

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL ASSEMBLY
Cotabato City

SIXTH LEGISLATIVE ASSEMBLY
(Third Regular Session)

[MUSLIM MINDANAO AUTONOMY ACT NO. 287]

Begun and held in Cotabato City, on Monday, the twenty-sixth day of October, Two Thousand and Eight.

**AN ACT PROVIDING FOR THE ADMINISTRATIVE CODE OF THE
AUTONOMOUS REGION IN MUSLIM MINDANAO**

Be it enacted by the Regional Assembly in session assembled:

INTRODUCTORY PROVISIONS

SECTION 1. Title. - This Act shall be known as the “**Administrative Code of the Autonomous Region in Muslim Mindanao.**”

SEC. 2. Purpose. – This Code is promulgated to prescribe the structural, functional and procedural principles and rules of governance of the Autonomous Region in Muslim Mindanao.

SEC. 3. Declaration of Policy. – The ARMM Regional Government hereby declares the following policies as the basic foundation of the Code:

- (1) The prime duty of the Autonomous Regional Government is to serve and protect the people. It may call upon the people to defend the Region and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service;
- (2) The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment of the blessings of democracy by all the constituents;
- (3) The Autonomous Regional Government shall promote a just and dynamic social order that shall ensure the prosperity and independence of the region, free the

people from poverty through policies that provide adequate social services, promote full employment, uplift standard of living, and an improved quality of life for all;

- (4) The Autonomous Regional Government shall promote social justice in all phases of regional development;
- (5) The Autonomous Regional Government shall ensure the autonomy of the Local Government Units (LGUs);
- (6) The Autonomous Regional Government recognizes the vital role of the women and youth and the valuable contributions of differently-abled persons in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, cultural and social well-being. It shall inculcate in the minds of the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;
- (7) The Autonomous Regional Government shall develop a self-reliant and independent regional economy effectively controlled by the Bangsamoro;
- (8) The Autonomous Regional Government recognizes and promotes the rights of the indigenous peoples within the framework of national unity and development;
- (9) The Autonomous Regional Government shall encourage the participation of non-governmental, community-based, and sectoral organizations in government affairs that promote the welfare of the region;
- (10) The Autonomous Regional Government shall maintain honesty, integrity, transparency and accountability in governance and take positive and effective measures against graft and corruption; and
- (11) Subject to reasonable conditions prescribed by law, the Autonomous Regional Government adopts and implements a policy of full public disclosures of all its transactions involving public interest.

SEC. 4. Definition of Terms. – The words in this Code are defined as follows:

- (1) "*Autonomous Region*" refers to the corporate governmental entity with jurisdiction over all matters devolved to it by the Constitution, its Organic Act and other pertinent laws, through which the functions of autonomous governance are exercised throughout the Autonomous Region in Muslim Mindanao, including, the various instrumentalities through which political authority is made effective;
- (2) "*National Government*" refers to the entire machinery of the central government, as distinguished from the different forms of local governments;
- (3) "*Regional Government*" refers to the entire political machinery of the autonomous region, as distinguished from the different forms of local governments there under;

- (4) "*Local Government*" refers to the political subdivisions established in the autonomous regional government in accordance with the Constitution and the Organic Act. The Regional Assembly can create, divide, merge, abolish, or substantially alter boundaries of cities, municipalities, or barangay in accordance with the criteria laid down by MMA Act 25 otherwise known as the Local Government Code of the ARMM, subject to the approval by the majority of the votes cast in the plebiscite in the political units directly affected;
- (5) "*Agency of the Government*" refers to any of the various units of the Regional Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, a local government or a distinct unit therein;
- (6) "*National agency*" refers to a unit of the National Government;
- (7) "*Regional agency*" refers to a unit of the regional government;
- (8) "*Local agency*" refers to a local government or a distinct unit therein;
- (9) "*Department*" refers to an executive department created by law and/or devolved by the National Government. It includes any instrumentality, as herein defined, having or assigned the rank of a department, regardless of its name or designation;
- (10) "*Bureau*" refers to any principal subdivision of a department or an office named as bureau under the Office of the Regional Governor;
- (11) "*Office*" refers, within the framework of governmental organization, to any major functional unit of the Regional Government or its departments. It may also refer to any position held or occupied by individual persons whose functions are defined by law;
- (12) "*Instrumentality*" refers to any agency of the Regional Government, not integrated within the department framework vested within special functions or jurisdiction by law, endowed with some if not all corporate powers, administering special funds, and enjoying operational autonomy, usually through a charter. This term includes regulatory agencies, chartered institutions and government-owned or controlled corporations;
- (13) "*Regulatory agency*" refers to any agency expressly vested with jurisdiction to regulate, administer or adjudicate matters affecting substantial rights and interests of private persons, the principal powers of which are exercised by a collective body, such as a commission, board or council;
- (14) "*Chartered institution*" refers to any agency organized or operating under a special charter, and vested by law with functions relating to specific constitutional policies or objectives. This term includes the state universities and colleges;

- (15) "*Regional Government-owned or controlled corporation*" refers to any agency organized as a stock or non-stock corporation, vested with functions relating to public needs whether governmental or proprietary in nature, and owned by the Regional Government directly or through its instrumentalities either wholly, or, partly, subject to the applicable provisions of existing Corporation Laws;
- (16) "*Officer*" as distinguished from "*clerk*" or "*employee*", refers to a person whose duties, not being of a clerical or manual nature, involves the exercise of discretion in the performance of the functions of the government. When used with reference to a person having authority to do a particular act or perform a particular function in the exercise of governmental power, "*officer*" includes any government employee, agent or body having authority to do the act or to exercise that function;
- (17) "*Employee*", when used with reference to a person in the public service, includes any person in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities;
- (18) "*Khalifa*", refers to a human as a vicegerent, trustee, steward of Allah (Subhannahu Wa' Taalah) on earth;
- (19) "*Human Security*", refers to the protection of life, liberties, properties, and human rights;
- (20) "*Contracts*" refer to written or unwritten agreements/meeting of the minds between two or more persons or juridical entities;
- (21) "Regular Non-Working Holidays", are those national and regional holidays provided by law, which are observed throughout the area of autonomy; and
- (22) "*Special Holidays*", refers to non-regular holidays in the region and certain local government units in observance of historical, religious and other significant events which need official proclamation from the Regional Governor.

BOOK I

REGIONAL AUTONOMY AND ADMINISTRATION

Chapter 1

The Autonomous Region in Muslim Mindanao

SECTION 1. Regional Territory and Political Subdivisions. - The Autonomous Region comprises the island provinces of Basilan, Sulu and Tawi-Tawi and the mainland Provinces of Maguindanao, and Lanao del Sur, and city of Marawi in the Island of Mindanao, and such other province/s, city/ies, municipality/ies, and barangay/s which may be created and which may, thereafter vote for inclusion in the ARMM through a plebiscite called for that purpose in accordance with Section 18, Article X of the Constitution, including its terrestrial, fluvial, and aerial domains, and its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. Waters around, between and connecting the provinces and city/ies of the Autonomous Region form part of the internal waters of the Autonomous Region. It shall remain

as integral part of the national territory of the Republic of the Philippines as defined by the Constitution and existing laws.

SEC. 2. People of the Autonomous Region. - The people of the Autonomous Region are the Bangsamoro people in the autonomous region who are Muslims and Non-Muslim Indigenous People who originally inhabited the area comprising the Autonomous Region in Muslim Mindanao in pre-colonial period including their descendants, and those who settled in the region in post-colonial period including their descendants and who are composed of: Maguindanaon, Maranao, Iranun, Tausog, Bangingi, Laminusa, Sama, Samal, Badjao, Yakan, Teduray, B'laan, Manobo, and other native tribes including settlers who have acquired permanent residence within the territory of ARMM.

Chapter 2

Regional Symbols and Official Language

SEC. 3. The Official Seal of the Autonomous Region. - The Official Seal of the Autonomous Region is defined by Regional Act No.1 as amended by Muslim Mindanao Autonomy (MMA) Act No. 127. The Official Seal shall be affixed to or placed upon all communications signed by the Regional Governor and upon such other official documents and papers of the Autonomous Region in Muslim Mindanao as may be required by custom and usage. The Office of the Regional Governor shall have custody of the Official Seal.

SEC. 4. The Regional Emblem. - The Emblem of the Autonomous Region shall be in accordance with the MMA Act No. 12 providing for the official emblem of the region. The custody, ceremonial use, occasion and manner of display, and the proper care and disposition of the emblem shall be governed by appropriate rules and regulations.

SEC. 5. The Philippine Flag and the Regional Emblem. - The regional emblem as provided for by MMA Act No. 12 shall be raised and displayed along with the Philippine flag in all government offices and institutions in the region in two (2) separate and adjacent flag poles.

SEC. 6. The ARMM Hymn. - There shall be a group created to conduct research and compose the ARMM hymn. The Regional Governor shall approve the proposed hymn.

The ARMM Hymn shall be sung after the Philippine National Anthem during the opening and closing of all official activities such as: (1) flag ceremonies, (2) trainings, (3) conferences, (4) workshops, (5) meetings, (6) school classes, (7) celebrations or gatherings, and (8) such other occasions.

SEC. 7. Seals and Banners of Government Offices. - All departments, offices and institutions of the regional government shall adopt appropriate official seals and banners.

SEC. 8. Official Languages. - Until otherwise provided by law, Filipino, English, and Arabic shall be the official languages. Local languages may be evolved into an auxiliary official language.

Chapter 3

Operations and Effects of Laws

SEC. 9. Effectivity of Executive Issuances. – Executive Issuances shall take effect after fifteen (15) days following the completion of their publication in the Official Gazette or in a newspaper of regional circulation, unless otherwise provided.

SEC. 10. Prospectivity of Executive Issuances. - Executive Issuances shall have prospective effect when beneficial to parties affected unless otherwise provided.

SEC. 11. Interpretation of Laws and Administrative Issuances. - In the interpretation of a law or an administrative issuance promulgated in all the official languages, the language used in the original text shall control, unless otherwise specifically provided. Only in the event of ambiguity, omission or mistake, may the other texts be consulted.

Chapter 4

Regular Holidays and Special Holidays

SEC. 12. Observance of Regular and Special Holidays. - Regular holidays and special holidays provided for by laws and issuances of the National Government shall be observed in the Autonomous Region in Muslim Mindanao.

SEC. 13. ARMM Holidays. - The ARMM holidays shall be in accordance with MMA Act No. 17 otherwise known as “ARMM Holiday Law” of 1992 and such other holidays promulgated by the Regional Assembly and/or by the Regional Governor. The Regional Governor may proclaim any local special holiday for a particular date and place in accordance with existing laws and issuances.

SEC. 14. Pretermission of Holiday. - Where the day, or the last day, for doing any act required or permitted by law falls on a regular holiday or special day, the act may be done on the next succeeding business day.

SEC. 15. Official Gazette. – There shall be an official gazette of the Regional Government which will publish all legislative acts and resolutions of a public nature, all executive and administrative issuances of general application, decisions or abstracts of decisions of the Shari’ah Courts of sufficient importance to be published, documents or classes of documents as maybe required to be published by law and such documents or classes of documents of general application.

The official gazette shall be published by the Bureau of Public Information (BPI) monthly in the English language and whenever practicable in Filipino and Arabic. It shall be made available to all national and local agencies upon subscription. The Regional Library shall serve as the official custodian and repository thereof.

Chapter 5 Legal Weights Measures and Period

SEC. 16. Official Use of Metric System. - The metric system of weights and measures shall be used in the Autonomous Region for all products, articles, goods, commodities, materials, merchandise, utilities, services, as well as for commercial transactions like contracts, agreements, deeds and other legal instruments publicly and officially attested, and for all official documents. Only weights and measures of the metric system shall be officially sealed and licensed.

SEC. 17. Legal Periods. - "Year" shall be understood to be twelve calendar months; "month" of thirty days, unless it refers to a specific Gregorian calendar month in which case it shall be computed according to the number of days the specific month contains; "day," to a day of twenty-four hours; and "night," from sunset to sunrise.

Chapter 6 General Principles Governing Public Officers

SEC. 18. Nature of Public Office. - Public office is a sacred public trust. Public officers and employees must at all times be accountable to God and to the people, serve as "*khalifa*", with the utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

SEC. 19. Declaration of Assets, Liabilities and Networth. - A Public officer or employee shall upon assumption to office and as often thereafter as maybe required by law, submits a declaration under oath of his/her assets, liabilities and networth.

SEC. 20. Ethics in Government. - All public officers and employees shall be guided by the core values of Islamic development such as: predictability, stewardship, transparency, honesty, integrity, and consensus-building in the performance of their duties and functions.

SEC. 21. Dress Code. – The dress code for all Muslim officials and employees shall, as much as possible, conform to Islamic standards and traditions, and those for non-Muslims shall conform to existing Civil Service dress code.

SEC. 22. Inhibition Against Purchase of Property on Tax Sale. - No officer or employee of the government shall purchase directly or indirectly any property sold by the government for the non-payment of any tax, fee or other public charge. Any such purchase by an officer or employee shall be void.

SEC. 23. Powers Incidental to Taking of Testimony. - When authority to take testimony or receive evidence is conferred upon any administrative officer or any non-judicial person, committee, or other body, such authority shall include the power to administer oaths, summon witnesses, and require the production of documents by a *subpoena duces tecum*.

SEC. 24. Liability of Superior Officers. - (1) A public officer shall not be civilly liable for acts done in the performance of his/her official duties, unless there is a clear showing of bad faith, malice or gross negligence.

- (2) Any public officer who, without just cause, neglects to perform a duty within a period fixed by law or regulation, or within a reasonable period if none is fixed, shall be liable for damages to the private party concerned without prejudice to such other liability as may be prescribed by law; and
- (3) A head of a department or a superior officer shall not be civilly liable for the wrongful acts, omissions of duty, negligence, or misfeasance of his/her subordinates, unless he has actually authorized by order the specific act or misconduct complained of.

SEC. 25. Liability of Subordinate Officers. - No subordinate officer or employee shall be civilly liable for acts done by him in good faith in the performance of his/her duties. However, he/she shall be liable for willful or negligent acts done by him/her which are contrary to law, morals, public policy and good customs even if he acted under orders or instructions of his/her superiors.

Chapter 7 Official Oaths

SEC. 26. Oaths of Office for Public Officers and Employees. - All public officers and employees of the government before entering upon the discharge of their duties, shall take an oath to uphold and defend the Constitution and the Organic Act; that he or she will bear true faith and allegiance to it; obey the laws, legal orders and decrees promulgated by the duly constituted authorities; will well and faithfully discharge to the best of his/her ability the duties of the office or position upon which he or she is about to enter; and that he voluntarily assumes the obligation imposed by his oath of office, without mental reservation or purpose of evasion. Copies of the oath shall be deposited with the Civil Service Commission and the human resource department of the concerned agency.

SEC. 27. Officers Authorized to Administer Oath. - (1) The following officers have general authority to administer oath: Regional Governor, Notaries public, members of the judiciary, clerks of courts, members of the Regional Assembly and the Secretary-General, heads of departments and regional offices and Chief Executives of local government units;

- (2) Oaths may also be administered by any officer whose duties, as defined by law or regulation, require presentation to him/her of any statement under oath.

SEC. 28. Duty to Administer Oath. - Officers authorized to administer oaths, with the exception of notaries public, municipal and district judges, and clerks of court, are not obliged to administer oaths or execute certificates save in matters of official business; and with the exception of notaries public, the officer performing the service in those matters shall charge no fee, unless specifically authorized by law.

Chapter 8 Reports

SEC. 29. Annual and Special Reports. - The heads of the departments and agencies or instrumentalities of the Regional Government shall prepare and submit annual reports to the Regional Governor who shall furnish a consolidated report to the Regional Assembly on or

before the first day of March of each year. The contents of the annual reports shall be prescribed by law or, in the absence thereof, by executive order.

SEC. 30. Depository of Reports. - Official copies of annual reports shall be deposited with the Regional Library and shall be accessible to the public.

Chapter 9 Public Contracts and Conveyances

SEC. 31. Contracts and Conveyances. - Contracts or conveyances may be executed for and in behalf of the Government or of any of its branches, subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations, whenever demanded by the exigency or exigencies of the service and as long as the same are not contrary to law.

SEC. 32. Officials Authorized to Convey Real Property. - Whenever real property of the Government is authorized by law to be conveyed, the deed of conveyance shall be executed in behalf of the government by the following:

- (1) For property belonging to and titled in the name of the Autonomous Region in Muslim Mindanao, by the Regional Governor, unless the authority therefor is expressly vested by law in another officer. In either case, the authority of the Regional Assembly shall be required for this purpose.

- (2) For property belonging to the Republic of the Philippines in the Autonomous Region in Muslim Mindanao but titled in the name of any political subdivision or of any corporate agency or instrumentality, by the executive head of the agency or instrumentality named therein.

