

FAQs ON THE NEW BBL*

1. **WHAT IS THE NEW DRAFT BANGSAMORO BASIC LAW (BBL)?** It is the proposed enabling law that would govern the new autonomous political entity to be called Bangsamoro which will replace the ARMM. When enacted and ratified, the proposed BBL will implement the Comprehensive Agreement on the Bangsamoro (CAB) entered into between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF).
2. **WHY IS THERE A NEED FOR A NEW DRAFT BBL?** The previous Congress of the Philippines failed to pass the first draft BBL. But in keeping with the firm commitment of GPH and MILF to build on the gains of the peace process, the Parties agreed to sustain the implementation of signed agreements which include, among others, the enactment of the BBL.

3. HOW IS THE NEW DRAFT BBL DIFFERENT FROM THE PREVIOUS ONE?

Essentially, the provisions of the old and new BBL are consistent with the CAB. The new draft has just enhanced provisions that need to be strengthened, elaborated and/or further clarified, taking into greater consideration the principles of widest inclusivity among Bangsamoro sectors and other stakeholders.

4. IS THE BBL TRULY REFLECTIVE OF THE INTERESTS OF OUR PEOPLE?

The draft BBL enshrines the legitimate aspirations and interests of the people of the Bangsamoro – be they Muslim Bangsamoros, Christian Settler communities as well as Moro and Non-Moro Indigenous People. The Bangsamoros' aspiration to establish a government that is genuinely asymmetric in relationship with the central government, and consistent with their belief and historical experience, is reflected so well in provisions that clearly establish its powers over political and fiscal matters, including the control over the exploration, development and utilization of natural resources.

Articles I to VIII essentially vest the Bangsamoro government with powers that make it far more autonomous than the present ARMM. In terms of fiscal autonomy, the Articles XII (FISCAL AUTONOMY) and XIII (ECONOMY AND PATRIMONY) make the Bangsamoro government less dependent on the central government in the field of revenue generation and control over the use and disposition of the natural resources.

The interests of the Christian Settler communities for the protection of their rights and welfare are also reflected in the BBL, particularly in Article IV (GENERAL PRINCIPLES AND POLICIES) and Article IX (BASIC RIGHTS). Their participation in governance, as well as for the non-Moro indigenous peoples, are assured in the

reserved seats they would occupy in the Bangsamoro Parliament. Human rights and vested property rights are also guaranteed.

Women, youth, traditional leaders and other sectors shall have the right for participation in governance even in the Bangsamoro Transitional Authority (BTA) and in the regular Bangsamoro Government. The same sectors including the ulama shall be represented in the Council of Leaders {Section 5, Art. Article VI (INTERGOVERNMENTAL RELATIONS)} which shall be created once the BTA is formed.

5. DOES THE BBL VIOLATE THE SACRED RIGHTS OF PEOPLE?

No fundamental and sacred right of any people in the Bangsamoro, be he Muslim, Christian or Indigenous people, is diminished or violated under the BBL. The entire Article IX (BASIC RIGHTS) enumerates the rights that are to be enjoyed by everyone in the Bangsamoro. The right to life and property are protected in the said Article. Other rights can be found in other articles, such as preferential rights over the exploration, development, and utilization of natural resources, including fossil fuels. (Art 13, Sec 11)

6. CAN THE BBL BECOME A VEHICLE OF OUR PEOPLE TO REALIZE THEIR OBJECTIVES IN LIFE?

The legitimate aspiration of the Bangsamoro is to chart their political destiny and pursue their economic, socio-cultural and even spiritual development. The draft BBL gives them the framework and space to establish a ministerial form of government that can provide them with the opportunity and powers to evolve not only a government but a system of life compatible with their cultural and historical experience. It is so stated in the Preamble and the pertinent provisions of Article IX (BASIC RIGHTS) also speak of rights to education, health, arts and sports, and culture. Article XIII (Economy and Patrimony) empowers the Bangsamoro to genuinely exercise control over the exploration, development and utilization of resources.

7. IS THE BBL TRULY DEMOCRATIC?

In the first place, the establishment of the Bangsamoro shall undergo a process of ratification wherein all affected residents of the core territories and contiguous areas shall be asked freely whether they shall join the new political entity (Article XV PLEBISCITE). The Preamble and Article I (NAME AND PURPOSE) speak of democratic process that the people can freely participate in. In Section 2 of

Art IV (GENERAL PRINCIPLES AND POLICIES), a democratic political system would be the characteristic of the Bangsamoro Government.

