

ENHANCED

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

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BTA PARLIAMENT
BTA Resolution No. 641

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Name: ADILAMP AMPATUAN Signature: [Signature]
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Introduced by:

MP Baintan Adil-Ampatuan, MNSA; MP Khalid M. Hadji Abdullah; MP Diamila Disimban-Ramos; MP Atty. Sittie Fahanie S. Uy-Oyod; MP Atty. Laisa M. Alamia, MNSA; MP Atty. Jose I. Lorena; MP Michael E. Midtimbang; MP Jaafar Apollo Mikhail L. Matalam; MP Rasul E. Ismael; and MP Bassir D. Utto

A RESOLUTION

RESPECTFULLY REQUESTING THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE PHILIPPINES TO FURTHER EXTEND THE CONDUCT OF THE FIRST REGULAR PARLIAMENTARY ELECTIONS IN THE BANGSAMORO AUTONOMOUS REGION TO ALLOW SUFFICIENT TIME TO RESOLVE LEGAL ISSUES AFFECTING THE PARLIAMENTARY ELECTIONS, ENSURE BROADER PARTICIPATION OF POLITICAL PARTIES AND A FULL UNDERSTANDING BY THE BANGSAMORO ELECTORATE OF THE NEW PARLIAMENTARY ELECTIONS, AND ENABLE THE BANGSAMORO GOVERNMENT TO SUSTAIN THE MOMENTUM OF SOCIO-ECONOMIC PROGRESS IN THE REGION

WHEREAS, Section 1, Article II of the 1987 Philippine Constitution states that the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them;

WHEREAS, Section 5, Article II of the Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Section 25 of the same Article provides that the State shall ensure the autonomy of local governments;

WHEREAS, Section 15, Article X of the Constitution provides that there shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other

relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines;

WHEREAS, Section 1, Article VI of the Constitution provides that 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;

WHEREAS, Section 24 of the same Article provides that all appropriation, revenue or tariff bills, bills authorizing increase of the public debt, **bills of local application**, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments;

WHEREAS, Republic Act (R.A.) No. 6734, which became a law on August 1, 1989, governed the creation and operations of the defunct Autonomous Region in Muslim Mindanao (ARMM) which, in a plebiscite on November 17, 1989, encompassed Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi;

WHEREAS, R.A. 9054 which strengthened, expanded and amended R.A. No. 6734, was enacted on March 31, 2001 and took effect following its ratification through a plebiscite on August 14, 2001 wherein six (6) municipalities of Lanao del Norte, thirty-nine (39) barangays in the municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pigkawayan, and Pikit in the Province of North Cotabato; Cotabato City and Isabela City in the Province of Basilan, voted for inclusion in the Autonomous Region in Muslim Mindanao;

WHEREAS, the Comprehensive Agreement on the Bangsamoro (CAB) was signed on March 2, 2014 in a ceremony, thus concluding 17 years of negotiations between the Government of the Philippines and the Moro Islamic Liberation Front (MILF)¹;

WHEREAS, R.A. 11054 or the Bangsamoro Organic Law (BOL) was signed into law on July 27, 2018 by Former President Rodrigo Duterte and repealed R.A. No. 6734 as amended by R.A. No. 9054;

WHEREAS, the BOL was ratified through a plebiscite on January 21, 2019 for the core territories, namely Lanao del Sur, Maguindanao, Sulu, Basilan and Tawi-Tawi, component cities of Marawi and Lamitan, as well as Cotabato City for its inclusion²;

WHEREAS, on February 6, 2019, another plebiscite was held in Lanao del Norte, Aleosan, Carmen, Kabacan, Midsayap, Pikit and Pigkawayan towns in North

¹ <https://parliament.bangsamoro.gov.ph/historical-development-of-the-bangsamoro-transition-authority-parliament/>

²<https://parliament.bangsamoro.gov.ph/historical-development-of-the-bangsamoro-transition-authority-parliament/>

Cotabato and other areas that sought inclusion in the proposed BARMM, leading to the inclusion of the 63 Barangays of North Cotabato³;

WHEREAS, Section 2 (a), Article III of the BOL provides that the territorial jurisdiction of the BARMM, subject to the indispensable plebiscite, shall be composed *inter alia* of the present geographical area known as the Autonomous Region in Muslim Mindanao created under R.A. No. 6734, as amended by R.A. No. 9054 which includes the Province of Sulu⁴;

WHEREAS, the Bangsamoro Transition Authority (BTA) was created pursuant to Section 2, Article XVI of the BOL which shall be the interim government in the Bangsamoro Autonomous Region during the transition period. The Moro Islamic Liberation Front (MILF) shall lead the BTA, without prejudice to the participation of the Moro National Liberation Front (MNLF) in its membership;

