

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

Cotabato City

Second Parliament
First Regular Session
Bill No. 165

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED
Name: ADELAH DIARTUN Signature: 
Date: MAR 31 2023 Time: 1:40 PM

Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
OFFICE OF MP TARHATA M. MAGLANGIT
RELEASED
DATE: Mar 31, 2023 TIME: 10:15 am
RELEASED BY: A. Pontanal

INTRODUCED BY PRINCIPAL AUTHOR:

MP TARHATA M. MAGLANGIT

CO-AUTHORS:

**MPs AMENODEN AZIZ, DENMARTIN KAHALAN, HAMID MALIK,
ABDULKARIM MISUARI, NURREDHA MISUARI, and RANDOLPH PARCASIO**

**AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE IN THE BANGSAMORO
AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

In the Philippines, the power of the people to directly initiate legislation is enshrined in Article VI, Sections 1 of the Philippine Constitution, which provides:

“the legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, **except to the extent reserved to the people by the provision on initiative and referendum.** (emphasis supplied)”

as well as in Section 32, which states:

"The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the **people can directly propose or enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body** after the registration of a petition thereof signed by at least ten per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered voters thereof. (emphasis supplied)"

This Constitutional provision is operationalized at the national level through Republic Act No. 6735, also known as *The Initiative and Referendum Act*. Section 4 thereof states: "The power of initiative and referendum may be exercised by all registered voters of the country, **autonomous regions**, provinces, cities, municipalities and barangays. (emphasis supplied)"

Meanwhile, Republic Act No 11054, also known as the *Bangsamoro Organic Law*, mandates that the Bangsamoro Autonomous Region shall have a democratic political system that allows its people to freely participate in the political processes within its territorial jurisdiction.¹

The Organic Law further reinforces this principle by expressly providing that the Bangsamoro Parliament has the power, among others, **to enact a law on initiatives**² as well as call for a referendum³ on important issues affecting the Bangsamoro Autonomous Region.

To give life to the above-declared principles in the Constitution and in the Organic Act of the region, it is imperative that the Parliament, within this transition period, enact a law that will define and set the parameters for the exercise of the power of initiative in the Bangsamoro, in so far as regional laws are concerned. Such a law will operationalize and give flesh to the spirit of the law that sovereignty resides in the people and that all power emanates from them. IT recognizes the

¹ Republic Act No. 11054 (Bangsamoro Organic Law), Article IV (General Principles), Section 3

² Ibid., Article VII, Section 5 (c)

³ Ibid., Paragraph c

importance of citizen's direct participation in the democratic processes of our region and provides a mechanism for the people to propose, amend or repeal existing laws.

This proposed bill reinforces and safeguards this power by ensuring that direct initiatives that comply with the requirements shall be directly approved by the people through a plebiscite, with no need for Parliamentary concurrence or approval. However, should the Parliament recognize the wisdom and necessity of said proposed measure, it likewise has the power to adopt in toto such proposition.

Further, this bill, much like its counterpart in national law (RA No. 6735) distinguishes between direct initiative measures -- which is the heart and soul of this proposed enactment -- and indirect initiative measures, herein called people-initiated bills. The former only needs to be approved by electors in a plebiscite, while the latter is a petition of the people to the members of the Parliament for the enactment through the regular legislative process.

This proposed bill focuses itself only to provide for a system of initiative on laws that may be passed by the Parliament of the Bangsamoro. It does not cover initiatives on ordinances at the provincial, municipal or barangay level, which may be the subject of another parliamentary act, or otherwise remain to be within the coverage of RA No. 6735.

In view of some concerns regarding the cost of mounting a plebiscite, this bill proposes to synchronize all plebiscites for initiative measures with regular elections in the Bangsamoro. Thus the plebiscite questions on initiative, called the ballot measure, is voted on using the same ballot as the one to be used for the election of elected officials in the Parliament. Aside from minimizing costs, this will also have the effect of normalizing plebiscites for important matters affecting our constituency, and thus strengthening our democracy.

