

ARTICLE XVI

BANGSAMORO TRANSITION AUTHORITY

Section 1. *Transition Period.* - The transition period for the establishment of the Bangsamoro Autonomous Region shall commence upon the ratification of this Organic Law.

This Organic Law shall be deemed ratified when approved by a majority of the votes cast in a plebiscite as proclaimed by the Commission on Elections or its duly authorized officers.

The transition period shall end upon the dissolution of the Bangsamoro Transition Authority as provided in this Organic Law.

The transition period shall be without prejudice to the initiation or continuation of other measures that may be required by post-conflict transition and normalization even beyond the term of the Bangsamoro Transition Authority.

NOTE:

Transition Period for the establishment of the Bangsamoro Autonomous Region – upon the ratification of RA 11054 until the dissolution of the Bangsamoro Transition Authority.

Deemed Ratified – when approved by a majority of votes cast in a plebiscite as proclaimed by the COMELEC or its duly authorized officers.

Dissolution of the Transition Period – provided in Section 12 Article XVI: immediately upon the election and qualification of the Chief Minister under the 1st Parliament.

Measures required by post conflict transition and normalization can be initiated or continued without prejudice to the Transition Period and even beyond the term of the BTA.

Section 2. *Bangsamoro Transition Authority.* - There is hereby created a Bangsamoro Transition Authority which shall be the interim government in the Bangsamoro Autonomous Region during the transition period. The Moro Islamic Liberation Front shall lead the Bangsamoro Transition Authority, without prejudice to the participation of the Moro National Liberation Front in its membership.

The compensation of the members of the Bangsamoro Transition Authority shall be subject to existing rules and regulations of the National Government.

The Bangsamoro Transition Authority shall be composed of eighty (80) members, who shall be appointed by the President: *Provided*, That, in addition, the elected officials of the Autonomous Regional Government in Muslim Mindanao shall automatically become members of the Bangsamoro Transition Authority and shall serve until noon of the 30th of June 2019: *Provided, further*, That non-Moro indigenous communities, youth, women, settler communities, traditional leaders, and other sectors shall have representatives in the Bangsamoro Transition Authority.

NOTE:

Bangsamoro Transition Authority is the **interim government** in the Bangsamoro Autonomous Region during Transition.

- Also in S3 for IGR and S4d for receiving payment

Compensation of BTA based on existing rules and regulations of the National Government.

Representation in of the 80 Member BTA appointed by President

1. MILF lead the BTA (Majority)
2. MNLF participates
3. Non-Moro Indigenous Communities
4. Youth
5. Women
6. Settler Communities
7. Traditional Leaders
8. Other Sectors
 - i. Government Nominees
 - ii. former ARMM Officials
9. ARMM elected officials until noon of 30th June 2019
 - i. President appoint after the term of the elected officials

COVID-19 reflection: Congressmen a

Section 3. Powers and Authorities. Legislative and executive powers in the Bangsamoro Autonomous Region during transition shall be vested in the Bangsamoro Transition Authority. During the transition period, executive authority shall be exercised by the interim Chief Minister who shall be appointed by the President as such, while legislative authority shall be exercised by the Bangsamoro Transition Authority.

All powers and functions of the Bangsamoro Government as provided in this Organic Law is vested in the Bangsamoro Transition Authority during the transition period.

For the purposes of mechanism for intergovernmental relations with the National Government and local government units in the Bangsamoro Autonomous Region, The Bangsamoro Transition Authority shall be deemed as the Bangsamoro Government for the duration of the transition period.

NOTE:

During the Transition Period,

1. Legislative and Executive Powers are vested in the BTA.
2. Executive Authority exercised by the interim Chief Minister
 - i. Appointed by the President as Such
 - ii. Note all BTA members are appointed as Members only while the CM is appointed as BTA member and interim Chief Minister
3. Legislative Authority exercised by the BTA
4. All Powers and Functions of the Bangsamoro Government in the BOL is vested in the BTA
 - i. **ToDo** – Find all Powers and Functions vested in the Bangsamoro Government
5. For IGR with National and LGU, BTA shall be deemed Bangsamoro Government.

