

**REPUBLIC ACT No. 6734**

**AN ACT PROVIDING FOR AN ORGANIC ACT FOR THE AUTONOMOUS  
REGION IN MUSLIM MINDANAO**

**Preamble**

The people of the Autonomous Region in Muslim Mindanao, imploring the aid of Almighty God, in order to develop a just and humane society and establish an Autonomous Regional Government that is truly reflective of their ideals and aspirations within the framework of the Constitution and national sovereignty, as well as the territorial integrity of the Republic of the Philippines, and to secure to themselves and their posterity the blessings of autonomy, democracy, peace, justice and equality, do ordain and promulgate this Organic Act through the Congress of the Philippines.

**ARTICLE I**

**Name and Purpose**

**Section 1.** The name of the Autonomous Region shall be the Autonomous Region in Muslim Mindanao unless provided otherwise by Congress upon the recommendation of the Regional Legislative Assembly.

**Section 2.** It is the purpose of this Organic Act to establish the Autonomous Region in Muslim Mindanao, to provide its basic structure of government within the framework of the Constitution and national sovereignty and the territorial integrity of the Republic of the Philippines, and to ensure the peace and equality before the law of all people in the Autonomous Region.

**ARTICLE II**

**The Autonomous Region**

**AREA AND SEAT OF GOVERNMENT**

**Section 1.** (1) There is hereby created the Autonomous Region in Muslim Mindanao, to be composed of provinces and cities voting favorably in the plebiscite called for the purpose, in accordance with Section 18, Article X of the Constitution.

(2) The plebiscite shall be conducted in the provinces of Basilan, Cotabato, Davao del Sur, Lanao del Norte, Lanao del Sur, Maguindanao, Palawan, South Cotabato, Sultan Kudarat, Sulu, Tawi-Tawi, Zamboanga del Norte, and Zamboanga del Sur, and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa, and Zamboanga.

**Section 2.** The Regional Legislative Assembly, hereinafter referred to as the Regional Assembly, shall fix by law the permanent seat of government for the Autonomous Region in Muslim Mindanao, taking into consideration accessibility and efficiency in carrying

out its mandate under this Act: Provided, That the provisional seat of the Regional Government shall be in Cotabato City.

### **ARTICLE III**

#### **Guiding Principles And Policies**

**Section 1.** The area of the Autonomous Region in Muslim Mindanao shall remain an integral and inseparable part of the national territory of the Republic of the Philippines as defined by the Constitution and existing laws.

The people of the Autonomous Region shall uphold the Constitution as the fundamental law of the land and unequivocally owe allegiance and fidelity to the Republic of the Philippines.

The Autonomous Region shall be governed and administered in accordance with this Organic Act.

**Section 2.** The Regional Government shall adopt the policy of settlement of conflicts by peaceful means, and renounce any form of lawless violence as an instrument of redress.

**Section 3.** The Regional Government shall adopt a policy on local autonomy whereby regional powers shall be devolved to local government units where appropriate: Provided, however, That until a regional law implementing this provision is enacted, the local Government Code shall be applicable.

**Section 4.** Highly urbanized cities within the Autonomous Region shall continue to be governed by their charters. Nothing in this Act shall be construed as to diminish the powers and functions already enjoyed by these cities.

**Section 5.** The Regional Government shall adopt measures to ensure mutual respect for and protection of the distinct beliefs, customs, and traditions among its inhabitants in the spirit of unity in diversity and peaceful co-existence: Provided, That no person in the Autonomous Region shall, on the basis of creed, religion, ethnic origin, parentage or sex, be subjected to any form of discrimination.

**Section 6.** The Regional Government shall adopt educational policies that are responsive to and reflective of the special needs of the people, with due respect to the beliefs, customs and traditions of the inhabitants of the Region.

**Section 7.** The Regional Government shall endeavor to improve the well-being of all its constituents, particularly the marginalized, deprived, disadvantaged, underprivileged and disabled.

**Section 8.** Subject to the provisions of the Constitution and this Organic Act, and national development policies and programs, the Regional Government shall have authority, power and right in the exploration, development and utilization of its natural resources:

Provided, That the indigenous cultural communities shall have priority rights in the areas designated parts of the ancestral domain.

**Section 9.** The Autonomous Region shall provide manpower training programs, create livelihood and job opportunities, allocate equitable preferential rights to its inhabitants, and adopt laws that will safeguard the rights of workers.

**Section 10.** The Regional Government shall uphold and protect the fundamental rights of women and children. In no case shall women and children be exploited, abused or discriminated against.

**Section 11.** The Regional Government shall provide, maintain, and ensure the delivery of basic health education and services.

**Section 12.** The Regional Government shall provide incentives for prompt payment of taxes.

**Section 13.** The National Government shall provide financial assistance to the Autonomous Region by appropriating such sums as may be necessary to accelerate the development of the Region.

#### **ARTICLE IV Devolution of Powers**

**Section 1.** The fundamental rights and duties of the people in the Autonomous Region are those established in the Constitution and this Organic Act.

**Section 2.** The powers devolved to the Autonomous Region shall be exercised through the Regional Assembly, the Regional Governor, and the special courts as provided in this Act.

#### **ARTICLE V Powers of Government**

**Section 1.** The Regional Government shall exercise powers and functions necessary for the proper governance and development of all the constituent units within the Autonomous Region consistent with the constitutional policy on regional and local autonomy and decentralization: Provided, That nothing herein shall authorize the diminution of the powers and functions already enjoyed by local government units.

**Section 2.** The Autonomous Region is a corporate entity with jurisdiction in all matters devolved to it by the Constitution and this Organic Act as herein enumerated:

- (1) Administrative organization;
- (2) Creation of sources of revenues;

- (3) Ancestral domain and natural resources;
- (4) Personal, family and property relations;
- (5) Regional, urban and rural planning development;
- (6) Economic, social, and tourism development;
- (7) Educational policies;
- (8) Preservation and development of the cultural heritage;
- (9) Powers, functions and responsibilities now being exercised by the departments of the National Government except:
  - (a) Foreign affairs;
  - (b) National defense and security;
  - (c) Postal service;
  - (d) Coinage, and fiscal and monetary policies;
  - (e) Administration of justice;
  - (f) Quarantine;
  - (g) Customs and tariff;
  - (h) Citizenship;
  - (i) Naturalization, immigration and deportation;
  - (j) General auditing, civil service and elections;
  - (k) Foreign trade;
  - (l) Maritime, land and air transportation and communications that affect areas outside the Autonomous Region; and
  - (m) Patents, trademarks, trade names, and copyrights; and
- (10) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the Region.

**Section 3.** The Regional Government may exercise the power of eminent domain.

**ARTICLE VI**  
**Inter-Governmental Relations**

**Section 1.** The President of the Philippines shall exercise general supervision over the Regional Government, including the local government units therein, directly or through the Regional Governor, to ensure that national and regional laws are faithfully executed.

**Section 2.** The Regional Government shall maintain close coordination with the National Government for the orderly management of the special courts within the Autonomous Region.