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

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 **BANGSAMORO TRANSITION AUTHORITY**
4 Cotabato City

5
6 Second Parliament
7 *First Regular Session*

8
9 Bill No. 165



11 INTRODUCED BY PRINCIPAL AUTHOR:

12 **MP TARHATA M. MAGLANGIT**

13
14
15 CO-AUTHORS:


16 **MPs AMENODEN AZIZ, DENMARTIN KAHALAN, HAMID MALIK,**
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18
19
20 Begun and held in Cotabato City, on _____, the ____ of _____ 2023.

21
22 **AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE IN THE**
23 **BANGSAMORO AND APPROPRIATING FUNDS THEREFOR**

24
25 Be it enacted by the Bangsamoro Transition Authority, in Parliament
26 assembled:

27
28 **Section 1. Short Title.** – This Act shall be known as the “Bangsamoro
29 People’s Initiative Act.”

30
31 **Section 2. Declaration of Policy.** – The following principles and policy
32 of the Bangsamoro are hereby affirmed and guaranteed: 

1 (a) The Bangsamoro people have the right to chart their political future
2 through a democratic process that will allow genuine and meaningful self-
3 governance.

4
5 (b) The Bangsamoro people have the right to directly initiate and enact
6 legislation through the power of initiative, expressly guaranteed in Article VII,
7 Sections 1 and 32 of the Philippine Constitution. In this regard, the Bangsamoro
8 government shall take all necessary measures to facilitate the exercise of this
9 right;


10
11 (c) The voters in the Bangsamoro region continue to retain their power to
12 directly propose, enact, approve or reject, in whole or in part, laws, ordinances
13 or resolutions passed by any local legislative body other than the Bangsamoro
14 Parliament as provided for under the Constitution and Republic Act No. 6735
15 (also known as "The Initiative and Referendum Act.");

16
17 (d) The voters of the Bangsamoro have the right to be informed of the
18 nature, proponents and funders of initiative petitions that may be circulated to
19 obtain their signatures;

20
21 (e) Signatories to initiative petitions have the right to have their personal
22 data protected from unauthorized use, or use beyond the purpose of supporting
23 a proposition to qualify for the ballot;

24
25 (f) Plebiscites on initiatives and referenda, shall be synchronized with
26 regular elections in the Bangsamoro.

27
28 **Section 3. Definition of Terms.** – For purposes of this Act, the following
29 terms shall mean:

30
31 (a) *Initiative* is the power as well as the process engaged by the people
32 of the Bangsamoro to directly enact regional legislation through a plebiscite; 

1 (b) *People-initiated Bill* is a bill filed by the voters of the Bangsamoro
2 directly with the Bangsamoro Parliament as provided for in Section 19 of this
3 Act;

4
5 (c) *Proposition*, also referred to as the initiative measure, is the measure
6 sought to be enacted through the power of initiative;

7
8 (d) *Proponent/s* is the person or persons who has commenced an initiative
9 measure by submitting a proposition to the Bangsamoro Attorney General;

10
11 (e) *Plebiscite* is the electoral process by which an initiative measure is
12 approved or rejected by the people;

13
14 (f) *Petition* is the written instrument containing the proposition and the
15 required number of signatories;

16
17 (g) *Referendum* - is the power of the people to approve or reject statutes
18 or parts thereof passed by the Parliament.

19
20 **Section 4. Coverage.** - This Act shall only cover propositions to enact,
21 amend or repeal regional legislation in the Bangsamoro Autonomous Region in
22 Muslim Mindanao. Initiatives for all other legislative acts shall be covered by
23 existing legislation on the matter.

24
25 **Section 5. Prohibited Measures.** - The following cannot be the subject
26 of a regional initiative:

27 (a) propositions embracing more than one subject;

28 (b) propositions that are not within the powers and competencies of the
29 Bangsamoro Government or are within the reserved powers of the national
30 government;

31 (c) notwithstanding the immediately preceding section, propositions that
32 refer to annual appropriations, revenues, or emergency measures.

33

9

1 **Section 6. Who may exercise.** — The power of initiative may be
2 exercised by registered voters of the Bangsamoro Autonomous Region in Muslim
3 Mindanao.

4
5 **Section 7. Preliminary Procedure.** — (a) prior to the filing of a petition
6 with the Bangsamoro Electoral Office, proponents of an initiative measure
7 (proposition), shall submit the proposed text of the proposition sought to be
8 enacted to the Bangsamoro Attorney General, with a request for the issuance of
9 a circulating title and summary and a unique numerical identifier for the
10 proposition sought to be enacted.