WHEREAS, said BTA shall be composed of eighty (80) members, who shall be appointed by the President;

WHEREAS, Section 1, Article XVI of the BOL sets forth a Transition Period for the establishment of the Bangsamoro Autonomous Region which commenced upon its ratification on January 21, 2019 through a plebiscite held for its purpose, and shall end upon the dissolution of the Bangsamoro Transition Authority⁵;

WHEREAS, Section 12, Article XVI of the BOL provides for the dissolution of the Bangsamoro Transition Authority immediately upon the election and qualification of the Chief Minister, following the first regular election for the Bangsamoro Government which shall be held and synchronized with the 2022 national elections⁶;

WHEREAS, former President Rodrigo Roa Duterte signed on October 28, 2021 R.A. No. 11593 or the law extending the transition period of Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) from 2022 to 2025, thereby postponing the first regional parliamentary elections in the region⁷;

WHEREAS, Section 2 of the said law provides that during the extension of the transition period, the BTA shall continue as the interim government in the BARMM: provided, however, that the President may appoint the eighty (80) new interim members of the BTA who shall serve up to June 30, 2025 or until their successors shall have been elected and qualified;

³ *Ibid.*

⁴ Separate Concurring Opinion of Justice Dimaampao for G.R. Nos. 242255, 243246, and 243693

⁵ Adopted Resolution (A.R.) No. 93 of the Bangsamoro Transition Authority, November 17, 2020.

⁶ *Ibid.*

⁷ <https://bangsamoro.gov.ph/news/latest-news/duterte-signs-law-extending-transition-period-in-barmm-until-2025/>

WHEREAS, President Ferdinand “Bongbong” Marcos, Jr. administered the oath to the eighty (80) newly and re-appointed members of the BTA in a ceremony at Malacañang Palace on August 12, 2022⁸;

WHEREAS, as the interim government of the BARMM, among the powers and functions of the BTA as laid down in Section 4, Article XVI of the BOL are the following:

- (a) Enactment of priority legislations such as the Bangsamoro Administrative Code, Bangsamoro Revenue Code, Bangsamoro Electoral Code, Bangsamoro Local Government Code, and Bangsamoro Educational Code consistent with powers and prerogative 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 Bangsamoro Transition Authority may also enact a Bangsamoro Civil Service Code, as provided in this Organic Law, subject to the Constitutional mandate of the Civil Service Commission.

The Bangsamoro Transition Authority shall enact law to recognize, protect, promote, and preserve the rights of indigenous peoples in the Bangsamoro Autonomous Region. Until the law 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 Peoples’ Affairs (MIPA) 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 the BOL; and
- (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.

⁸<https://bangsamoro.gov.ph/news/latest-news/pres-marcos-jr-appoints-new-bta-members-consistent-with-bangsamoro-peace-agreement/>

WHEREAS, the BTA, as the interim government of BARMM, plays a crucial role and has been an instrument for ensuring an inclusive, beneficial, transparent, and effective transition process, as well as the smooth implementation of the provisions of the BOL before the end of the transition period;

WHEREAS, to date, the BTA Parliament has passed the Bangsamoro Administrative Code (October 28, 2020), the Bangsamoro Civil Service Code (February 24, 2021), the Bangsamoro Education Code (May 18, 2021), the Bangsamoro Electoral Code (March 9, 2023), and the Bangsamoro Local Governance Code (September 28, 2023), demonstrating its commitment to fulfilling its legislative mandate during the transition period, and has organized its regional bureaucracy accordingly;

WHEREAS, in the recent ruling of the Supreme Court in the case *Province of Sulu, et. Al. v. Medialdea, et. Al.*, G.R.Nos. 242255, 243246, and 243693, promulgated on September 9, 2024, it has upheld the validity of Republic Act No. 11054 or the BOL but declared the Province of Sulu as not part of the BARMM after the province rejected the law's ratification⁹;

WHEREAS, the exclusion of the province of Sulu from BARMM, following the Supreme Court ruling, has created uncertainties in the provisions of already enacted Bangsamoro Autonomy Acts by the BTA, leading to ambiguity in crucial aspects of the upcoming BARMM parliamentary elections, such as the composition of the Bangsamoro Parliament, the allocation of parliamentary district seats, and the rights to vote and to be elected, including representation, among others;

WHEREAS, in an interview on September 16, 2024, Ray Sumalipao, Director of the Commission on Elections (COMELEC) for BARMM, stated that the BTA must decide the fate of the seven parliamentary seats previously reserved for the province of Sulu;¹⁰

WHEREAS, lawyer and human rights advocate Algamar Latiph, through his counsel, has filed a motion for reconsideration before the Supreme Court on its decision to exclude Sulu province from the Bangsamoro Autonomous Region in Muslim Mindanao¹¹;

