

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

___ Regular Session
BTA Bill No. 169



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MP TAWAKAL B. MIDTIMBANG AND MP MUDJIB C. ABU**

AN ACT
**CREATING THE BANGSAMORO INVESTIGATIVE RESEARCH AGENCY, DEFINING ITS POWERS
AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

This bill seeks to establish the mechanism to repress the practice of corruption and development aggression by any public and private persons in the Bangsamoro Autonomous Region, and consequently to contribute to the reign of Moral Governance and development justice in the region.

In keeping with this purpose, the bill attempts to create the **Bangsamoro Investigative Research Agency (BIRA)** to: (i) provide professional investigation services and research outputs, either solely or in coordination and collaboration with trusted private individuals and groups and/or public servant(s) or office(s); (ii) establish a functional information and data system that will aid the Bangsamoro government to secure inclusive and amiable political, social, economic, cultural and ecological ambiances in the region; (iii) offer insights, decisions and actions that will consistently impart tactical and strategic advantage to the government; (iv) build and sustain unequivocal administration and development geniality in the region, and (v) eventually establish normal life of the Bangsamoro.

While corruption and development aggression might not be a serious problem at the present state of the autonomous region if optimists may think it that way, the traditional saying "**bend the crooked bamboo while it is young**" applies; or if these ills of Moral Governance do not exist at all in the region today as a few others may understand it, the ordinary expression "**prevention is better than cure**" still maneuvers. And most importantly, this proposed measure may be considered **a legacy of the present Bangsamoro Parliament and Bangsamoro leadership** considering its intent as above-mentioned, which obviously support the present leadership's consistent advocacy on Moral Governance.

It can be noted that morality in governance is the forefront campaign of the Bangsamoro government under the leadership and guidance of the honorable Chief Minister Ahod "Al Haj Murad" Ebrahim. Ideally, complete observance of Moral Governance by the Bangsamoro public servants in the exercise of their respective functions, duties and responsibilities will stimulate wholesome, inspired, passionate and straightforward workplace administration and public service, which in effect enhance the Bangsamoro region's peace and security, socio-political stability, economic growth, stable ecological balance and intercultural vigor among the constituents. Again, this proposed measure is a potent mechanism to preserve Moral Governance in the Bangsamoro region.

This proposed legislation operationally defines corruption as any form of dishonest endeavors undertaken by a person or an organization entrusted with a position or authority to acquire illicit benefit or to abuse entrusted power for private gain. Founded on this definition, corruption does not only include one's direct access to government wealth and property for personal use, but it also embraces nepotism, graft or manipulation, bribery, extortion, patronage, embezzlement or misappropriation (of funds), influenced bidding and peddling, and even incompetence and inefficiency in public service and spending official time to irrelevant activities. Development aggression, on the other hand, refers to the introduction and establishment of any development program, project or activity (PPA) that violates the rights of the constituents to normal life; negates ecological balance in the affected communities, either intentional or unintentional; and, depletes the natural resources of these communities due to the absence of any contingent mechanism to restore and sustain these resources. This unproductive development intervention may be implemented by the state or regional governments, Local Government Units (LGUs), private-public groups, corporations or individuals.

This bill is inspired by existing laws that are potential to discourage corrupt practices, either directly or indirectly. These laws include, but not limited to: (a) the **Philippine Constitution of 1987**, particularly Section 1 (Public Office is a Public Trust), Article XI (Accountability of Public Officers); (ii) **Republic Act No. 3019**, otherwise known as the Anti-Graft and Corrupt Practices Act of 1960; specifically enumerated in Section 3 hereof; (iii) **Republic Act No. 9485**, an Act to improve efficiency in the delivery of government service to the public by reducing bureaucratic red tape, preventing graft and corruption and providing penalties therefor; and (iv) **Republic Act No. 6713**, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees", particularly in Section 2 hereof, which declares that "It is the policy of the Government to promote a high standard of ethics in public service, and provides that "Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest".

Also, some provisions of this bill are influenced by a number of laws, which discourage the practice of development aggression, either directly or indirectly. These laws include, but not limited to: (i) the **Philippine Constitution**, which asserts that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature (Section 16, Article II), among others; (ii) **Presidential Decree No. 1151, s.1977**, which advances both the productive and harmonious relationship of nature and the Filipino people of today and the future; and, (iii) **Republic Act No. 7942**, an Act governing all mining operations and related rights in the Philippines, specifically exploration, development, and utilization of natural resources conservation through a partnership of the government and private sector.