8. WHO DRAFTED THE NEW BBL?

The new Bangsamoro Basic Law (BBL) was drafted by the expanded Bangsamoro Transition Commission (BTC) created by virtue of Executive Order No. 8 signed by President Rodrigo Roa Duterte on November 7, 2016.

9. WHY IS THE NEW BBL MORE INCLUSIVE THAN THE PREVIOUS ONE?

The new BBL is more inclusive than the previous one because its membership was expanded from 15 to 21 and allow for participation of the Moro National Liberation Front (MNLF). The new BBL truly reflects the widest inclusivity of all stakeholders such as the moro people, non-moro indigenous people settler communities and other sectors in the Bangsamoro.

10. WOULD IT PASS CONSTITUTIONAL SCRUTINY?

Yes. The New BBL deals with the vision, spirit and the core principles behind the provisions of the Constitution on autonomous regions. The Bangsamoro is about the development of people, not about the constitutionality of words.

11. WOULD THE BBL ESTABLISH DURABLE PEACE IN MINDANAO?

Yes, the New BBL will establish durable peace in Mindanao as it reflects the interests of the Bangsamoro, non-moro indigenous people, and settler communities. These interests are all united under one goal of establishing a just, dignified and lasting peace in the Bangsamoro and in Mindanao.

12. CAN IT CONTRIBUTE TO THE ECONOMIC DEVELOPMENT OF THE BANGSAMORO?

With stable security and investment climate, the new BBL will bring genuine economic development and the improvement of the quality of lives of the Bangsamoro. It will unleash the vast potentials in the Bangsamoro for agriculture and agri-business investment, tourism, and the natural resource development, among others.

13. WHAT ARE SOME OF THE SALIENT ENHANCEMENTS IN THE PROVISIONS OF THE NEW BBL?

- In the provision on the identity of the Bangsamoro people, the reference point “time of colonization” was CHANGED to “advent of Spaniards”.

- On Territory, it is CLARIFIED that the body of waters included in the Bangsamoro Waters such as the Sulu Sea and the Moro Gulf will retain their respective names.
- On intergovernmental relations, the Bangsamoro Government will have a representative (INSTEAD of a Minister) to the inter-governmental mechanism in the same manner that the Central Government will also have its representative. Both heads should be clothed with the authority to make decisions.
- IMPROVED the language of the provision on constituent local government units to reflect that their powers and authorities shall continue to be exercised. For good governance the Bangsamoro Parliament shall enact a Bangsamoro Local Government Code.
- CLARIFIED that assistance by the Bangsamoro Government to Bangsamoro communities outside its territory is mandatory.
- INCLUDED a language that would allow for the creation of an office in charge of the duty of the Bangsamoro Government to assist Bangsamoro communities outside its territory.
- On the Bangsamoro Government, the number of Members of Bangsamoro Parliament is INCREASED from at least sixty (60) members to at least eighty (80) members.
- The number of Deputy Chief Minister[s] is INCREASED from one (1) to two (2).
- The Youth representative shall not be less than eighteen (18) years and not more than forty (40) years of age at the time of his/her election.
- In addition to the existing reserved seats for non-Moro indigenous people, settler communities, and women, there are ADDED reserved seats for youth, traditional leaders, and the *ulama*.
- On the provision on *Wali*, there is now INCLUDED a language that the appointed *Wali* shall continue until such time that the regular *Wali* is appointed and has assumed office (to ensure that there is a *Wali* who will be able to administer the oath of the incoming Chief Minister)
- On Basic Rights, it is CLARIFIED that water supply is part of the basic services to be delivered; there is an ADDED provision on the participation of the youth; there is ADDED emphasis on the upbringing, education, as well as physical and mental development of the children; there is an ADDED proviso institutionalizing peace education in all levels of education in the Bangsamoro; IMPROVED the provision on tribal university system by recognizing and supporting IP's educational system; and IMPROVED the provision on the rights, benefits, and privileges currently enjoyed by senior citizens.
- Furthermore, there is an ADDED provision for the creation of the Bangsamoro Women Commission by the Bangsamoro Parliament; ADDED a new section on the Rights of the Youth; and ADDED a section for the creation of an office to promote the welfare and address issues and concerns of settlers in the Bangsamoro.

