

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. 95

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION

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AN ACT

**REQUIRING THE MANDATORY SOCIAL PREPARATION OF
DEVELOPMENT PROJECTS IN THE BANGSAMORO REGION**

Explanatory Note

Policies and plans are more likely to be implemented effectively if their development is inclusive of all stakeholders. Engaging with the community is an important method to know the expectations, sentiments, and perspectives of the Bangsamoro on different matters that affect them. Involvement of the community will lead to more responsive and people-centered decisions. To achieve this, participatory governance is necessary in all development projects to be implemented in the Bangsamoro Region.

Social preparation is the conduct of preliminary social analysis of the community where organizers engage in institutional preparations, area selection, and social investigation or integration.

This bill seeks to address the issues and concerns in the implementation of development projects in the Bangsamoro Region, which include, among others, the following:


1. *Unfinished and problematic projects.* – Common issues particularly for infrastructure projects include road-right-of-way problems and lack of legal documents, such as deeds of donation or usufruct. There are

instances that a completed project faces legal issues because the donation of the land where the project was constructed was not perfected due to lack of social preparation;

2. *No operation and maintenance (O &M) arrangements.* – Various projects such as roads, bridges, drainage system, water system, among others, are often left un-maintained and unoperated because of the absence of required social preparations. There are no appropriate O & M guidelines that have been agreed on by the implementing agency and the beneficiary. Implementing agencies are just mindful of the completion of the project based on the timeline and did not consider the O & M aspect while the beneficiaries do not know what to do with the completed and turned-over project;
3. *Projects that lack value chain links.* – Most of the implemented projects are stand-alone projects that are not linked to the broader value-chain system. This in effect makes the project isolated and becomes ineffective. This is oftentimes due to lack of analysis of the environment where the project will be implemented, poor planning and design of the project, and social preparation of the intended beneficiaries;
4. *Lack of capacity to operate and maintain the project.* – Beneficiaries are often left hanging in the operation and maintenance of their projects. This is due to the project being accomplishment-based and not based on its operational ability. Government offices are measured based on the execution of their projects (i.e., physical accomplishment or work plan), thus, projects tend to be good in report or on paper and not in operation and maintenance because beneficiaries are not prepared for such operation and maintenance. As a result, projects are not sustainable and cease to operate after a year or less, livelihood projects have no return of investments, and physical infrastructure become white elephants; and
5. *Dole-out projects.* – Dole-outs are popular because this method is perceived as the simplest way of implementing a project. Dole-out projects do not require social preparation. After certain goods are procured, they are automatically given to the beneficiary. Dole-out projects, except in emergency situations, are not encouraged. These are not sustainable investments and create undesirable results, such as dependency of the communities to the government, negative perceptions about government projects, and potential corruption.

Social preparation can empower the community by involving them in the designing of the programs, the spotting of problems, the determination of solutions, and the identification of people and structures that can make solutions possible and doable.

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



MP BAIN TAN ADIL-AMPATUAN, MNSA

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AN ACT
REQUIRING THE MANDATORY SOCIAL PREPARATION OF
DEVELOPMENT PROJECTS IN THE BANGSAMORO REGION

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 “*Social Preparation Act of 2022*”.

Section 2. Declaration of Policy. – The 1987 Constitution establishes the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making. The state shall, by law, facilitate the establishment of adequate consultation mechanisms (*Article XIII, Section 16*). Towards this end, and in pursuit of inclusive growth, social protection, community empowerment, and poverty reduction, the State shall enact programs that provide capacities and opportunities for community members, particularly the poor, vulnerable and disadvantaged, to effectively participate in the design, planning, budgeting, and implementation of community identified programs, plans, and projects.

It is the declared policy of the Bangsamoro Government to ensure every Filipino citizen in its territorial jurisdiction, the provision of the basic necessities and equal opportunities in life. Social justice shall be promoted in all aspects of life and phases of development in the Bangsamoro Autonomous Region.

In order to protect and improve the quality of life of its inhabitants, there is a need to encourage the constituents to actively participate in the planning and implementation of all government programs involving them.

The Bangsamoro Government shall promote the effective use of economic resources and endeavor to attain economic development that facilitates growth and full employment, human development, and social justice. The Bangsamoro Government shall likewise provide equitable opportunities for the development of constituent local government units and shall strengthen governance systems to ensure people's participation.

Section 3. Objectives. – This Act generally aims to create an impact and to sustain the implementation of programs and projects implemented in the Bangsamoro region. Specifically, it has the following objectives:

- a. To minimize, if not avoid, provision of dole-out projects as continuing interventions in the communities;
- b. To improve project readiness of the implementing ministries and offices by ensuring the conduct of necessary orientations, trainings, land preparation, as well as the preparation of required documents such as land donation or usufruct, among others;
- c. To initiate and integrate social preparation activities as entry points for the implementation of government development projects;
- d. To help the recipient organization or individuals in learning and understanding the management, and operation and maintenance of the turned-over projects;
- e. To ensure sustainability and replication of projects implemented;
- f. To ensure the protection of the environment and to avoid the displacement of individuals and families along with implementation of the project; and
- g. To ensure that yearly budget appropriations are based on the capacity of the ministries and offices to implement projects.

Section 4. Expected Outcomes. – The conduct of social preparation in the implementation of development projects in the Bangsamoro Region is expected to achieve the following outcomes:

- a. Improved project implementation and management of the Bangsamoro Government;
- b. Sustained operation and maintenance of implemented projects by the project beneficiaries;
- c. Improved accountability and governance of ministries and offices and their partners;
- d. Improved performance (e.g., budget utilization rate) of the Bangsamoro ministries and offices by implementing only the doable projects in a given fiscal year;
- e. Ensured protection of the environment as well as individuals and families from displacements due to the implementation of the project.