Moreover, certain provisions of **Republic Act No. 10867**, otherwise known as the "National Bureau of Investigation Reorganization and Modernization Act," which provides that "It is the policy of the State to promote and maintain an effective, modern, gender-responsive, competent and highly trained investigative body that is functionally integrated and national in scope", enlightened this proposed bill in the contextualization especially of its mandates, powers and functions.

Finally, **Republic Act No. 11054**, otherwise known as the Bangsamoro Organic Law, provides legal justifications for the approval of this bill. This is in reference to specific provisions of the Act, to wit: (i) **Sec. 2, Art. IV**, which permits the BARMM to exercise its right to self-governance, i.e. the regional government is free to pursue its political, economic, social and cultural development tasks as provided for in this Organic Law; (ii) **Sec. 32 (h), Art. VII**, which grants the Chief Minister to exercise such other powers and functions inherent to the office; and (iii) **Sec. 9, Art. XVI**, which allows the Bangsamoro Transition Authority (BTA) the authority to **create offices** without prejudice to the authority of the Bangsamoro Government to reorganize the bureaucracy upon its constitution, or any time thereafter.

The proposed **Bangsamoro Investigative Research Agency (BIRA)** is in deed an essential force to admonish and prevent the reign of corruption and development aggression in the Bangsamoro Autonomous Region, and eventually contribute to the institutionalization of Moral Governance and development justice in the region, In Sha Allah. Hence, full support of the honorable members of the Bangsamoro Parliament is earnestly prayed.

Principal Author and Sponsor:


MOHAMMAD KELIE U. ANTAO

Member of Parliament

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

_____ Regular Session

BTA Bill No. 169

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
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AN ACT

**CREATING THE BANGSAMORO INVESTIGATIVE RESEARCH AGENCY, DEFINING ITS POWERS
AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

Be it enacted by the Bangsamoro Parliament assembled:

Section 1. Title. – This Act shall be called Bangsamoro Investigative Research Agency Act of 2023, or simply the BIRA Act of 2023.

Section 2. Statement of Purpose. – It is hereby the purpose of this Act to establish the mechanism to repress the practice of corruption and development aggression by any public and private persons in the Bangsamoro Autonomous Region, and consequently to contribute to the reign of Moral Governance and development justice in the region.

Specifically, this Act articulates the creation of the Bangsamoro Investigative Research Agency (BIRA) to: (i) provide professional investigation services and research outputs, either solely or in coordination and collaboration with trusted private individuals and groups and/or public servant(s) or office(s); (ii) establish a functional information and data system that will aid the Bangsamoro government to secure inclusive and amiable political, social, economic, cultural and ecological ambiances in the region; (iii) offer insights, decisions and actions that will consistently impart tactical and strategic advantage to the government; (iv) build and sustain incorrupt governance and development geniality in the region; and (v) establish normal life of the Bangsamoro.

Section 3. Definition of terms. – As used in this Act, the term –

(a) **Agency** refers to the Bangsamoro Investigative Research Agency or BIRA, or any of its personnel entrusted to conduct investigations and action researches on particular issues, concerns and problems related to corruption and development aggression performed by public and private persons alike in any part(s) of the Bangsamoro region;

(b) **Corruption** refers to any form of dishonest endeavors undertaken by a person who is entrusted with position or authority, and used this position or authority to acquire illicit benefit or to abuse this entrusted power for personal gain;

(c) **Corrupt practices** include direct or indirect access to government wealth and property for personal use, nepotism, graft or manipulation, bribery, extortion, patronage, embezzlement or misappropriation (of funds),

influenced bidding and peddling, including incompetence and inefficiency in public service and spending official time to irrelevant activities, and those not herein mentioned but recognized and penalized under existing laws;

(d) **Development aggression** results from the implementation of any development program, project or activity by public and private persons alike in any part(s) of the Bangsamoro Autonomous Region, which violates the rights of the constituents to normal life, or negates ecological balance in the affected communities, or depletes the natural resources of these communities due to the absence of alternative means to restore and sustain these resources, or any combinations of these negative resultants;

(e) **Development geniality** refers to a good-natured and obliging development that promotes harmonized political, social, economic, cultural and environmental intercessions in the Bangsamoro communities, leading to the institution of the constituents' normal life in these communities; and, thereby resulting in the actualization of **development justice** in these communities;

(f) **Information system** refers to a combination of software, hardware and telecommunication networks, including direct contact engagements and covert collaboration, to collect useful data and information;

(g) **Investigative research** refers to a system, a tool, a method or a strategy used to identify, examine and advocate solutions to issues, problems and concerns associated with corruption and development aggression in the Bangsamoro region, including threats and opportunities to Moral Governance and development justice;

