may be provided by law.

Section 7. Powers and Functions of the Deputy Minister.¹⁷ – The Deputy Minister shall perform the following powers and functions:

- a. Assist the Minister in implementing the policies of the B-MOA;
- b. Recommend policies for operations and program developments in the B-MOA; and
- c. Perform such other functions as may be delegated by the Minister.

CHAPTER 2: OFFICE OF THE DIRECTOR GENERAL

Section 8. Office of the Director General.¹⁸ – The Director General shall be the highest career officials of the B-MOA, with appropriate eligibility. The Offices of the Bangsamoro Directors-General shall be responsible for overseeing the administration, programs and strategic plan of the B-MOA, with respect to agriculture. The Bangsamoro Directors-General shall be the direct supervisors of the respective Service Directors of the B-MOA.

Section 9. Bureau and Divisions.¹⁹ – The Office of the Bangsamoro Director-General for Agriculture shall have the following services:

- a. *Field Operations Bureau* – The Field Operations Services, headed by a Director II, shall serve as the coordinating body and functional link of the B-MOA. It shall consist of the following:
 - i. Agriculture Engineering Division; and
 - ii. Agri-Business Management and Assistance Division.
- b. *Agricultural Research and Regulatory Bureau* – The Agricultural Research and Regulatory Services, headed by a Director II, consists of the following:
 - i. Research and Regulatory Division; and

¹⁷ lifted from Section 6, Chapter 1, Title 1, Book VI, BAA No. 13

¹⁸ lifted from Section 7, Chapter 1, Title 1, Book VI, BAA No. 13

¹⁹ lifted from Section 10, Chapter 1, Title 1, Book VI, BAA No. 13

- ii. Integrated Laboratory Division.
- c. *Research, Development and Extension Bureau* – The Research, Development and Extension Services, headed by a Director II, consists of the following:
 - i. Agri-Research Division; and
 - ii. Aquaculture Research Division.

Each division shall be headed by a Division Chief.

CHAPTER 3: FIELD OFFICES

Section 10. *Provincial Offices.*²⁰ - The B-MOA shall have Provincial Offices, each to be headed by a Director II. The Provincial Offices shall be responsible for directing and coordinating the operations and activities of the B-MOA City/Municipal Offices operating within the province.

Section 11. *B-MOA City/Municipal Offices.*²¹ - The B-MOA shall have as many City/Municipal Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its service, which shall be headed by a City/Municipal Officer.

Section 12. *Authority of the Ministry Proper over Provincial and City/Municipal Offices.*²² - Until and unless a law is passed devolving powers over agriculture to the appropriate local government units, the B-MOA shall exercise technical and administrative control and supervision over Provincial and City/Municipal Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate, or incidental in carrying out the implementation of agriculture, fisheries, and agrarian reform programs and projects in their respective area.

TITLE 4: QUALIFICATIONS

Section 13. *Qualifications of the Minister and Deputy Minister.*²³ - No person shall be appointed Minister or Deputy Minister, unless he or she is:

- (a) a natural-born citizen of the Philippines;
- (b) a resident of the Bangsamoro Autonomous Region;
- (c) of good moral character, and

²⁰ lifted from Section 13, Chapter 1, Title 1, Book VI, BAA No. 13

²¹ lifted from Section 14, Chapter 1, Title 1, Book VI, BAA No. 13

²² lifted from Section 15, Chapter 1, Title 1, Book VI, BAA No. 13

²³ lifted from Section 11, R.A. No. 7638

(d) of proven competence in any of the following fields:

- (1) agriculture
- (2) economics;
- (3) public administration;
- (4) natural, physical, or engineering sciences;
- (5) management; or
- (6) law.

Section 14. *Qualifications of the Director General.* – The Director General shall be the highest career official of the B-MOA and shall have the following qualifications. He or she shall:

- (a) be a natural-born citizen of the Philippines;
- (b) be a resident of the Bangsamoro Autonomous Region;
- (c) at least have the following:
 - (1) a Master's degree;
 - (2) five (5) years supervisory or managerial experience;
 - (3) one hundred twenty (120) hours of supervisory or managerial training; and
 - (4) second level career service eligibility;
- (d) be known to have proven integrity and honesty; and
- (e) not be guilty of a crime involving moral turpitude.