SEC. 33. Authority to Convey Other Property. - Whenever a property other than real is authorized to be conveyed, the contract or deed shall be executed in accordance with law by the head of the agency. Where the operations of the agency regularly involve the sale or other disposition of personal properties, the deed shall be executed by any officer or employee expressly authorized for that purpose.

SEC. 34. Execution of Contracts. - (1) Contracts in behalf of the Regional Government shall be executed by the Regional Governor unless authority therefor is expressly vested by law or by him in any other public officer.

- (2) Contracts in behalf of the political subdivisions and corporate agencies or instrumentalities shall be approved by their respective governing boards or councils and executed by their respective executive heads; and

- (3) Contracts for purposes of generating block grants, domestic and foreign loans shall be entered into by the Regional Governor as may be authorized by the Regional Assembly.

BOOK II

POWERS OF REGIONAL GOVERNMENT

TITLE I

LEGISLATIVE BRANCH

Chapter I

Legislative Power

Section 1. Legislative Power. - The legislative power of the autonomous government is vested in the Regional Assembly except to the extent that it is reserved to the people by provisions on initiative and referendum as provided by law.

SEC. 2. Scope of Regional Assembly Legislative Power. - The Regional Assembly may exercise legislative power in the autonomous region for the welfare of the people, and for the attainment of human security in the region.

SEC. 3. Limitations on the Assembly Legislative Power. - The Regional Assembly, unless the general welfare of the people of the autonomous region so requires, cannot exercise legislative power on the following matters:

- (1) Foreign affairs;
- (2) National defense and security;
- (3) Postal service;
- (4) Coinage and fiscal and monetary policies;
- (5) Administration of justice; It may, however, legislate on matters covered by the Shari'ah. The Shari'ah shall apply only to Muslims. Its application shall be limited by pertinent constitutional provisions, particularly by the prohibition against cruel and unusual punishment and by pertinent national legislation that promotes human rights and the universally accepted legal principles and precepts;
- (6) Quarantine;
- (7) Customs and tariff;
- (8) Citizenship;
- (9) Naturalization, immigration and deportation;
- (10) General auditing;
- (11) National elections;

- (12) Maritime, land and air transportation, and communications. The autonomous government shall, however, have the power to grant franchises, licenses and permits to land, sea and air transportation plying routes in the province or cities within the region, and communications facilities whose frequencies are confined to and whose main offices are located within the autonomous region;
- (13) Patents, trademarks, trade names, and copyrights; and
- (14) Foreign trade.

SEC. 4. Composition of the Regional Assembly. - The Regional Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the legislative districts. There shall also be sectoral representatives in the Regional Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected members of the Regional Assembly coming from the agricultural, labor, urban poor, differently able, indigenous cultural communities, youth, and women sectors.

SEC. 5. Inhibitions against Members of the Regional Assembly.

- (1) No Member of the Regional Assembly may hold any other office or employment in the Government, or any subdivision agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during his/her term without forfeiting his/her seat. Neither shall he/she be appointed to any office which may have been created or the emoluments thereof increased during the term for which he/she was elected.
- (2) Members of the Regional Assembly are prohibited from
 - (a) personally appearing as counsel before courts of justice or quasi-judicial and other administrative bodies;
 - (b) directly or indirectly, being interested financially in any contract with, or in any franchise or special privilege granted by the national government or by the regional government, or any subdivision, agency or instrumentality thereof, including any government-owned or-controlled corporation or its subsidiary, during his/ her term of office;
 - (c) intervening in any manner before any office of the government for his/her pecuniary benefit or where he/she may be called upon to act on account of his/her office.

SEC. 6. Legislative Inquiries. - The Regional Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules.

- (1) In connection therewith, it shall have the power to issue *subpoena or subpoena duces tecum* to compel the attendance of and the production of papers, documents, or things by witnesses or persons under investigation by the assembly, itself, or by any of its committees;

- (2) It shall also have the right to cite witnesses or persons under investigation for contempt for refusal to testify before it or before any of its committees or to produce papers, documents or things required by the assembly or any of its concerned committees;
- (3) The rights of persons appearing in or affected by such inquiries shall be respected;
- (4) The Regional Assembly may, in aid of legislation require the presence of the regional cabinet members or their deputies and other officials as its rules shall provide, for questioning on matters falling within the scope of their powers and functions; and
- (5) The Regional Assembly may require any regional commission, office, or agency of the national government with offices in the autonomous region to explain matters relating to the exercise of its powers and functions.

SEC. 7. Power to Propose Amendments to the Organic Act. - The Organic Act may be amended or revised by the Congress of the Philippines upon a vote of two thirds (2/3) of the Members of the House of Representatives and of the Senate voting separately.

- (1) The Regional Assembly may initiate proposals for amendment to or revisions of the Organic Act by a vote of three-fourths (3/4) of all its Members; and
- (2) It may also in like manner call for a Regional Consultative Commission to propose the amendment or revision.

SEC. 8. Validity of Amendments to the Organic Act. - Any amendment to or revision of the Organic Act shall become effective only when approved by majority of the votes cast in the 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.

SEC. 9. Expansion of the Area of Autonomy. – The Regional Assembly shall have the power to initiate proposals for the enactment of a law that shall provide that cluster of contiguous-Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the Autonomous Region, upon approval by Congress of the Philippines, in accordance with Section 1, Article 2 of Republic Act 9054.

TITLE II EXECUTIVE BRANCH

Chapter 1 Executive Power

SECTION 1. Executive Power. - The executive power shall be vested in the Regional Governor.

- (1) The Regional Governor shall be the Chief Executive of the Regional Government; and
- (2) The Regional Governor shall be assisted by cabinet members who are heads of devolved and/or to be devolved departments, line agencies/offices which maybe devolved or created through legislation.

SEC. 2. The Regional Vice Governor. - The Regional Vice-Governor may be appointed by the Regional Governor as a member of the regional cabinet without need of confirmation by the Regional Assembly.

SEC. 3. Election of the Governor and Vice Governor. - The Regional Governor and the Regional Vice-Governor shall be elected as a team, by the qualified voters of the autonomous region. A vote for a candidate for Regional Governor shall be counted as a vote for his teammate for Regional Vice-Governor. A vote for a Regional Vice-Governor shall be counted as a vote for his teammate for Regional Governor. For purposes of their election, the candidates for Regional Governor and Regional Vice-Governor shall belong to the same political party or coalition of parties.

SEC. 4. Removal of Regional Governor or Regional Vice-Governor. – The Regional Governor or the Regional Vice-Governor shall be removed from office for culpable violation of the Constitution or the Organic Act, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust by a three-fourths (3/4) vote of all members of the Regional Assembly.

The proceeding of the Regional Assembly for the removal of the Regional Governor or Regional Vice Governor shall be presided over by the Presiding Justice of the Court of Appeals. The Regional Assembly may initiate moves for the removal of the Regional Vice Governor under this Section by a majority vote of all its members. The Regional Assembly shall promulgate the necessary rules to carry out the purpose of this Section.

The Regional Governor may also be suspended or removed by the President for culpable violation of the constitution, treason, bribery, graft and corruption, and other high crimes.

Notwithstanding the provisions of the immediately preceding paragraphs, the Regional Governor or the Regional Vice Governor may be charged criminally for any offense before the proper regional trial court. The said court may order his or her preventive suspension from office for not more than two (2) months pending the termination of the criminal case or cases. The court may also order the removal of the Regional Governor or the Regional Vice Governor from office as a part of its decision of conviction.

SEC. 5. Vacancy in the Office of the Regional Governor. - In case of death, permanent disability, removal from office, or resignation of the Regional Governor, the Regional Vice-Governor shall become the Regional Governor who shall serve for the unexpired term of the former. In case of death, permanent disability, removal from office, or the resignation of both the Regional Governor and the Regional Vice-Governor, the Speaker of the Regional Assembly shall act as the Regional Governor until the Regional Governor and the Regional Vice-Governor are elected and qualified in a special election called for the purpose.

Upon his/her assumption as acting Regional Governor, the Speaker of the Regional Assembly shall temporarily vacate his/her position as such and an interim speaker shall be elected. Upon the election and assumption of office of a new Regional Governor, the Speaker shall reassume his/her office. No special election shall be called to fill a vacancy occurring within one (1) year immediately preceding the next regular election. In case of temporary incapacity of the Regional Governor to perform his duties on account of physical or legal causes, or when he/she is on official leave of absence or on travel outside the territorial jurisdiction of the Republic of the Philippines, the Regional 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 as prescribed by law enacted by the Regional Assembly.

In case of vacancy of the position of Regional Governor due to above-mentioned situations, the Acting Regional Governor shall be allowed to appoint heads of department, agencies and offices only after 100 calendar days from the date of assumption into office to pave way to smooth transition in each department or office. The highest career official in the department/ agency or office shall act as the head of such department/ agency or office. Where there are two (2) or more career officials of the same rank, the most senior official based on length of service in such position shall automatically act as the Officer-in-Charge (OIC).

SEC. 6. Prohibitions against Executive Officials. - The Regional Governor, the Regional Vice-Governor, the members of the cabinet or 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 subsidiaries. They shall strictly avoid conflicts of interest in the conduct of their office.

The spouses and relatives by consanguinity or affinity within the fourth civil degree of the Regional Governor, the Regional Vice Governor, the members of the cabinet, or their deputies shall not, during their tenure, be appointed or designated members of the regional cabinet, chairpersons or commissioners of regional commissions or heads of bureaus or offices, including government-owned-or-controlled corporations and their subsidiaries located in the autonomous region.

TITLE III JUDICIARY BRANCH

Chapter 1 Judicial Power

SECTION 1. Judicial Power. - Judicial power is vested in the Supreme Court and in such lower courts as may be established by law including the *Shari'ah and Tribal Courts*.

SEC. 2. Shari'ah Courts Under Laws of the National Government. - The Shari'ah district courts and the Shari'ah circuit courts created under existing laws shall continue to function as provided therein.

SEC. 3. Shari'ah Legal System. - The Regional Assembly, may enact measures, modify the Shari'ah legal system, which shall be applicable in the region, only to Muslims or those who profess the Islamic faith.

SEC. 4. Shari'ah Courts. - The Regional Assembly of the autonomous region shall provide for the establishment of Shari'ah courts.

SEC. 5. Shari'ah Courts Jurisdiction. - The Shari'ah courts shall have jurisdiction over cases involving personal, family and property relations, and commercial transactions, in addition to their jurisdiction over criminal cases involving Muslims. The Regional Assembly shall, in consultation with the Supreme Court, determine the number and specify the jurisdiction of these courts.

SEC. 6. Shari'ah Appellate Court. - The Shari'ah Appellate Court shall have the following powers:

- (1) Exercise original jurisdiction over petition for certiorari, prohibition, *mandamus*, *habeas corpus*, and other auxiliary writs and processes only in aid of its appellate jurisdiction; and
- (2) Exercise exclusive appellate jurisdiction over all cases in the Shari'ah district courts as established by law.

SEC. 7. Shari'ah Appellate Court Composition. - 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.

SEC. 8. Shari'ah Appellate Court Justices Qualifications and Appointments. - The Justices of the Shari'ah Appellate Court shall possess the same qualifications as those of the Justices of the Court of Appeals and, in addition, shall be learned in Islamic law and jurisprudence. The members of the Shari'ah Appellate Court shall be appointed by the President of the Philippines 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.

SEC. 9. Shari’ah Appellate Court Administrator and Clerk of Court. - The Supreme Court shall, upon recommendation of the Presiding Justice of the Shari’ah Appellate Court, appoint the court administrator and the clerk of court of the Appellate Court. Such other personnel as may be necessary for the Shari’ah Appellate Court shall be appointed by the Presiding Justice of the said court.

SEC. 10. Shari’ah Personnel Qualifications, Appointments, and Other Matters. - The pertinent provisions of existing law regarding the qualifications, appointments, compensations, functions, duties, and other matters relative to the personnel of the Court of Appeals shall apply to those of the Shari’ah Appellate Court.

SEC. 11. Shari’ah Appellate Court Decisions. – The decisions of Shari’ah Appellate Court shall be final and executory. Nothing herein contained shall, however, affect the original and appellate jurisdiction of the Supreme Court, as provided in the Constitution.

SEC. 12. The Deputy Court Administrator. - The Deputy Court Administrator for the autonomous region shall be appointed by the Chief Justice of the Supreme Court from among the three (3) recommendees submitted by the Regional Governor.

SEC. 13. Bases for Interpretation of Shari’ah (Law). - The Shari’ah courts shall interpret Islamic law based on the following sources and order:

- (1) Al-Qur’an (The Koran);
- (2) Al-Sunnah (Prophetic traditions);
- (3) Al-Ijima (Consensus according to Islamic jurisprudence); and
- (4) Al-Quiyas (Analogy).

SEC. 14. Shari’ah Public Assistance Office. - The Shari’ah Public Assistance Office shall be staffed by a Director and two (2) lawyers who are Members of the Philippine Shari’ah Bar. They may be assisted by such personnel as may be determined by the Regional Assembly.

- (1) Unless otherwise provided by regional law, the compensation of the director and the Shari’ah lawyer shall be equivalent to the salary grade of a Director III and a trial lawyer of the Public Assistance Office, respectively; and
- (2) The Shari’ah Public Assistance Office shall be established in each of the Shari’ah judicial districts to provide free legal assistance to poor or indigent litigants.

SEC. 15. System of Tribal Courts. - The system of tribal courts, include the Tribal Appellate Court, for the indigenous cultural communities in the autonomous region.

- (1) These courts shall determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the indigenous cultural community concerned in accordance with tribal codes of these communities;

- (2) These courts may also exercise exclusive jurisdiction over crimes committed by members of indigenous cultural communities where the imposable penalty as prescribed by the Revised Penal Code or other pertinent law does not exceed imprisonment of six (6) years or a fine not exceeding Fifty thousand pesos (P50,000.00) or both such imprisonment and fine and where the offended party or parties are also members of the indigenous cultural community concerned; and
- (3) The Regional Assembly shall define the composition and jurisdiction of the said courts in accordance with the Constitution, existing laws, and the Organic Act.

SEC. 16. Customary Laws. - The Regional Assembly shall provide for the codification of indigenous laws and compilation of customary laws of the Muslims and the indigenous cultural communities in the autonomous region.

SEC. 17. Application and Interpretation of Laws. – 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 the non-Muslims and non- members of indigenous cultural communities.

- (1) In case of conflict between the Code of Muslim Personal Laws (PD 1083), on one hand, and the national law on the other, the former shall prevail; moreover, in case of conflict between tribal laws and the national law the latter shall prevail;
- (2) Except in cases of successional rights to property, the regular courts shall acquire jurisdiction over controversies involving real properties located outside the area of autonomy;
- (3) Muslims who sue other Muslims or members of indigenous cultural communities who sue other members of indigenous cultural communities over matters covered respectively by the Shari’ah and by tribal laws may agree to litigate their grievances before the proper Shari’ah or tribal court in the autonomous region. The procedure for this recourse to the Shari’ah or tribal court shall be prescribed by the Supreme Court.

TITLE IV REGIONAL COMMISSIONS AND OTHER BODIES

Chapter 1 Civil Service Commission

SECTION 1. Civil Service Commission. - The Autonomous Regional Government shall enact its own Civil Service Law and thereby create its Civil Service Commission/Office in ARMM consistent with Article IX (B) of the Constitution and the Organic Act.

The Regional Civil Service Law shall govern the conduct of the ARMM civil servants, the qualifications for non-elective positions, and the protection of Civil Service eligibles in various government positions in the Autonomous Region.

Chapter 2

Human Rights Commission of the ARMM

SEC. 2. Regional Human Rights Commission. - The Regional Human Rights Commission shall perform within the autonomous region the functions of the Commission on Human Rights of the central government as provided under Section 16, Article III of Republic Act 9054.

SEC. 3. Appointment of the Commissioners. - The Chairman and two (2) Commissioners of the Commission shall be appointed by the President upon recommendation of the Regional Governor in consultation with the Regional Assembly.

SEC. 4. Composition of the Commission. - The composition of the Commission shall reflect the ethnic distribution of the population of the autonomous region.

SEC. 5. Qualification of Commissioners. - The Chairman shall be a lawyer and a resident of the autonomous region. The two Commissioners shall, preferably, be lawyers or, at least, holders of bachelor degrees from colleges or universities recognized by the Commission on Higher Education.

SEC. 6. Salaries and Other Benefits. – The salaries, perquisites, and privileges of the Chairman and the Commissioners of the Commission shall not be lower than those fixed for the Chairman and members of the National Labor Relations Commission. The Regional Assembly may raise such salaries and privileges of the Chairman and the Commissioners subject to availability of funds.

SEC. 7. Additional Functions. - The Commission may perform additional functions and adopt measures to enhance and protect the human rights of all the people in the autonomous region.