11 (b) No submissions and requests to the Bangsamoro Attorney General
12 relating to initiatives shall be entertained six (6) months prior to the conduct of
13 a regular election in the Bangsamoro region.

14
15 **Section 8. Review Period.** — (a) Upon receipt of the proposition, the
16 Bangsamoro Attorney General shall determine whether or not the proposition
17 falls among the measures that cannot be the subject of a regional initiative as
18 provided for by this Act.

19
20 (b) The Attorney General shall publish in its website the proposed text of
21 the initiative measure and facilitate a thirty (30)-day review process, during
22 which any member of the public may submit written public comments via the
23 same website. The Attorney General shall provide any written comments
24 received during this period to the proponents.

25
26 (c) The proponents may introduce amendments to the initial text within
27 the review period. Such amendments must be germane to the theme, purpose
28 or subject of the initiative measure as originally proposed. An amendment shall
29 not be accepted more than five days after the public review period is concluded.

30
31 (d) Within the same period, the Bangsamoro Attorney General shall
32 request the Ministry of Finance and Budget Management (MFBM) to prepare a
33 report of estimated fiscal impact of the proposed measure to be submitted to
34 the Attorney General. 2

1 A short statement of the fiscal impact as assessed by the MFBM shall be
2 included in the summary, to the following effect: "this proposed legislation is
3 estimated to cost the Bangsamoro (or will garner revenue for the Bangsamoro)
4 the amount of (amount in Philippine pesos) on the first year and Php (amount
5 in Philippine pesos) every year thereafter";
6

7 **Section 9. Issuance of Official Circulating Title and Summary.** – (a)

8 The Bangsamoro Attorney General shall issue a circulating title and summary
9 together with its unique numerical identifier to the proponents, furnishing a copy
10 to the Bangsamoro Electoral Office within thirty (30) days from the submission
11 of the proposition.
12

13 (b) The official summary date shall be the date of receipt of the
14 proponents of the circulating title and summary. No initiative petition shall be
15 circulated prior to the summary date.
16

17 (c) The circulating title, summary and numerical identifier issued by the
18 Attorney General shall be used in all official communications on said proposition,
19 including the circulation of the petition for signature and ballot measure, should
20 it qualify.
21

22 **Section 10. Initiatives Coordinator.** – There shall be created within

23 the Bangsamoro Attorney General's Office a unit to be known as the Initiatives
24 Coordination Office, to coordinate all initiative measures as provided for in this
25 Act, as well as to provide the necessary guidance and support to proponents in
26 the procedure provided for under this law.
27

28 **Section 11. Circulating the Petition and Gathering Signatures.** –

29 Proponents shall have one hundred and eighty (180) days from receipt of the
30 circulating title and summary, mentioned in Section 9 paragraph b hereof, to
31 collect the required number of signatures.
32

33 **Section 12. Filing of Petition.** – The petition containing the proposition

34 shall be filed before the Bangsamoro Electoral Office which shall determine and 9

1 certify as to the sufficiency of the petition and the authenticity of the required
2 number of signatories as set forth in this Act.

3
4 **Section 13. Format of the Petition.** — The Petition shall state the
5 following:

- 6 a. the proposition title, numerical identifier issued by the Bangsamoro
7 Attorney General, which shall be legibly written or printed at the
8 top of every page of the petition;
9 b. the official summary of the proposition;
10 c. the reason or reasons therefor (explanatory note);
11 d. that it is not one of the prohibited measures provided herein;
12 e. text of the proposed law sought to be enacted, amended or
13 repealed, as the case may be;
14 f. an attestation by the proponent that the signatures gathered in the
15 initiative petition is not to be used for other purposes other than
16 qualifying the proposed measure;
17 g. a disclosure of top funders in a separate document, when the
18 circulation of such a petition is paid for by an entity other than the
19 proponent/s;
20 h. signatures of the petitioners.