The Director General shall have a salary grade of 27 and shall have the privileges, emoluments, and benefits attached thereto.

Section 15. *Qualifications of the Bureau Directors.* – All Bureau Directors shall have the following qualifications. They shall each:

- (a) be a natural-born citizen of the Philippines;
- (b) be a resident of the Bangsamoro Autonomous Region;
- (c) at least have the following:
 - (1) a Master's degree;
 - (2) four (4) years supervisory or managerial experience;
 - (3) one hundred twenty (120) hours of supervisory or managerial training; and
 - (4) second level career service eligibility;
- (d) be known to have proven integrity and honesty; and
- (e) not be guilty of a crime involving moral turpitude.

The Bureau Directors shall have a salary grade of 26 and shall have the privileges, emoluments, and benefits attached thereto.

Section 16. *Qualifications of the Provincial Head.* – All Provincial Heads shall have the following qualifications. They shall each:

- (a) be a natural-born citizen of the Philippines;
- (b) be a resident of the Bangsamoro Autonomous Region;
- (c) be a resident, for at least two years, of the province which he or she represents;
- (d) at least have the following:
 - (1) a Master's degree;
 - (2) three (3) years supervisory or managerial experience;
 - (3) one hundred twenty (120) hours of supervisory or managerial training; and
 - (4) second level career service eligibility;
- (e) be known to have proven integrity and honesty; and
- (f) not be guilty of a crime involving moral turpitude.

The Provincial Officer shall have a salary grade of 25 and shall have the privileges, emoluments, and benefits attached thereto.

Section 17. *Qualifications of the City/Municipal Heads.* – All City/Municipal Heads shall have the following qualifications. They shall each:

- (a) be a natural-born citizen of the Philippines;
- (b) be a resident of the Bangsamoro Autonomous Region;
- (c) be a resident, for at least two years, of the province and municipality which he or she represents;
- (d) at least have the following:
 - (1) a Master's degree;
 - (2) three (3) years supervisory or managerial experience;
 - (3) one hundred twenty (120) hours of supervisory or managerial training; and
 - (4) second level career service eligibility;
- (e) be known to have proven integrity and honesty; and
- (f) not be guilty of a crime involving moral turpitude.

The City/Municipal Agriculture Officer shall have a salary grade of 24 and shall have the privileges, emoluments, and benefits attached thereto.

**TITLE 5:
COORDINATION AND COLLABORATION
WITH ATTACHED AGENCIES AND EXTENAL PARTNERS**

Section 18. *Coordination with Attached Agencies.* - The Ministry of Agriculture shall closely coordinate with its attached agencies in order to ensure operation and functionality of the attached agencies.

Section 19. *Coordination with Undevolved Agriculture-Related Agencies.* - The Bangsamoro-Ministry of Agriculture shall ensure coordination with national agencies that are not devolved to the Bangsamoro Region.

Section 20. *Nationally-Funded Programs and Projects.* - All agriculture-related program and projects funded by the national government for the Bangsamoro Region shall be coordinated properly with the B-MOA.

The Bangsamoro-Ministry of Agriculture and the Department of Agriculture shall jointly agree on the coordination mechanism.

Section 21. *Foreign-Assisted Programs and Projects.* - All foreign-assisted agriculture-related programs and projects intended for the Bangsamoro Region shall be coordinated properly with the B-MOA.

The B-MOA shall define the guidelines and mechanisms of coordination.

**TITLE 6:
CONTINUING PROVISION OF SUPPORT TO FARMERS**

Section 22. *Deployment of Agricultural Technicians.* - The B-MOA shall ensure deployment of agricultural technicians especially in the rural areas in order to assist the farmers.