(h) **Moral Governance** refers to political and institutional processes necessary to achieve the goals of upright administration and development justice in strict observance of concomitant laws of the land, and the Divine laws that support the former. Thus, the contextual practice of Moral Governance refers to the performance of lawful and legal acts or practices to achieve the foregoing goals. Legal applies to an act or practice approved by related Philippine and Bangsamoro laws and policies or in conformity with these laws and policies; while lawful may relate to any Divine act or practice consistent with these related Philippine and Bangsamoro laws and policies;

(i) **Normal life** refers to everyday life of the Bangsamoro which is free from social, political, economic, cultural and environmental discomfort;

(j) **Private person** refers to any individual who is a citizen of the Philippines, whether residing in the Bangsamoro region or not; or any corporation, partnership, association, or other legal entity organized or existing under the Philippine law, whether for profit or non-profit. This private person may be engaged in business with the government; or may be implementing development program, project or activity in any part(s) of the Bangsamoro region, either solely or jointly with other private person(s) or government entity(ies);

(k) **Public person** refers to any elective or appointive official or employee of any public body, political subdivision, or public instrumentality within the Bangsamoro region, whether s/he is in a permanent, temporary, casual employment status; and

(l) **Professional investigation service** refers to the conduct of overt and covert investigations by the Agency to any public and private person alike as a subject, for the purpose of obtaining and analyzing information pertaining to any suspicious acts of the subject that may be linked to corruption or development aggression, or both.

Section 4. Creation. – The Bangsamoro Investigative Research Agency, is hereby created under the Office of the Chief Minister to directly assist the Chief Minister in:

(a) Detecting and investigating public person(s) suspected of engaging corruption in government service; private person(s) rumored of introducing or implementing development aggression-inducing program(s), project(s) and activity(ies) in any part(s) of the region, and their possible collaboration with public person(s); and, other threats and opportunities to Moral Governance and development justice in the region; and

(b) Gathering information needed to design coordinated programs and actions that consistently impart tactical and strategic advantage to the Office of the Chief Minister specifically in the Office's administrative concerns for Moral Governance, development justice and security of the Bangsamoro region.

Section 5. Powers and Functions. – In allusion to Section 4 hereof, the Agency shall perform the following powers and functions, preferably in coordination and collaboration with other right public and private persons or offices:

- (a) Conduct investigative researches on crucial issues, problems and concerns particularly those that relate, but not limited to public resource management and utilization, public relations and service delivery practices of public persons in the Bangsamoro Autonomous Region;
- (b) Undertake efficient detection and investigation of development aggression-inducing programs, projects and activities, implemented in any part(s) of the region, either by private person(s) alone or jointly with public person(s);
- (c) Initiate overt and covert investigative researches specifically premised on other threats and opportunities that are vital for extensive study aimed at advancing Moral Governance and development justice in the region;
- (d) Design and adopt precautionary measures to ensure that the corruption and development aggression practices shall not be repeated in any manner under the new regional government, and institute adequate measures to prevent the occurrence or recurrence of these unproductive practices in the region;
- (e) Establish information system that shall provide faster discovery or retrieval of data and the generation of insights from these data, leading to the design and execution of coordinated programs and actions that will consistently impart tactical and strategic advantage to the Office of the Chief Minister specifically in the Office's concerns on governance and development in the Bangsamoro region;
- (f) Without judicial power, but may entertain both formal and informal reports or complaints submitted to the Agency by concerned or affected person(s) against alleged practice of corruption or development aggression by other public or private person(s), do deeper investigation on the matter, and eventually may file a case against the respondent(s) before appropriate government authority(ies);
- (g) Other related lawful powers and functions as may be granted by the Chief Minister.

Section 6. Agency Departments and Their General Mandates. – The Agency shall have four (4) Departments with their corresponding general mandates, as follows:

- (a) **Administrative and Finance Department**, which provides administrative and technical support in the areas of human resources (HR), budgetary and financial, strategic planning, legal affairs, calls for tenders, facilities and security of the Agency;
- (b) **Research and Assessment Department (RAS)**, which overtly gathers information, in coordination and collaboration with right public and private persons, as the case may be, to determine facts about the state of corruption and development aggression in the region; provides assessment on the deterrence level of these facts to Moral Governance and development justice; and recommends actions to address the problems;
- (c) **Technical Investigation Department (TID)**, which endeavors to supplement already-known details with measurements, enabling the Agency and other concerned authorities to judge whether the condition needs to be remediated or monitored, or whether additional investigations can be considered superfluous;
- (d) **Special Concerns Department (SCD)**, which provides intelligence analysis as aid to investigations by helping target available resources and identifying information gaps in "covert manner" to focus the investigation more clearly. It also helps to avoid duplication of effort and prevent straying into areas of no relevance.