Section 5. Social Preparation. – This involves the conduct of preliminary social analysis of the community where organizers engage in institutional preparations, area selection, and social investigation or integration. This is designed to prepare the community to cope with the changes brought about by government programs or development projects and to encourage them to actively participate and prepare their societal, communal, and personal responsibilities in their quest for human development and basic services, employment and livelihood, and other government programs. Investing in social preparation is necessary for a sustainable implementation of development projects in the Bangsamoro Region.

Section 6. Key Strategies and Activities. – Among the key strategies and activities in order to ensure social preparation are the following:

- a. *Preparation of legal documents.* – Right of way and deed of donation or usufruct of lands are the most common causes of delay in project implementation, which sometimes lead to the filing of cases in court. Thus, there is a need to secure and prepare the required documents first before a proposed project will be included in the list of projects to be funded in the Bangsamoro Expenditure Program (BEP).

For projects that require acquisition of lands, the concerned agency shall ensure that such allocation for the purpose is incorporated in the project cost.

- b. *Preparation of technical documents.* – Site development plan, detailed engineering (DE), program of works (POW), technical specification, among other documents, shall be completed first before any proposed projects will be included in the BEP. This means that a proposed project should have undergone careful study at least six (6) to 12 months prior to its inclusion in the BEP and in the General Appropriations Act of the Bangsamoro (GAAB).

In the case of indigenous people (IP) areas, free and informed consent (FPIC) shall be obtained by the implementing agency prior to actual implementation of activities on the ground.

- c. *Hiring of community facilitators.* – In the absence of a partner civil society organization (CSO), the concerned ministry or office may hire community facilitator(s) who have intensive experience working with the community and have a very good understanding of their cultural sensitivities. The ministry or office may also designate a focal person for the social preparation of a particular project.
- d. *Orientation and coordination with local government units, partner agencies, local leaders.* – This involves a series of coordination meetings with the local chief executives, local legislators, partner agencies, and tribal and other community leaders, to orient them about the proposed program or project. Here, the respective roles and responsibilities of the stakeholders shall be clarified. This includes discussion on the processes, activities, and

expectations about the program. Also, issues and concerns on the implementation of the project shall be discussed.

- e. *Entry into the community and initial integration.* – This process involves the entry of the implementer and the immersion and integration of the community in the program or project implementation.
- f. *Conduct of community learning activities.* – This will lead in understanding the community more and may serve as an input in strengthening the program or project implementation.
- g. *Continuous integration and profiling.* – This will establish partnership with the community members and getting acquainted with their communal practices and traditions with the guidance of the tribal leaders. This also includes the profiling of potential beneficiaries of the program or project. The beneficiaries' profile shall be entered in the database of beneficiaries of the agency and the Bangsamoro government.
- h. *Implementation of the programs or projects.* – This commences the actual implementation of projects that were subjected to the required social preparation. For infrastructure projects, a pre-construction conference is required. For livelihood projects, the implementing agency may commence with a small community gathering or *pulong-pulong*.
- i. *Monitoring and evaluation.* – The Bangsamoro Planning and Development Authority (BPDA) of the Bangsamoro Government shall ensure that projects being implemented and have been implemented are monitored and evaluated accordingly.

Section 7. *Timeline of Social Preparation.* – Subject to compliance of both legal and technical documents, the social preparation phase shall be conducted within the following period, depending on the type of project to be implemented:

- a. At least one (1) month community engagement for Ministry of Basic, Higher and Technical Education (MBHTE) vertical projects (school buildings, *Madaris* buildings, water and sanitation);
- b. At least one (1) month community engagement for Ministry of Public Works (MPW) and Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR) horizontal infrastructure projects (roads, bridges, shore protection, drainage, etc.);
- c. At least two (2) months community engagement for MPW and Ministry of Interior and Local Government (MILG) vertical infrastructure projects (multi-purpose buildings, gymnasiums, covered courts, government buildings, housing);

- d. At least two (2) months community engagement for MAFAR vertical projects (warehouse with solar dryers);
- e. At least two (2) months community engagement for Ministry of Health (MOH) vertical projects (hospitals, Rural Health Units (RHUs) and Barangay Health Stations (BHS));
- f. At least two (2) months community engagement for Ministry of Human Settlements and Development (MHSD) housing projects;
- g. At least three (3) months community engagement for MAFAR, Ministry of Social Services and Development (MSSD), Ministry of Science and Technology (MOST), and Ministry of Trade, Investments and Tourism (MITT) livelihood projects;
- h. At least three (3) months community engagement for MPW and MILG water projects; and
- i. At least one (1) month community engagement for other development projects not specifically mentioned.

Section 8. Agency and Bangsamoro Government Database. – Each agency, as well as a centralized database of the Bangsamoro Government, shall be established for the projects that have undergone social preparation. This database shall inform monitoring and evaluation activities as well as crafting of programs in projects in the future.

Section 9. 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 10. Mandatory Review. – After ten (10) years of the implementation of this Act, a mandatory review will be conducted to evaluate the enforcement of social preparation in the implementation of development projects in the Bangsamoro region. The following are the general purposes in conducting the review:

- a. *To gain insight.* – This is to assess whether or not the enforcement of social preparation is working or not. For a developing program, a mandatory review can provide the insight needed to achieve the main purpose of implementing it.
- b. *To improve how things were done.* – The information gathered can fine-tune the overall strategy in the implementation of this Act.
- c. *To determine the effects of the program.* – This is to examine the relationship between the program activities and the observed consequences. This can help establish the credibility of the program.

Section 11. *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 12. *Exceptions to the Act.* – Projects that are covered by emergency initiatives, as well as conditional cash transfers, shall not be covered by this Act.

Section 13. *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 14. *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 15. *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