Section 23. *Farmers Continuing Education.* - The B-MOA shall ensure continuing education for farmers in order to keep them updated with the recent farming technologies and techniques.

**BOOK III:
BANGSAMORO MINISTRY OF FISHERIES AND AQUATIC
RESOURCES (B-MFAR)**

**TITLE 1:
GENERAL PROVISIONS**

Section 1. *Declaration of Policy.* - It is the declared policy of the State to:

- (a) to achieve food security as the overriding consideration in the utilization, management, development, conservation and protection of fishery resources in order to provide the food needs of the population. A flexible policy towards the attainment of food security shall be adopted in response to changes in demographic trends for fish, emerging trends in the trade of fish and other aquatic products in domestic and international markets, and the law of supply and demand²⁴;
- (b) to protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local marine and fishing resources, both inland and offshore;²⁵
- (c) to provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services²⁶;
- (d) to protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources²⁷;
- (e) to ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in waters covered by the Bangsamoro territory, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment²⁸;
- (f) to protect the rights of fisherfolk, especially of the local communities with priority to municipal fisherfolk, in the preferential use of the municipal waters. Such preferential use, shall be based on, but not limited to, Maximum Sustainable Yield (MSY) or Total Allowable Catch (TAC) on the basis of resources and ecological conditions, and shall be consistent with our commitments under international treaties and agreements²⁹;
- (g) to provide support to the fishery sector, primarily to the municipal fisherfolk, including women and youth sectors, through appropriate technology and research, adequate financial, production, construction of post-harvest facilities, marketing assistance, and other services. The protection of municipal fisherfolk against foreign intrusion shall extend to

²⁴ Section 2, R.A. No. 8850

²⁵ Article XIII, Section 7, 1987 Constitution

²⁶ *supra*

²⁷ *supra*

²⁸ Section 2, R.A. No. 8850

²⁹ Section 2, R.A. No. 8850

offshore fishing grounds. Fishworkers shall receive a just share for their labor in the utilization of marine and fishery resources³⁰;

- (h) to manage fishery and aquatic resources, in a manner consistent with the concept of an integrated coastal area management in specific natural fishery management areas, appropriately supported by research, technical services and guidance provided by the State³¹; and
- (i) to grant the private sector the privilege to utilize fishery resources under the basic concept that the grantee, licensee or permittee thereof shall not only be a privileged beneficiary of the State but also active participant and partner of the Government in the sustainable development, management, conservation and protection of the fishery and aquatic resources of the country.³²

TITLE 2: MANDATE, AND POWERS AND FUNCTIONS

Section 2. *Mandate.*³³ – The Bangsamoro Ministry of Fisheries and Aquatic Resources shall be the agency responsible for the development, improvement, management, and conservation of the autonomous region’s fisheries and aquatic resources.

Section 3. *Powers and Functions of Bangsamoro Ministry of Fisheries and Aquatic Resources.*³⁴ – The Bangsamoro Ministry of Fisheries and Aquatic Resources has the following powers and functions:

- a. provide integrated services to fishermen on production, utilization, conservation, and disposition of fishery resources;
- b. promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of fishery resources;
- c. provide comprehensive and effective extension services and training to fishermen and other entrepreneurs on the financing, production, and marketing aspects of fishery enterprises;
- d. conduct, coordinate, and disseminate research studies on appropriate technologies for the improvement and development of fisheries, and other allied commodities;
- e. provide the mechanisms for the participation of fishermen at all levels of policy-making, planning, and program formulation;