QUERY: difference between Power and Authority

Section 4. Functions and Priorities. - The Bangsamoro Transition Authority shall ensure the accomplishment of the following priorities during the transition period:

(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 prerogatives 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 People's Affairs 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 this Organic Law;

(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 offices 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;

(d) Full transfer of powers and properties of the Autonomous Regional Government in Muslim Mindanao to the Bangsamoro Government, except those properties, land, and structures located outside of the Autonomous Region in Muslim Mindanao. The land and permanent buildings or structures located outside the Autonomous Region in Muslim Mindanao, owned, controlled, administered, or in the possession of the Autonomous Regional Government in Muslim Mindanao, shall be purchased by the National Government at a price to be determined through the intergovernmental relations mechanism within one (1) year from the ratification of this Organic Law. Any dispute on the price may be appealed to the Office of the President which shall decide on the price with finality within three (3) months from the receipt of the appeal. The proceeds of the purchase shall be remitted to the Bangsamoro Government.

(e) The **disposition of the personnel of the Autonomous Regional Government in Muslim Mindanao as provided in Section 10 of this Article.**

(f) **Transition from the Autonomous Regional Government in Muslim Mindanao to the Bangsamoro Government, as provided in this Organic Law; and**

(g) **Other matters that may be necessary for the protection and promotion of the general welfare of the constituents of the Bangsamoro Autonomous Region.**

NOTE:

QUERY: as to S4d - if national government will not purchase the property outside ARMM within one year, does it mean that the NG is no longer interested thus after the one year period has pass the provision provided cannot be raised.

Hence this is a provision under BTA, which has is to be dissolved upon the 1st Parliament. The 1st parliament is no empowered to dispose unlike the BTA?

Section 5. Continuity of Government. - To foreclose any political interregnum in the governance of the region, the twenty-five (25) incumbent elected officials of the Autonomous Region in Muslim Mindanao, and the Bangsamoro Transition Commission, an independent body created by Executive Order No. 120 Series of 2012, as amended by Executive Order No. 08. Series of 2016, shall act as caretakers of the administration of the Bangsamoro Autonomous Region until the Bangsamoro Transition Authority is constituted.

NOTE:

Not implemented. The President appointed the BTA.

Section 6. Transition Plan. - Within the first sixty (60) days of the transition period, the interim Chief Minister shall submit to the Bangsamoro Transition Authority a transition plan that shall contain the proposed organizational plan, as well as, the schedule for implementation therefor. The Bangsamoro Transition Authority shall, by a majority vote of all its members, approve or otherwise act on the proposed transition plan within ten (10) days upon submission by the interim Chief Minister. If the transition plan is not acted upon within sixty (60) days, it shall be deemed approved. The transition plan shall be implemented within fifteen (15) days from its approval.

NOTE:

ToDo: ask for the latest version of the transition plan and ask if needed to be updated because of covid-19 or changes in schedule

Transition Plan

1. Proposed Organizational Plan
2. Schedule of Implementation

Section 7. Interim Officers. - The interim Chief Minister shall organize the interim Cabinet and shall appoint two (2) interim Deputy Chief Ministers, who shall also be members of the Bangsamoro Transition Authority. The interim Chief Minister shall also appoint such other ministers as may be necessary to perform the functions of government during the transition period, a majority of whom shall be from among the members of the Bangsamoro Transition Authority.

Members of the Bangsamoro Transition Authority who are appointed to cabinet positions shall serve their offices concurrently; *Provided*, That no member of the Bangsamoro Transition Authority may be appointed, elected or otherwise hold more than two (2) positions at the same time.

NOTE:

Interim Officers

1. 2 Interim Deputy CM
2. Ministers as may be necessary to perform the function of government during the transition period
 - a. Majority of whom are from BTA.

