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Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY 2
Cotabato City

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BTA PARLIAMENT
BTA Resolution No. 95

Bangsamoro Autonomous Region in Muslim Mindanao

ADELAH DIPATUAN
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RESOLUTION

REQUESTING THE OFFICE OF THE CHIEF MINISTER TO SPEARHEAD THE REVIEW OF THE COMPLIANCE OF ARTICLE XVI OR THE BANGSAMORO TRANSITION AUTHORITY PROVISIONS OF THE BANGSAMORO ORGANIC LAW (BOL) IN ORDER TO IDENTIFY GAPS AND DEFINE COURSE OF ACTIONS TO ADDRESS THESE GAPS

WHEREAS, Article XVI has a total of 14 Sections composed of the following: 1) Transition Period, 2) Bangsamoro Transition Authority, 3) Powers and Authorities, 4) Functions and Priorities, 5) Continuity of Government, 6) Transition Plan, 7) Interim Officers, 8) Interim Cabinet, 9) Interim Bureaucracy, 10) Transfer of Powers and Properties and Disposition of Personnel, 11) Disposition of Personnel and Assets of National Government Offices and Agencies, 12) Dissolution of the Bangsamoro Transition Authority, 13) First Regular Election, and 14) Initial Funding for Transition;

WHEREAS, Section 2, Article XVI of R.A. 11054 or the BOL provides for the creation of Bangsamoro Transition Authority (BTA), which shall be the interim government of the Bangsamoro Autonomous Region during the transition period;

WHEREAS, Section 3, Article XVI of the same law provides that the BTA shall be composed of eighty (80) members, who shall be appointed by the President. The executive authority shall be exercised by the Interim Chief Minister, while legislative authority shall be exercised by the BTA;

WHEREAS, Section 4 of the same law provides for the functions and priorities of the BTA. They shall ensure the accomplishment of the following priorities during the transition period:

(a) Enactment of priority legislations such as the Bangsamoro Administrative Code, the Bangsamoro Revenue Code, the Bangsamoro Electoral Code, the Bangsamoro Local Government Code, and Bangsamoro Educational Code consistent with powers and prerogatives vested in the Bangsamoro Government by this Organic Law: *provided*, that until the abovementioned laws are enacted, the Muslim Mindanao Autonomy Act No. 25, otherwise known as the "*Autonomous Region in Muslim Mindanao Local Government Code*," and subsisting laws on elections, and other electoral matters, shall apply in the Bangsamoro Autonomous Region.

The BTA may also enact a Bangsamoro Civil Service Code (CSC), as provided in this Organic Law, subject to the Constitutional mandate of the CSC. The BTA shall enact law to recognize, protect, promote, and preserve the rights of indigenous peoples in the Bangsamoro Autonomous Region. Until the law is enacted, subsisting regional laws on the indigenous peoples in the Bangsamoro shall be operational.

These rights shall be promoted, protected, and enforced by the Ministry of Indigenous People's Affairs as provided under Section 8 of this Article;

(b) Determination of parliamentary districts for the first regular election for the members of the Parliament subject to the standards set in Section 10, Article VII of this Organic Law;

(c) Organization of the bureaucracy of the Bangsamoro Government during transition, including the approval and implementation of a transition plan, and the institution of a placement process for hiring of personnel during transition.

This also includes the setting up of office and other institutions necessary for the continued functioning of government and delivery of social services in the Bangsamoro Autonomous Region, as well as those necessary for the smooth operations of the first elected Bangsamoro Government in 2022;

(d) Full transfer of powers and properties of the Autonomous Regional Government in Muslim Mindanao (ARMM) to the Bangsamoro Government, except those properties, land, and structures located outside of the ARMM;

(e) The disposition of the personnel of the ARMM as provided in Section 10 of this Article;

(f) Transition from the ARMM to the Bangsamoro Government, as provided in this Organic Law; and

(g) Other matters that may be necessary for the protection and promotion of the general welfare of the constituents of the Bangsamoro Autonomous Region.

WHEREAS, Section 5, Article XVI of the same law provides:

Continuity of Government. – To foreclose any political interregnum in the governance of the region, the twenty-five (25) incumbent elected officials of the Autonomous Region in Muslim Mindanao, and the Bangsamoro Transition Commission, an independent body created by Executive Order No. 120, Series of 2012, as amended by Executive Order No. 08, Series of 2016, shall act as caretakers of the administration of the Bangsamoro Autonomous Region until the Bangsamoro Transition Authority is constituted.

WHEREAS, Section 6, Article XVI of the same law provides:

Transition Plan. – Within the first sixty (60) days of the transition period, the interim Chief Minister shall submit to the Bangsamoro Transition Authority a transition plan that shall contain the proposed organizational plan, as well as, the schedule for implementation therefor. The Bangsamoro Transition Authority shall, by a majority vote of all its members, approve or otherwise act on the proposed transition plan within ten (10) days upon submission by the interim Chief Minister. If the transition plan is not acted upon within sixty (60) days, it shall be deemed approved. The transition plan shall be implemented within fifteen (15) days from its approval.

WHEREAS, Section 7, Article XVI of the same law provides that the Interim Chief Minister shall organize the Interim Cabinet and shall appoint two (2) Interim Deputy Chief Ministers, who shall also be the members of the BTA. The Interim Chief Minister shall also appoint such other ministers as may be necessary to perform the functions of the government during the transition period, a majority of whom shall be from among the members of the BTA.