³⁰ *supra*

³¹ *supra*

³² *supra*

³³ <https://www.bfar.da.gov.ph/about-us/>

³⁴ lifted from Section 3, Chapter 1, Title 1, Book VI, BAA No. 13

- f. coordinate with and enlist other public and private agencies for cooperation and assistance on matters affecting the policies, plans, and programs of the B-MFAR;
- g. issue clearances and permits for the importation and exportation of fishery commodities, subject to existing guidelines, laws, rules and regulations of concerned national and regional agencies;
- h. approve charter contracts, issue permits for Special Commercial Fishing Boats and Licenses for Commercial Fishing Vessels and Gears to operate within the territorial waters of BARMM in accordance with national and regional laws;
- i. determine and designate fish landing points for all commercial fishing boats within its territorial limits;
- j. assist LGUs in the management and conservation of their municipal waters;
- k. regulate and supervise the production, capture, and gathering of fish and fishery or aquatic products;
- l. designate areas in the BARMM as fishery reserves for the exclusive use of the Bangsamoro Government or any of its political subdivisions, agencies or instrumentalities, or of the inhabitants therein, for the culture of fish and other aquatic animals for educational, research and scientific purposes in accordance with existing laws;
- m. call upon any government agency and non-government organization to extend full support and cooperation to program implementation; and
- n. exercise such other powers and functions as may be provided for by law or directed by the Chief Minister to promote efficiency and effectiveness in the delivery of public services.

TITLE 3: ORGANIZATIONAL STRUCTURE

Section 4. *Organizational Structure.*³⁵ – The Bangsamoro Ministry of Fisheries and Aquatic Resources is composed of the Office of the Minister, the Office of the Deputy Minister, the Office of the Director General, the Bureaus, and the Field Offices.

CHAPTER 1: OFFICE OF THE MINISTER

Section 5. *Office of the Minister.* – The Office of the Minister of Fisheries and Aquatic Resources consists of the Minister, the Deputy Minister, and their immediate staff.

³⁵ lifted from Section 4, Chapter 1, Title 1, Book VI, BAA No. 13

It shall be supported by Services, Bureaus, Divisions, Sections, and Units, such as but not limited to: Administrative and Finance; Technical; Operations; Legal; Field; Internal Audit.

Section 6. Powers and Functions of the Minister.³⁶ – The Minister shall be vested with the following powers and functions:

- a. Recommend to the Bangsamoro Cabinet policies and programs related to agriculture;
- b. Administer the B-MFAR in accordance with law, relevant executive orders and regulations issued by the Chief Minister;
- c. Manage the implementation of B-MFAR programs, projects, and activities;
- d. Establish policies and standards for the operation of the B-MFAR pursuant to the approved programs of the Bangsamoro Government;
- e. Promulgate rules and regulations necessary to carry out B-MFAR's objectives, policies, functions, plans, programs and projects;
- f. Promulgate administrative issuances necessary for the efficient administration of the B-MFAR, and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- g. Exercise disciplinary powers over officers and employees under the B-MFAR in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- h. Appoint all officers and employees of the B-MFAR except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- i. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the B-MFAR as are provided by law, and in accordance with the applicable relationships;
- j. Delegate authority to officers and employees under the B-MFAR 's direction in accordance with this law; and
- k. Perform such other functions as may be provided by law.

³⁶ lifted from Section 5, Chapter 1, Title 1, Book VI, BAA No. 13

Section 7. Powers and Functions of the Deputy Minister.³⁷ – The Deputy Minister shall perform the following powers and functions:

- d. Assist the Minister in implementing the policies of the B-MFAR;
- e. Recommend policies for operations and program developments in the B-MFAR; and
- f. Perform such other functions as may be delegated by the Minister.

CHAPTER 2: OFFICE OF THE DIRECTOR GENERAL

Section 8. Office of the Director General.³⁸ – The Director General for Fisheries shall be the highest career officials of the B-MFAR, with appropriate eligibility. The Offices of the Bangsamoro Directors-General shall be responsible for overseeing the *administration, programs and strategic plan of the ministry, with respect to fisheries and aquatic resources*. The Bangsamoro Directors-General shall be the direct supervisors of the respective Service Directors of the B-MFAR.

Section 9. Bureau and Divisions.³⁹ – The Office of the Bangsamoro Director-General for Agriculture shall have the following services:

(a) **Fisheries Operations Services.** – The Fisheries Operations Services shall consist of the following:

- (1) Fisheries Production Division;
- (2) Fisheries Resource Management Division; and
- (3) Fisheries Post-Harvest and Marketing Division.