**ARTICLE VII**  
**The Legislative Department**

**Section 1.** The legislative power shall be vested in the Regional Assembly, except to the extent reserved to the people by provisions on initiative and referendum as provided by law.

**Section 2.** The Regional Assembly may create, divide, merge, abolish or substantially alter boundaries of any municipality or barangay in accordance with the criteria laid down by existing law subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected. It may also change the names of such local government units, public places and institutions.

**Section 3.** The Regional Assembly shall approve the budget of the Autonomous Region.

**Section 4.** The Regional Assembly shall be composed of Members elected by popular vote, with three (3) members elected from each of the congressional districts.

**Section 5.** The Members of the Regional Assembly shall have a term of three (3) years which shall begin, unless otherwise provided by law, at noon on the 31st day of March next following their election.

No Member of the Regional Assembly shall serve for more than three (3) consecutive terms. Voluntary renunciation of or removal from office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

**Section 6.** In case of vacancy in the Regional Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by regional law: Provided, That the Member elected shall serve only for the unexpired term.

**Section 7.** No person shall be a Member of the Regional Assembly unless he is:

- (1) A natural-born citizen of the Philippines;

- (2) At least twenty-one (21) years of age on the day of the election;
- (3) Able to read and write;
- (4) A registered voter of the district in which he shall be elected on the day he files his certificate of candidacy; and
- (5) A resident thereof for a period of not less than five (5) years immediately preceding the day of the election.

**Section 8.** Every Member of the Regional Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his seat.

**Section 9.** Unless otherwise provided by Congress, a Member of the Regional Assembly shall receive an annual salary of One hundred twenty thousand pesos (P120,000.00) except the Speaker of the Regional Assembly who shall receive an annual salary of One Hundred forty-four thousand pesos (P144,000.00). They shall not receive during their tenure any other emoluments from the Government.

**Section 10.** Any Member of the Regional Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned or controlled corporations or their subsidiaries, shall automatically forfeit his seat in the Regional Assembly.

**Section 11.** All Members of the Regional Assembly shall, upon their assumption of office, make a full disclosure of their financial and business interests, including those of their spouses and unmarried children under eighteen (18) years of age living in their households. They shall notify the Assembly of any potential conflict of interest that may arise from the filing of measures of which they are authors.

Any Member found guilty of non-disclosure as required under This section may be expelled by a two-thirds (2/3) vote of all the Members of the Regional Assembly, without prejudice to his other liabilities under pertinent legislation.

**Section 12.** No Member of the Regional Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the Government for his pecuniary benefit or where he may be called upon to act on account of his office.

**Section 13.** No Member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

**Section 14.** The Regional Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of members of its standing committees and the suspension or expulsion of its Members.

The Regional Assembly shall elect from among its Members a Speaker and such other officers as the rules may provide.

A majority of all the Members of Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as the Assembly may provide.

The Regional Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected.

The Regional Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of accounts of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session.

**Section 15.** The Regional Assembly may request the presence of the Regional Governor, Regional Vice-Governor, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their responsibilities.

Subject to the rules of the Regional Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions.

**Section 16.** Except as provided by its rules, the Regional Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session, exclusive of Saturdays, Sundays and legal holidays.

The Regional Assembly may meet in special sessions at the request of one-third (1/3) of all its Members or by call of the Regional Governor. Such special session must be convened with a special agenda.

**Section 17.** No bill shall become a law of regional application unless it has passed three (3) readings on separate days, and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Regional Governor certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

**Section 18.** Every bill passed by the Regional Assembly, shall, before it becomes a law, be presented to the Regional Governor. If he approves the same, he shall sign it; otherwise, if the bill contain ultra vires provisions, or if he finds it objectionable on policy grounds, or both, he shall veto it and return it with his objections to the Regional Assembly, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds (2/3) of all Members of the Regional Assembly shall agree to pass the bill, it shall become a law. In all such cases, the vote shall be determined by yeas or nays, and the names of the Members voting for or against shall be entered in the Journal. The Regional Governor shall communicate his veto of any bill to the Regional Assembly within thirty (30) days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

**Section 19.** The Speaker of the Regional Assembly shall, within ten (10) working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Regional Assembly.

## **ARTICLE VIII**

### **The Executive Department**

**Section 1.** The executive power shall be vested in a Regional Governor who shall be elected at large by direct vote of the people of the Autonomous Region.

**Section 2.** The Regional Governor shall be assisted by a Cabinet of nine (9) members, at least four of whom shall preferably come from indigenous cultural communities: Provided, That the members shall, as far as practicable, come from various provinces and cities within the Autonomous Region.

The members of the Cabinet must be registered voters and residents of the Region for at least five (5) years immediately preceding their appointment.

The Regional Governor shall appoint the members of the Cabinet subject to confirmation by the Regional Assembly.

**Section 3.** No person may be elected Governor of the Autonomous Region unless he is a natural-born citizen of the Philippines, a registered voter of the Autonomous Region, able to read and write, at least thirty-five (35) years of age on the day of the election, and a resident of the Autonomous Region for at least five (5) years immediately preceding the election.

**Section 4.** There shall be a Vice-Governor of the Autonomous Region who shall have the same qualifications and term of office and be elected with and in the same manner as the Regional Governor. He may be removed from office in the same manner as the Regional Governor. The Vice-Governor may be appointed as a member of the Regional Cabinet without need of confirmation by the Regional Assembly.



**Section 5.** The Vice-Governor shall likewise be elected by direct vote of the people of the Autonomous Region.

**Section 6.** (1) The term of office of the Governor and Vice-Governor shall be for a period of three (3) years which shall begin at noon on the 31st day of March next following the day of the election and shall end at noon of the same date three years thereafter.

(2) No Governor or Vice-Governor shall serve for more than two (2) consecutive terms. Voluntary renunciation of or removal from office for any length of time shall not be considered an interruption in the continuity of the service for the full term for which he was elected.

**Section 7.** Before they enter on the execution of their office, the Regional Governor and the Vice-Governor shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as Governor (or Vice-Governor) of the Regional Autonomous Government, preserve and defend the Constitution of the Republic, the Organic Act for the Autonomous Region, and the national and regional laws, do justice to every man, and consecrate myself to the service of the Autonomous Region and the nation. So help me God." (In case of Affirmation, last sentence will be omitted.)

**Section 8.** Unless otherwise provided by Congress, the annual compensation of the Regional Governor and Vice-Governor shall be One hundred eighty thousand pesos (P180,000.00) and One hundred forty-four thousand pesos (P144,000.00), respectively. They shall not receive during their tenure any other emoluments from the Government.

**Section 9.** The Regional Governor shall be provided with a reasonable housing allowance by the Regional Assembly.

**Section 10.** In case of death, permanent disability, removal from office, or resignation of the Governor, the Vice-Governor shall become the Governor to serve the unexpired term. In case of death, permanent disability, removal from office, or the resignation of both the Governor and the Vice-Governor, the Speaker of the Regional Assembly shall act as Governor until the Governor and Vice-Governor are elected and qualified in a special election called for the purpose; Provided, That upon assumption as Acting Governor, the Speaker of the Regional Assembly shall temporarily vacate his position as such and an interim Speaker shall be elected: Provided, further, That upon the election and assumption of office of the new Regional Governor, the Speaker shall reassume his office.