21
22
23 **Section 14. Qualification as a ballot measure.** — (a) For a proposition
24 to qualify as a ballot measure, the petition must be signed by at least ten per
25 centum (10%) of all registered voters of the Bangsamoro Autonomous Region,
26 reckoned from the immediately preceding election.

27
28 (b) For propositions affecting the entire Bangsamoro region, every
29 parliamentary district (constituency) must be represented by at least three per
30 centum of the registered voters therein, subject to the verification procedure of
31 the Bangsamoro Electoral Office.

32
33 (c) For propositions affecting a province, component city, municipality or
34 barangay within the region, the petition shall be signed by at least ten per

1 centum (10%) of the registered voters in that province, component city,
2 municipality, or barangay as the case may be
3

4 A proposition supported by the required number of signatures within the
5 prescribed period shall qualify as a ballot measure and shall be included in the
6 list of propositions to be voted for in the plebiscite.
7

8 **Section 15. Date and Conduct of Plebiscite on Initiative.** – The
9 plebiscite for all propositions able to garner the required signatures within the
10 prescribed period shall be synchronized with the regular elections in the
11 Bangsamoro, which shall be under the supervision of the Commission on
12 Elections through the Bangsamoro Electoral Office.
13

14 **Section 16. Effectivity of Laws Passed through Initiative.** –
15 Propositions approved a majority of the votes cast in the plebiscite shall take
16 effect fifteen (15) days after certification by the Commission that such
17 proposition has obtained the required number of votes.
18

19 **Section 17. Adoption by the Parliament.** – If at any time before the
20 plebiscite is held, the Bangsamoro Parliament adopts *in toto* the proposition
21 presented, the initiative shall be cancelled and the law shall be deemed as if it
22 has been enacted by the Bangsamoro Parliament.
23

24 **Section 18. Limitation upon the Bangsamoro Parliament.** – Any
25 proposition approved through the system of initiative as herein provided shall
26 not be repealed, modified, or amended within six (6) months from the date
27 therefrom and may only be repealed by the Parliament within three years
28 thereafter. Laws seeking to repeal laws enacted through initiative shall be
29 subject to a referendum.
30

31 **Section 19. Procedure in a People-initiated Bill.** – (a) Registered
32 voters in the Bangsamoro Autonomous Region may, through a petition, file a bill
33 with the Bangsamoro Parliament proposing the adoption, enactment, repeal, or
34 amendment of any regional law or resolution. h
35

1 The petition shall be signed by no less than two thousand (2,000)
2 registered voters if the proposition is affects matters of regional significance,
3 one thousand (1,000) if of a provincial significance, five hundred (500) if
4 municipal, and two hundred (200) of barangay-level significance.
5

6 (b) The title of the Bill subject of the petition shall be read on 1st reading
7 in the next plenary session, where it shall be opened for sponsorship among the
8 Members of the Parliament. In the same session, the proposition shall be
9 referred to the appropriate Committee as may be determined by the Speaker.
10

11 (c) All propositions under this Section, when it has passed the first
12 reading, shall be treated as if a member of the Parliament has filed the same.
13

14 (d) If no favorable action thereon is made by the Parliament within thirty
15 (30) days from its filing, the proponents may directly invoke their power of
16 initiative through the procedures provided in this Act.
17

18 The Bangsamoro Parliament shall incorporate in its Rules of Procedure
19 provisions to implement this Section.
20

21 Notwithstanding these provisions, nothing in this Act shall operate to limit
22 or prejudice the power of direct initiative by the people in the Bangsamoro as
23 provided in this Act and existing legislation.
24

25 **Section 20. Appropriations.** — The amount necessary for the initial
26 implementation of this Act shall be charged against the current year's
27 appropriations of the agencies mandated herein. Thereafter, the sums as may
28 be necessary for the continued implementation of this Act shall be included in
29 the General Appropriations Act of the Bangsamoro.
30

31 **Section 21. Separability Clause.** — If any part or provision of this Act
32 is held invalid or unconstitutional, the other parts or provisions thereof shall
33 remain valid and effective. h
34

1 **Section 22. Effectivity.** — This Act shall take effect fifteen (15) days
2 after its publication in at least one (1) newspaper of general circulation in the
3 Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).
4
5
6

7 AUTHOR:

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10 **TARHATA MATALAM MAGLANGIT, MP**