(b) **Fisheries Research and Regulatory Services.** – The Fisheries Research and Regulatory Services shall consist of the following:

- (1) Research Division; and
- (2) Fisheries Regulations and Law Enforcement Division.

Each Division shall be headed by a Division Chief.

CHAPTER 3: FIELD OFFICES

³⁷ lifted from Section 6, Chapter 1, Title 1, Book VI, BAA No. 13

³⁸ lifted from Section 7, Chapter 1, Title 1, Book VI, BAA No. 13

³⁹ lifted from Section 10, Chapter 1, Title 1, Book VI, BAA No. 13

Section 10. Provincial Offices.⁴⁰ - The B-MFAR shall have Provincial Offices, each to be headed by a Director II. The Provincial Offices shall be responsible for directing and coordinating the operations and activities of the B-MFAR Municipal Offices operating within the province.

Section 11. B-MFAR City/Municipal Offices.⁴¹ - The B-MFAR shall have as many City/Municipal Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its service, which shall be headed by a City/Municipal Officer.

Section 12. Authority of the Ministry Proper over Provincial and City/Municipal Offices.⁴² - Until and unless a law is passed devolving powers over agriculture to the appropriate local government units, the Minister shall exercise technical and administrative control and supervision over Provincial and City/Municipal Offices within the Bangsamoro Autonomous Region and such other powers necessary, appropriate, or incidental in carrying out the implementation of agriculture, fisheries, and agrarian reform programs and projects in their respective area.

TITLE 4: QUALIFICATIONS

Section 13. Qualifications of the Minister and Deputy Minister.⁴³ - No person shall be appointed Minister or Deputy Minister, unless he or she is:

- a) a natural-born citizen of the Philippines;
- b) a resident of the Bangsamoro Autonomous Region;
- c) of good moral character, and
- d) of proven competence in any of the following fields:
 - (1) agri-fishery
 - (2) agriculture
 - (3) economics;
 - (4) public administration;
 - (5) natural, physical, or engineering sciences;
 - (6) management; or
 - (7) law.

Section 14. Qualifications of the Director General. - The Director General shall be the highest career official of the B-MFAR and shall have the following qualifications. He or she shall:

⁴⁰ lifted from Section 13, Chapter 1, Title 1, Book VI, BAA No. 13

⁴¹ lifted from Section 14, Chapter 1, Title 1, Book VI, BAA No. 13

⁴² lifted from Section 15, Chapter 1, Title 1, Book VI, BAA No. 13

⁴³ lifted from Section 11, R.A. No. 7638

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) at least have the following:
 - 1) a Master's degree;
 - 2) five (5) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- d) be known to have proven integrity and honesty; and
- e) not be guilty of a crime involving moral turpitude.

The Director General shall have a salary grade of 27 and shall have the privileges, emoluments, and benefits attached thereto.

Section 15. *Qualifications of the Bureau Directors.* – All Bureau Directors shall have the following qualifications. They shall each:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) at least have the following:
 - 1) a Master's degree;
 - 2) four (4) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- d) be known to have proven integrity and honesty; and
- e) not be guilty of a crime involving moral turpitude.

The Bureau Directors shall have a salary grade of 26 and shall have the privileges, emoluments, and benefits attached thereto.

Section 16. *Qualifications of the Provincial Head.* – All Provincial Heads shall have the following qualifications. They shall each:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) be a resident, for at least two years, of the province which he or she represents;

- d) at least have the following:
 - 1) a Master's degree;
 - 2) three (3) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training;
and
 - 4) second level career service eligibility;
- e) be known to have proven integrity and honesty; and
- f) not be guilty of a crime involving moral turpitude.

The Provincial Officer shall have a salary grade of 25 and shall have the privileges, emoluments, and benefits attached thereto.