No special election shall be called to fill a vacancy occurring within one year immediately preceding the next regular election.

**Section 11.** In case of temporary incapacity of the Regional Governor to perform his duties on account of physical or legal causes, or when he is on official leave of absence or travel outside the territorial jurisdiction of the Republic of the Philippines, the Vice-

Governor, or if there be none or in case of his permanent or temporary incapacity or refusal to assume office, the Speaker of the Regional Assembly shall exercise the powers, duties and functions of the Regional Governor.

**Section 12.** The Regional Governor or the Vice-Governor may be removed from office for culpable violation of the Constitution or this Organic Act, treason, bribery, graft and corruption, other high crimes or betrayal of public trust by a three-fourths (3/4) vote of all the Members of the Regional Assembly.

The Regional Assembly may initiate the removal of the Regional Governor or the Vice-Governor under this Section by a majority vote of all its Members.

The Regional Assembly shall promulgate the necessary rules to carry out effectively the purposes of this Section.

**Section 13.** The Regional Governor or the Vice-Governor may be recalled once during his term of office for loss of confidence.

The Regional Assembly shall provide the procedure and system whereby such recall can be made: Provided, That no recall shall take place within one year from the date of the official's assumption of office or one year immediately preceding a regional election.

**Section 14.** The Regional Governor, the Vice-Governor, and the Members of the Cabinet and their deputies shall not hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflicts of interest in the conduct of their office.

The spouse and relatives by consanguinity or affinity within the fourth civil degree of the Governor shall not, during his tenure, be appointed members of the regional Cabinet or chairmen of regional commissions, or heads of bureaus or offices, including government-owned or controlled corporations and their subsidiaries located in the Autonomous Region.

**Section 15.** Appointments extended by the Acting Governor within ninety (90) days before the assumption of office by the elected Governor shall remain effective, unless revoked by the elected Governor within ninety (90) days from such assumption or resumption of office.

**Section 16.** The Regional Governor shall not issue appointments, remove personnel, or unless authorized by the Commission on Elections, undertake public works projects, within the prohibited period before and after a regional election as provided by law.

**Section 17.** The Regional Governor shall appoint, in addition to the members of the Cabinet, their deputies, the chairmen and members of the commissions and the heads of bureaus of the Regional Government, and those whom he may be authorized by regional law to appoint. The Regional Assembly may, by law, vest the appointment of other officers or officials lower in rank in the heads of departments, agencies, commissions, or boards.

**Section 18.** Subject to the exceptions provided for in this Organic Act, the Regional Governor shall have control of all the regional executive commissions, boards, bureaus and offices. He shall ensure that the laws be faithfully executed. The Regional Governor shall exercise general supervision over the local government units within the Autonomous Region: Provided, however, That nothing herein shall authorize the diminution of the powers and functions already enjoyed by local government units.

**Section 19.** (1) The Regional Governor shall submit to the Regional Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

The fiscal year of the Autonomous Region shall cover the period April 1 to March 31 of the succeeding year.

(2) The Regional Assembly may not increase the appropriations recommended by the Regional Governor for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law: Provided, however, That pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

(3) No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

(4) The procedure in approving appropriations for the Regional Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.

(5) A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.

(6) No regional law shall be passed authorizing any transfer of appropriations; however, the Regional Governor may, by regional law, be authorized to augment

any item for his office from savings in other items of the appropriations for his office.

(7) Discretionary funds appropriated for particular officials shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law.

**Section 20.** If, by the end of the fiscal year, the Regional Assembly shall have failed to pass the regional appropriations bill for ensuing fiscal year, the Regional Appropriations Act for the preceding fiscal year shall be deemed automatically reenacted and shall remain in force and effect until the regional appropriations bill is passed by the Regional Assembly.

**Section 21.** The Regional Governor shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two-thirds (2/3) of all its Members.

**Section 22.** (1) No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law.

(2) No public money or property shall be appropriated, applied, paid or employed, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion or of any priest, imam, preacher, minister, or other religious teacher or dignitary as such, except when such priest, imam, preacher, minister or dignitary is assigned to the regional police force or to any penal institution, or government orphanage or leprosarium within the Region.

(3) All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the Regional Government.

(4) No funds or resources shall be disbursed unless duly approved by the Regional Governor or by his duly authorized representative.

(5) Trust funds shall only be paid out of the Regional Treasury upon fulfillment of the specific purpose for which said funds were created or received.

**Section 23.** The Regional Governor shall inform the Regional Assembly every quarter on the conduct of regional affairs and the state of regional finances.

**Section 24.** The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

The financial accounts of the Autonomous Region, including all payments from the reserve fund, shall be submitted by the Regional Governor to the Regional Assembly, together with the statement of audit prepared by the Commission on Audit within ten (10) working days from receipt thereof.

**Section 25.** The Regional Governor shall address the Regional Assembly at the opening of its regular session. He may also appear before it at any time. The Regional Assembly may invite the President and other government officials to address it.

## **ARTICLE IX**

### **Administration of Justice**

**Section 1.** The Supreme Court, the Court of Appeals, and other courts established by law shall continue to exercise their judicial powers as provided by the Constitution and national laws.

**Section 2.** There is hereby created a Shari'ah Appellate Court which, together with other Shari'ah and tribal courts, shall have jurisdiction over cases involving persons, family and property relations.

The Regional Assembly shall, in consultation with the Supreme Court, determine the number and the territorial jurisdiction of these courts.

Shari'ah Appellate Court

**Section 3.** The Shari'ah Appellate Court shall be composed of one (1) Presiding Justice and two (2) Associate Justices. Any vacancy shall be filled within ninety (90) days from the occurrence thereof.

**Section 4.** (1) The Justices of the Shari'ah Appellate Court shall possess the same qualification as those of the Justices of the Court of Appeals and, in addition, shall also be learned in Islamic law and jurisprudence.

(2) The members of the Shari'ah Appellate Court shall be appointed by the President from a list of at least three (3) nominees prepared by the Judicial and Bar Council. The nominees shall be chosen from a list of recommendees submitted by the Regional Assembly. Such appointments need no confirmation.

**Section 5.** The Shari'ah Appellate Court shall have the following powers:

(1) Exercise original jurisdiction over petitions for certiorari, prohibition, mandamus, habeas corpus, and other auxiliary writs and processes in aid of its appellate jurisdiction; and

(2) Exercise exclusive appellate jurisdiction over all cases tried in the Shari'ah District Courts as established by law.

**Section 6.** The decisions of the Shari'ah Appellate Court shall be final and executory: Provided, however, That nothing herein contained shall affect the original and appellate jurisdiction of the Supreme Court as provided in the Constitution.

**Section 7.** The Presiding and Associate Justices of the Shari'ah Appellate Court shall serve until they reach the age of seventy (70) years, unless sooner removed for cause in the same manner as Justices of the Court of Appeals or become incapacitated to discharge the duties of their office.

