

BANGSAMORO BASIC LAW

HOUSE BILL 6475 & SENATE BILL 1717

AS AMENDED

A solid green horizontal bar at the bottom of the page.

COMPREHENSIVE AGREEMENT ON THE BANGSAMORO [CAB]

BASIC PRINCIPLES

DELETED “asymmetrical relationship” [S]

DELETED “parity of esteem” [S]

Reference to the CAB

ADDED “Provided, however, that nothing in this Basic Law shall be interpreted as incorporating the powers, duties, and relations under the CAB and other supplementary agreements thereto” [S]

COMPREHENSIVE AGREEMENT ON THE BANGSAMORO [CAB]

DELETED CAB PROVISIONS, WITH NO ISSUE REGARDING
CONSTITUTIONALITY

Change in Nomenclatures

CHANGED “Bangsamoro” to “Autonomous Region **IN** the Bangsamoro” **[H]** /
“Autonomous Region **OF** the Bangsamoro” **[S]**

CHANGED “Central Government” to “National Government”

Reference to Territory

CHANGED “territory” to “geographical area” **[H]** / “territorial jurisdiction” **[S]**

COMPREHENSIVE AGREEMENT ON THE BANGSAMORO [CAB]

DELETED CAB PROVISIONS, WITH NO ISSUE REGARDING
CONSTITUTIONALITY

Full Fiscal Autonomy

DELETED “the maximum form of (fiscal autonomy)”

DELETED “Once full fiscal autonomy has been achieved by the Bangsamoro
xxx” **[S]**

COMPREHENSIVE AGREEMENT ON THE BANGSAMORO [CAB]

CONSTANT REFERENCE TO THE CONSTITUTION

INSERTED “in accordance with the provisions of the 1987 Constitution”

INSERTED “Pursuant to the mandate of the 1987 Constitution xxx”

INSERTED “Subject to the 1987 Constitution and other pertinent national laws”

BANGSAMORO TERRITORY

DEFINITION OF TERRITORY

DELETED “maritime, terrestrial, fluvial and alluvial domains, and the aerial domain above it”; **REPLACED** with “waters over which the Autonomous Region in the Bangsamoro has jurisdiction” **[H]** / “waters over which the Bangsamoro Autonomous Region has territorial jurisdiction” **[S]**

INSERTED “national territory of the Republic of the Philippines as defined by the Constitution and national laws” **[H]** / “national territory of the Republic as defined by the Constitution and existing laws” **[S]**

BANGSAMORO TERRITORY

ADDED “Within the framework of the Constitution and the national sovereignty and **territorial integrity of the Republic of the Philippines**” [S] / **ADDED** “Within the framework of the Constitution and the national sovereignty as well as the **territorial integrity of the Republic of the Philippines**” [H]

ADDED “The Bangsamoro is **an integral and inseparable part of the territory of the Republic of the Philippines**” [S]

BANGSAMORO TERRITORY

CORE TERRITORY

CHANGED “Core Territory” to “Core Area” **[H]** / “Territorial Jurisdiction” **[S]**

ADDED requirement vote of mother LGU

- 6 municipalities of Lanao del Norte: Province of Lanao del Norte **[H]**
- 39 barangays of North Cotabato: municipality to which the barangay belongs **[H]**
- Isabela City: Province of Basilan **[H]**
- Contiguous areas: political units directly affected **[H]** /mother province or city **[S]**

BANGSAMORO TERRITORY

PERIODIC PLEBISCITES

DELETED Section on “Contiguous Territory” **[H]**

DELETED Section on “Delimitation of the Bangsamoro; Periodic Plebiscites”

BANGSAMORO IDENTITY

RIGHT TO SELF-DETERMINATION

DELETED “(right) to self-determination” [S]

DELETED “to chart their political future through a democratic process that will secure their identity and posterity and allow” [S]

CHANGED “their aspiration” to “aspiration of the Muslim Filipinos and all indigenous cultural communities” [S]

BANGSAMORO IDENTITY

DEFINITION OF BANGSAMORO IDENTITY

DELETED “including Palawan” **[S]**

DELETED “by ascription or self-ascription” **[S]**

ADDED “The Bangsamoro people are citizens of the Republic of the Philippines pursuant to Article IV of the Constitution.” **[S]**