Chapter 3

ARMM Economic and Development Planning Board and its Secretariat

SEC. 8. Regional Economic and Development Planning Board. - The Board shall be chaired by the Regional Governor. The Members of the Board shall be composed of all the provincial governors and the city mayors of the provinces and cities within the autonomous region; the Speaker, and two (2) Members of the Regional Assembly appointed by the Speaker, one (1) of whom shall be nominated by the minority party; and five (5) representatives elected by the private sector as prescribed by the Regional Assembly.

The Regional Governor may, however, revise the membership of the Board whenever the same is deemed necessary for the effective performance of the Board's functions through an administrative or memorandum order.

SEC. 9. Powers and Functions of the Board. – The following are the powers and functions of the Board:

- (1) The Regional Economic Development Planning Board shall serve as the planning, monitoring, and coordinating agency for all development plans, projects, and programs intended for the autonomous region;
- (2) The Board shall evaluate and recommend for approval of the Regional Assembly, the annual work programs and comprehensive development plans of the autonomous region. Once approved, it shall be the duty of the Regional Governor to ensure the proper implementation of the said annual work programs and comprehensive development plans;
- (3) The Board shall formulate a master plan for a systematic, progressive, and total development of the region. The master plan shall take into account the development plans of the province, city, municipality, and barangay concerned as mandated by Republic Act No. 7160, the Local Government Code of 1991;
- (4) After due notice in writing, the attendance at meetings of the Board by one-third (1/3) of its members with the Regional Governor or the Regional Vice Governor and the three (3) of the representatives of the private sector being present, shall be a sufficient quorum for the board to transact business; and
- (5) The Board shall adopt its own rules of procedure for the conduct of its meetings.

SEC. 10. Board Technical Secretariat. - The Regional Planning and Development Office (RPDO) serves as the Technical Secretariat of the Board.

TITLE V PUBLIC ORDER AND SECURITY

Chapter 1 Philippine National Police Regional Command for the ARMM Otherwise known as Special Regional Security Force (SRSF)

SECTION 1. The Philippine National Police Force in the Autonomous Region in Muslim Mindanao. - The PNP Regional Command for the autonomous region hereinafter called the Special Regional Security Force (SRSF) shall be charged with the preservation of peace, the maintenance of law and order, and the protection of life, liberty, and property in the autonomous region in consonance with the Constitution and pertinent legislation:

- (1) The **PNP Regional Command for the autonomous region/SRSF** shall be composed of the existing PNP units therein, the MNLF elements, and other resident of the area who may be recruited into the SRSF;
- (2) Powers and Functions of Special Regional Security Force. The Special Regional Security Force shall exercise within the autonomous region the following powers and functions:

- (a) Enforce laws enacted by the Congress and by the Regional Assembly relative to the protection of lives and property of the people;
- (b) Maintain law and order and ensure public safety;
- (c) Investigate and prevent crimes, arrest criminal offenders, bring criminal suspects to justice, and assist in their prosecution;
- (d) Effect other arrest, searches, and seizures in accordance with the Constitution and pertinent laws;
- (e) Detain persons for a period not exceeding what is prescribed by law, inform the person so detained of all his or her rights under the Constitution, and respect the human rights of all people in the autonomous region;
- (f) Process applications for the licensing of firearms for approval by the proper official of the Philippine National Police;
- (g) Initiate drives for the licensing or surrender of unlicensed firearms; confiscate unlicensed firearms after such drives are over; prosecute or recommend to the President the grant of amnesty or pardon to possessors of unlicensed firearms who surrender them; and
- (h) Perform such other duties and exercise all other functions as may be provided by law enacted by Congress or by the Regional Assembly.

SEC. 2. Regional Police Framework and Organization. - The philosophical framework and structural organization of the Special Regional Security Force shall be as follows:

- (1) It shall be civilian in nature and character;
- (2) The scope of its operations shall be regional;
- (3) It shall be headed by a regional director who shall be assisted by two deputies, one for administration and one for operations. The regional director and the two deputies shall come from the ranks of the professional police force, preferably from any province, city, or municipality of the autonomous region;
- (4) It shall have regional, provincial, and city or municipal offices;
- (5) At the provincial level, there shall be a provincial office, headed by a provincial director who shall be a professional police officer with a rank of police superintendent, at least; and
- (6) At the city or municipal level, there shall be an office or station, which shall be headed by a Chief of Police who shall be a professional police officer with the rank of police superintendent for the city and police inspector for the municipality.

SEC. 3. Power of Regional Governor Over Special Regional Security Force. - The Regional Governor shall have the following powers over the Special Regional Security Force:

- (1) To act as the deputy of the National Police Commission in the region and as the ex-officio chair of the Regional Police Commission;
- (2) To exercise operational control and general supervision and disciplinary powers over the Special Regional Security Force;
- (3) To employ or deploy the elements of and assign or reassign the Special Regional Security Force through the Regional Director. The Regional Director may not countermand the order of the Regional Governor unless it is in violation of the Constitution and the law;
- (4) To recommend to the President the appointment of the Regional Director and his two deputies;
- (5) To oversee the preparation and implementation of the integrated Regional Public Safety Plan;
- (6) To impose, after due notice and summary hearings of the citizen's complaints, administrative penalties on personnel of the Special Regional Security Force except those who are appointed by the President; and
- (7) Do everything necessary to promote widespread support for the Special Regional Security Force by the various communities making up the autonomous region.

SEC. 4. Regional Police Directors. - The selection, assignment, and appointment of the Provincial and City Directors of the Special Regional Security Force shall be done pursuant to Republic Act No. 6975, the Philippine National Police Law and Republic Act No. 8551, the Philippine National Police Reform and Reorganization Act of 1998.

SEC. 5. Law Governing Regional Police Force. - The Regional Assembly shall enact laws to govern the Special Regional Security Force consistent with the pertinent provisions of the Constitution and the Organic Act.

SEC. 6. Regional Police Commission. - The Regional Police Commission shall perform the functions of the National Police Commission in the autonomous region.

- (1) The Regional Police Commission shall be under the administration and control of the National Police Commission.
 - (a) The Chairperson and members, thereof, shall be appointed by the Regional Governor subject to the confirmation by the Regional Assembly; and
 - (b) The Chairperson shall be an ex-officio commissioner of the National Police Commission on matters dealing with the Special Regional Security Force.

- (2) The Regional Police Commission shall have power to investigate complaints against the Special Regional Security Force.
 - (a) Appeals from its decision may be lodged with the National Police Commission;
 - (b) Pending resolution of the appeal, its decisions may be executed; and
 - (c) The rules and regulations governing the investigation of the members of the Philippine National Police shall be followed by the Special Regional Security Force in the absence of rules and regulations enacted by the Regional Assembly.

Chapter 2

Regional Defense and Security

SEC. 7. The Regional Command of the Armed Forces of the Philippines for the Autonomous Region. - The Regional Command of the Armed Forces of the Philippines for the autonomous region shall be organized, maintained and utilized in accordance with national laws. Qualified inhabitants of the autonomous region shall be given preference for assignments in the said regional command:

- (a) The Regional Governor may request the President to call upon the Armed Forces of the Philippines:
 - (a) To prevent or suppress lawless violence, invasion, or rebellion, when the public safety so requires, in the autonomous region in accordance with the provision of the Constitution;
 - (b) To suppress the danger to or breach of peace in the autonomous region, when the Regional Police Force is not able to do so; or,
 - (c) To avert any imminent danger to public order and security in the area of autonomy.
- (2) The President may on his own accord send the Armed Forces of the Philippines into the autonomous region to attain the above objectives if the Regional Governor does not act within fifteen (15) days after the occurrence of the events mentioned above that need to be suppressed or prevented.

Chapter 3

ARMM Peace and Order Council

SEC. 8. Regional Peace and Order Council (RPOC). – The Regional Peace and Order Council shall be composed of a Chairperson, Vice Chairperson, Co-Vice Chairperson and the regional counterparts of the departments, offices and agencies represented at the National level.

The Chairperson shall be the Regional Governor and the Vice Chairperson shall be the Regional Secretary of the Department of the Interior and Local Government and the Co-Vice

Chairperson shall be the Regional Director of the Philippine National Police while the members shall be the Chairpersons of the Regional Assembly Committees on Local Governments and Public Order and Security, Regional Secretaries and the heads of offices and bureaus as may be designated by the Regional Governor, subject to existing laws.

SEC. 9. Duties and Functions. – Peace and Order Council shall have the following duties and functions:

- (1) Formulate plans and recommend such measures which will improve or enhance peace and order and public safety in their respective areas of responsibility;
- (2) Monitor the implementation of peace and order programs and projects at the provincial, city/municipal level, the operations of Bantay-Bayan and such other counter-insurgency and peace programs;
- (3) Make periodic assessment of the prevailing peace and order situation in their respective areas of responsibility and submit reports thereon with their recommendations to the Chairperson of the National Peace and Order Council;
- (4) Receive complaints against government personnel, civilian or military, endorse the same to the agency concerned and demand/compel such agency to submit report or action taken thereon; and
- (5) Perform functions as may be provided by law or executive issuances issued by the Regional Governor in coordination with the National Peace and Order Council.

The Chairman of the respective Provincial, City/Municipal Peace and Order Councils shall be responsible for the proper management and supervision of their respective Civilian Volunteers (Bantay-Bayan) in coordination with other concerned government entities.

SEC. 10. Organizational Relationship. – Lower level Peace and Order Council shall be under the functional supervision of the next higher Peace and Order Council.

Chapter 4 **ARMM Regional Disaster Risk Reduction and** **Management Council (RDRRMC)**

SEC. 11. The ARMM Regional Disaster Risk Reduction and Management Council (RDRRMC) – The ARMM Regional Disaster Risk Reduction and Management Council shall be **Chaired** by the Regional Governor with the Regional Secretary of DOST as **Vice-Chair for Disaster Mitigation and Prevention**, the Regional Secretary of DILG as **Vice-Chair for Disaster Preparedness**, the Regional Secretary of DSWD as **Vice-Chair for Disaster Response**, and the Executive Director of the Regional Planning and Development Office (RPDO) as **Vice-Chair for Disaster Recovery and Rehabilitation**; the Executive Secretary, the Commanders of EASMINCOM (AFP) and WESMINCOM (AFP) or respective Designates, the Regional Secretaries of DOH, DPWH, DENR, DepEd, DOTC, Department of Agriculture and Fisheries (DAF), DAR, DOT, DTI and DOLE, Manager of ARMM Social Fund Project (ASFP), Manager of NFA-ARMM, the Executive Directors of Technical Management Service (TMS),

Bureau of Public Information (BPI), and TESDA, the Regional Directors of PNP, BFP and NSO, the Chairpersons of CHED, Regional Commission on the Bangsamoro Women (RCBW), Housing and Land Use Regulatory Commission (HLURC), and Regional Reconciliation and Unification Commission (RRUC), and Representatives of the Philippine Red Cross (PRC), National Anti-Poverty Commission-Victims of Disasters and Calamities Sector (NAPC-VDC), GSIS, PHILHEALTH, Office of the Presidential Adviser on the Peace Process (OPAPP), Climate Change Commission (CCC), Union of Local Authorities of the Philippines (ULAP), League of Provinces of the Philippines (LLP), League of Cities of the Philippines (LCP), League of Municipalities of the Philippines (LMP), Liga ng mga Barangay (LMB), Regional Assembly (RA), and four (4) Civil Society Organizations (CSOs) one 1 Private Sector as **Members**; and the Regional Director of OCD shall be the **Executive Director and Head of the Secretariat**.

The Regional Governor shall designate the Council Secretariat from among the member agencies. The head of the Council Secretariat shall act as the Executive Officer of the Council.

SEC. 12. Functions of the RDRRMC-ARMM. – The **RDRRMC-ARMM** shall have the following functions:

- (1) The Council shall advise the President through the Regional Governor on the status of the preparedness programs, disaster operations and rehabilitation efforts undertaken by the government and the private sector, and
- (2) The Council, in discharging its functions shall utilize the facilities and services of the Office of Civil Defense (OCD) in Camp Gen. Salipada K. Pendatun, Parang, Maguindanao or other Regional Agencies who possess the capacity to undertake the operations.

TITLE VI INTER-GOVERNMENTAL RELATIONS

Chapter 1 General Supervision over Local Government Units

SECTION 1. Supervision Over Local Government Units. – Consistent with law, the Regional Governor shall exercise supervision over provincial governors, city mayors and municipal mayors to ensure that laws are faithfully executed and their acts are within the scope of their prescribed powers and functions.

Such power of supervision shall be exercised through the Secretary of the Regional Department of Interior and Local Government, over provinces, highly urbanized cities, and independent component cities; through the province with respect to component cities and municipalities; and through the city and municipality with respect to the barangays.

The Regional Governor, in appropriate cases, may impose disciplinary action against erring local public officials in accordance with provisions of Chapter IV of MMA Act 25.

Chapter 2
Relations between National and ARMM Agencies

SEC. 2. National Offices and Agencies in the ARMM. –Subject to applicable laws, orders and/or policies, national offices and agencies within the territorial jurisdiction of the Autonomous Regional Government shall actively involve the latter in the formulation and implementation of their plans, programs, projects and activities, and submit reports thereon on regular basis for the information, guidance and/or appropriate action of the Regional Governor.

Other government offices, agencies, instrumentalities entities and government-owned or -controlled corporations, including people’s and non-government organizations in the Autonomous Region which are not covered in the preceding paragraph shall be dealt with in accordance with the applicable existing laws, policies, orders and/or such regional laws the Regional Assembly may enact for the purpose.

SEC. 3. Application of Laws. – All laws pertaining to and in connection with the inter-governmental relations of the Autonomous Regional Government with all other governmental branches, constitutional commissions, departments and offices shall apply insofar as they are consistent with the regional laws and policies.

BOOK III
THE REGIONAL GOVERNOR

TITLE I
POWERS OF THE REGIONAL GOVERNOR

Chapter 1
Power of Control

SECTION 1. Power of Control. - The Regional Governor shall have control of all the executive departments, agencies, offices, bureaus, regional executive commissions and boards and instrumentalities of the Autonomous Regional Government. He shall ensure that laws are faithfully executed.

Chapter 2
Ordinance Power

SEC. 2. Executive Orders. - Acts of the Regional Governor providing for rules of a general or permanent character in implementation or execution of powers vested by the Organic Act or by law shall be promulgated in executive orders.

SEC. 3. Administrative Orders. - Acts of the Regional Governor which relate to particular aspect of governmental operations in pursuance of his duties as administrative head shall be promulgated in administrative orders.

SEC. 4. Proclamations. - Acts of the Regional Governor fixing a date or declaring a status or condition of public moment or interest, upon the existence of which the operation of a specific law or regulation is made to depend, shall be promulgated in proclamations which shall have the force of an executive order.

SEC. 5. Memorandum Orders. - Acts of the Regional Governor on matters of administrative details or of subordinate or temporary interest which only concern a particular officer or office of the Government shall be embodied in memorandum orders.

SEC. 6. Memorandum Circulars. - Acts of the Regional Governor on matters relating to internal administration, which the Regional Governor desires to bring the attention of all or some of the departments, agencies, bureaus, or offices of the Regional Government, for information or compliance, shall be embodied in memorandum circulars.

Chapter 3 **Powers of Eminent Domain, Escheat,** **Land Reservation and Recovery of Ill-Gotten Wealth**

SEC. 7. Power of Eminent Domain. - The Regional Governor shall determine when it is necessary or advantageous to exercise the power of eminent domain in behalf of the Autonomous Regional Government, and direct the Regional Attorney General, whenever he deems the action appropriate, to institute expropriation proceedings in the proper court.

SEC. 8. Power to Direct Escheat or Reversion Proceedings. - The Regional Governor shall direct the Regional Attorney General to institute escheat or reversion proceedings over all lands in the ARMM transferred or assigned to persons disqualified to acquire land in accordance with law.

SEC. 9. Power to Reserve Lands of the Public Domain and Patrimonial Properties belonging to the Regional Government. - (1) The Regional Governor shall have the power to reserve for settlement or public use, and for specific public purposes, any of the lands of public domain and patrimonial properties belonging to the Regional Government, the use of which is not otherwise provided by law. The reserved land shall thereafter remain subject to the specific public purpose indicated until otherwise provided by law or proclamation;

(2) He shall also have the power to reserve from sale or other disposition, for specific public uses or purposes, any land belonging to the Autonomous Regional Government, the use of which is not otherwise provided by law, and thereafter such land shall be used for the purposes specified by such proclamation until otherwise provided by law.

SEC. 10. Recovery of Ill-gotten Wealth. - The Regional Governor shall have the authority to direct the Regional Attorney General to institute proceedings in accordance with regional laws, against public officials or employees who have illegally acquired properties, to recover said unlawfully acquired properties from them or from their nominees or transferees.