**Section 8.** The Presiding Justice and Associate Justices of the Shari'ah Appellate Court shall receive the same compensation and enjoy the same privileges as the Presiding Justice and Associate Justices of the Court of Appeals, respectively.

**Section 9.** (1) The Supreme Court shall, upon recommendation of the Presiding Justice of the Shari'ah Appellate Court, appoint the court administrator and clerk of court of said Appellate Court. Such other personnel as may be necessary for the Shari'ah Appellate Court shall be appointed by the Presiding Justice of said court.

(2) The pertinent provisions of existing law regarding the qualifications, appointment, compensation, functions, duties and other matters relative to the personnel of the Court of Appeals shall apply to those of the Shari'ah Appellate Court.

**Section 10.** The Members of the Shari'ah Appellate Court and of other Shari'ah Appellate courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.

**Section 11.** The official seat of the Shari'ah Appellate Court shall, unless the Supreme Court decides otherwise, be in the seat of the Autonomous Government.

**Section 12.** Proceedings in the Shari'ah Appellate Court and in the Shari'ah lower courts as are established in the Autonomous Regional shall be governed by such special rules as the Supreme Court may promulgate.

#### Shari'ah Courts

**Section 13.** The Shari'ah District Courts and the Shari'ah Circuit Courts created under existing laws shall continue to function as provided therein. The judges of the Shari'ah courts shall have the same qualifications as the judges of the Regional Trial Courts, the Metropolitan Trial Courts or the Municipal Trial Courts as the case may be in. In addition, they must be learned in Islamic law and jurisprudence.

#### Tribal Courts

**Section 14.** There is hereby created a system of tribal courts, which may include a Tribal Appellate Court, for the indigenous cultural communities in the Autonomous Region.

These courts shall determine, settle and decide controversies and enforce decisions involving personal, family and property rights in accordance with the tribal codes of these communities. The Regional Assembly shall define their composition and jurisdiction in accordance with this Act.

#### Jurisconsult in Islamic Law

**Section 15.** Provisions to put into effect the organization of the Office of Jurisconsult in Islamic Laws as established under existing law and facilities for its proper functioning shall receive priority consideration.

#### Customary Law

**Section 16.** The Regional Assembly shall provide for the codification of indigenous laws and compilation of customary laws in the Autonomous Region.

#### Application and Interpretation of Laws

**Section 17.** (1) The provisions of the Muslim Code and the Tribal Code shall be applicable only to Muslims and other members of indigenous cultural communities respectively and nothing herein shall be construed to operate to the prejudice of non-Muslims and nonmembers of indigenous cultural communities.

(2) In case of conflict between the Muslim Code and the Tribal Code, the national law shall apply.

(3) In case of conflict between the Muslim Code or the Tribal Code on the one hand, and the national law on the other, the latter shall prevail.

(4) Except in cases of successional rights, the regular courts shall acquire jurisdiction over controversies involving real property located outside the area of autonomy.

**Section 18.** Subject to the provisions of the Constitution, the Shari'ah courts shall interpret Islamic law based on sources such as:

(1) Al-Qur'an (The Koran);

(2) Al-Sunnah (Prophetic traditions);

(3) Al-Qiyas (Analogy); and

(4) Al-Jima (Consensus).

### **ARTICLE X** **Fiscal Autonomy**

**Section 1.** The Autonomous Region shall have the power to create its own sources of revenues and to levy taxes, fees and charges, subject to such guidelines and limitations as the Constitution and this Organic Act may provide, consistent with the basic policy of local autonomy.

**Section 2.** In enacting revenue-raising measures, the Regional Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes and fees of any kind. Income taxation, however, shall be solely the concern and prerogative of the National Government.

The Regional Assembly shall not revoke or amend, directly or indirectly, any city or municipal ordinances imposing taxes or fees on purely local businesses.

No tax, impost or assessment shall be imposed or charged upon goods or merchandise coming into, going out of, or passing through the Autonomous Region to other places of the Philippines, and vice versa.

**Section 3.** All corporations, partnerships, and other business entities directly engaged in business in the Autonomous Region shall pay through the Regional Government that portion of their annual income tax corresponding to the net income generated from business done in the area of autonomy.

All corporations, partnerships or business entities directly engaged in business in the Autonomous Region shall pay their corresponding taxes, fees, and charges in the province, city, or municipality where the establishment is doing business.

**Section 4.** The sources of revenues of the Autonomous Region shall include, but are not limited to, the following:

- (1) Taxes, except income taxes, imposed by the Regional Government;
- (2) Fees and charges imposed by the Regional Government;
- (3) Appropriations, internal revenue allotments and other budgetary allotments from the National Government;
- (4) Shares in revenues generated from the operations of public utilities within the Autonomous Region; and
- (5) Block grants derived from economic agreements or conventions authorized by the Autonomous Region, donations, endowments, foreign assistance, and other forms of aid, subject to the Constitution and national policies.

**Section 5.** The total collections of a province or city from national internal revenue taxes, fees and charges, and taxes imposed on natural resources, shall be distributed as follows:



- (a) Thirty percent (30%) to the province or city;
- (b) Thirty percent (30%) to the Regional Government; and
- (c) Forty percent (40%) to the National Government.

The thirty percent (30%) share of the province shall be distributed equally as follows: ten percent (10%) to the province, ten percent (10%) to the municipality and ten percent (10%) to the barangay.

The thirty percent (30%) share of the city shall be distributed as follows: twenty percent (20%) to the city and ten percent (10%) to the barangay.

The province or city concerned shall automatically retain its share and remit the seventy percent (70%) to the Regional Government, which shall, after deducting its share, remit the balance to the National Government on a monthly basis.

The remittance procedure within the Autonomous Region shall be in accordance with the rules and regulations promulgated by the Regional Government, and remittances to the National Government by the rules and regulations promulgated by the Department of Finance.

**Section 6.** Subject to the Constitution and national policies, the Regional Government shall evolve a system of economic agreements and trade compacts to generate block grants for regional investments and improvements of regional economic structures. These economic agreements shall be authorized by regional legislation or by executive agreement. Pursuant to specific recommendations from the Regional Planning and Development Board, the Regional Government shall assist local government units in their requirements for counterpart funds for foreign assisted projects.

**Section 7.** Donations or grants to the Regional Government exclusively to finance, to provide, for, or to be used in undertaking projects in education, health, youth and culture, and in economic development, shall be deductible in full in determining the taxable income of the donor or grantor.

**Section 8.** The Regional Assembly may grant exemptions from regional taxes, only with the concurrence of a majority of all the Members of the Assembly.

**Section 9.** Foreign loans may be contracted only in accordance with the provisions of the Constitution and national laws: Provided, That the Regional Governor may contract domestic loans subject to the approval by the Regional Assembly.

## **ARTICLE XI**

### **Ancestral Domain, Ancestral Lands and Agrarian Reform**

**Section 1.** Subject to the Constitution and national policies, the Regional Government shall undertake measures to protect the ancestral domain and the ancestral lands of indigenous cultural communities.