Section 17. *Qualifications of the City/Municipal Heads.* – All City/Municipal Heads shall have the following qualifications. They shall each:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) be a resident, for at least two years, of the province and municipality which he or she represents;
- d) at least have the following:
 - 1) a Master's degree;
 - 2) three (3) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training;
and
 - 4) second level career service eligibility;
- e) be known to have proven integrity and honesty; and
- f) not be guilty of a crime involving moral turpitude.

The City/Municipal Fishery Officer shall have a salary grade of 24 and shall have the privileges, emoluments, and benefits attached thereto.

**TITLE 5:
COORDINATION AND COLLABORATION
WITH EXTENAL PARTNERS**

Section 18. *Nationally-Funded Programs and Projects.* – All fishery-related program and projects funded by the national government for the Bangsamoro Region shall be properly coordinated with the B-MFAR.

The Bangsamoro-Ministry of Fisheries and Aquatic Resources and the Bureau of Fishery and Aquatic Resources under the Department of Agriculture national shall jointly agree on the coordination mechanism.

Section 19. *Foreign-Assisted Programs and Projects.* - All foreign-assisted fishery-related programs and projects intended for the Bangsamoro Region shall be coordinated properly with the B-MFAR.

The B-MFAR shall define the guidelines and mechanisms of coordination.

TITLE 7: CONTINUING PROVISION OF SUPPORT TO FISHERFOLKS

Section 20. *Deployment of Experts.* - The B-MFAR shall ensure deployment of experts especially in the hard to reach areas in order to assist the fisherfolks.

Section 21. *Fisherfolks Continuing Education.* - The B-MFAR shall ensure continuing education for fisherfolks in order to keep them updated with recent technologies and techniques.

BOOK IV: BANGSAMORO AGRARIAN REFORM OFFICE (BARO)

TITLE 1: GENERAL PROVISIONS

Section 1. *Declaration of Policy.* - It is the policy of the State:

- (a) to promote comprehensive rural development and agrarian reform⁴⁴, in accordance with the Comprehensive Agrarian Reform Program (CARP) as provided in R.A. No. 6657;
- (b) to help the welfare of the landless farmers and farmworkers who will receive the highest consideration to promote social justice and to move the nation toward sound rural development and industrialization, and the establishment of owner cultivatorship of economic-size farms as the basis of Philippine agriculture.⁴⁵
- (c) to promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets⁴⁶;

⁴⁴ Article II, Section 21, 1987 Constitution

⁴⁵ <http://lis.dar.gov.ph/documents/7014>

⁴⁶ Article XII, Section 1, 1987 Constitution

- (d) to undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof;⁴⁷
- (e) to apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands⁴⁸;
- (f) provide incentives to landowners to invest the proceeds of the agrarian reform program to promote industrialization, employment creation, and privatization of public sector enterprises⁴⁹.

TITLE 2: MANDATE, POWERS AND FUNCTIONS

Section 2. Mandate.⁵⁰ – The Bangsamoro Agrarian Reform Office has the following mandate:

- (a) to lead in the regional implementation of the Comprehensive Agrarian Reform Program (CARP) through Land Tenure Improvement (LTI), Agrarian Justice, and Coordinated delivery of essential Support Services to client beneficiaries;
- (b) to provide Land Tenure security to landless farmers through land acquisition and distribution; leasehold arrangements' implementation and other LTI services;
- (c) to provide legal intervention to Agrarian Reform Beneficiaries (ARBS) through adjudication of agrarian cases and agrarian legal assistance;
- (d) to implement, facilitate and coordinate the delivery of support services to ARBs through Social Infrastructure and Local Capability Building (SILCAB); Sustainable Agribusiness and Rural Enterprise Development (SARED); and Access Facilitation and Enhancement Services (AFAES).