Chapter 4

Power of Appointment and Designation

SEC. 11. Power of Appointment. - The Regional Governor shall exercise the power to appoint such officials as provided for in the Organic Act and other applicable laws. Provided that any person who fails to assume the office upon which he/she is appointed within ninety (90) days from the date he/she received notice of the appointment shall forfeit the right to assume the position upon which he/she was appointed subject to civil service laws and rules except if the non assumption is due to temporary illness or physical disabilities acquired after the said appointment was issued.

SEC. 12. Power to Issue Designation. - (1) The Regional Governor may designate an officer already in the government service to perform the functions of an office in the executive branch, in concurrent capacity in appropriate cases, when: (a) the officer regularly appointed to the office is unable to perform his/her duties due to lawful cause/s or by reason of serious illness, unauthorized absence of at least fourteen (14) days; or (b) there exists a vacancy. Provided, that a designation shall not exceed one (1) year and provided further that the person so designated possesses the qualifications and none of the disqualifications to the office to which he/she is designated.

TITLE II

ORGANIZATION

Chapter 5

The Office the Regional Governor

SECTION 1. Organization. - The Office of the Regional Governor shall consist of the Office of the Regional Governor Proper and his/her immediate staff, and the agencies under it.

SEC. 2. Office of the Regional Governor Proper. - The Office of the Regional Governor Proper shall consist of:

- (1) The Regional Governor;
- (2) The Executive Council composed of the Regional Governor as Chairman, the Regional Vice-Governor and the three (3) Deputy Regional Governors as members;
- (3) The Executive Offices shall include the Offices of the Executive Secretary, the Office of the Cabinet Secretary, the Office of the Attorney General, the Office of the Chief of Staff, and all Departments and Offices including locally-created agencies, commissions and bureaus; and
- (4) The Management and Support Services (MSS) embraces the following: the Technical Management Services (TMS), Finance and Budget Management Services (FBMS), Administrative Management Services (AMS), Intelligence and Security Services (ISS), the ARMM Liaison Office in Metro Manila (ALOMM), and the ARMM Satellite Coordinating Office (ASCO).

SEC. 3. The Agencies under the Office of the Regional Governor. - The agencies under the Office of the Regional Governor refer to those offices placed under the chairmanship of the Regional Governor, those under his/her supervision and control, those under his/her administrative supervision, those attached to it for policy and program coordination, and those that are not placed by regional law or order creating them under any specific department.

TITLE III FUNCTIONS

Chapter 6 Functions of the Different Offices in the Office of the Regional Governor Proper

A. The Executive Council

SECTION 1. The Executive Council. - The Executive Council shall be chaired by the Regional Governor with the Regional Vice-Governor and the three (3) Deputy Regional Governors as Council Members. The Executive Council shall advise the Regional Governor on matters of governance of the Autonomous Region. The three (3) Deputies shall be ex-officio members of the Regional Cabinet with or without portfolio. The Regional Governor may assign powers and functions to the Executive Council to promote the general welfare of the people of the autonomous region subject to the laws enacted by the Regional Assembly.

SEC. 2. The Office of the Regional Vice-Governor. - The Office of the Regional Vice-Governor shall be headed by the Regional Vice-Governor and shall be assisted by a support staff.

SEC. 3. Functions of the Regional Vice-Governor. - The Regional Vice-Governor, as provided for by law, shall:

- (1) Assist the Regional Governor in the administration of the ARMM;
- (2) Perform such functions as a member of the Executive Council;
- (3) Act as the Regional Governor in accordance with Sections 11 and 12 of Article VII of RA 9054; and
- (4) Perform other functions as may be designated by the Regional Governor.

SEC. 4. The Office of the Deputy Regional Governors. - There shall be three (3) Offices of the Deputy Regional Governors to be headed by a Deputy Regional Governor, each representing the Christians, Indigenous Peoples and the Muslims in the region.

SEC. 5. Functions of the Deputy Regional Governors. - The Deputy Regional Governors shall provide advisory or consultative services to the Regional Governor on matters concerning their respective sector, namely, the Christians, Indigenous Peoples and the Muslims.

B. The Executive Offices

SEC. 6. Declaration of Policy. - The Executive Offices shall provide services to deliver specific needs and requirements of the Office of the Regional Governor to achieve the purposes and objectives by which it was established.

SEC. 7. The Office of the Executive Secretary. - The Office of the Executive Secretary shall consist of the Executive Secretary, who shall be assisted by one (1) Assistant Executive Secretary and a support staff.

SEC. 8. Powers and Functions of the Executive Secretary. - The Executive Secretary, subject to the control and supervision of the Regional Governor, shall carry out the functions assigned by law to the Executive Office and shall perform such other duties as may be delegated to him/her. He/she shall:

- (1) Assist the Regional Governor in the management of the affairs of the Autonomous Regional Government;
- (2) Enforce the execution of directives or orders of the Regional Governor;
- (3) Appoint employees to positions with SG 24 and below in the Office of the Executive Secretary;
- (4) Act on issues and concerns raised by the regional departments and offices and such other public and private institutions;
- (5) Exercise primary authority to sign papers “By Authority of the Regional Governor”, or “For the Regional Governor”, whichever is deemed appropriate, to attest to executive orders and other Regional Governor’s issuances unless attestation is specifically delegated to other officials by him or by the Regional Governor;
- (6) Recommend to the Regional Governor appropriate assignment of offices and agencies not assigned by law under any specific executive department;
- (7) Provide consultative, research, fact-finding and advisory services to the Regional Governor;
- (8) Assist the Regional Governor in the performance of functions pertaining to legislation;
- (9) Assist the Regional Governor in the administration of special projects;
- (10) Take charge of matters pertaining to protocol in the regional government and ceremonial functions;
- (11) Promulgate such rules and regulations necessary to carry out the objectives, policies and functions of the Office of the Regional Governor Proper; and

(12) Perform such other functions as the Regional Governor may direct.

SEC. 9. The Office of the Regional Attorney General. - The Office of the Regional Attorney General shall be headed by the Regional Attorney General assisted by an Executive Assistant VI for Legal Concerns, an Executive Assistant VI for Operations and an Administrative Support Staff.

SEC. 10. Powers and Functions of the Regional Attorney General. - The Regional Attorney General shall:

- (1) Act as the official and chief legal counsel of the Autonomous Regional Government;
- (2) Provide the legal requirements of the Regional Governor;
- (3) Serve as the legal consultant of all ARMM agencies/offices;
- (4) Represent the autonomous regional government in court litigations and in any legal proceeding;
- (5) Investigate, *motu proprio*, government officials and employees for nonfeasance, misfeasance and malfeasance, in accordance with the Office's *quasi-judicial powers*;
- (6) Hear and decide administrative complaints lodged before his/her Office based on the Rules of Procedures of the Office of the Attorney General. Should the need arise, he/she may endorse appropriate actions against erring officials/employees before the proper agency, tribunal or other quasi-judicial bodies after finding probable cause in the conduct of investigation;
- (7) Assist the Regional Governor in preparing legal issuances and in the exercise of the Regional Governor's power either to approve or veto legislative measures/enactments passed by the Regional Assembly;
- (8) Issue permit or authority to any lawyer employed with Autonomous Regional Government to practice his/her profession subject to existing laws and civil service rules and regulations; and
- (9) Perform other functions as may be assigned to the Attorney General by the Regional Governor.

SEC. 11. The Office of the Chief of Staff. – The Office of the Chief of Staff shall be composed of the Office of the Chief of Staff and the Regional Governor's Action Center (RGAC). It shall be headed by a Chief of Staff.

SEC. 12. Powers and Functions of the Chief of Staff. – The Chief of Staff shall:

- (1) Assist the Regional Governor in the administration of the internal affairs of the Office of the Regional Governor;

- (2) Supervise the operations of the Management Support Services (MSS) of the Office of the Regional Governor Proper and the RGAC;
- (3) Exercise administrative powers and functions within the Office of the Regional Governor proper;
- (4) Refer issues, concerns or other actionable matters for appropriate action to the proper offices within the ORG;
- (5) Recommend executive action on matters affecting the Office of the Regional Governor; and
- (6) Perform other tasks as may be directed by the Regional Governor.

SEC. 13. The Regional Governor's Action Center (RGAC). - The Regional Governor's Action Center shall be headed by Public Relation Officer V. It shall:

- a) Serve as the public assistance center of the Office of the Regional Governor;
- b) Facilitate the immediate provision of information and necessary assistance to constituents of the ARMM or any walk-in visitor/clients of the ORG;
- c) Prepare and forward referrals or endorsements, for appropriate action of the concerned ARMM Agency/Office; and
- d) Act on matters upon the direction of the Regional Governor or the Executive Secretary and/or by the Chief of Staff.

SEC. 14. The Cabinet Secretariat. - The Cabinet Secretariat shall consist of the Regional Secretary as its head, the Assistant Regional Secretary and support staff.

SEC. 15. Duties and Functions of the Cabinet Secretary. - The Cabinet Secretary in coordination or through the Executive Secretary shall:

- (1) Provide secretariat support and technical assistance to the Cabinet;
- (2) Assist the Regional Governor in the formulation and/or generation of agenda topics for cabinet deliberation or facilitate/moderate the discussion of cabinet meetings whether in full or in cluster;
- (3) Coordinate the schedules of cabinet meetings and other multi-agency meetings, such as, but not limited to RPOC, RDRRMC-ARMM and such other similar undertakings;
- (4) Monitor the progress and status on the implementation of the Regional Governor's directives, issuances and instructions by concerned departments and agencies/offices highlighted during the cabinet meetings and other multi-agency meetings;

- (5) Submit updates to the Chief Executive on the status of the implementation of all directives, issuances and instructions; and
- (6) Perform such other functions as may be directed by any competent authority.

C. Management Support Services

SEC. 16. Functions of the Management Support Services (MSS). – The various support offices in the Office of the Regional Governor Proper, namely: Administrative Management Service (AMS), Technical Management Service (TMS), Finance and Budget Management Service (FBMS), Intelligence and Security Service (ISS), the ARMM Liaison Office in Metro Manila (ALOMM), and the ARMM Satellite Coordinating Office (ASCO) shall constitute the Management Support Services (MSS) and shall be organized to carry-out the following functions:

- (1) **The Administrative Management Services (AMS).** The Administrative Management Services shall be composed of Director III, as head, and support personnel. It shall:
 - a) Recommend policies and develop guidelines for an efficient and effective management of personnel, records, supplies, equipment, collections and property of the Office of the Regional Governor;
 - b) Plan and direct administrative services of all units under its supervision and coordinate administrative services and concerns with all other agencies;
 - c) Recruit and recommend personnel for appointment and implement an effective system of personnel management;
 - d) Consolidate all Performance Management System-Office Performance Evaluation System (PMS-OPES) ratings of all employees of the regional executive branch of the autonomous regional government;

- e) Procure and distribute supplies, materials and equipment needs of all operating units in the ORG and maintain all equipment, machineries and facilities in serviceable condition;
 - f) Implement an effective system of cashiering services in accordance with existing government rules and regulations;
 - g) Conduct inspections and inventory of all properties and assets of the ORG;
 - h) Maintain an effective, systematic and timely disposition of records;
 - i) Assist FBMS in the preparation of the Annual Budget of the Autonomous Regional Government;
 - j) Administer the operation and maintenance of the Human Resource Information Center (HRIC); and
 - k) Perform other functions as maybe directed by higher authority in the Office of the Regional Governor.
- (2) **The Technical Management Services (TMS)** shall be composed of Director III, as head, and support personnel. It shall:
- a) Consolidate and prepare annual accomplishment reports, including, foreign-assisted projects implemented through the ARMM departments and agencies/offices;
 - b) Prepare programs and project plans and designs for the Office of the Regional Governor;
 - c) Provide research support to the Office of the Regional Governor in the formulation of regional policies, guidelines and legislative agenda;
 - d) Provide technical support to the regional departments, agencies, offices and bureaus including the devolution process when necessary;
 - e) Assist regional departments/agencies in the preparation of the ARMM Annual Budget;
 - f) Maintain a performance database system of the regional departments and agencies;
 - g) Regularly apprise the Regional Governor on the status of all plans/programs/projects implemented by the line agencies and offices; and
 - h) Perform other functions, as may be directed by the Regional Governor.

- (3) **The Finance and Budget Management Services (FBMS).** The Finance and Budget Management Services shall be composed of Director III, as head, and support personnel. It shall:
- a) Provide support to the Regional Governor to determine that funds are properly accounted for in accordance with existing auditing rules and regulations;
 - b) Undertake all operations relative to budget execution and control;
 - c) Issue sub-allotment advice to the different line agencies and offices in accordance with the approved work and financial plan in support of its operational requirements;
 - d) Undertake regular management audit system reviews on organizational structures, manpower and financial operations, and existing methods and procedures of the Office of the Regional Governor and all agencies and offices under its supervision and submit recommendation to the Regional Governor, for consideration;
 - e) Undertake a cost benefit analysis on the financial requirements of the Office of the Regional Governor and if necessary, the line agencies and offices under its supervision;
 - f) Evolve a system of the proper recording of all financial transactions of the Autonomous Regional Government, in accordance with the existing government rules and regulations;
 - g) Ascertain that all budgeting, accounting and auditing rules and regulations are observed and complied with by the Office of the Regional Governor and all agencies and offices under the latter's supervision;
 - h) Assist in the preparation, presentation and justification of the Annual Budget of ARMM;
 - i) Prepare and submit financial reports to the Regional Governor and other government entities authorized to receive the same; and
 - j) Perform other functions as may be directed by a higher authority.
- (4) **The Intelligence and Security Services (ISS).** The Intelligence and Security Services shall be composed of Director III, as head, and support personnel. It shall:
- a) Prepare and implement approved security plans for the Office of the Regional Governor;
 - b) Gather and analyze intelligence reports to strengthen the security plan for the Regional Governor, Office of the Regional Governor including the Regional Government Center and ensure protection of lives, properties and facilities of the Autonomous Regional Government;

- c) Coordinate with the Philippine National Police, Armed Forces of the Philippines, National Bureau of Investigation and other security/peace keeping agencies in the performance of its mandated functions; and
 - d) Perform other functions as may be directed by the Chief of Staff or any higher authority in the Office of the Regional Governor.
- (5) **The ARMM Liaison Office in Metro Manila (ALOMM).** The ARMM Liaison Office in Metro Manila shall be composed of Director II, as head, and his/her immediate staff. It shall:
- a) Serve as liaison and coordination office to international offices/embassies, national offices/departments, line agencies and bureaus;
 - b) Provide administrative and technical support to the Regional Governor, and ARMM officials/employees while on official business in Manila;
 - c) Coordinate with the Department of Budget and Management (DBM) on matters related to funding requests and allocation of ARMM departments and offices;
 - d) Act as coordinating office of foreign scholarship programs; and
 - e) Perform other functions, as may be directed by the Chief of Staff or by any higher authority of the ARMM.
- (6) **The ARMM Satellite Coordinating Office (ASCO).** The ARMM Satellite Coordinating Office shall be composed of at least a Director II, as head, and support personnel composed of two (2) representatives from each department and agency. It shall:
- a) Serve as coordinating office of the Regional Governor in Zamboanga City for the provinces of Basilan, Sulu and Tawi-Tawi (BASULTA) and Lamitan City; and
 - b) Perform other functions as directed by the Regional Governor or by his/her authorized representative.

Chapter 7
Functions of the Agencies/Offices
Under the Office of the Regional Governor

SEC. 17. Functions of Agencies Under the Office of the Regional Governor. – Agencies/Offices under the Office of the Regional Governor shall continue to operate and function in accordance with their respective charters, laws creating them, or the purpose/s by which they were created except as otherwise provided in this Code or by law.

Chapter 8
Power of the Regional Governor to Reorganize

SEC. 18. Continuing Authority of the Regional Governor to Reorganize. - The Regional Governor, subject to the policy in the Executive Office and in order to achieve simplicity, economy and efficiency, shall have continuing authority to reorganize the administrative structure of the Office of the Regional Governor subject to Civil Service Laws. For this purpose, he/she may take any of the following actions:

- (1) Restructure the internal organization of the Office of the Regional Governor Proper by abolishing, consolidating or merging units thereof or transferring functions from one unit to another;
- (2) Transfer any function under the Office of the Regional Governor to any other department or agency as well as transfer functions to the Office of the Regional Governor from other departments and agencies; and
- (3) Transfer any agency under the Office of the Regional Governor to any other department or agency as well as transfer agencies to the Office of the Regional Governor from other departments or agencies.

BOOK IV
GENERAL FUNCTIONS OF THE EXECUTIVE BRANCH

Chapter 1
The Executive Department

SECTION 1. The Executive Power. - The Executive Power shall be vested in a Regional Governor. He/she shall be the chief executive officer of the Autonomous Region in Muslim Mindanao. As such, he/she shall ensure that all applicable laws be faithfully executed through the government agencies, government-owned or controlled corporations, and local government units. Except in cases where the Chief Executive is required by the Organic law or other applicable law to act in person or the exigencies of the situation demand that he/she act personally, the multifarious executive and administrative functions of the Regional Governor are performed by and through the regional departments and line agencies. The acts of the Regional Cabinet Secretaries of such departments, performed and promulgated in the regular course of business, are, unless disapproved or reprobated by the Chief Executive, presumptively the acts of the Chief Executive.

