

# BBL and Business: Implications of the Senate and House Versions of the BBL on the Business Sector

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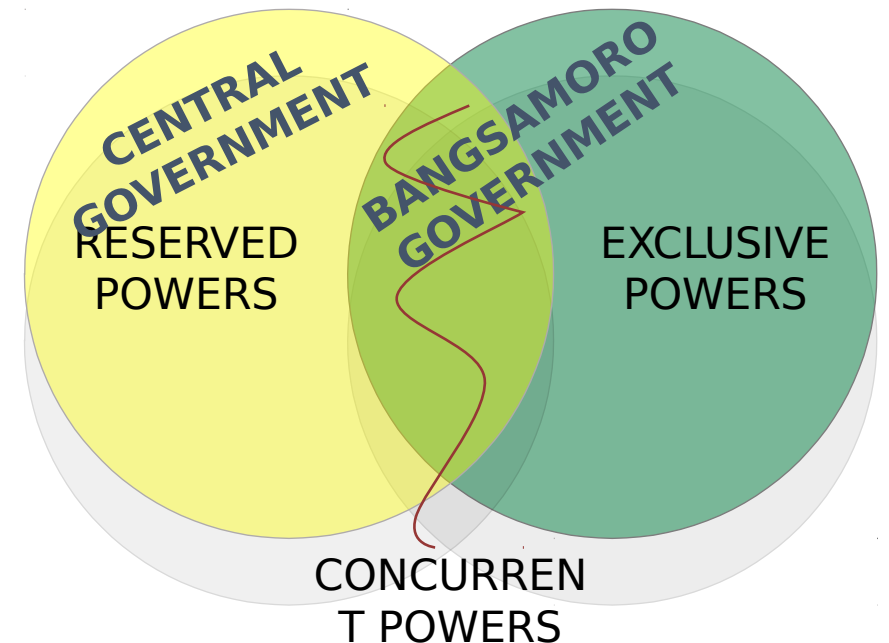
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# CAB Framework is clear delineation of powers

- 1. Reserve for Central Government
- 2. Concurrent for Central and Bangsamoro Governments
- 3. Exclusive for Bangsamoro Government

# POWERS OF GOVERNMENT

- **RESERVED POWERS** are powers or matters over which authority and jurisdiction are retained by the Central Government.
- **EXCLUSIVE POWERS** are powers or matters over which authority and jurisdiction pertain to the Bangsamoro Government.
- **CONCURRENT POWERS** refer to shared powers between the Central Government and the Bangsamoro Government, as contained in the Annex on Power Sharing and as further provided for in the Bangsamoro Basic Law.



# Senate and House Versions dismantled the power sharing framework

- 1. Senate deleted the list of reserved, concurrent, and exclusive powers
- 2. The insertion of “subject to national laws, rules, and regulations.”
- 3. Transfer of many exclusive powers into the list of concurrent powers

# Way forward

- 1. Reframing the powers sharing framework as an exception to the unitary constitution
  - The Constitution already listed the powers of the autonomous region
  - The powers as a constitutional mandate and not a legislative grant
  - The power sharing can be accommodated under the doctrine of “auto-limitation of sovereignty” similar to the case of Tanada, et al vs Angara, et al GR No. 118295, May 2, 1997
  - In the hierarchy of laws the BBL enjoys a status higher than ordinary laws since it is subject to a plebiscite. Disomangcop vs Sec of DPWH GR. No. 149848, November 25, 2014

- 2. On the necessity of including new concepts to evolve a new set of jurisprudence
  - Parity of esteem
  - Self-determination
  - Asymmetric relation
  - Principle of subsidiarity
  - Central vice national

- “The idea behind the constitutional provisions for autonomous regions is to allow the separate development of peoples with distinctive cultures and traditions.” *Disomangcop vs Datumanong* GR. No. 149848, November 25, 2004

• **SHUKRAN!**