Members of the Bangsamoro Transition Authority who are appointed to cabinet positions shall serve their offices concurrently; *provided*, that no member of the Bangsamoro Transition Authority may be appointed, elected or otherwise hold more than two (2) positions at the same time;

WHEREAS, Section 8, Article XVI of the same law states that the Interim Cabinet shall be composed of fifteen (15) primary ministries with sub offices, namely:

(a) Finance, and Budget and Management;

- (b) Social Services;**
- (c) Trade, Investments, and Tourism;**
- (d) Labor and Employment;**
- (e) Transportation and Communications;**
- (f) Basic, Higher and Technical Education;**
- (g) Indigenous Peoples' Affairs;**
- (h) Health;**
- (i) Public Works;**
- (j) Local Government;**
- (k) Environment, Natural Resources, and Energy;**
- (l) Human Settlement and Development;**
- (m) Science and Technology;**
- (n) Agriculture, Fisheries, and Agrarian Reform; and**
- (o) Public Order and Safety.**

Other offices on youth, women, settler communities, disaster risk reduction and management, and planning and development, among others, may be created by the BTA. The Attorney General's Office, under the Office of the Chief Minister, shall likewise be created by the BTA;

WHEREAS, Section 9, Article XVI of the same law provides that the BTA has the authority to create offices and organize the bureaucracy during the transition period;

WHEREAS, Section 10, Article XVI of the same law provides that all powers, functions, assets, capital, records, funds, receivables, equipment, and facilities of the ARMM at the time of ratification of the aforementioned Organic Law shall be transferred to the Bangsamoro Government, except those properties, land, and structures which are located outside of the ARMM and subject to the conditions as provided in paragraph (d), Section 4 of this Article.

The BTA shall schedule the gradual phasing out of offices of the ARMM, which are deemed abolished upon the ratification of this Organic Law.

In consideration of public interest and the delivery of services, officials holding appointive positions shall continue to perform their functions in accordance with the phase-out schedule. Employees in the sectors of health, education, and social welfare shall be absorbed and transferred to the Bangsamoro Government. The BTA shall conduct a human resources audit and shall subject all transferred and new employees to qualification standards as provided in the laws, rules and regulations of the CSC and those that may be set by the BTA.

The National Government (NG) shall provide the necessary funds for the benefits and entitlements of the affected employees of the ARMM during the transition period. An inter-agency committee headed by the Office of the President, and composed of the Department of Budget and Management, Commission on Audit, and CSC, shall conduct the requisite inventory to ensure that the liabilities of the ARMM under law, contracts, or obligations shall be assumed by the NG prior to the

transfer of powers. Functions, assets, capital, records, funds, receivables, equipment, and facilities of the ARMM to the BTA.

For this purpose, the Office of the Regional Governor of the ARMM as of the date of the ratification of this Organic Law, including information on the assets and liabilities of the ARMM.

The creation of the different offices and their respective staffing complement shall be consistent with existing budgeting organization, staffing, position classification and compensation policies, guidelines, and standards of the NG.

The affected personnel who will not be absorbed in the positions of the new staffing pattern of the different offices in the Bangsamoro Government, whether hired on a permanent, temporary, casual or contractual basis and with appointments attested by the CSC, shall be entitled to applicable retirement or separation benefits as provided in this Organic Law.

The BTA shall institute an independent, strictly merit-based, and credible placement and hiring process for all offices, agencies, and institutions in the Bangsamoro Government, and shall consider gender and ethnic balance;

WHEREAS, Section 11, Article XVI of the same law states that the NG shall provide for the disposition of personnel of the NG or national government-owned or controlled corporations whose mandate and functions are transferred to or now vested in the Bangsamoro Government by virtue of this Organic Law. Properties and assets shall be transferred to the Bangsamoro Government within three (3) months from the organization of the BTA, except those properties, land, and structures located outside of the ARMM;

WHEREAS, Section 12, Article XVI of the same law states that within sixty (60) days from the assumption into office of all members of the first Parliament, the Bangsamoro Transition Authority shall submit its final report and recommendations on the status of government during the transition period to the Parliament, as well as to the House of Representatives, the Senate of the Philippines, and the Office of the President;

WHEREAS, Section 13, Article XVI of the BOL provides that the first regular election for the Bangsamoro Government shall be held and synchronized with the 2022 national elections. Immediately upon the election and qualification of the Chief Minister under the first Parliament, the BTA shall be deemed dissolved;

WHEREAS, Section 14, Article XVI of the same law provides that the amount necessary to carry out the requirements of transition, including the organizational activities of the BTA, organization, bureaucracy, hiring of personnel, and the exercise of functions and powers of the BTA as provided in this Organic Law, shall be charged against available funds in the current General Appropriations Act (GAA). In addition, the current year's appropriations for the ARMM shall also be transferred to the BTA for this purpose. The initial funding shall be without prejudice to any supplemental budget that may be appropriated by the Congress of the Philippines to support the

transition. Government functions falling within the reserved powers of the NG in the Bangsamoro Autonomous Region shall continue to be financed by the NG funds;

WHEREAS, to date, the Bangsamoro Parliament enacted three (3) out of the six (6) priority legislations mandated in the BOL, namely, the Bangsamoro Administrative Code (BAC), the Civil Service Code for BARMM, and the Bangsamoro Education Code (BEC). The Local Government Code, Electoral Code, and Internal Revenue Code have yet to be passed;

WHEREAS, there is a need to review the compliance of the BTA of its functions and priorities in furtherance of its mandate of protecting and promoting the general welfare of the constituents of the Bangsamoro Autonomous Region.

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the BTA Parliament, to pass and approve this Resolution requesting the Office of the Chief Minister to spearhead the conduct of review of compliance of Article XVI or the BTA provisions of the BOL in order to determine gaps and define course of actions to address these gaps.

Adopted,


ENGR. BAIN TAN ADIL-AMPATUAN, CSEE, MNSA