SEC. 2. Executive and Administrative Organizations. - The executive and administrative organizations are adjuncts of the Executive Department and the heads of these organizations are assistants and agents of the Chief Executive.

SEC. 3. Department's Purpose and Policy. - There shall be Departments established, organized and administered to assist the Regional Governor in the functional distribution of his/her work and the performance of their functions as provided by law or the Organic Act which

are necessary for or incidental to the proper governance and development of all the constituent units within the autonomous region in accordance with the following policies:

- (1) The Departments shall be organized and maintained to ensure their capacity to plan and implement programs in accordance with established national and regional policies;
- (2) The functions of the different Departments shall be decentralized in order to reduce red tape, free regional officials from administrative details concerning field operations, and relieve them from unnecessary involvement in routine and local matters. Adequate authority shall be delegated to subordinate officials; and
- (3) Administrative decisions and actions shall, as much as practicable, be at the level closest to the public.

Chapter 2 The Regional Department

SEC. 4. The Regional Department. - The Regional Department shall refer to the Office of the Regional Secretary, Office of the Assistant Regional Secretary, bureaus, offices under it and agencies attached to it as may be provided by law.

SEC. 5. The Regional Secretary. - The Regional Secretary shall be the head of the Regional Department to be assisted by Assistant Regional Secretary/ies in the department.

SEC. 6. Jurisdiction over Bureaus, Offices, Regulatory Agencies and Government Corporations. - Each Department shall have jurisdiction over bureaus, offices, regulatory agencies, and government-owned or controlled corporations assigned to it by law. The Regional Governor may, by executive order, assign offices and agencies not otherwise assigned by law to any department, or indicate to which department a government corporation or board may be attached to.

Chapter 3 Regional Secretaries and Assistant Regional Secretaries

SEC. 7. Authority and Responsibility of the Regional Secretaries. - The Regional Secretaries shall have the authority and responsibility to exercise the mandates of their respective Departments.

SEC. 8. Powers and Functions of the Regional Secretary. - The Regional Secretary shall be vested with the following powers and functions:

- (1) Recommend to the Regional Governor policies and programs;
- (2) Manage the implementation of department's programs, projects, and activities;

- (3) Establish policies and standards for the operation of the Department pursuant to the approved programs of government;
- (4) Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects;
- (5) Promulgate administrative issuances necessary for the efficient administration of the offices under the Regional Secretary and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- (6) Exercise disciplinary powers over officers and employees under the Regional Secretary in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- (7) Appoint all officers and employees of the Department except those whose appointments are vested in the Regional Governor or in some other appointing authority;
- (8) Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Department as are provided by law, and in accordance with the applicable relationships;
- (9) Delegate authority to officers and employees under the Regional Secretary's direction in accordance with this Code; and
- (10) Perform such other functions as may be provided by law.

SEC. 9. Submission of Performance Evaluation Reports. - The Regional Secretary shall formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Department and submit the same annually to the Regional Governor. The Regional Secretary shall likewise prepare and submit to the Regional Governor an estimate of the necessary expenditures of the Department during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and offices under him/her.

SEC. 10. Powers and Duties of the Career Assistant Regional Secretary. – Except as may be provided otherwise in this Code, as a general rule, the Assistant Regional Secretary shall have the following general powers and duties:

- (1) Assist the Regional Secretary in the formulation and implementation of department policies, programs, projects and activities;
- (2) Oversee all the operational activities of the Department for which he/she shall be responsible to the Regional Secretary;
- (3) Coordinate policies, programs and projects of the Department and be responsible for their efficient and effective implementation;

- (4) Serve as deputy to the Regional Secretary in all matters relating to the operations of the Department;
- (5) Discharge the duties of the Regional Secretary in the latter's absence or inability to discharge his/her duties for any cause or in case of vacancy of the said office, unless otherwise provided by law. Where there are more than one Career Assistant Regional Secretaries, the Regional Secretary shall allocate the foregoing powers and duties among them, except the power to appoint and terminate employees; and
- (6) Perform such other functions and duties as may be provided by law.

Chapter 4

Administrative Relationship

SEC. 11. Definition of Administrative Relationship. - Unless otherwise expressly stated in this Code or in other laws defining the special relationships of particular agencies, administrative relationships shall be categorized and defined as follows:

- (1) **Supervision and Control.** - Supervision and control shall include authority to act directly whenever a specific function is entrusted by law or regulation to a subordinate; direct the performance of duty; restrain the commission of acts; review, approve, reverse or modify acts and decisions of subordinate officials or units; determine priorities in the execution of plans and programs; and prescribe standards, guidelines, plans and programs. Unless a different meaning is explicitly provided in the specific law governing the relationship of particular agencies, the word "control" shall encompass supervision and control as defined in this paragraph.
- (2) **Administrative Supervision.** – (a) Administrative supervision which shall govern the administrative relationship between a department or its equivalent and regulatory agencies or other agencies as may be provided by law, shall be limited to the authority of the department or its equivalent to generally oversee the operations of such agencies and to ensure that they are managed effectively, efficiently and economically but without interference with day-to-day activities; or require the submission of reports and cause the conduct of management audit, performance evaluation and inspection to determine compliance with policies, standards and guidelines of the department; to take such action as may be necessary for the proper performance of official functions, including rectification of violations, abuses and other forms of maladministration; and to review and pass upon budget proposals of such agencies but may not increase or add to such budget proposals;

(b) Such authority shall not, however, extend to contracts entered into by the agency in the pursuit of its objectives, the review of which and other procedures related thereto shall be governed by appropriate laws, rules and regulations; and the power to review, reverse, revise, or modify the decisions of regulatory agencies in the exercise of their regulatory or quasi-judicial functions;

(c) Unless a different meaning is explicitly provided in the specific law governing the relationship of particular agencies, the word "supervision" shall encompass administrative supervision as defined in this paragraph.

(3) Attachment. - (a) Attachment refers to the lateral relationship between the department or its equivalent and the attached agency or corporation for purposes of policy and program coordination. The coordination may be accomplished by having the department represented in the governing board of the attached agency or corporation, either as Chairperson or as a member, with or without voting rights, if this is permitted by the charter; having the attached corporation or agency comply with a system of periodic reporting which shall reflect the progress of programs and projects; and having the department or its equivalent provide general policies through its representative in the board, which shall serve as the framework for the internal policies of the attached corporation or agency.

(d) Matters of day-to-day administration or all of those pertaining to internal operations shall be left to the discretion or judgment of the executive officer of the agency or corporation. In the event that the Regional Secretary and the head of the board or the attached agency or corporation strongly disagree on the interpretation and application of policies, and the Regional Secretary is unable to resolve the disagreement, he/she shall bring the matter to the Regional Governor for resolution and disposition;

(e) Government-owned or controlled corporations attached to a department shall submit to the Regional Secretary concerned their audited financial statements on or before the 15th day of January of each year; and

(f) Pending submission of the required financial statements, the corporation shall continue to operate on the basis of the preceding year's budget until the financial statements shall have been submitted. Should any government-owned or controlled corporation incur an operation deficit at the close of its fiscal year, it shall be subject to administrative supervision of the department; and the corporation's operating and capital budget shall be subject to the department's examination, review, modification and approval.

Chapter 5 Supervision and Control

SEC. 12. Regional Secretary's Authority. - The Regional Secretary shall have supervision and control over the bureaus, offices, and agencies under him/her excluding chartered institutions or government-owned or controlled corporations attached to the department, subject to the following guidelines:

(1) Initiative and freedom of action on the part of subordinate units shall be encouraged and promoted, rather than curtailed, and reasonable opportunity to act shall be afforded those units before control is exercised; and

- (2) Functions involving discretion, experienced judgment or expertise vested by law upon a subordinate agency, control shall be exercised in accordance with said law.

SEC. 13. Delegation of Authority. - In accordance with the provisions on specific powers provided in this Code, the Regional Secretary or the head of an agency shall have authority over and responsibility for its operation. He/she shall delegate such authority to the bureau and field directors as may be necessary for them to implement plans and programs adequately. Delegated authority shall be to the extent necessary for efficient and effective implementation of national and local programs in accordance with policies and standards developed by each department or agency with the participation of the Field Directors. The delegation shall be in writing; shall indicate to which officer or class of officers or employees the delegation is made; and shall vest sufficient authority to enable the delegate to discharge his/her assigned responsibility.

Chapter 6

Relationship of Government-Owned or -Controlled Corporations and Regulatory Agencies to the Department

SEC. 14. Government-Owned or Controlled Corporations. - Government-owned or controlled corporations shall be attached to the appropriate department with which they have allied functions, as hereinafter provided, or as may be provided by executive order, for policy and program coordination and for general supervision provided in pertinent provisions of this Code. In order to fully protect the interests of the government in government-owned or controlled corporations, at least one-third (1/3) of the members of the Boards of such corporations should either be a Regional Secretary, Undersecretary and/or Assistant Regional Secretary or other senior officials of the appropriate departments.

SEC. 15. Regulatory Agencies. - A regulatory agency shall be subject to the administrative supervision of the department under which they are placed, except when they are government corporations in which case they shall be governed by the provisions of the preceding section. The heads of regulatory agencies shall submit annually, for the approval of the Regional Secretary concerned, their budgets and work plans which shall be the basis of their day-to-day operations. The regulatory agencies may avail themselves of the common auxiliary and management services of the department as may be convenient and economical for their operations.

Chapter 7

Appointments and Qualifications

SEC. 16. Qualifications of Regional Secretaries. - The Regional Secretaries shall be citizens of the Philippines, registered voters in the Autonomous Region in Muslim Mindanao, not less than twenty-five years of age, and competent & qualified for the position. At least six (6) of the Regional Secretaries of the Regional Departments shall be members of the indigenous cultural communities in the component provinces and cities of the autonomous region. The Regional Secretaries shall also be residents of the autonomous region for at least five (5) years.

SEC. 17. Appointment of and Assumption to Office by Regional Secretaries. - The Regional Secretaries of Departments shall be appointed by the Regional Governor subject to

confirmation by the Commission on Appointments of the Regional Assembly and shall hold office co-terminus with the Regional Governor, unless sooner removed.

The Regional Governor shall submit the nominations or appointments of the cabinet secretaries within fifteen (15) days from signing thereof.

The nominee shall submit to the Commission all pertinent documents required by the Assembly within fifteen (15) days from the date of submission of his/her nomination or appointment by the Regional Governor to the Commission.

Failure to comply with the provisions of the preceding paragraphs may be a ground for the rejection of the nomination or appointment.

Nominees who are yet to be confirmed are only authorized to exercise routine administrative authority such as to approve and sign voucher and payroll for salaries and wages of personnel, countersigning check corresponding therefor, purchase of minimal quantity of office supplies and material, approve official travel attendance or participation in training-seminar workshop and conference.

SEC. 18. Appointment Process. - The regular appointments which are contemplated under Section 2, Article VII of RA 9054 go through the following stages:

- (1) Nomination;
- (2) Consent; and
- (3) Appointment.

The Regional Governor sends to the Commission the nomination of the candidate.

After the Commission has given its consent, the Regional Governor issues the appointment. It is only when the last stage has been completed may the officer concerned take his oath of office.

The Regional Governor may issue appointments while the Regional Assembly is not in session. Such appointments are called *ad interim* appointment, and it goes through the following stages:

- (1) Appointment; and
- (2) Confirmation.

An *ad interim* appointment is permanent in nature and takes effect immediately. Thus, one who is issued an *ad interim* appointment may immediately enter upon the discharge of his functions. It ceases to be valid upon disapproval by the Commission on Appointments or, if not confirmed, until the next adjournment of the Regional Assembly.

The Confirmation Process as provided under Regional Assembly Resolution No. 27 and other existing rules and those that may be adopted by the Commission on Appointments shall apply.

SEC. 19. Appointments of Assistant Regional Secretaries. - The Assistant Regional Secretaries of Departments shall be appointed by the Regional Governor in accordance with existing Civil Service Law, Rules and Regulations.

SEC. 20. Appointment to other Senior Positions and their Equivalents. - Directors and Assistant Directors of Bureaus, Field and Assistant Field Directors, Department Service Heads, and their Equivalents shall be appointed by the Regional Governor in accordance with Civil Service Law, Rules and Regulations.

SEC. 21. Personnel Selection and Promotion Board (PSPB). – All line departments, agencies and offices of the Autonomous Regional Government (ARG) shall establish their respective Personnel Selection and Promotion Board which shall evaluate and recommend the appointment and promotion of personnel with the rank of Division Chiefs and below, in accordance with the provisions of Omnibus Rules of the Civil Service.

SEC. 22. Disqualification of the Spouse and Relatives of the Regional Governor and Other Officials. - The spouse/s and relatives by consanguinity or affinity within the fourth civil degree of the Regional Governor, the Regional Vice Governor, the members of the cabinet, or their deputies, shall not during their tenure be appointed or designated to positions of which they are the appointing authority except to positions which are primarily confidential in nature and such other position covered by exemptions provided by law.

SEC. 23. Prohibition Against Holding Other Offices or Positions. - A Regional Secretary, Assistant Regional Secretary or other appointive official of the Executive Department shall not hold any other position in the government and regional government-owned or controlled corporations. Provided, that this limitation shall not apply to ad hoc bodies or committees, or to boards, councils or bodies of which the Regional Governor is the Chairperson.

SEC. 24. Relinquishment of Positions. - If a Regional Secretary, Assistant Regional Secretary or other appointive official of the Executive Department holds more positions than what is allowed in the preceding paragraph, he/she must relinquish the excess positions in favor of a subordinate official who is next in rank. The members of the cabinet or 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 unless permitted under existing rules and regulations, participate in any business, or be financially interested in any contract with, or in any franchise or special privilege granted by the regional government or any subdivision, agency, or instrumentality thereof, including regional government-owned or controlled corporations or subsidiaries. They shall strictly avoid conflicts of interest in the conduct of their office.

Chapter 8 Administrative Issuances

SEC. 25. General Classification of Issuances. - The administrative issuances of Regional Secretaries and heads of bureaus, offices or agencies shall be in the form of circulars or

orders. Circulars shall refer to issuances prescribing policies, rules and regulations, and procedures promulgated pursuant to law, applicable to individuals and organizations outside the Government and designed to supplement provisions of the law or to provide means for carrying them out, including information relating thereto. Orders shall refer to issuances directed to particular offices, officials, or employees, concerning specific matters including assignments, detail and transfer of personnel, for observance or compliance by all concerned.

SEC. 26. Numbering System of Issuances. - Every circular or order issued pursuant to the preceding section shall properly be identified as such and chronologically numbered. Each class of issuance shall begin with number 001 and series of the year of issuance.

SEC. 27. Official Logbook. - Each department, bureau, office or agency shall keep and preserve a logbook in which shall be recorded in chronological order, all final official acts, decisions, transactions or contracts, pertaining to the department, bureau, office or agency. Whenever the performance of an official act is in issue, the date and the time record in the logbook shall be controlling. The logbook shall be in the custody of the chief administrative officer concerned and shall be open to the public for information.

SEC. 28. Government-wide Application of the Classification of Issuances. - The Office of the Regional Governor shall provide such assistance as may be necessary to effect general adherence to the foregoing classification of issuances, including the conduct of studies for developing sub-classifications and guidelines to meet peculiar needs. All administrative issuances of a general or permanent character shall be compiled, indexed and published pursuant to the provisions of this Code.

Chapter 9 Miscellaneous Receipts

SEC. 29. Charges for Property Sold or Services Rendered; Refunds. - For services required by law to be rendered for a fee, for supplies furnished, or articles of any kind sold to other divisions of the government or to any person, the head of bureau, office or agency may, upon approval of the Regional Governor or the Regional Secretary charge and collect the cost of the service, supplies, or articles. The officer authorized to fix the amount to be paid for service rendered and supplies or articles furnished or sold in excess of cost prescribed by law or approved by the same authority may recommend that the whole or part of any sum so paid be refunded, upon approval of the Commission on Audit.

SEC. 30. Disposition of Miscellaneous Bureau Receipts. - In the absence of special provision, money collected for property sold or service rendered, and all other receipts or earnings of departments, bureaus, offices, and agencies not derived from taxation, shall accrue to the general un-appropriated funds of the Autonomous Regional Government which shall be remitted to the Regional Treasury.

SEC. 31. Printing of Studies and Researches. - With the approval of the Regional Secretary, a bureau, office, or agency may print its studies, researches and similar materials for distribution at cost to the public. The Regional Secretary may authorize the printing or reprinting of the said materials by private persons for sale to the public upon payment of such royalties as

may be fixed by him/her, which shall accrue to the general fund and shall be remitted to the Regional Treasury.