WHEREAS, the Bangsamoro Autonomy Act No. 35, also known as the Bangsamoro Electoral Code of 2023 was signed into law last March 8, 2023;

⁹ <https://sc.judiciary.gov.ph/sc-upholds-validity-of-bangsamoro-organic-law-declares-sulu-not-part-of-bangsamoro-region/>

¹⁰ Ibid

¹¹ <https://news.abs-cbn.com/regions/2024/10/1/lawyer-asks-sc-to-reconsider-decision-excluding-sulu-from-bangsamoro-1751>

WHEREAS, a petition is currently pending before the Supreme Court under G.R. No. 267368, challenging the Bangsamoro Electoral Code of 2023, which governs the electoral system within the Bangsamoro Autonomous Region¹²;

WHEREAS, the Supreme Court requires sufficient time to thoroughly review and deliberate on the petition challenging the Bangsamoro Electoral Code and the motion for reconsideration submitted in connection with the Sulu case;

WHEREAS, the Bangsamoro Electoral Code represents a novel, distinct, and complex piece of legislation, given its application within an autonomous regional parliamentary framework operating under a national presidential system;

WHEREAS, as of 02 July 2024, 16 several political parties and 1,500 sectoral organizations have sought registration with the COMELEC following the enactment of the Bangsamoro Electoral Code in March 2023¹³;

WHEREAS, as of 02 October 2024, out of 16 political parties, only three (3) have been accredited by the COMELEC, namely: 1) UBJP (United Bangsamoro Justice Party), 2) Al Itthihad UKB, and 3) BGC (BARMM Grand Coalition)¹⁴;

WHEREAS, given the unique, complex, and novel nature of the Bangsamoro Electoral Code, along with the systems and processes it entails, the COMELEC requires additional time to adequately prepare for the Parliamentary elections, in addition to the national and local elections;

WHEREAS, a recent survey conducted by the Institute for Autonomy and Governance (IAG) highlights the significant challenges and limited understanding among the Bangsamoro electorate regarding the upcoming parliamentary elections, with the majority of likely voters across the autonomous region indicating they have little to no knowledge of the new voting system and the unique features of the region's first-ever parliamentary elections in 2025¹⁵;

WHEREAS, the Bangsamoro electorate must be given adequate time and opportunity to familiarize themselves with and fully comprehend the new parliamentary elections within the Bangsamoro Autonomous Region;

WHEREAS, according to the Philippine Statistics Authority (PSA), the economic performance of the BARMM surged by 4.3 percent in 2023, reflecting an estimated P11.9 billion increase in the region's Gross Domestic Product (GDP)¹⁶;

¹² https://www.iag.org.ph/images/Petitions_on_Electoral_Code/Petition.pdf

¹³ <https://newsinfo.inquirer.net/1957242/barmm-polls-16-political-1500-sectoral-groups-seek-accreditation>

¹⁴ <https://www.gmanetwork.com/news/topstories/regions/922377/comelec-accredits-3-parties-in-barmm-elections/story/>

¹⁵ <https://iag.org.ph/think/1995-setting-baselines-preparing-the-barmm-electorate-for-the-first-ever-regional-parliamentary-elections-in-2025>

¹⁶ <https://bangsamoro.gov.ph/news/latest-news/barmms-2023-economic-performance-surges-by-4-3-in-2023-psa/>

WHEREAS, recent data from the PSA reveals that, despite having the highest poverty incidence in Mindanao, BARMM achieved an almost 30 percent poverty incidence reduction rate, from 52.6 percent in 2018 to 23.5 percent in 2023¹⁷. This improvement can be attributed to the initiatives of the Bangsamoro Government and the collaborative efforts of stakeholders in promoting peace and development in the region;

WHEREAS, the transition period plays a crucial role in ensuring the smooth establishment of BARMM as an autonomous political entity, with enhanced self-governance and jurisdiction over the Bangsamoro region, free from legal impediments;

WHEREAS, it is imperative to ensure that political parties, duty bearers, and the Bangsamoro electorate are prepared for the first regular Parliamentary elections;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Bangsamoro Transition Authority (BTA) Parliament to pass and approve this Resolution respectfully requesting the House of Representatives and the Senate of the Philippines to further extend the conduct of the first regular Parliamentary elections in the Bangsamoro Autonomous Region to allow sufficient time to resolve legal issues affecting the Parliamentary elections, ensure broader participation of political parties and a full understanding by the Bangsamoro electorate of the new Parliamentary elections, and enable the Bangsamoro Government to sustain the momentum of socio-economic progress in the region.

BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the House of Representatives and the Senate of the Philippines for information and appropriate action.

Adopted,


MP BAIN TAN ADIL AMPATUAN, MNSA
Author

¹⁷ <https://psa.gov.ph/statistics/poverty>