On Freedom of Choice

CHANGED “other indigenous people” to “all indigenous people within the Bangsamoro territorial jurisdiction” **[S]**

ADDED “to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity” **[S]**

BANGSAMORO IDENTITY

VESTED PROPERTY RIGHTS

DELETED Section title “Vested Property Rights”; **REPLACED** with “Reparation for Unjust Dispossession” **[S]**

DELETED “Vested property rights shall be recognized and respected” **[S]**

DELETED “Provided, That legitimate grievances of” **[S]**

DELETED “or their marginalization shall be duly acknowledged and given due course” **[S]**

DELETED “Provided further, that whenever restoration is no longer possible, the Central Government and Bangsamoro Government shall take effective measures for adequate reparation of the loss in such quality, quantity, and status collectively beneficial to the Bangsamoro people, and to be determined mutually by both Governments” **[S]**

BANGSAMORO IDENTITY

VESTED PROPERTY RIGHTS

INSERTED “The Bangsamoro Parliament shall enact laws providing for the adequate reparation to” **[S]**

ADDED “which may include payment of just compensation to and relocation of such people” **[S]**

ADDED “Provided, That no valid land title issued by the National Government under the torrens system shall be invalidated” **[S]**

BANGSAMORO IDENTITY

ANCESTRAL DOMAIN AND NATURAL RESOURCES

DELETED “natural resources” from sub-item on “ancestral domain and natural resources” under Article V, Section 3 on “Exclusive Powers”; **MOVED** to Article V, Section 2 on “Concurrent Powers” **[H]**

Sharing in EDU of Natural Resources

CHANGED “shall be co-managed” to “may be co-managed” **[H]**

INSERTED “subject to the limitations provided in the Constitution” **[H]**

DELETED “Such sharing scheme shall be applicable to all natural resources found in the Bangsamoro territory, both the land mass and the waters under its territorial jurisdiction.” **[H]**

BANGSAMORO IDENTITY

ANCESTRAL DOMAIN AND NATURAL RESOURCES

Bangsamoro Waters

DELETED “The Bangsamoro waters, in the Sulu Sea and Moro Gulf”;
REPLACED with “The municipal and regional waters of the Autonomous Region in the Bangsamoro” **[H]**

CHANGED “22.224 kilometers (12 nautical miles)” to “nineteen (19) kilometers” **[H]** / “fifteen (15) kilometers” **[S]**

INSERTED “fifteen (15) kilometers” referring to municipal waters **[H]**

INSERTED “municipal and regional” (waters) **[H]**

BANGSAMORO IDENTITY

ANCESTRAL DOMAIN AND NATURAL RESOURCES

Inland Waters

INSERTED “except waters that provide energy to power generating plants”
[H]

INSERTED “Subject to the 1987 Constitution and other pertinent national laws” **[S]**

ADDED “Provided, That Moro and non-Moro indigenous peoples shall retain their right to govern, preserve, manage and control the resources found in inland waters within the ancestral domains.” **[S]**

Right to Self-Determination

“Underlying the CAB is the recognition of the justness and legitimacy of the cause of the Bangsamoro people and their aspiration to chart their political future through a democratic process that will secure their identity and posterity and allow for meaningful self- governance”

Par. 3, CAB

Right to Self-Determination

3 Bangsamoro Question

Recognition of BANGSAMORO IDENTITY

Addressing HISTORICAL INJUSTICE & BANGSAMORO MARGINALIZATION SOCIAL JUSTICE

to address the LEGITIMATE GRIEVANCES

Addressing the challenge of "GOBERNO A SARWANG" & BANGSAMORO ALIENATION

CAB
FPA

1

ensure compliance

POWER SHARING

not just devolution

STATUS QUO IS UNACCEPTABLE ARMM

CHANGE IN STRUCTURE

- Bangsamoro Government
- Central Government
- Bangsamoro Government
- Local Government Units
- Within the Bangsamoro

GENUINE AUTONOMY

political autonomy fiscal

"CATCH - UP"

autonomy

ADDRESS CHALLENGES

taking lessons from our

2

NOTHING LESS THAN ARMM

"autonomy experimentation"

RA 9054 etc

benchmark