Chapter 10 **Contracts**

SEC. 32. Conveyances and Contracts to which the Autonomous Regional Government is a Party. - Any deed, instrument or contract conveying the title to real estate or to any other property shall be awarded through public bidding. Where the amount of contracts exceeds five million pesos, such contract shall be executed and signed by the Regional Governor on behalf of the Autonomous Regional Government; provided that contracts amounting to five million and below, the same may be executed and signed by the head of the department or agency concerned.

SEC. 33. Contracts for Approval by the Regional Governor. - Contracts for infrastructure projects, including contracts for the supply of materials and equipment to be used for such projects shall be approved by the Regional Governor.

SEC. 34. Approval of Consultancy Contracts. - All purely consultancy contracts relating to infrastructure projects, regardless of amount, shall be approved by the Regional Secretaries concerned, in accordance with existing Guidelines on the Hiring of Consultants.

SEC. 35. Delegation of Authority to Governing Boards of Government Corporations. - The Regional Secretaries are authorized to delegate tasks to the governing boards of government-owned or controlled corporations which are attached to or are under the administrative supervision of their respective departments. In the case of government corporations which are attached to or under the Office of the Regional Governor, the delegation shall be made by the Executive Secretary.

SEC. 36. Public Bidding of Contracts. - As a general rule, contracts for infrastructure projects shall be awarded after open public bidding to bidders who submit the lowest responsive/evaluated bids. Open Public Bidding shall be conducted among qualified contractors in accordance with laws and existing rules and procedures.

SEC. 37. Approval of Other Types of Government Contracts. - All other types of government contracts shall, in the absence of a special provision, be executed with the approval of the Regional Secretary or by the head of the bureau or office having control of the appropriation against which the contract would create a charge. Such contracts shall be processed and approved in accordance with existing laws, rules and regulations.

Chapter 11 **Controversies among Government Offices and Corporations**

SEC. 38. How Settled. - All disputes, claims and controversies, between or among the departments, bureaus, offices, agencies and instrumentalities of the Autonomous Regional Government, including government-owned or controlled corporations, such as those arising from the interpretation and application of statutes, contracts or agreements, shall be administratively settled or adjudicated in the manner provided in this Code.

SEC. 39. Disputes. - All such cases involving either purely questions of law, mixed questions of law and of fact or only factual issues, shall be submitted to and settled or adjudicated by the Attorney-General of the Autonomous Regional Government and as ex-officio legal adviser of all government-owned or controlled corporations. His/her ruling or decision thereon shall be conclusive and binding on all the parties concerned.

SEC. 40. Arbitration. - The determination of factual issues may be referred to an arbitration panel composed of one representative from each of the parties involved and presided over by a representative of the Attorney - General.

SEC. 41. Appeals. - The decision of the Attorney-General shall be binding and executory upon the parties involved. Appeals may, however, be taken to the Regional Governor where the amount of the claim or the value of the property exceeds one million pesos. The decision of the Regional Governor shall be final.

SEC. 42. Rules and Regulations. - The Attorney-General shall promulgate the rules and regulations necessary to carry out the provisions of this Chapter.

TITLE I AGRARIAN REFORM

Chapter 1 General Provisions

SECTION 1. Declaration of Policies. - (1) It is the declared policy of the Autonomous Region in Muslim Mindanao to pursue a Regional Agrarian Reform Program suitable to the special circumstances prevailing in the area of autonomy, in accordance with the Constitution, Republic Act 9054 and other existing national laws and policies. The welfare of the landless farmers and farm workers will receive the highest consideration to promote social justice and to move the region towards sound rural development and industrialization and the establishment of owner cultivatorship of family economic – size farm as basis for the region’s agriculture.

To this end, a more systematic equitable distribution and ownership of land, with due regard to the rights of the landowners to just compensation is essential. The need to preserve ecological balance in the region shall be given serious consideration to provide farmers and farm-workers the opportunities to enhance their dignity and improve the quality of their lives through greater productivity in agriculture. The agrarian reform program is founded on the rights of the landless farmers and farm-workers to own directly or collectively the land they till or in case of other farm-workers, to receive a just share of the fruits thereof.

(2) The Autonomous Regional Government shall facilitate and accelerate the equitable distribution of all alienable and disposable lands and other government agricultural lands that are in excess of what are really needed for development for public use, subject to the priorities and limitations set forth by law;

- (3) The Autonomous Regional Government shall undertake appropriate measures to protect the ancestral domain and ancestral lands of the indigenous cultural communities;
- (4) The Autonomous Regional Government shall respect the rights of small landowners and shall provide incentives for voluntary offered lands for sale/distribution in accordance with the provisions of law on just compensation;
- (5) The Autonomous Regional Government shall be guided by the principle that it is its concern and responsibility to lift the economic and social status of the landless farmers and farm workers. Likewise, it shall also be guided by the principle that land has a social function and landownership has corresponding social obligations and responsibilities. Landowners are encouraged not to leave their lands idle and abandoned but instead make them available for productive purposes to benefit not only themselves but others who are landless, thereby helping the less fortunate segments of society to become self-reliant and self-sufficient in life;
- (6) The Autonomous Regional Government shall apply the principle on collective ownership and/or stewardship, whenever applicable, in accordance with law in the disposition and utilization of other natural resources, including lands of the public domain under lease or concession suitable to agricultural production, subject to the prior rights, homestead rights of small settlers and the ancestral rights of the indigenous cultural communities;
- (7) The Autonomous Regional Government shall recognize the rights of farmers, farm-workers, landowners, cooperatives and other independent farmers' organizations, to participate in the planning, organization and management of the programs. It shall provide support to agriculture through the provision of appropriate and adaptable technology transfer as a result of intensive research and adequate financial assistance for production, marketing and other support services;
- (8) The Autonomous Regional Government shall protect the rights of subsistence fishermen found in the local communities in their preferential use of communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial assistance for production and marketing and other basic services necessary for their development;
- (9) The Autonomous Regional Government shall protect, develop and conserve such resources for continuous utilization by its people and shall also protect offshore fishing grounds of subsistence fishermen against intrusions. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources; and
- (10) The Autonomous Regional Government shall provide incentives to landowners affected by the program to invest the proceeds of their landholdings to promote and accelerate industrialization, employment and privatization of public sector enterprises. Financial instruments used as payment of land shall contain features that shall enhance negotiability and acceptability in the market place. The autonomous

government may lease undeveloped lands of the public domain, and/or all acquired, sequestered or foreclosed properties to qualified entities for the development of capital intensives farms and traditional and pioneering crop production especially those for export subject to the prior rights of the beneficiaries under the law.

SEC. 2. Mandate. - The Department is the principal agency to assist the Regional Governor in the implementation of agrarian reform law, programs and projects. It shall also implement national programs and projects intended for the Autonomous Region consistent with regional law, customs and traditions of the Bangsamoro people.

SEC. 3. Powers and Functions. - The powers and functions of the Department are as follows:

- (1) Implement all agrarian laws and for this purpose, it is authorized to issue subpoena, subpoena *duces tecum*, writ of execution of its decision, cite any person for contempt under penalty of laws such other legal processes as to ensure the success and expeditious implementation of the Agrarian Reform Program;
- (2) Advise the Regional Governor and the Regional Agrarian Reform Council (RARC) on the promulgation of executive and administrative orders, other regulation issuances and legislative proposals designed to strengthen agrarian reform and protect the interest of the beneficiaries thereof;
- (3) Establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation in ARMM in accordance with the existing laws;
- (4) Coordinate program implementation with the Land Bank of the Philippines (LBP) and other relevant civilian and military government agencies mandated to support the agrarian reform program;
- (5) Acquire, administer, distribute and develop agricultural lands for agrarian reform purposes;
- (6) Undertake surveys of lands covered by agrarian reform;
- (7) Issue emancipation patents to farmers and farm-workers covered by agrarian reform for both private and public lands and when necessary, make administrative corrections of the same;
- (8) Provide free legal service to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure related problems as may be provided by the law;
- (9) Promote the organization and development of cooperatives and other organizations of agrarian reform beneficiaries;
- (10) Conduct continuing education and promotion programs on agrarian reform for beneficiaries, landowners, government personnel, and the general public;

- (11) Institutionalize the participation of farmers, farmworkers, other beneficiaries, and agrarian reform advocates in agrarian reform policy formulation, program implementation and evaluation;
- (12) Exercise exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as maybe provided for by law;
- (13) Call upon any government agency and non-government organizations to extend full support and cooperation to program implementation; and
- (14) Exercise such other powers and functions as may be provided for by law or directed by the Regional Governor, to promote efficiency and effectiveness in the delivery of public services.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Department Services and their Divisions and the Provincial and the Municipal Agrarian Reform Offices.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Department shall be headed by a Regional Secretary who shall be appointed by the Regional Governor subject to confirmation by the Commission on Appointments of the Regional Assembly. The Regional Secretary shall act as the Chief Executive of the Department, who shall exercise all powers and authority inherent to his/her office and responsibility.

SEC. 6. Office of the Assistant Regional Secretary. - The Regional Secretary shall be assisted by a Career Assistant Regional Secretary.

SEC. 7. Agrarian Reform Adjudication Board. - The Agrarian Reform Adjudication Board shall be administratively under the office of the Regional Secretary. The Board shall be composed of the Regional Secretary as Chairperson, the Assistant Regional Secretary, Chief of the Agrarian Legal Assistance Division (ALAD) and two (2) other members to be appointed by the Regional Governor upon the recommendation of the Regional Secretary.

The Board shall assume the powers and functions with respect to the adjudication of agrarian reform cases except those powers and functions within the exclusive jurisdiction of DAR Regional Secretary. These powers and functions may be delegated to the provincial offices of the DAR through their provincial adjudicators.

SEC. 8. Regional Agrarian Reform Council (RARC). – The RARC shall be the highest policy making body regarding agrarian reform in the area of autonomy. It is mandated to formulate policies, rules & regulations for implementation, taking into consideration the geographical area, common and distinct historical, cultural heritage, social-economic structure

and other relevant characteristics of the constituents of the ARMM, provided that the aforementioned do not contravene existing laws.

SEC. 9. Composition of the (RARC). - The RARC shall be composed of the Regional Governor as Chairperson, DAR-ARMM Regional Secretary as Vice-Chairperson and the Regional Secretaries and the heads of offices of the following devolved departments and agencies/offices as members:

- | | |
|-----------------|--------|
| (1) DAF-ARMM | Member |
| (2) DENR-ARMM | Member |
| (3) DOLE-ARMM | Member |
| (4) DILG-ARMM | Member |
| (5) DPWH-ARMM | Member |
| (6) DTI-ARMM | Member |
| (7) DOTC-ARMM | Member |
| (8) RPDO | Member |
| (9) RCIP-ARMM | Member |
| (10) HLURB-ARMM | Member |
| (11) ORT-ARMM | Member |

The following agencies and financial institutions of the Central Government shall also be coordinated for their active participation in the programs, projects and activities of RARC:

- | | |
|---|--------|
| (1) Department of Budget and Management | Member |
| (2) Department of Finance | Member |
| (3) Department of Justice | Member |
| (4) Land Bank of Philippines | Member |
| (5) National Irrigation Administration | Member |

The Regional Governor shall appoint one (1) representative coming from the Agrarian Reform beneficiaries and one (1) representative coming from the affected landowners as members of the RARC whose term of office shall be co-terminus with the appointing authority.

The DAR shall provide the Secretariat to the RARC, and the Regional Secretary of Agrarian Reform shall be the Secretary General thereof.

SEC. 10. Functions of the RARC. The RARC shall exercise the following functions:

- (1) Recommends small farm economy areas, which shall be specific by crop and based on thorough technical study and evaluation;
- (2) Schedules acquisition and redistribution of specific agrarian reform areas, provided that such acquisition shall not be implemented until all the requirements are completed, including the first payment to the landowners concerned;
- (3) Controls mechanics for evaluating the landowners' declaration of current fair market value as provided in Section 6 hereof taking into account current land transaction in the locality, the landowners annual income from his/her land, and other factors;
- (4) Coordinates the implementation of CARP Special Projects;
- (5) Ensures timely and effective deliveries of the necessary support services funded out of the Agrarian Reform Fund; and
- (6) Authorizes any of its members to formulate rules and regulation concerning aspects of agrarian reform falling within their area of responsibility.

SEC. 11. RARC shall have an Executive Committee composed of the Regional Secretary of Agrarian Reform as Chairperson and Regional Secretaries and Heads of the following agencies as members:

- | | |
|---|------|
| (1) Office of the Executive Secretary | ORG |
| (2) Department of Environment and Natural Resources | ARMM |
| (3) Department of Public Works and Highways | ARMM |
| (4) Department of Agriculture | ARMM |
| (5) Office of the Regional Treasurer | ARMM |

The Executive Committee may invite whenever necessary authorized representatives of the central government from the following:

- (1) Department of Finance
- (2) Land Bank of the Philippines
- (3) Department of Budget and Management

Chapter 3 **Department Services**

SEC. 12. Department Services. - There shall be six (6) divisions composed of the following: (a) Administrative Management Division, (b) Finance and Budget Management Division, (c) Land Acquisition, Distribution and Development Division, (d) Beneficiaries Education and Community Development Division, (e) Planning, Policy, Research and Management Information Division, and (f) Agrarian Legal Assistance Division.

The **Administrative Management Division** shall be responsible for the following:

- (1) Management of the Human Resources of the Department including its physical assets, records, supplies and materials; and
- (2) Establishment of management systems and procedures.

The **Finance and Budget Management Division** shall be responsible for the following:

- (1) Proper and timely allocation of funds to support approved programs, projects and activities; and
- (2) Exercise management control and accounting of funds;

The **Technical Divisions** shall respectively be responsible for the following:

- (1) **Land Acquisition, Distribution and Development Division (LADDD).** - The Land Acquisition, Distribution and Development Division (LADDD) shall be headed by a Division Chief or Chief Agrarian Reform Program Officer (CARPO). It shall be responsible for the development of policies, plans, programs, standard operating procedures and for providing technical assistance relative to the acquisition and distribution of private agricultural lands.
- (2) **Beneficiaries, Education and Community Development Division (BECDD).** - The Beneficiaries, Education and Community Development Division (BECDD) shall be headed by a Division Chief or CARPO. This Division shall be responsible for the development of policies, plans and programs and for providing technical assistance, relative to the development of settlement areas into viable agrarian reform communities. It shall be responsible for promoting the organization of agrarian reform beneficiaries, liaison with farmer and farm-workers organizations to ensure the raising of farm incomes, the promotion of all forms of farm cooperatives.
- (3) **Planning, Policy, Research and Management Information Division (PPRMID).** - The Planning, Policy, Research and Management Information Division (PPRMID) shall be headed by a Division Chief or Chief Agrarian Reform Program Officer (CARPO). It shall be responsible for coordinating and initiating the development, integration and prioritization of plans, programs and projects of the Department.

- (4) **Agrarian Legal Assistance Division (ALAD).** - The Agrarian Legal Assistance Division (ALAD) shall be headed by a Division Chief or CARPO. Subject to the devolution of the adjudicatory functions, it shall be responsible for developing guidelines, plans and programs for legal assistance including developing, maintaining and coordinating para-legal services for those who will be affected by the agrarian reform programs.

Chapter 4 **Provincial and Municipal Offices**

SEC. 13. Provincial Offices. - The Department shall have Provincial Agrarian Reform Offices to be headed by a Provincial Agrarian Reform Officer.

The Provincial Agrarian Reform Offices shall be responsible for directing and coordinating the operations and activities of the Municipal Agrarian Reform Offices operating within the province and has the following functions:

- (1) Set priorities, specific targets, schedules, and deadlines for the execution of approved plans, programs, and projects on land acquisitions, distribution, transfer of land ownership to actual tillers, including land-tiller-landowner identification, tenurial security, leasehold arrangements, land surveys, and landowner's compensation as may be provided for by law;
- (2) Conduct continuing information and education programs on agrarian reform;
- (3) Encourage organizational development of agrarian reform beneficiaries, cooperatives, and other associations and institutionalize farmer-government partnership in agrarian reform policy formulation, programs implementation, and evaluation;
- (4) Facilitate landowners' compensation and re-channel landowner capital to industrial development;
- (5) Develop and implement alternative land tenure system such as cooperative farming, cooperative cultivatorship schemes, and agro-industrial estates, among others;
- (6) Assist Agrarian Reform Communities in proper land use management;
- (7) Promote the use of compact farming, integrated farming system, sloping agricultural land technology (SALT), and other land conservation measures in agrarian reform areas, in coordination with farmer and farm workers organizations;
- (8) Provide legal services to those affected by agrarian reform and resolution of agrarian conflicts and land tenure problems;

- (9) Provide administrative services to the Municipal Agrarian Reform Offices within the province;
- (10) Provide legal services to agrarian reform beneficiaries in cases arising from or connected with agrarian reform disputes, handling of expropriation proceedings, registering cooperatives and reviewing and acting on all matters initially investigated and elevated by Municipal Agrarian Reform Office;
- (11) Provide technical assistance to Municipal Agrarian Reform Officers in the implementation of approved plans and programs;
- (12) Conduct periodic performance audit in collaboration with the regional office and monitor agrarian reform program accomplishments, including operational problems and constraints, and recommend appropriate remedial measures for effective program implementation; and
- (13) Perform such other functions as may be necessary.