All lands and natural resources in the Autonomous Region that have been possessed or occupied by indigenous cultural communities since time immemorial, except when prevented by war, force majeure, or other forms of forcible usurpation, shall form part of the ancestral domain. Such ancestral domain shall include pasture lands, worship areas, burial grounds, forests and fields, mineral resources, except: strategic minerals such as uranium, coal, petroleum, and other fossil fuels, mineral oils, and all sources of potential energy; lakes, rivers and lagoons; and national reserves and marine parks, as well as forest and watershed reservations.

Lands in the actual, open, notorious, and uninterrupted possession and occupation by an indigenous cultural community for at least thirty (30) years are ancestral lands.

**Section 2.** The constructive or traditional possession of lands and resources by an indigenous cultural community may also be recognized subject to judicial affirmation, the petition for which shall be instituted within a period of ten (10) years from the effectivity of this Act. The procedure for judicial affirmation of imperfect titles under existing laws shall, as far as practicable, apply to the judicial affirmation of titles to ancestral lands.

The foregoing provisions notwithstanding, titles secured under the Torrens system, and rights already vested under the provisions of existing laws shall be respected.

**Section 3.** As used in this Act, the phrase "indigenous cultural community" refers to Filipino citizens residing in the Autonomous Region who are:

- (1) Tribal peoples whose social, cultural and economic conditions distinguish them from other sectors of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; and
- (2) Bangsa Moro people regarded as indigenous on account of their descent from the populations that inhabited the country or a distinct geographical area at the time of conquest or colonization and who, irrespective of their legal status, retain some or all of their own socioeconomic, cultural and political institutions.

**Section 4.** The customary laws, traditions, and practices of indigenous cultural communities on land claims and ownership and settlement of land disputes shall be implemented and enforced among the members of such community.

**Section 5.** The Regional Government shall require corporations, companies and other entities within the ancestral domain of the indigenous cultural communities whose operations adversely affect the ecological balance to take the necessary preventive measures and safeguards in order to maintain such a balance.

**Section 6.** Unless authorized by the Regional Assembly, lands of the ancestral domain titled to or owned by an indigenous cultural community shall not be disposed of to nonmembers.

**Section 7.** No portion of the ancestral domain shall be open to resettlement by nonmembers of the indigenous cultural communities.

**Section 8.** Subject to the Constitution and national policies, the Regional Assembly shall enact an Agrarian Reform Law suitable to the special circumstances prevailing in the Autonomous Region.

## **ARTICLE XII**

### **Urban and Rural Planning and Development**

**Section 1.** The Regional Government shall promote and formulate comprehensive and integrated regional urban and rural development policies, plans, programs and projects responsive to the needs, aspirations and values of the people within the Region.

**Section 2.** Immediately after its organization, the Regional Government shall initiate, formulate and implement special development programs and projects, responsive to the particular aspirations, needs and values of the indigenous cultural communities.

**Section 3.** The Regional Government shall provide equitable opportunities for the development of every province, city, municipality and barangay within its jurisdiction and shall strengthen their existing planning bodies to ensure wider public participation.

**Section 4.** Consistent with the Constitution and national policies, and subject to ecological considerations, the Regional Government shall adopt and implement a comprehensive urban land reform and land use program, to ensure the just utilization of lands within its jurisdiction.

**Section 5.** There is hereby created a Regional Planning and Development Board which shall be composed of all the provincial governors and city mayors, two (2) members of the Regional Assembly to be designated by the Speaker, and such other members as may be prescribed by the Regional Assembly: Provided, That the private sector shall be represented therein.

The Board shall serve as the planning, monitoring and coordinating agency for the Autonomous Region. It shall identify, evaluate, and recommend the annual work programs and comprehensive development plans of the Autonomous Region to the Regional Assembly, to ensure their proper implementation.

The Board shall formulate a Magna Carta for the Development of the Region to serve as the master plan for a systematic, progressive and total development of the Region.

## **ARTICLE XIII**

### **Economy and Patrimony**

**Section 1.** Consistent with the Constitution and national policies, the Regional Government may enact regional laws pertaining to the national economy and patrimony applicable and responsive to the needs of the Region. However, nothing herein shall be construed as to authorize the Regional Government to require lesser standards respecting the protection, conservation and enhancement of the natural resources than those required by the National Government.

**Section 2.** Except for strategic minerals such as uranium, coal, petroleum, and other fossil fuels, mineral oils, all sources of potential energy, as well as national reserves and aquatic parks, forest and watershed reservations as may be delimited by national law, the control and supervision over the exploration, utilization and development of the natural resources of the Autonomous Region is hereby delegated to the Regional Government in accordance with the Constitution and national laws.

The Regional Assembly shall have the authority to grant franchises and concessions but the Regional Governor may, by regional law, be authorized to grant leases, permits and licenses: Provided, That, any lease, permit, franchise or concession shall cover an area not exceeding the limits allowed by the Constitution and shall subsist for a period not exceeding twenty-five (25) years; Provided, further, That existing leases, permits, licenses, franchises and concessions shall be respected until their expiration unless legally terminated as provided by law; and Provided, finally, That when the natural resources are located within the ancestral domain, the permit, license, franchise or concession, shall be approved by the Regional Assembly after consultation with the cultural community concerned.

**Section 3.** The exploration, development and utilization of natural resources, except those enumerated in the first paragraph of Section 2 hereof, shall be allowed to all Filipinos and to private enterprises, including corporations, associations, cooperatives, and such other similar collective organizations with at least sixty percent (60%) of their capital investment or capital stocks directly controlled or owned by Filipinos who are preferably residents of the Region.

**Section 4.** Small-scale mining shall receive support from and be regulated by the Regional Government, considering ecological balance, the safety and health and the interest of the communities and the miners where such operations are conducted.

**Section 5.** The Regional Government may, in the interest of regional welfare and security, establish and operate pioneering utilities. Upon payment of just compensation, it may transfer the ownership of such utilities to cooperatives or other collective organizations.

**Section 6.** The Regional Government may, in times of regional emergency declared by the President, when the public interest so requires and under reasonable terms and

safeguards prescribed by the Regional Assembly, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest.

**Section 7.** The Regional Assembly shall enact laws for the just compensation, rehabilitation, relocation, and other similar measures of inhabitants adversely affected in the harnessing of natural and mineral resources in the Region.

The Regional Assembly shall likewise provide for the rehabilitation of the areas affected by said harnessing of natural and mineral resources in the Region.

**Section 8.** The Regional Government shall actively and immediately pursue reforestation measures to ensure that at least fifty (50%) of the land surface of the Autonomous Region shall be covered with trees, giving priority to land strips along eighteen percent (18%) in slope or over by providing infrastructure, financial and technical support to upland communities especially the Lumads or tribal peoples.

**Section 9.** The Regional Government shall prohibit the use, importation, deposit, disposal and dumping of toxic or hazardous substances within the Autonomous Region.

**Section 10.** The Regional Government shall adopt policies to promote profit sharing and broaden the base of ownership of business enterprises.

**Section 11.** The Regional Government shall provide incentives, including tax holidays, for investors in businesses that will contribute to the development of the Region.

It shall provide the same incentives to all companies doing business in the Region which reinvest at least fifty percent (50%) of their net profits therein, and to all cooperatives which reinvest at least ten percent (10%) of their surplus into socially-oriented projects in the Region.

