

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

SECOND PARLIAMENT
First Regular Session

Parliament Bill No. 148

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED

Name: ADZ FAR H. USMAN Signature: [Signature]
Date: FEB 27 2023 Time: 12:10 PM

Introduced by
MP ADZFAR H. USMAN

AN ACT CREATING THE BARMM BADJAO DEVELOPMENT PROJECT

Explanatory Note

The Badjao people, also known as the sea gypsies, are one of the most vulnerable and marginalized indigenous groups in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). They have a distinct culture and a unique way of life that is closely tied to the sea, but face numerous challenges such as lack of access to basic social services, poverty, and discrimination. Consequently, without viable and sustained efforts from the regional and local governments, a significant portion of them is now in a diaspora across the country, typified as mendicants, and largely abhorred by mainstream society for their poor health and living standards, illiteracy, with unemployable skills, early marriages and high birth rate, and so on.

The Philippine Constitution recognizes the democratic responsibility of the government to protect the rights of minorities, especially the most vulnerable and disadvantaged groups. Unfortunately, the Badjao people have been historically marginalized, and their rights and welfare have not been adequately protected. How they were hurdled and mistreated by certain local governments during the pandemic is a telltale sign of how worse their lives have become and the continuing social and institutional neglect they have suffered and continue to suffer.

Recognizing this historical and contemporary injustice, this proposed legislation aims to establish the BARMM Badjao Development Project as an affirmative action by the BARMM government to correct this wrong against the Badjao people. This project seeks to promote the human security of the Badjao people by addressing their human in securities and improving their political, economic, food, health, environment, personal, and community securities.

The BARMM Badjao Development Project will have the following objectives:

1. To promote and protect the basic political and human rights of the Badjao community, including birth and citizenship registration.
2. To support the Badjao's claims for ancestral domain and the establishment of their own kampung (village) to promote and protect their marine ecology and lifestyle from commercial fishery encroachment, high sea robbery, and similar insecurities.
3. To provide capacity-building and training for the Badjao community in areas such as fishing, agriculture, handicrafts, and disaster preparedness.
4. To provide basic social services such as education, housing, and healthcare.
5. To support the establishment of livelihood projects, including small-scale fishing and agriculture, and support for traditional economic practices.
6. To protect and conserve marine ecology and lifestyle.
7. To provide basic infrastructure such as access to potable water, sanitation facilities, and electricity.

To implement the BARMM Badjao Development Project, a project management office (PMO) will be established under the Office of the Chief Minister to supervise, implement and mobilize resources within the BARMM and from other sources, like the donor community. Note: Second option is for the PMO to be lodged under the supervision of the Minister of Indigenous Affairs, but the PMO should have continued fiscal and management autonomy.

As a rough estimate, an initial, generous, annual budget allocation of at least PHP 500 million is suggested for the BARMM Badjao Development Project, which can be increased or decreased based on the needs and progress of the program.

This proposed legislation aims to promote the rights and welfare of the Badjao people and empower them to achieve sustainable development and improve their quality of life. It also fulfills the BARMM government's democratic responsibility to protect the rights of minorities and correct historical injustices. We hope that this proposed legislation will receive the support of the BTA and contribute to the overall development and progress of the BARMM.

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Name: ADZ FAR H. USMAN Signature: [Signature]
Date: FEB 27 2023 Time: 6:01 PM

Introduced by
MP ADZ FAR H. USMAN

AN ACT CREATING THE BARMM BADJAO DEVELOPMENT PROJECT

Be it enacted by the Bangsamoro Parliament in session:

SECTION 1. Short Title. - This Act shall be known as the "BARMM Badjao Development Project Act."

SECTION 2. Declaration of Policy. - The Badjao community is arguably the most marginalized, disenfranchised, vulnerable, disadvantaged and isolated indigenous ethnic group in the region and falling behind all human development indicators, at individual, familial and communal levels. It is hereby declared the policy of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) to promote the welfare and development of the Badjao community, recognizing their unique cultural identity, and ensuring their equal access to opportunities for growth and progress. This policy shall encompass the promotion of the Badjao's basic political and human rights, including birth and citizenship registration, and the promotion and protection of their marine ecology and lifestyle.

SECTION 3. Creation of the BARMM Badjao Development Project. - There is hereby created the BARMM Badjao Development Project, which shall be a government program aimed at addressing the issues and concerns of the Badjao community, including poverty, unemployment, education, health, and housing through the UN Human Security Framework and the Right of Indigenous Communities to Self-Determination and Self-Governance. The project shall support the Badjao's claims for ancestral domain, and the establishment, rehabilitation and development of their own kampung (village) to promote and protect their marine ecology and lifestyle from commercial fishery encroachment, high sea robbery, and similar insecurities.