SEC. 14. Municipal Agrarian Reform Offices. - The Department shall have as many Municipal Agrarian Reform Offices as may be necessary in promoting efficiency and effectiveness in the delivery of its service, which shall be headed by a Municipal Agrarian Reform Officer (MARO).

The **Municipal Agrarian Reform Office** shall be responsible for directly implementing agrarian reform programs and delivering expected results at the municipal level. For such purpose, it shall have the following functions:

- (1) Implement policies and programs on land acquisition and distribution and transfer of landownership to actual tillers, including identification of farms, landowners, and beneficiaries, leasehold arrangements, landowner's compensation and transfer actions as determined in accordance with law;
- (2) Undertake continuing information and education programs on agrarian reform among the beneficiaries thereof;
- (3) Encourage and promote the organization and development of agrarian reform beneficiaries and assist in the registration of organized cooperatives;
- (4) Institutionalize beneficiaries' participation in agrarian reform policy formulation and programs implementation;
- (5) Organize/establish compact farms, land consideration integrated farm system, sloping agricultural land technology and other cooperative-cultivatorship schemes;
- (6) Provide assistance in agrarian reform research;

- (7) Provide assistance to various legal services, including legal information and legal counseling, documentation and preliminary processing of applications for patents, and applications to purchase lots, preliminary investigation of conflicting claims of lot boundaries and appraisal of properties, and mediation on different problems arising from implementation of the agrarian reform program; execution and registration of lease contracts, initial investigation of administrative cases, and other legal services;
- (8) Provide assistance on project identification, formulation, and development that would uplift the socio-economic status of the beneficiaries including projects that would channel landlord capital to industrial development;
- (9) Coordinate with other government and private agencies and farmers and farm workers organization within the area of coverage for effective program/project implementation;
- (10) Submit periodic reports on program/project accomplishments including identified problems and recommended solutions thereto;
- (11) Implement projects supportive of national/regional priority programs which the Department is committed to assist; and
- (12) Perform such other functions as may be assigned from time to time, to promote efficiency and effectiveness in the delivery of public service.

TITLE II AGRICULTURE AND FISHERIES

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous Regional Government shall promote the well being of farmers, including share tenants, leaseholders, settlers, fishermen, and other rural workers by providing an environment in which they can increase their income, improve their living conditions, and maximize their contributions to the national economy.

SEC. 2. Mandate. - The Department of Agriculture and Fisheries is the primary agency of the Autonomous Regional Government responsible for the promotion of agricultural and fishery development by providing the policy framework, public investments, and support services needed for domestic and export-oriented business enterprises.

In the fulfillment of this mandate, it shall be the primary concern of the Department to improve farm income and generate work opportunities for farmers, fishermen, and other rural workers. It shall encourage people's participation in agricultural development through sectoral representation in agricultural policy-making bodies so that the policies, plans, and programs of

the Department are formulated and executed to satisfy their needs. It shall ensure social justice, equity, productivity and sustainability in the use of agricultural resources.

SEC. 3. Powers and Functions. - The Department shall:

- (1) Provide integrated services to farmers, fisherfolks, and other food producers on production, utilization, conservation, and disposition of agricultural and fishery resources;
- (2) Plan, formulate policies, implement and monitor programs and projects relating to agriculture/food production and supply;
- (3) Promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and fishery resources;
- (4) Establish central and regional information systems to serve the production, marketing, and financing data requirements of the farmers as well as domestic and foreign investors in agribusiness ventures;
- (5) Provide comprehensive and effective extension services and trainings to farmers, fisherfolks, and other agricultural entrepreneurs on the production, marketing, and financing aspects of agricultural enterprises in accordance with the Department's existing rules, procedures and guidelines;
- (6) Conduct, coordinate, and disseminate research studies on appropriate technologies for the improvement and development of the regions' agricultural crops, fisheries and livestock, and other allied commodities in coordination with the Department of Agriculture Central Office;
- (7) Provide the mechanism for the participation of farmers, fisherfolks, and entrepreneurs at all levels of policy-making, and plan/ program formulation;
- (8) Coordinate with and/or call upon other public and private agencies for cooperation and assistance on matters affecting the Autonomous Regional Government's plans, policies, and programs consistent with the existing Halal Food Industry Development Master Plan;
- (9) Issue clearances and permits for the importation and exportation of agricultural and fishery commodities subject to existing guidelines, laws, rules and regulations of concerned national agencies;
- (10) Approve charter contracts, issue permits for Special Commercial Fishing Boats and Licenses for Commercial Fishing Vessels and Gears to operate within the territorial waters of ARMM in accordance with Regional Fisheries Administrative Order No. 050 s. 2009, MMA Act 86 and its Implementing Rules and Regulations;
- (11) Determine and designate fish landing points for all commercial fishing boats within its territorial limits;

- (12) Assist LGUs in the management and conservation of their municipal waters;
- (13) Regulate and supervise the production, capture and gathering of fish and fishery/aquatic products;
- (14) Designate area or areas in the ARMM as fishery reservations for the exclusive use of the Autonomous Regional Government or any of its political subdivisions, agencies or instrumentalities, or of the inhabitants therein, for the culture of fish and other aquatic animals for educational, research and scientific purposes in accordance with MMA Act No. 86 and its IRR, Implementing Guidelines and Procedures in the Establishment and Management of Marine Parks/Zones under the Central Government's Fisheries Office Order No. 317, series of 2006; and
- (15) Perform such other functions as may be provided for by regional laws.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Department Services, the Regional Bureau of Fisheries and Aquatic Resources (RBFAR), other attached bureaus/ agencies, and the Provincial, City and Municipal Agricultural and Fishery Offices.

Chapter 2 Department Proper

SEC. 5. The Department Proper - The Department Proper is composed of the Office of the Regional Secretary, the Office of the Assistant Regional Secretary, Office of the Director for Administrative and Finance, the Office of the Director for Research Development and Extension Services, the Office of the Director for Field Operations Services and the Provincial and City/Municipal Agricultural/Fisheries Offices.

SEC. 6. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary and his/her immediate staff and shall be assisted by the following divisions headed by Division Chiefs:

- (1) Planning, Monitoring and Project Development Division. The Planning, Monitoring and Project Development Division shall be responsible for the formulation and integration of the plans and programs emanating from all units of the Department, including the Bureau, Provincial/Municipal Offices and Attached Agencies/Bureaus. It shall be responsible for data analysis and monitoring of the implementation of said plans and programs;
- (2) Regional Agriculture and Fishery Information Division. The Regional Agriculture and Fishery Information Division shall be responsible for the preparation of the communication plan, design and produce information, education campaign materials which aims to create awareness to the general public specially farmers and fisherfolks of the different programs of the department. It shall be done through mass media approaches - print and broadcast media, audio visual, media relations,

special events, extension training, all geared towards the attainment of food security in the region;

- (3) **Special Project Coordinating, Management and Assistance Division.** The Special Project Coordinating, Management and Assistance Division shall monitor the implementation of the Department of Agriculture's special, national and foreign funded projects in the region, coordinate local/regional special projects such as the Halal Industry Development Program together with the concerned divisions of the department, conceptualize, develop and recommend to the Regional Secretary new regional special projects based on the unique needs and conditions of the autonomous region; and ensure participation of the office in inter-agency or special bodies where the agency is a part; and
- (4) **Legal Division.** The Legal Division shall handle the legal requirements including those pertaining to the quasi-judicial and regulatory functions of the Department and its Bureaus.

SEC. 7. Office of the Assistant Regional Secretary. - The Office of the Assistant Regional Secretary shall consist of the Career Assistant Regional Secretary, who belongs to the career executive service prior to his/her appointment and his/her immediate staff.

SEC. 8. Functions of the Assistant Regional Secretary. – The Assistant Regional Secretary shall assist the Regional Secretary in the formulation, determination and implementation of laws, policies, plans, programs and projects on agriculture and fisheries. When the Regional Secretary is unable to perform his/her duties owing to illness, absence, or other cause, as in case of vacancy in the office, the Assistant Regional Secretary shall temporarily perform the functions of the said office. The Assistant Regional Secretary also performs such other functions as may be directed by the Regional Secretary and as may be provided by law.

Chapter 3 Department Services

SEC. 9. Services of the Department. - The Department Services shall be as follows:

- (1) **Administrative and Finance Services.** The Office of the Administrative and Finance Services is headed by a Director III and shall perform the following functions:
 - (a) Provide services relating to personnel, records, inventory of assets and equipment, information, training and other general services;
 - (b) Provide services relating to budgeting, accounting and management; and
 - (c) Investigate and recommend actions on complaints or administrative cases filed against officials and employees of the Department.

The Administrative and Finance Service shall consist of the Administrative Division and the Finance Division.

(2) **Field Operations Services.** The Office for Field Operations Services, headed by a Director II shall have the following functions:

- (a) Facilitate the formulation and integration of plans and programs, emanating from all provincial offices, including the bureaus and attached agencies consistent with Agriculture and Fisheries Modernization Program (AFMP) and agricultural development policies embodied in the Medium Term Development Program (MTDP);
- (b) Institutionalize mechanisms for agriculture and fisheries modernization programs, review and formulation involving the broadest participation from the sector's stakeholders;
- (c) Institutionalize programs, monitoring and evaluation system to ensure feedback and response mechanism among stakeholders covering beneficiaries, implementers, support management and policy groups;
- (d) Serve as the technical arm of the Department in the implementation of Agricultural Development Program in the region;
- (e) Enforce agricultural and fisheries laws, rules and regulations, settle and resolve conflicts within its jurisdiction; and
- (f) Serve as the principal central logistic and technical support unit for the implementation of the Department's field programs and the operation of the Department's field offices.

The Field Operations Service shall consist of the following divisions: Crops Division; Agri-business and Marketing Assistance Division; Livestock Division; Regulatory Division; and the Regional Agricultural Engineering Division.

(3) **Research, Development and Extension Services.** The Research, Development and Extension Services, headed by a Director II, shall perform the following functions:

- (a) Formulate plans, implement, monitor, evaluate, and coordinate activities pertaining to Integrated Regional Research, Development and Extension (RDE) system for agriculture in the region;
- (b) Ensure that regional facilities and equipment are properly maintained, needed support services are in proper place in support to program implementation and that resources utilization is maximized;
- (c) Formulate Regional and Provincial Integrated Research Development and Extension Agenda and Program (R/PIRDEAP) and prioritize the projects for the agriculture sector in partnership with the farmers and industry sectors;
- (d) Review and evaluate agricultural research development and extension research

proposals of member agencies for the Bureau of Agriculture and Research and other donor agencies and countries;

- (e) Establish a strong human resource development program and maintain a network with international donor agencies, national, provincial, and municipal partners; and
- (f) Serve as Secretariat of the Research Development and Extension Network for agriculture and Zonal Cluster Research and Development (Mindanao) Cluster for Agriculture (ZRDC).

The Research and Development and Extension Services covers the Autonomous Region in Muslim Mindanao Integrated Agricultural Research Center (ARMMIARC) and the Regional Outreach Stations and Facilities (ROSF/s).

Chapter 4 **Provincial and City/Municipal Agricultural/Fisheries Offices**

Subject to Section 3, Article III and Section 1, Article IV of RA 9054 mandating the Regional Government to adopt a policy on local autonomy whereby regional powers shall be devolved to local government units, the provincial, city and municipal agricultural/fisheries offices shall be governed by the following:

SEC. 10. Provincial and City/Municipal Agricultural/Fisheries Offices. - The Department shall operate, and maintain Provincial and City/Municipal Agricultural/Fisheries Offices in each component province and cities of the ARMM. It shall be headed by a Provincial/City Agricultural Officer with the following duties and responsibilities:

- (1) Provide efficient and effective implementation of all Programs and Projects in the provincial/city level;
- (2) Implement and enforce in its area the laws and policies, plans, programs, projects, rules, and regulations issued by the Department;
- (3) Coordinate with provincial/city offices of other departments, offices and other line agencies in the province/city;
- (4) Coordinate with local government units;
- (5) Monitor and evaluate all projects implemented in the province; and
- (6) Perform such other functions as may be provided by law.

At the municipal level, policies, plans, programs, projects, laws, rules, and regulations of the Department shall be implemented by the Municipal Agriculture and Fisheries Offices.

Chapter 5
Regional Bureau of Fisheries and Aquatic Resources (RBFAR)

SEC. 11. Regional Bureau of Fisheries and Aquatic Resources - The Regional Bureau of Fisheries and Aquatic Resources shall have the following powers and functions:

- (1) Prepare and implement a comprehensive regional fisheries development plan;
- (2) Formulate and implement a Fishery Research and Development Program, such as, but not limited to, sea farming, sea ranching, tropical/ornamental fish and seaweed culture aimed at increasing resource productivity and ensuring sustainability of the region's fisheries and aquatic resources;
- (3) Establish and maintain a comprehensive fishery information system;
- (4) Provide extensive development services in all aspect of fisheries including the maintenance of proper sanitation and hygienic practices in fish markets and fish landing areas;
- (5) Implement an inspection system for import and export of fishery/aquatic products and fish processing establishments consistent with international standards to ensure product quality and safety;
- (6) Coordinate with Local Government Units and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing;
- (7) Enforce all fishery laws, rules and regulations, and settle conflicts on resource utilization and allocation in coordination with the LGUs, Regional Fisheries and Aquatic Resources Management Council, Integrated Fisheries and Aquatic Resources Management Council and Municipal/City Aquatic Resources Management Council;
- (8) Develop value-added fishery/aquatic products for domestic consumption and export;
- (9) Recommend measures for the protection/enhancement of the fishery industry;
- (10) Assist the LGUs in developing their technical capability in the development management, conservation, and protection of the fishery/aquatic resources;
- (11) Issue license for the operation of commercial fishing vessels and authorize the movement of trade of fishery/aquatic products and collect fees prescribed by law and regulations;
- (12) Recommend to the Regional Secretary the appointment of personnel of the Bureau;
and

(13) Performs such other related functions which shall promote the development, management, protection and conservation of fisheries and aquatic resources.

SEC. 12. Composition. – The Bureau shall be composed of the Office of the Director II assisted by a Director I and supported by divisions/ sections/ units. The provincial/city/ municipal fishery officers shall form part of the field offices of the Department of Agriculture and Fisheries.

SEC. 13. RBFAR Organizational Structure. – The RBFAR is composed of the Office of the Regional Director, Office of the Assistant Regional Director, the Divisions, Sections and Legal Unit, and the Provincial and City/Municipal Fishery Offices.

SEC. 14. Bureau Head. – The Bureau shall be headed by a Regional Director with a rank of Director II and assisted by an Assistant Regional Director with the rank of a Director I.

Chapter 6 ARMM Coconut Authority (ACA)

SEC. 15. The Autonomous Regional Government shall establish the ARMM Coconut Authority (ACA) which shall have the following functions:

- (1) Formulate and promote a strategic and comprehensive development program for the coconut and other palm oil industry in all its aspects;
- (2) Implement and sustain a region-wide coconut planting and replanting, fertilization and rehabilitation, and other farm productivity programs;
- (3) Conduct research and extension works on farm productivity and process development for product quality and diversification;
- (4) Establish quality standards for coconut and palm products and by- products; and, develop and expand the domestic and foreign markets; and
- (5) Enhance the capacities and ensure the socio-economic welfare of coconut and palm farmers and farm workers.

SEC. 16. Organizational Structure and Funding. – The ACA shall be composed of such offices as maybe devolved to the Autonomous Region in accordance with Section 3, Article XVIII of Republic Act 9054. In addition to funds that maybe devolved, the Regional Assembly shall provide the necessary funding for the administrative and operational requirements of the Authority.

Chapter 7 Coordination with Bureaus/Agencies

SEC. 17. Coordination with Bureaus/ Agencies. - The Department shall maintain coordination with following bureaus and agencies pending their devolution to the autonomous region:

- (1) Agricultural Training Institute (ATI);
- (2) National Irrigation Administration (NIA);
- (3) National Food Authority (NFA);
- (4) National Meat and Inspection Services (NMIS);
- (5) Bureau of Agricultural Statistics (BAS);
- (6) National Nutrition Council (NNC) ;
- (7) Bureau of Plant Industry (BPI);
- (8) Bureau of Animal Industry (BAI);
- (9) Bureau of Soils (BS);
- (10) Bureau of Agricultural Extension (BAEx); and
- (11) Fertilizers and Pesticides Authority (FPA)

SEC. 18. Organization and Operation. - The bureaus and agencies with pending devolution shall continue to operate and function in accordance with their respective charters, laws or orders creating them. The Regional Secretary shall serve as the Chairperson of the Regional Management Council consisting of the aforementioned bureaus and agencies.