Section 7. The Key Personnel of the Agency and Their Qualifications. The key personnel of the Agency shall be a Director-General, a Deputy Director-General and one Department Director each for the above-stated four (4) Departments; a Provincial Superintendent and Assistant Provincial Superintended each for the provinces of Maguindanao del Sur, Maguindanao del Norte, Lanao del Sur, Basilan, Sulu and Tawi-tawi, and the Special Geographic Area; a Provincial Chief of Office, each for the above-stated four (4) Departments per province; and, researchers and agents. All of these public officials shall be appointed by the Chief Minister.

The basic qualifications of personnel occupying the above-enumerated positions shall be determined based on the standards of the Civil Service Commission and other related laws.

Other needed positions shall be determined by the Agency after its regional officials shall have been identified and appointed by the Chief Minister.

Section 8. Flow of Reporting and Overall Responsibilities of the Key Personnel. The key officials of the Agency shall have their respective superior to whom they are obliged to report, and respective generic functions, as follows:

(a) The **Director-General** shall report directly to the Chief Minister, and be responsible for overall management of all aspects of the Agency's efforts, including planning, budgeting, recruiting, training, and other activities.

(b) The **Deputy Director-General** shall report directly to the Director-General, and be obligated to provide general supervision over specific areas of the Agency's departmentalized operations or initiatives.

(c) The **Department Directors** shall report directly to the Director-General, and be accountable and responsible to the overall management of their respective department's programs, projects and activities.

(d) The **Provincial Superintendent** shall report directly to the Director-General, and be duty-bound for general management of the Agency's provincial office, and its programs, projects and activities.

(e) The **Assistant Provincial Superintendent** shall report directly to the Provincial Superintendent and be responsible for supervising the Agency's provincial offices and their respective programs, projects and activities in the province.

(f) The **Provincial Chiefs of Office** shall report directly to the Provincial Superintendent, and be obliged to manage and oversee the daily operations of their respective departments.

(g) The **Investigative Researchers and Agents** shall directly report to the Chief of the Investigative Research and Assessment Office (IRAO) and to the Chief of the Special Concerns Office (SCO), respectively.

The investigative researchers shall be mandated to overtly perform detailed and in-depth research that entails the use of various investigative techniques and practices in discovering and analyzing specific research areas related to corruption, development aggression and security of the region.

The investigative agents, on the other hand, shall reinforce the investigative researchers in a covert manner to fortify the findings of the latter. Also, the investigative agents shall maintain contact and communication with appropriate law enforcement agencies, witnesses, and acquaintances of individuals accused of corrupt practices and involvement in development aggression activities so that evidences and circumstantial paths of the problem can be easily and expeditiously established.

Section 9. Security of Tenure and Employment Benefits of Personnel. – The key Agency officials shall enjoy security of tenure, as defined by existing laws. However, the Chief Minister may terminate any or all of the officials anytime for a cause or causes in accordance with law.

All of the aforementioned key officials of the Agency shall regularly receive their monthly salary; and also be entitled to allowances, per diems and other incentives as may be allowed by law.

Section 10. Appropriations. – The amount necessary to finance the initial implementation of this Act shall be charged against the current year's appropriations of the Bangsamoro Autonomous Region. Thereafter, the current budget shall be increased by one hundred percent (100%), which shall be included in the annual General Appropriations Act (GAA) for BARMM for the Agency's its continued implementation.

Section 11. Implementing Rules and Regulations. – The Agency shall adopt rules and regulations to implement the provisions of this Act within sixty (60) days from the date of its approval.

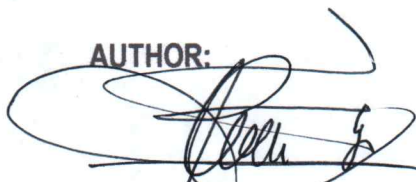
Section 12. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

Section 13. Separability Clause. – If any provision of this Act or the application of such provision to any public or private persons or circumstances is declared invalid or unconstitutional, the remainder of the Act or the application of such provision to other public and private persons or circumstances shall not be affected by such declaration.

Section 14. Effectivity. – This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

APPROVED: _____

AUTHOR:

A handwritten signature in black ink, appearing to read 'Mohammad Kelie U. Antao', written over a horizontal line.

MOHAMMAD KELIE U. ANTAO
Member of Parliament