ToDo

- ask for the Composition of the Cabinet

RULE: No member of the BTA may be appointed, elected or hold more than 2 positions

QUERY: what are the functions of the 2 Interim CM?

Section 8. *Interim Cabinet.* The Interim Cabinet shall be composed of fifteen (15) primary ministries with suboffices, namely:

- (a) Finance, and Budget and Management;
- (b) Social Services;
- (c) Trade, Investments, and Tourism;
- (d) Labor and Employment;
- (e) Transportation and Communications;
- (f) Basic, Higher and Technical Education;
- (g) Indigenous Peoples' Affairs;
- (h) Health;
- (i) Public Works;
- (j) Local Government;
- (k) Environment, Natural Resources, and Energy;
- (l) Human Settlement and Development;
- (m) Science and Technology;
- (n) Agriculture, Fisheries, and Agrarian Reform; and
- (o) Public Order and Safety.

Other offices on youth, women settler, communities, disaster risk reduction and management, and planning and development, among others, may be created by the Bangsamoro Transition Authority.

The Attorney General's Office, under the Office of the Chief Minister, shall likewise be created by the Bangsamoro Transition Authority.

NOTE:

ToDo –

- ask for the official list of Ministers
- get the proper law that created the office and the dates for proper documentation

Interim Cabinet – 15 **primary** ministries

Other Offices that may be created

1. Youth - Created 2020
2. Women - Created 2020
3. Settler Communities - Bill
4. Disaster Risk Reduction and Management - Bill
5. Planning and Development - Created 2019
6. Among Others
 - a. Bangsamoro Human Rights Commission - Created 2020
7. Attorney General's Office
 - a. Under the Office of the Chief Minister
 - b. Created 2020

Section 9. Interim Bureaucracy. - The authority of the Bangsamoro Transition Authority to create offices and organize the bureaucracy during the transition period is without prejudice to the authority of the Bangsamoro Government to reorganize the bureaucracy upon its constitution, or any time thereafter. In the exercise of this authority, The Bangsamoro Transition Authority shall ensure the least possible disruption to the functioning of government and the delivery of services in the region.

All offices and institutions of the Autonomous Regional Government in Muslim Mindanao shall be subject to the phase-out plan that shall be adopted by the Bangsamoro Transition Authority.

NOTE:

BTA power to create offices and organize bureaucracy without prejudice for BM to reorganize upon constitution or thereafter.

Ensure least possible disruption to the functioning of government and the delivery of services in the region.

Phase Out Plan

Section 10. *Transfer of Powers and Properties, and Disposition of Personnel.* - All powers, functions, assets, capital, records, funds, receivables, equipment, and facilities of the Autonomous Regional Government in Muslim Mindanao at the time of ratification of this Organic Law shall be transferred to the Bangsamoro Government, except those properties, land, and structures which are located outside of the Autonomous Region in Muslim Mindanao and subject to the conditions as provided in paragraph (d), Section 4 of this Article.

The **Bangsamoro Transition Authority shall schedule the gradual phasing out** of offices of the Autonomous Regional Government in Muslim Mindanao, which are deemed abolished upon the ratification of this Organic Law.

In consideration of public interest and the delivery of services, officials holding appointive positions shall continue to perform their functions in accordance with the phase-out schedule. Employees in the sectors of health, education, and social welfare shall be absorbed and transferred to the Bangsamoro Government. **The Bangsamoro Transition Authority shall conduct a human resource audit and shall subject all transferred and new employees to qualification standards as provided in the laws, rules and regulations of the Civil Service Commission and those that may be set by the Bangsamoro Transition Authority.**

The National Government shall provide the necessary funds for the benefits and entitlements of the affected employees of the Autonomous Regional Government in Muslim Mindanao during the transition period.

An inter-agency committee headed by the Office of the President, and composed of the Department of Budget and Management, Commission on Audit, and Civil Service Commission, shall conduct the requisite inventory to ensure that the liabilities of the Autonomous Regional Government in Muslim Mindanao under law, contracts, or obligations shall be assumed by the National Government prior to the transfer of powers, functions, assets, capital, records, funds, receivables, equipment, and facilities of the Autonomous Regional Government in Muslim Mindanao to the Bangsamoro Transition Authority.