**Section 12.** The Regional Government shall give priority to the establishment of transportation and communication facilities for the economic development of the region.

**Section 13.** In the delivery of power services, priority shall be given to provinces in the area of autonomy which do not have direct access to such services.

**Section 14.** The Regional Government is hereby empowered to create pioneering firms and other business entities needed to boost economic development in the Region.

#### *Agriculture, Fisheries and Aquatic Resources*

**Section 15.** The Regional Government shall recognize, promote and protect the rights and welfare of farmers, farmworkers, fishermen and fishworkers, as well as farmers, and fishworkers' cooperatives and associations.

**Section 16.** The Regional Government shall encourage agricultural productivity and promote a diversified and organic farming system.

**Section 17.** The Regional Government shall give top priority to the conservation, protection, utilization and development of soil and water resources for agricultural purposes.

**Section 18.** The Regional Assembly shall enact on Aquatic and Fisheries Code which shall enhance, develop, conserve and protect marine and aquatic resources, and shall protect the rights of subsistence fishermen to the preferential use of communal marine and fishing resources, including seaweeds. This protection shall extend to offshore fishing grounds, up to and including all waters twelve (12) nautical miles from the coastline of the Autonomous Region but within the territorial waters of the Philippines, regardless of depth, the seabed and the subsoil that are included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the Autonomous Region touch the sea at low tide and a third line parallel to the general coastline.

Further, it shall provide support to subsistence fishermen through appropriate technology and research, adequate financial, production and marketing assistance and other services.

Fishworkers shall also receive a just share from their labor in the utilization of marine and fishing resources.

Science, technology and other disciplines shall be developed and employed to protect and maintain aquatic and marine ecology.

**Section 19.** The Regional Assembly may, by law, create a Bureau of Agriculture and Fisheries and define its composition, powers and functions.

### *Trade and Industry*

**Section 20.** The Regional Government recognizes the private sector as the prime mover of trade, commerce and industry. It shall encourage and support entrepreneurial capability in the Region and shall recognize, promote and protect cooperatives.

**Section 21.** The Regional Government shall promote and protect small and medium-scale cottage industries by providing assistance such as marketing opportunities, financial support, tax incentives, appropriate and alternative technology and technical training to produce semi-finished and finished products.

**Section 22.** The Regional Government shall give support and encouragement to the establishment of banks in accordance with the principles of the Islamic banking system, subject to the supervision by the central monetary authority of the National Government.

**Section 23.** Subject to national policies, the Regional Government shall regulate traditional barter trade and countertrade with neighboring countries.

**Section 24.** The Regional Government shall encourage, promote, undertake and support the establishment of economic zones, industrial centers and ports in strategic areas and growth centers of the Region to attract local and foreign investments and business enterprises. casia

**Section 25.** The Regional Government shall undertake measures to promote consumer education and to ensure that the rights, interests and welfare of the consumers are protected.

**Section 26.** The Regional Government shall promote the preferential use of labor and locally produced goods and materials by adopting measures to increase their competitiveness.

**Section 27.** Subject to the Constitution and national policies, the Regional Government shall regulate and exercise authority over foreign investments within its jurisdiction in accordance with its goals and priorities.

#### *Tourism Development*

**Section 28.** The Regional Government shall, with the assistance of the National Government and the participation of the private sector, develop tourism as a positive instrument toward accelerated regional development. Tourism development shall promote greater pride in and commitment to the nation: Provided, That the diverse cultural heritage, and moral and spiritual values of the people in the Autonomous Region shall be primarily considered and respected.

**Section 29.** The Regional Assembly may, by law, create a Tourism office, and shall define its composition, powers and functions.

### **ARTICLE XIV Public Order and Security**

**Section 1.** The Regional Government shall give priority to the maintenance and preservation of peace and order and the protection of life, liberty and property in the Autonomous Region, in consonance with the provisions of the Constitution.

**Section 2.** The Regional Assembly shall, by law, create a Regional Police Force as an integral part of the Philippine National Police under the administration and control of the National Police Commission. It shall be headed by a police commissioner with two deputies, who shall all be inhabitants of the Autonomous Region, to be appointed by the President of the Philippines upon recommendation of the Regional Governor.

**Section 3.** The regional police shall be under the supervision of the Regional Governor: Provided, That city or municipal mayors, who are hereby constituted as representatives of the National Police Commission, shall have operational control and supervision of the police force within their constituent units in accordance with law and appropriate rules and regulations.

**Section 4.** The defense and security of the Autonomous Region shall be the responsibility of the National Government. Towards this end, there is hereby created a regional command of the Armed Forces of the Philippines for the Autonomous Region, which shall be organized, maintained and utilized in accordance with national laws. The National Government shall have the authority to station and deploy in the Autonomous Region sufficient elements of the Armed Forces of the Philippines: Provided, That inhabitants of the Autonomous Region shall be given preference in assignments therein.

**Section 5.** The provisions of the preceding sections notwithstanding, the Regional Governor may request the President of the Philippines to call upon the Armed Forces of the Philippines:

- (1) To prevent or suppress lawless violence, invasion or rebellion, when the public safety so requires, in accordance with the provisions of the Constitution;
- (2) To suppress the danger to or breach of peace in the area of autonomy, when the police forces of the autonomous Region are not able to do so; or
- (3) To avert any imminent danger to public order and security in the area of autonomy.

**Section 6.** The Regional Government shall recognize indigenous structures or systems which promote peace and order.

## **ARTICLE XV**

### **Education, Science and Technology, Arts and Sports**

**Section 1.** The Autonomous Region shall establish, maintain and support a complete and integrated system of quality education and adopt an educational framework that is meaningful, relevant and responsive to the needs, ideals and aspirations of the people in the Region.

#### *Educational Policies*

**Section 2.** Consistent with the basic State policy on education, the Autonomous Region shall adopt the following educational policies and principles:

- (1) Education in the Autonomous Region shall be committed to the total spiritual, intellectual, social, cultural, scientific and physical development of man, thus making him a God-fearing, peace-loving, and work-oriented citizen of the nation;



(2) All schools in the Autonomous Region shall inculcate patriotism and nationalism, appreciation of the role of national and regional heroes in the historical development of the country and region, foster love of humanity, respect for human rights, and shall teach the rights and duties of citizenship, and the cultures of the Muslims, Christians, and tribal peoples in the Region to develop, promote and enhance unity in diversity;

(3) The thrust, programs and administration of vocational, non-formal and special education shall be supported and made relevant to the manpower needs of the Region;

(4) A system of scholarship programs, grants, student loans, subsidies and other incentives shall be made available to all poor but deserving students;

(5) The active participation of the home, community, religious organizations and other sectors in the total educative process of the child shall be encouraged and supported;

(6) (a) A regional language may be evolved and developed from the different dialects in the Region.

(b) Filipino and English shall be the media of instruction in all schools in the Region. Major languages of the Region shall be auxiliary media of instruction.