Section 3. Powers and Functions of the Bangsamoro Agrarian Reform Office.⁵¹ – The Bangsamoro Agrarian Reform Office has the following powers and functions:

⁴⁷ Article XIII, Section 4, 1987 Constitution

⁴⁸ Section 6, Article XIII, 1987 Constitution

⁴⁹ Section 8, Article XIII, 1987 Constitution

⁵⁰ lifted from the Department of Agriculture's Mandates: <https://www.dar.gov.ph/about-us/mandate-mission-and-vision/>

⁵¹ lifted from Section 3, Chapter 1, Title 1, Book VI, BAA No. 13

- a. implement all agrarian laws and for this purpose, it is authorized to issue subpoena, subpoena *duces tecum*, writ of execution of its decision, cite any person for contempt under penalty of laws such other legal processes as to ensure the success and expeditious implementation of the Agrarian Reform Program;
- b. advise the Chief Minister and concerned councils or bodies on the promulgation of executive and administrative orders, other regulation issuances and legislative proposals designed to strengthen agrarian reform, and protect the interest of the beneficiaries thereof;
- c. establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation in the BARMM in accordance with existing laws;
- d. coordinate program implementation with the Land Bank of the Philippines (LBP) and other relevant civilian and military government agencies mandated to support the agrarian reform program;
- e. acquire, administer, distribute, and develop agricultural lands for agrarian reform purposes;
- f. undertake surveys of lands covered by agrarian reform;
- g. issue Certificates of Land Ownership Awards (CLOA) and emancipation patents to farmers and farm-workers covered by agrarian reform for both private and public lands and when necessary, make administrative corrections of the same;
- h. provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure related problems as may be provided by the law;
- i. promote the organization and development of cooperatives and other organizations of agrarian reform beneficiaries;
- j. conduct continuing education and promotion programs on agrarian reform for beneficiaries, landowners, government personnel, and the general public;
- k. institutionalize the participation of farmers, farmworkers, other beneficiaries, and agrarian reform advocates in agrarian reform policy formulation, program implementation and evaluation;
- l. exercise exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided for by law;
- m. call upon any government agency and non-government organization to extend full support and cooperation to program implementation; and

- n. exercise such other powers and functions as may be provided for by law or directed by the Chief Minister to promote efficiency and effectiveness in the delivery of public services.

TITLE 2: ORGANIZATIONAL STRUCTURE

Section 4. *Organizational Structure.* – The Bangsamoro Fisheries and Aquatic Resources Office is composed of the Office of the Regional Director, the Office of the Assistant Regional Director, the Divisions, and the Field Offices.

Section 5. *Office of the Regional Director.* – The Office of the Regional Director shall be composed of the Regional Director, the Office of the Assistant Regional Director, and their immediate staff.

It shall have jurisdiction over the administration and implementation of programs, strategic plans, and policies of the BARO.

Section 6. *Services.* – The BARO shall have the following services, which will each be headed by Director II.

(a) **Agrarian Reform Support Services.** – It shall consist of the following:

- (1) Social Infrastructure Support Services; and
- (2) Enterprise Development and Economic Support Division.

(b) **Land Tenure Services.** – It shall consist of the following:

- (1) Land Acquisition Division; and
- (2) Post Land Transfer Documentation Division.

Each division shall be headed by a Division Chief.

Section 7. *The Provincial Offices.* – The Office shall have Provincial Offices, each to be headed by a Provincial Officer.

The Provincial Offices shall be responsible for directing and coordinating the operations and activities of the BARO Municipal Offices operating within the province.

Section 8. *The City/Municipal Offices.*– The BARO shall have as many City/Municipal Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its service. Each City/Municipal Office shall be headed by a City/Municipal Officer.

TITLE 3: QUALIFICATIONS

Section 9. *Qualifications of the Regional Director.* – They shall have the following qualifications. He or she shall:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) at least have the following:
 - 1) a Master's degree;
 - 2) five (5) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- d) be known to have proven integrity and honesty; and
- e) not be guilty of a crime involving moral turpitude.

The Regional Director shall have a salary grade of 27 and shall have the privileges, emoluments, and benefits attached thereto.

Section 10. *Qualifications of the Assistant Regional Director.* – They shall have the following qualifications. He or she shall:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) at least have the following:
 - 1) a Master's degree;
 - 2) four (4) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- d) be known to have proven integrity and honesty; and
- e) not be guilty of a crime involving moral turpitude.