For this purpose, the Office of the Regional Governor of the Autonomous Regional Government in Muslim Mindanao shall turnover to the Bangsamoro Transition Authority, upon the latter's constitution, a summary report on the status of the Autonomous Regional Government in Muslim Mindanao as of the date of the ratification of this Organic Law, including information on the status of devolution, personnel, properties, and assets and liabilities of the Autonomous Regional Government in Muslim Mindanao.

The creation of the different offices and their respective staffing complement shall be consistent with existing budgeting, organization, staffing, position classification and compensation policies, guidelines, and standards of the National Government.

The affected personnel who will not be absorbed in the positions of the new staffing pattern of the different offices in the Bangsamoro Government, whether hired on a permanent, temporary, casual or contractual basis and with appointments attested by the Civil Service Commission, shall be entitled to applicable retirement or separation benefits as provided in this Organic Law.

The affected personnel who opt to retire or be separated shall be entitled to any of the following applicable incentives:

(a) One hundred percent (100%) of the monthly basic salary for every year of government service computed starting from the first year for those who have rendered one (1) year to less than five (5) years of service;

(b) One hundred fifty percent (150%) of the actual monthly salary for every year of government service computed starting from the first year for those who have rendered five (5) years of service but less than (10) years; or

(c) Two (2) months of actual monthly basic salary for every year of government service computed starting from first year for those who have rendered ten (10) years or more of service.

Affected personnel who are retired or are separated from the service shall not be re-employed in any agency of the Bangsamoro Government or the National Government, including government-owned or controlled corporations for a period of five (5) years. The retired or separated personnel who are re-employed during the prohibited period shall refund, on a prorated basis, the separation incentives they received under this section.

The Bangsamoro Transition Authority shall institute an independent, strictly merit-based, and credible placement and hiring process for all offices, agencies, and institutions in the Bangsamoro Government, and shall consider gender and ethnic balance.

NOTE:

Gradual Phasing Out

Absorbed and Transferred Sectors

Human Resource Audit

InterAgency Committee for Inventory

Institute an Hiring Process

Section 11. *Disposition of Personnel and Assets of National Government Offices and Agencies.* - The National Government shall provide for the disposition of personnel of the National Government or national government-owned or controlled corporations whose mandate and functions are transferred to or now vested in the Bangsamoro Government by virtue of this Organic Law. Properties and assets shall be transferred to the Bangsamoro Government within three (3)

months from the organization of the Bangsamoro Transition Authority, except those properties, land, and structures located outside of the Autonomous Region in Muslim Mindanao. The transfer of properties and assets is without prejudice to the power of the Bangsamoro Transition Authority to organize the bureaucracy during the transition period.

NOTE:

NG to BARMM transfer within 3 months.

BTA has power to organize the bureaucracy during the transition period

Section 12. Dissolution of the Bangsamoro Transition Authority. - Immediately upon the election and qualification of the Chief Minister under the first Parliament, the Bangsamoro Transition Authority shall be deemed dissolved.

Within sixty (60) days from the assumption into office of all members of the first Parliament, the Bangsamoro Transition Authority shall submit its final report and recommendations on the status of government during the transition period to the Parliament as well as to the House of Representatives the Senate of the Philippines, and the Office of the President.

NOTE:

Dissolution of BTA – immediately upon the election and qualification of the CM under the 1st parliament

BTA Final Report and Recommendation on the Status of Government during the transition period

1. Parliament
2. House of Representatives
3. Senate of the Philippines
4. Office of the President

When? 60 days from the assumption into office of all members of the 1st parliament

Section 13. First Regular Election. - The first regular election for the Bangsamoro Government under this Organic Law shall be held and synchronized with the 2022 national elections. The Commission on elections, through the Bangsamoro Electoral Office, shall promulgate rules and regulations for the conduct of the elections, enforce and administer them pursuant to national laws, this Organic Law and the Bangsamoro Electoral Code.