(c) The Arabic language shall be a compulsory subject for Muslims and optional for non-Muslims in all schools in the Region;

(7) The education in the Autonomous Region shall develop consciousness and appreciation of one's ethnic identity and shall provide a better understanding of each other's cultural heritage for the attainment of national unity and harmony;

(8) The Regional Government shall recognize the participation of private institutions of learning, including the Madaris (Arabic schools), in providing quality education to the people of the Region; and

(9) Unless otherwise provided by regional law, the Regional Government may implement a four-year primary and a three-year intermediate education; a 2-2 secondary education; and a four-year or more college education in schools within the Region.

**Section 3.** The regional educational system shall develop curricula that are relevant to the economic, social, political, cultural, moral and spiritual needs of the people in the Region.

#### *Educational Structure*

**Section 4.** The Regional Assembly may, by law, create, support and maintain a Department of Education, Culture and Sports, and shall define its powers, functions and composition.

**Section 5.** State colleges and universities within the Autonomous Region shall enjoy academic freedom and fiscal autonomy and shall continue to be governed by their respective charters: Provided, That the regional secretary of Education, Culture and Sports shall be a member of the governing boards of state colleges and universities in the Autonomous Region.

**Section 6.** All state colleges and universities in the Autonomous Region shall assist and support the full development of the people and shall serve as regional centers for tertiary and post graduate education in their respective areas of competence.

**Section 7.** The Regional Assembly may establish a tribal state university system within the Autonomous Region.

#### *Madrasah Education*

**Section 8.** Accredited madaris in the Autonomous Region shall be supervised by the Department of Education, Culture and Sports.

**Section 9.** Appropriate regional laws shall be enacted for the strengthening and development of the madrasah educational system in the Autonomous Region.

#### *Science and Technology*

**Section 10.** Science and technology are recognized as essential to national and regional progress and development.

**Section 11.** The Regional Assembly shall enact laws that shall:

- (1) Give priority to science, research, inventions, technology, education, and their development and utilization;
- (2) Provide incentives, including tax deductions and funding assistance, and encourage private participation in basic and applied scientific researches;
- (3) Regulate the transfer and promote the adoption of technology from all sources for regional benefit;
- (4) Secure and protect the exclusive rights of scientists, inventors, scholars, writers, artists and other gifted citizens to their intellectual properties; and
- (5) Introduce the full and effective participation of all sectors in the planning, programming, coordination and implementation of scientific and technological

researches and the acquisition, adoption, innovation and application of science and technology for development.

### *Physical Education and Sports Development*

**Section 12.** The educational system shall develop and maintain an integrated and comprehensive physical education program. It shall develop healthy, disciplined, creative, innovative, productive individuals, and promote the spirit of sportsmanship, cooperation, teamwork, goodwill and understanding.

**Section 13.** The system shall encourage and support sports programs, league competitions, indigenous games, martial arts and amateur sports, including training for regional, national and international competitions.

### *Cultural Heritage*

**Section 14.** The cultural heritage of the people of the Autonomous Region shall be an integral component of regional development.

**Section 15.** The Regional Government shall recognize, respect, protect, preserve, revive, develop, promote and enhance the culture, customs, traditions, beliefs and practices of the people in the area of autonomy. It shall encourage and undertake the recovery, collection, collation and restoration of historical and cultural properties for posterity.

**Section 16.** A Bureau on Cultural Heritage may be created to plan, initiate, implement and monitor cultural programs, projects and activities that shall institutionalize the preservation and enhancement of the positive elements of the indigenous culture of the inhabitants of the Autonomous Region. It shall coordinate with other concerned agencies engaged in similar and related activities.

## **ARTICLE XVI**

### **Social Justice, Services, Institutions, and Other Concerns**

**Section 1.** The promotion of social justice shall include the commitment to create social, political and economic opportunities based on freedom of initiative, resourcefulness and self-reliance.

**Section 2.** (1) The Regional Assembly shall, consistent with the provisions of the Constitution and national policies, enact measures to provide and expand health and welfare services.

(2) The Regional Government shall establish and maintain an effective food and drug regulatory system. It shall encourage the rational use of drugs through an essential drugs list and the use of generic medicines or drugs, as well as promote the use of herbal medicines and indigenous health resources whenever appropriate.

(3) The Regional Assembly shall enact further legislation on the following:

- (a) Child health and development, including the support of the handicapped and other disadvantaged persons in need of welfare services;
- (b) Condition of women and status of indigenous population;
- (c) Registration of births, marriages and deaths; and
- (d) Fixing of regional public holidays.

**Section 3.** The Regional Government, in cooperation with the private sector, shall evolve its own housing program that will provide adequate, low-cost, and decent housing facilities and other basic services to the residents of the Region, especially the underprivileged.

**Section 4.** The Regional Assembly shall within one (1) year from its organization enact measures embodying reintegration programs responsive to the needs of returnees and rejoinees. A rehabilitation program shall be provided for displaced persons or communities and victims of manmade or natural calamities.

**Section 5.** The Regional Government recognizes the Filipino family as the foundation of the nation. It shall strengthen its solidarity and actively promote its total development.

**Section 6.** The Regional Government recognizes the role of women in nation-building and regional development. It shall promote their well-being and ensure their fundamental rights and equality with men before the law.

The Regional Government shall take appropriate measures against all forms of exploitation of and discrimination against women.

It shall ensure the representation of women in appropriate decision and policy-making bodies.

**Section 7.** The Regional Government recognizes the vital role of the youth in nation-building.

The Regional Assembly may, by law, create the Office of Youth Affairs and define its powers, functions and composition.

**Section 8.** The Regional Government shall protect the rights of people's organizations.

**Section 9.** The Regional Government recognizes labor as a primary social economic force for development. It shall afford full protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers.

The Regional Government shall ensure the right of labor to its just share in the fruits of production, and the right of enterprise to reasonable returns on investments and to expansion and growth.

**Section 10.** The Regional Assembly may create a Commission on Human Rights, and define its powers and functions, subject to the Constitution, national laws, and to the supervision of the National Commission on Human Rights.

## **ARTICLE XVII**

### **General Provisions**

**Section 1.** The Regional Assembly is hereby empowered to pass a law adopting an official regional emblem, seal and hymn.

**Section 2.** All public officers and employees, as well as members of the regional police force and the military establishment, shall be required to take an oath of allegiance to the Republic of the Philippines and to support and defend the Constitution and this Organic Act.

**Section 3.** No member of the Armed Forces of the Philippines in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Autonomous Government, including government-owned or controlled corporations, or in any of their subsidiaries or instrumentalities within the Autonomous Region.

**Section 4.** This Organic Act shall be officially promulgated in Filipino, English and Arabic and translated into the dialects widely spoken in the Autonomous Region. In case of conflict, the English text shall prevail.

## **ARTICLE XVIII**

### **Amendments or Revisions**

**Section 1.** Consistent with the provisions of the Constitution, this Organic Act may be amended or revised by the Congress of the Philippines upon a majority vote of the House of Representatives and of the Senate voting separately.

**Section 2.** The Regional Assembly shall have the power to initiate proposals for amendment to or revisions of this Organic Act by a vote of three-fourths (3/4) of all its Members or it may call for a Regional Consultative Commission to propose the amendment or revision. In any case, the amendment or revision shall require the approval of the Congress of the Philippines.