- On the Bangsamoro Justice System, there is an IMPROVEMENT on the language on the creation of Shari'ah Courts outside the Bangsamoro territory and HARMONIZED the Section on additional Shari'ah Courts with the above mentioned change in language
- IMPROVED the provision on *Ta'zir* (discretionary punishment) and CLARIFIED that criminal jurisdiction of Shari'ah courts is for *Ta'zir* offenses, which are punishable by *arresto menor*
- REPHRASED the enumeration of persons eligible to the practice of law before Shari'ah Courts; and IMPROVED the language on nomination and appointment of *Shari'ah* Courts judges and justices
- CLARIFIED and IMPROVED the qualifications of Shari'ah Judges and IMPROVED the provision on Bangsamoro Jurisconsult in Islamic Law.
- On Public Order and Safety, the power to conduct summary hearing and adjudicate administrative cases is ADDED to the powers of Bangsamoro Police Board, and CORRECTED the appeal process thereof; CHANGED the power of Chief Minister from being "deputy" to "ex-officio" member of the National Police Commission.
- ADDED a proviso that appointments of Police Officer I to Senior Police Officer IV shall be subject to the confirmation of the Bangsamoro Police Board
- CLARIFIED that the appointment of Senior Superintendent and higher officers need not be confirmed by the Commission on Appointments
- CREATED the Bureau of Jail Management and Penology, and the Bureau of Fire Protection
- CREATED an Auxiliary Contingent attached to the Bangsamoro Command to provide administrative, medical, nutritional, recreational and spiritual services. At least fifty percent (50%) of the auxiliary contingent shall be women.
- On Fiscal Autonomy, PROVIDED for the creation of a Ministry of Finance and Bureau of Local Government Finance
- ADDED a transitory provision as regards collection of taxes by the Central Government, pending creation of the Bangsamoro Revenue Office
- IMPROVED the language on the payment of taxes by corporations, partnerships or firms
- INCREASED the period from 4 years to 10 years within which deductions from the block grant will be suspended
- IMPROVED the language on sharing in exploration, development and utilization of natural resources, which includes the insertion of a proviso on co-management
- ADDED a proviso on the establishment of an Islamic Banking Unit in the Bangko Sentral ng Pilipinas
- ADDED a proviso on the payment of the obligation of NAPOCOR/PSALM to the Autonomous Region in Muslim Mindanao
- IMPROVED the language on rehabilitation and development so as to include both MNLF/ BAF and the MILF/ BIAF
- CHANGED the block grant formula by increasing the percentage from "four per cent (4%)" to "Six Percent (6%)" and expanding the base from just "the

- net national internal revenue collection of Bureau of Internal Revenue” to “the net national internal revenue collection of Bureau of Internal Revenue and of the Bureau of Customs”
- On the matter of Plebiscite, different question for those in the ARMM (Do you approve of the Bangsamoro Basic Law?) and those in areas under sub-items “b” to “e” of Art 15 Sec 1 (Do you vote for the inclusion of your city, municipality or barangay in the Bangsamoro territory?)
 - CHANGED the reckoning of the votes cast in the ARMM. It is now at the level of the region, no longer per province or city.
 - Period for joining the Bangsamoro is now LIMITED to “Five years after the ratification of this Basic Law and every five years thereafter for a period of 25 years”. No more “opt-in anytime”
 - On the matter of the Bangsamoro Transition Authority, INCLUDED a provision that will allow the BTC to wind up and caretake the administration of the newly established Bangsamoro in order to ensure continuity of government prior to the appointment and qualification of the BTA
 - INCREASED the Interim Cabinet from ten (10) to fifteen (15)
 - IMPROVED the separation packages of affected ARMM employees. Qualified employees may reapply subject to qualification standard set by BTA and CSC rules and regulations.
 - INCLUDED a provision regarding the power of the BTA/Bangsamoro Parliament to enact a law for the protection of the rights of IPs in the Bangsamoro and that in the meantime, subsisting laws on IPs in the Bangsamoro shall be operational
 - IMPROVED the transfer of powers and properties and disposition of personnel

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