SECTION 4. Objectives of the BARMM Badjao Development Project. - The BARMM Badjao Development Project shall aim to achieve the following objectives, aligned with the Human Security framework:

(a) To promote the political security of the Badjao community by supporting their claims for ancestral domain and establishment of their own kampung (village), and ensuring their participation in the decision-making processes of the BARMM government, particularly on matters that affect their well-being and development;

(b) To promote the economic security of the Badjao community by creating livelihood opportunities for them, particularly in the areas of fishing, agriculture, and handicrafts, and supporting their traditional economic practices, and towards their involvement in the global creative economy, eco- and cultural tourism opportunities;

(c) To promote the food security of the Badjao community by providing them with access to sufficient, safe, and nutritious food, and supporting their traditional food practices;

(d) To promote the health security of the Badjao community by providing them with access to basic healthcare services and promoting their traditional health practices;

(e) To promote the environmental security of the Badjao community by supporting the protection and conservation of their marine ecology and lifestyle, and promoting sustainable environmental practices, including awarding and supporting their ancestral domain claims where they can begin communal life anew and amidst holistic security.

(f) To promote the personal security of the Badjao community by providing them with access to basic social services, such as education and housing, and promoting their cultural identity and heritage, and making part of their daily reality the exercise and enjoyment of their human and developmental rights.

(g) To promote the community security of the Badjao community by promoting their social cohesion and resilience, providing them with access to basic social services and disaster preparedness measures and their right to representation in the local legislative and other decision-making bodies through the Indigenous People's Mandatory Representation (IPMR) system and can undertake sectoral representation in government office committees that require civil society organization (CSO) participation; and the promotion of their indigenous knowledge system.

SECTION 5. Project Management Office (PMO) and Project Consultative Body (PCB). - There shall be established a project management office (PMO) under the Office of the Chief Minister to

supervise, implement, and mobilize resources for the BARMM Badjao Development Project. The PMO shall be responsible for coordinating and monitoring the implementation of the project and ensuring the participation of the Badjao community in the decision-making processes, as well as developing the Implementing Rules and Regulations (IRR) for this Act. Further, in designing project priorities, there shall be established a Project Consultative Body (PCB) composite of Badjao community male and female elders and youth leaders, which shall convene before the onset of the annual budget cycle to provide inputs and recommendations to the BARMM Government on policies, programs, and projects that affect the general welfare of the Badjao people. The consultative and consensual mode of identifying participants and other operational mechanisms pertinent to the PCB shall be discussed in IRR

SECTION 6. Implementation of the BARMM Badjao Development Project. - The BARMM government, through the PMO, shall be responsible for the implementation of the BARMM Badjao Development Project, in coordination with the Badjao community, rights-holders and other stakeholders. The BARMM government shall allocate sufficient funds and resources for the implementation of the program, and the PMO shall ensure their effective and efficient utilization. Further, there shall be a Community Development Officer assigned for a certain cluster of Badjao communities, and these Community Development Officers shall serve as focal person, facilitator, organizer and coordinator and conduit for government support and interventions in their respective jurisdictions.

SECTION 7. Monitoring and Evaluation. - The PMO shall establish a monitoring and evaluation system to assess the progress and impact of the BARMM Badjao Development Project. The system shall include mechanisms for feedback and participation from the Badjao community and other stakeholders. Furthermore, there shall be Provincial Supervisors who shall support the work of community development officers under each jurisdiction; and shall serve as quality assurance and compliance officer in order to ensure that government support and interventions are timely, relevant and of high quality for Badjao support and development.

SECTION 8. Appropriations. - The amount necessary to implement this Act shall be charged against the BARMM budget for the year. The BARMM government may also accept donations or grants from external sources to support the implementation of the project.

SECTION 9. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid.

SECTION 10. Repealing Clause. - All laws, decrees, orders, rules, and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation in the region.


Approved,

AUTHOR:



ADZFAR H. USMAN
Member of the Parliament

EDDIE M. ALIH
Member of the Parliament



ROMEO K. SEMA
Member of the Parliament

Certified correct:

PROF. RABY B. ANGKAL
Secretary-General

Attested by:

ATTY. PANGALIAN M. BALINDONG
Speaker