They shall have a salary grade of 26 and shall have the privileges, emoluments, and benefits attached thereto.

Section 11. *Qualifications of the Provincial Heads.* – They shall have the following qualifications. He or she shall:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;

- c) at least have the following:
 - 1) a Master's degree;
 - 2) four (4) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- d) be known to have proven integrity and honesty; and
- e) not be guilty of a crime involving moral turpitude.

They shall have a salary grade of 25 and shall have the privileges, emoluments, and benefits attached thereto.

Section 12. *Qualifications of the City/Municipal Heads.* – All City/Municipal Heads shall have the following qualifications. They shall each:

- a) be a natural-born citizen of the Philippines;
- b) be a resident of the Bangsamoro Autonomous Region;
- c) be a resident, for at least two years, of the province and municipality which he or she represents;
- d) at least have the following:
 - 1) a Master's degree;
 - 2) three (3) years supervisory or managerial experience;
 - 3) one hundred twenty (120) hours of supervisory or managerial training; and
 - 4) second level career service eligibility;
- e) be known to have proven integrity and honesty; and
- f) not be guilty of a crime involving moral turpitude.

They shall have a salary grade of 24 and shall have the privileges, emoluments, and benefits attached thereto.

TITLE 4: BANGSAMORO AGRARIAN REFORM ADJUDICATION BOARD⁵²

Section 13. *Bangsamoro Agrarian Reform Adjudication Board Composition.* – The Bangsamoro Agrarian Reform Adjudication Board shall be composed of the

⁵² Sections 1 to 5, Rule II, The Department of Agrarian Reform Adjudication Board (DARAB) New Rules of Procedure

BARO Regional Director as Chair, the Assistant Regional Director as Vice-Chair, the Bureau Directors, and the concerned Provincial Director, as members.

Section 14. *Bangsamoro Agrarian Reform Adjudication Board Powers and Functions.* - The Board shall assume the powers and functions with respect to adjudication of agrarian reform cases except those powers and functions within the exclusive power of national government.

**TITLE 5:
COORDINATION AND COLLABORATION
WITH ATTACHED AGENCIES AND EXTENAL PARTNERS**

Section 15. *Nationally-Funded Programs and Projects.* - All agrarian reform program and projects funded by the national government for the Bangsamoro Region shall be coordinated properly with the BARO.

The BARO and the Department of Agrarian Reform shall jointly agree on the coordination mechanism.

Section 16. *Foreign-Assisted Programs and Projects.* - All foreign-assisted agrarian reform programs and projects intended for the Bangsamoro Region shall be coordinated properly with the BARO.

The BARO shall define the guidelines and mechanisms of coordination.

**BOOK V:
MISCELLANEOUS PROVISIONS**

Section 1. *Affected Officials and Employees.* - Affected officials and employees as a result of the separation of the Ministry of Agriculture, Fisheries and Agrarian Reform shall be compensated based on existing laws, rules and regulations.

Section 2. *Appropriation.* - The funding of the three agencies shall be included in the Annual General Appropriations Act of the Bangsamoro in a separate budget item for each agency.

Section 3. *Implementing Rules and Regulations.* - The Bangsamoro Government, through the Office of the Chief Minister, shall issue implementing rules and regulations in the implementation of this Act.

Section 4. *Mandatory Review.* - After ten (10) years of the implementation of this Act, a mandatory review will be conducted to evaluate the enforcement of this Act.

Section 5. *Parliamentary Oversight.* - The Parliament shall exercise their oversight function to see to it that all the laws, policies, and programs addressing the

implementation of this Act shall have been carried out by the concerned ministries and shall have been implemented in accordance with its purpose.

Section 6. *Separability Clause.* – If for any cause, any part of this Act is declared unconstitutional or contrary to the provisions of R.A. 11054, the rest of the provisions shall remain in force and effect.

Section 7. *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 8. *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,


MP BAIN TAN ADIL-AMPATUAN, MNSA