**Section 3.** Any amendment to or revision of this Organic Act shall become effective only when approved by a majority of the votes cast in a plebiscite called for the purpose, which shall be held not earlier than sixty (60) days or later than ninety (90) days after the approval of such amendment or revision.

## **ARTICLE XIX**

### **Transitory Provisions**

**Section 1.** (1) The existing Sangguniang Pampook and the Lupong Tagapagpaganap ng Pook of Regions IX and XII shall be deemed abolished and the Members thereof considered as having ceased in office upon the election and qualification of their successors as provided in this Act.

(2) All regular and permanent personnel of the Sangguniang Pampook and Lupong Tagapagpaganap ng Pook of Regions IX and XII shall continue to hold office unless they are replaced by the Regional Government within six (6) months from the organization thereof; otherwise, they shall be considered regular and permanent employees of the Regional Government.

Nothing in this Organic Act, however, shall derogate from any right or privilege enjoyed by any public official or employee under existing laws. Retiring employees shall be given full benefits under existing laws. Those who opt to transfer to another region shall be allowed, subject to the Civil Service laws and regulations.

(3) Properties and assets of the present Autonomous Governments in Regions IX and XII shall be turned over to the Regional Government. Those lands, buildings and other permanent structures located in the provinces or cities that do not vote favorably in the plebiscite for the ratification of this Organic Act may be acquired by the province or city concerned for value.

**Section 2.** All personnel of the National Government and of government-owned or controlled corporations who are absorbed by the Regional Government shall retain their seniority rights, compensation and the benefits.

**Section 3.** Within one (1) month from the organization of the Regional Government an Oversight Committee composed of the Executive Secretary as Chairman, the Secretary of Budget and Management, the Secretary-General of the National Economic and Development Authority, the Regional Governor of the Autonomous Region, the Speaker of the Regional Assembly, two (2) Senators to be designated by the Senate President and two (2) Representatives to be designated by the Speaker of the House of Representatives, as Members, shall be organized for the purpose of supervising the transfer to the Autonomous Region of such powers and functions vested in it by this Organic Act and the appropriations of the offices or agencies, including the transfer of properties, assets and liabilities, and such personnel as may be necessary, and of identifying the other line agencies and government-owned or controlled corporations that may be absorbed by the Regional Government and, with respect to the latter, also the terms and conditions of their turnover.

Within six (6) months after its organization, the Oversight Committee shall submit its report and recommendations to the President of the Philippines who shall act on the

report and recommendations within ninety (90) days after receipt thereof: Provided, however, That if the President fails to act within said period, the recommendations of the Oversight Committee shall be deemed approved.

**Section 4.** Upon the organization of the Autonomous Region, the line agencies and offices of the National Government dealing with local government, social services, science and technology, labor, natural resources, and tourism, including their personnel, equipment, properties and budgets, shall be immediately placed under the control and supervision of the Regional Government.

Other National Government offices and agencies in the Autonomous Region which are not excluded under paragraph (9), Sec. 2, Article V of this Organic Act, together with their personnel, equipment, properties and budgets, shall be placed under the control and supervision of the Regional government pursuant to a schedule prescribed by the Oversight Committee mentioned in Section 3, Article XIX of this Organic Act: Provided, however, That the transfer of these offices and agencies and their personnel, equipment, properties and budget shall be accomplished within six (6) years from the organization of the Regional Government.

The National Government shall continue such levels of expenditures as may be necessary to carry out the functions devolved under this Act: Provided, however, That the annual budgetary support shall, as soon as practicable, terminate as to the line agencies or offices devolved to the Regional Government.

**Section 5.** Notwithstanding the provisions of the preceding Section, the Government Service Insurance System, the Social Security System, the Pagtutulungan-Ikaw, Bangko, Industriya't Gobyerno (PAG-IBIG) and other funds of similar trust or fiduciary nature shall be exempt from the coverage of this Organic Act.

**Section 6.** Pending the enactment of a regional budgetary law, the budgeting process of the Regional Government shall be governed by pertinent rules and regulations prescribed by the Department of Budget and Management.

**Section 7.** The first regular elections of the Regional Governor, Vice-Governor and Members of the Regional Assembly under this Organic Act shall be held not earlier than sixty (60) days or later than ninety (90) days after the ratification of this Act. The Commission on Elections shall promulgate such rules and regulations as may be necessary for the conduct of said election.

**Section 8.** Within one (1) year from its organization, the Regional Assembly shall, by law, create a Code Commission on Muslim Laws and a Code Commission on Tribal Laws which shall not exceed three (3) members per commission, and shall define their powers and functions.

The Code Commissions shall codify tribal laws and Islamic laws and jurisprudence within three (3) years from their creation and submit the same to the Regional Assembly for enactment into law.

**Section 9.** The sum of Fifteen million pesos (P15,000,000.00) which shall be charged against the Contingent Fund, is hereby appropriated for the initial organizational requirements of the Regional Government, and funding for any deficiency shall be taken from savings of the National Government: Provided, That Five million pesos (P5,000,000.00) thereof shall be allotted to the Commission on Elections to undertake an information campaign on this Organic Act: Provided, further, That the Commission on Elections shall determine the manner of campaigning and the deputization of government agencies for the purpose: Provided, finally, That the Commission on Elections shall adopt measures that will ensure an impartial information campaign.

**Section 10.** The National Government shall, in addition to its regular annual allotment to the Autonomous Region, provide the Regional Government Two billion pesos (P2,000,000,000.00) as annual assistance for five (5) years, to fund infrastructure projects duly identified, endorsed and approved by the Regional Planning and Development Board herein created: Provided, however, That the annual assistance herein mentioned shall be appropriated and disbursed through a Public Works Act duly enacted by the Regional Assembly: Provided, further, that this annual assistance may be adjusted proportionately in accordance with the number of provinces and cities joining the Autonomous Region: and Provided, finally, That the national programs and projects in the Autonomous Region shall continue to be financed out of national funds.

**Section 11.** The provisions of this Organic Act are hereby declared to be separate and in the event one or more of such provisions are held unconstitutional, the validity of other provisions shall not be affected thereby.

**Section 12.** All laws, decrees, orders, rules and regulations, and all other issuances, or parts thereof, which are inconsistent with this Organic Act are hereby repealed or modified accordingly.

**Section 13.** The creation of the Autonomous Region in Muslim Mindanao shall take effect when approved by a majority of the votes cast by the constituent units provided in paragraph (2) of Sec. 1 of Article II of this Act in a plebiscite which shall be held not earlier than ninety (90) days or later than one hundred twenty (120) days after the approval of this Act: Provided, That only the provinces and cities voting favorably in such plebiscite shall be included in the Autonomous Region in Muslim Mindanao. The provinces and cities which in the plebiscite do not vote for inclusion in the Autonomous Region shall remain in the existing administrative regions: Provided, however, That the President may, by administrative determination, merge the existing regions.

**Section 14.** This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) national local newspapers and one (1) newspaper of general circulation in the Autonomous Region.



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