Section 14. *Initial Funding for Transition.* - The amount necessary to carry out the requirements of transition, including the organizational activities of the Bangsamoro Transition Authority, organization of the bureaucracy, hiring of personnel, and the exercise of functions and powers of the Bangsamoro Transition Authority as provided in this Organic Law, shall be charged against available funds in the current General Appropriations Act. In addition, the current year's appropriations for the Autonomous Region in Muslim Mindanao shall also be transferred to the Bangsamoro Transition Authority for this purpose.

The initial funding shall be without prejudice to any supplemental budget that may be appropriated by the Congress of the Philippines to support the transition.

Government functions falling within the reserved powers of the National Government in the Bangsamoro Autonomous Region shall continue to be financed by the National Government funds.

Bangsamoro Transition Authority

1. Term - Ratification of the BOL until dissolution
 - a. Ratification S1
 - b. Dissolution S12
2. BTA is the Bangsamoro Government
 - a. interim Bangsamoro Government during Transition S2
 - b. for IGR with NG and LGU S3
 - c. for receiving payment for properties outside ARMM S4d
3. S3. Powers and Authority
 - a. Executive and Legislative power vested in BTA
 - b. Legislative Authority exercised by BTA
 - c. For purpose of IGR for NG and LGU, BTA is Bangsamoro Government
4. S4. Functions and Priorities (accomplishment must be ensured during transition)
 - a. Legislation
 - i. Priority
 1. Bangsamoro Administrative Code
 2. Bangsamoro Revenue Code
 3. Bangsamoro Electoral Code

- a. election and other electoral matters shall apply until there is BEC
 - 4. Bangsamoro Local Government Code
 - a. MMA 25 in place until BLGC in place
 - 5. Bangsamoro Education Code
- ii. May also enact Bangsamoro Civil Service Code
 - i. subject to the Constitutional mandate of CSC
- iii. Shall enact law to recognize, protect, promote and preserve the rights of the indigenous peoples in the Bangsamoro Autonomous Region
 - a. until enplace subsisting regional law applies
 - b. promoted, protected and enforced by the Ministry of Indigenous People Affairs under S8
- b. Determine Parliamentary District
 - i. subject to S10 Article VII of this Organic Law
 - ii. for 1st parliament
- c. Organization of Bureaucracy
 - i. Act on Transition Plan S6
 - ii. Institute Hiring Process S10
 - iii. Create and Organize the Bureaucracy S9
 - 1. even those turned over by National Government S11
 - 2. Offices and Institutions necessary for smooth operations of the first elected Bangsamoro Government in 2022
- d. Full transfer of powers from ARMM to BARMM
 - i. properties outside ARMM to be purchased by NG within 1 year
 - ii. dispute in price appeal to President
 - 1. President decides within 3 months
 - iii. Bangsamoro Government receives payment
- e. Disposition of Personnel S10
 - i. within 1 year properties outside of ARMM paid by NG
 - 1. appeal to President
 - 2. President decide within 3 mos
- f. Transition from ARMM to BARMM
- g. General Welfare

5. Members of the BTA

- a. Ministers/Cabinet must be Majority from the BTA S7
- b. 80 Members appointed by President S2
 - i. MILF led
 - ii. MNLF
 - iii. Women
 - iv. Youth
 - v. Settler Community
 - vi. Traditional Leaders
 - vii. Other Sector

1. Government Nominees
- viii. Elected ARMM Officials until June 2019
 1. after June 2019, President appoints

6. Task noted in various provisions of Article XVI
 - a. Act on the Transition Plan of the CM S6
 - b. May create other offices S8
 - c. Create Atty General under CM Offices S8
 - d. Ensure list disruption S9
 - e. Adopt Phase Out Plan S9
 - f. Schedule Gradual Phasing Out S10
 - g. Human Resource Audit S10
 - h. Institute Hiring Process S10
 - i. Final Report and Recommendation S12

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