TITLE III EDUCATION

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. The Regional Government shall establish, maintain and support as a top priority 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, in accordance with “Muflihun” as a philosophy of education in ARMM.

Towards this end, it is the policy of ARMM Regional Government:

- a) To provide a system of basic education which shall be committed to the total spiritual, intellectual, social, cultural, scientific, technological and physical development of the youth in order to make them God-fearing, peace-loving, value-conscious and productive citizens;

- b) To develop, promote, and enhance unity in diversity. All schools in the Autonomous Region shall inculcate into the minds of their pupils/students the values, patriotism and nationalism, appreciation of the role of national and regional heroes in the historical development of the country and region;
- c) To promote and strengthen the Madrasah System as an integral part of the regional education system;
- d) To undertake special educational programs for the underprivileged, unemployed, underemployed, disadvantaged, displaced, and differently abled to enable them to share the blessings of life, with meaningful, useful and productive participation and involvement; and
- e) To respond readily to the ever-changing needs and conditions of the region and the nation through sound and realistic educational planning, implementation, monitoring and evaluation.

SEC. 2. Definition of Terms.

Learners – learners aged 15 years and above who are illiterates, neoliterates who either have had no access to formal education or have reverted to illiteracy.

Adult Literacy Rate – the percentage of population aged 15 years and over who can read and write with understanding simple statements on everyday life transactions.

Alternative Learning System – a parallel system aimed to provide a viable alternative to the existing formal educational instruction. It encompasses both the non-formal and informal sources of knowledge and skills.

Basic Learning Needs – comprise the essential learning tools (such as literacy, oral expressions, numeracy and problem solving) and the basic learning content (such as knowledge, skills, values and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning. The scope of basic learning needs and how these should be met varies with individual countries and cultures and inevitably changes with the passage of the time.

Child-friendly School – an institution that recognizes and respects the range of rights of children, and not just their right to be educated. These rights also include their rights to be healthy, to be given opportunities for play and leisure, to be protected from harm and abuse, to express their views freely, and to participate in decision-making according to their evolving capacities.

Dropout – a pupil/student who leaves the school before completing the grade /year and/or who completes the grade/year but fails to enroll in the next grade/year the following year.

Education, basic – the education intended to meet basic learning needs which lay the foundation on which subsequent learning can be based. It encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special needs.

Education, Early Childhood – the level of education that needs to prepare 3-5 year-old children (one year before Grade 1) for formal schooling and the same time narrow down adjustment and learning gaps. This level focuses on the physical, social, moral, and intellectual development through socialization and communication processes.

Education, Elementary – the first stage of free and compulsory, formal education primarily concerned with providing basic education and usually corresponding to six and seven grades. Elementary education can likewise be attained through alternative system.

Education, Informal – form of educational learning which is non-graded and outside of formal schooling.

Education, Preschool – an organized learning experience including play activities for children below six (6) years old. It aims to develop the child in all aspects (physical, social, cognitive, and emotional) so he/she will be better prepared for socialization and cope with the demands of formal schooling.

Education, Primary (in the Philippines) – the stages of formal education concerned with providing basic education and usually corresponding to the first four grades of elementary education.

Education, Secondary – the stage of formal education following the elementary level concerned primarily with continuing basic education and expanding it to include the learning of employee gainful skills, usually corresponding to four years in high school.

Functional Literacy – a range of skills and competencies-cognitive, affective, and behavioral-which enables individuals to: a.) live and work as human persons, develop their potential, make critical and informed decisions, and b.) function effectively in society within the context of their environment and that of the wider community (local, regional, national, global) in order to improve the quality of their life and that of society.

Integrated School – a school that offers a complete basic education in one school site, has unified instructional programs and under one (1) school head.

Learner, Basic Education – any individual seeking basic literacy skills and functional life skills or support services for the improvement of the quality of his/her life.

Learning Center - a physical space to house learning resources and facilities of a learning program for out-of-school and adults. It is for face-to-face learning activities and other learning opportunities for community development and improvement of the people's quality of life.

Learning Facilitator - the key-learning support person who is responsible for supervising/facilitating the learning process and activities of the learner.

Madrasah - an Arabic term for school which is operationally defined as an educational institution which is community-based and operated privately whereby the medium of instruction is the Arabic language with Islamic studies and Arabic literacy as the core emphasis.

Madrasah , Developmental or Formal – a type of Madrasah that offers hierarchically structured education and sequential learning generally attuned with the formal education system.

Madrasah, Integrated or Pilot – a type of Madrasah that offers a complete basic unified instructional programs such as Arabic Language, Islamic Values education, Islamic Studies, and the core learning areas of the Restructured Basic Education Curriculum.

Madrasah, Traditional or Weekend – a type of Madrasah wherein the instruction is basically religious. It is considered as non-formal education due to its characteristics: (a) classes are held on Saturdays and Sundays or days agreed upon by the teacher and students/pupils; (b) it does not have a formal curriculum; (c) it is non-graded and may have multi-age grouping; and (d) it requires only a simple qualification for its teachers such as being graduates of a Madrasah or an Imam (Muslim religious leader).

Mean years of schooling per person aged 5 and over – average number of years that a person spends in education. In general, the education level is directly proportional to number of schooling years, therefore, this indicator like literacy rate, can be used for analyzing the education level of the population.

Muflihun – a philosophy of total development of man (Tazkiyah) through the pursuit of acquisition of Divine and revealed knowledge (under the principle of Tawhid-oneness of God) and the study of physical and natural sciences (Rubbiyyah) to actualize his role as vicegerent of God on earth (Khalifa of God on earth) and thereby contributes fully to the development of his society in order to achieve well-being in this world and in the hereafter (Hassanah fid-dunya and hassanah fi'l-akhirah).

Multi Grade Class – a class consisting of different curriculum grades handled by one teacher.

Ramadhan - the ninth month of the Muslim hijrah calendar designed to maintain a balance between material and spiritual aspects of human life, during which strict fasting is observed from dawn to sunset and minimize the pure mundane activities in order to accelerate spiritual progress and repair spiritual loss.

Repeaters – pupils/students who failed or left a particular grade/year level during a given school year, or pupils/students who are enrolled in the same grade/year for a second (or more) time.

School – an educational institution, public and private undertaking educational operation with a specific age-group of pupils or students pursuing defined studies at defined level receiving instruction from teachers, usually located in a building or a group of buildings in a particular physical or cyber site.

School, Private Formal – a school system organized and operated privately by single proprietor, partnership or corporation, either secular or non-secular with permit to operate or certificate of recognition from the DepEd-ARMM.

School Head – a person responsible for the administrative and instructional supervision of the school or cluster of schools.

School Leaver – a pupil/student who enrolled in a school or course but left before completing the prescribed program.

School Year – the prescribed period of time when schools offer daily instruction broken by short intermission periods (e.g., December Break, summer vacations, holidays and Ramadhan).

Simple/Basic Literacy – the ability to read and write with understanding a simple message in any language or dialect.

Special Education (SPED) – the education of persons who are gifted or talented and those who have physical, mental or sensory impairment or cultural differences so as to require modification of school curricula, programs and special services and physical facilities to develop them to their maximum capabilities.

Special Education Center – an administrative unit which may not be within the regular school that serves two or more types of children with special needs and is administered by a SPED trained principal/head teacher or any qualified staff.

Special needs Education – the education of children and youth with special needs corresponding to elementary and secondary education that require modifications of school practices, curricula, programs, special services and facilities. These include children and youth who are gifted/talented, fast learners and those with disabilities.

Stakeholder – a person or group of people having interest, benefits, and enthusiastic support for the betterment and quality education.

Student Financial Assistance – a form of assistance provided to deserving students in a form of scholarship grant, study-now-pay-later loan, tuition fee subsidy under the service contracting scheme program, and other form of grant-in-aid program.

Talamidz – Arabic term for pupils/students.

Ustadz – singular of Asatidz which refers to the teachers teaching in the Madrasah Institution. Asatidz is a plural of Ustadz.

Zakat – refers to the third pillar of Islam which a Muslim must observe based on rules and guidelines set forth under the Islamic law.

SEC. 3. Religious Instruction. - Religious instruction shall be made available and accessible to Muslim and non-Muslim students.

SEC. 4. Private Schools and Madaris. - The DepEd-ARMM shall be responsible for the supervision and regulation of pre-schools, elementary and secondary private schools and Madaris. Private Schools, including sectarian and non-sectarian institutions of learning may organize themselves and shall have the right to participate and be represented by three (3) representatives in the Regional Educational Coordinating Council's (RECC) deliberations of the DepEd-ARMM on matters dealing with private schools and Madaris.

SEC. 5. Madaris and Asatidz. - Existing madaris are deemed parts of the regional education system. For Asatidz in the public schools, the DepEd-ARMM shall conduct periodic competitive qualifying examinations for permanent appointment. The compensation of Asatidz employed in the public schools in the ARMM shall come from the regular annual budget of the DepEd-ARMM.

SEC. 6. Scholarships, Student Loans and Grants. - A system of scholarship programs, grants, student loans, subsidies, and other incentives shall be made available to all poor but deserving students and teachers from any fund including those provided by the national or regional government for the purpose.

SEC. 7. Donations to Schools. - Public or private schools in the ARMM may seek and receive local or foreign donations for educational purposes. Donors to public schools may deduct the amount of the donation from their taxable income due to the Regional Government.

SEC. 8. Community Participation in Education. - The active participation of the family, community, religious and non-government organizations, and other sectors in the total educative process of the youth shall be encouraged, supported and institutionalized. The mechanism of participation of different sectors shall be clearly defined by encouraging them to organize and be represented in a council/s where their participation is deemed necessary.

SEC. 9. Media of Instruction in Schools. - Filipino and English shall be the media of instructions in all schools in the region. Arabic and other regional languages shall be auxiliary media of instruction in public schools. In private Madaris and other Islamic institutions, Arabic shall be the official medium of instruction. However, shifting to the auxiliary vernacular shall be applied when teaching in the lower grade levels required to assist the slow learners.

SEC. 10. Teaching of Arabic as Subject. - Arabic instruction shall be made available to all pupils/students in all schools.

SEC. 11. Makabayan Subject Contents. - Filipino and Islamic values shall be incorporated in the Makabayan subjects in the elementary and secondary levels. Islamic values shall be taught also as a separate subject in the elementary and secondary levels of education.

SEC. 12. Curriculum and Textbook Development. - The development of curricula, textbooks and other instructional materials for the use of the schools in the region shall be the responsibility of the Autonomous Regional Government. Curriculum, textbooks and other instructional materials development shall be guided by the aims and purposes of the integrated education system as provided for in this Act.

Towards this end, a Curriculum and Textbook Development Services and its support machinery known as the Materials Development Center shall be created under the supervision of the Assistant Regional Secretary for Programs and Field Operations. This office shall be headed by a Chief Education Program Specialist and assisted by at least five Education Program Specialists and other technical and clerical staffs.

SEC. 13. Basic Education Development Plan and Program advocacies. - The development and preparation, implementation and management, as well as monitoring and evaluation of basic education development plan of the Region, Division, District and Schools, as a tool to achieve the goal of education in the autonomous region, and other educational program advocacies shall follow the constructivist principle of collegial and cordial sharing, collaboration and complementation, and transparent hierarchical involvement of education stakeholders.

SEC. 14. Relationship to National Education System. - The DepEd-ARMM shall have the same curricular years as that of the national educational system, provided that it shall have the power to adopt a 2-year childhood pre-school education or addition of one year grade level as the case may be. It shall have also the power to make its own basic educational plans and shall enjoy fiscal autonomy.

Chapter 2

The Department of Education in the Autonomous Region in Muslim Mindanao

SEC. 15. Name. - The Department of Education, Culture and Sports in the Autonomous Region in Muslim Mindanao is hereby renamed as the Department of Education or DepEd-ARMM.

SEC. 16. Powers and Functions. - The DepEd-ARMM shall perform the following powers and functions:

- (1) Formulate general basic education objectives and policies and adopt educational plans based on the educational framework articulated in Section 3 hereof;
- (2) Ensure the high standards of all basic educational institutions in the Region;
- (3) Develop appropriate curricula, quality textbooks, and teaching materials;
- (4) Establish linkages with institutions with track record of excellence to provide pre-service and in-service training for teachers and training courses for non-teaching staff;
- (5) Formulate the annual budget of DepEd-ARMM in consultation with Division field offices and Local Government Units, and in coordination with the Regional Planning and Development Office to ensure support for the implementation of the regional and division educational plans and the school improvement plans;
- (6) Receive, allocate, and disburse funds for basic education, including those for the Divisions subject to nationally and internationally accepted accounting and auditing

standards for transparent, effective and efficient implementation of plans and programs;

- (7) Approve and support the establishment and operation of public and private elementary and high schools and learning centers;
- (8) Exercise the powers of selection, recruitment, appointment, and promotion of teaching and non-teaching personnel of the DepEd-ARMM;
- (9) Determine the organizational components and approve staffing patterns of the divisions, districts and schools;
- (10) Promulgate rules and regulations or such guidelines as may be required for efficient and effective administration, control and supervision and regulation of basic educational institutions including the Madaris;
- (11) Delegate to Divisions such powers, functions and responsibilities as are appropriate including powers of selection, recruitment, appointment, and promotion of teaching and non-teaching personnel;
- (12) Monitor and evaluate the performance and compliance with DepEd-ARMM standards of those bodies to which it has delegated powers, functions or responsibilities;
- (13) Evaluate all schools division superintendents and assistant division superintendents in the region;
- (14) Adopt and implement programs and projects in coordination with various stakeholders for the promotion and advancement of both formal and informal education;
- (15) Propose and recommend measures on basic education for enactment into laws;
- (16) Establish, promote and foster linkages and conduits with national as well as international academic, research, and Islamic-oriented educational and cultural institutions whose objectives are consistent with this Act; and
- (17) Perform such other functions and powers as may be provided by law.

SEC. 17. Basic Education Structure. - The Basic Education Structure in ARMM shall involve the formal elementary and secondary education, including early childhood education, public and private madaris, alternative learning system, and informal education.

SEC. 18. Organization of the DepEd-ARMM. - The DepEd-ARMM shall consist of the Regional Office, Office of the Schools Divisions, District Offices and the Schools.

SEC. 19. Regional Office. - The Regional Office of the Department shall consist of the Office of the Regional Secretary; Office of the Undersecretary for Madaris and the bureaus under it, Assistant Regional Secretary for Support Services; Office of the Assistant Regional Secretary for Programs and Field Operations; Office of the Bureau Directors for Elementary, Secondary, Alternative Learning System, Physical Education and Sports Development, Research and Planning Services, Administrative and Finance Management including other divisions and sections/units therein.

The Division Field Offices shall consist of schools divisions, districts and schools therein.

SEC. 20. Qualifications. - No person shall be appointed Regional Secretary, Assistant Regional Secretary, and Bureau Director unless he is a natural-born citizen of the Philippines; a native inhabitant (or their descendants) of the ARMM; a registered voter in any province of the region for at least one year prior to appointment, with relevant supervisory and managerial experience and of proven integrity and honesty.

The Regional Secretary shall be a holder of a Doctorate degree; not below thirty-five (35) years of age at the time of his/her appointment; a member of the Regional Cabinet with Portfolio which shall be subject to confirmation by the Commission on Appointments of the Regional Assembly; with managerial skills and expertise and shall serve in office at the pleasure of the Regional Governor.

The Regional Undersecretary for Madaris shall preferably be a Graduate of Kuliyyah from any recognized Madrasah, local or international, with at least five (5) years of relevant experience in any supervisory and managerial position.

The Assistant Regional Secretary shall be at least a holder of Master's Degree in Education, with appropriate civil service eligibility, at least five years of relevant experience in any executive position.

The Bureau Directors shall be at least holders of Master's Degree in Education with three years relevant supervisory and managerial experiences and holder of appropriate Civil Service eligibility, except the Bureau Director for Madaris who shall be a holder of a degree in Islamic Studies with three years relevant supervisory and managerial experiences.

SEC. 21. Salaries, Allowances and Other Incentives. - The Regional Secretary, Regional Undersecretary for Madaris, Assistant Regional Secretaries Bureau Directors, Schools Division Superintendents and Assistant Schools Division Superintendents shall receive an annual compensation, monthly representation and transportation allowance, other benefits and incentives as may be provided for by laws.

SEC. 22. Powers and Duties of the Regional Secretary. - The Regional Secretary shall exercise and perform the following powers and duties:

- (1) Advise and update the Regional Governor on the status of the regional basic educational system in terms of progress, priorities, needs, problems, and requirements, and recommend measures to resolve the same;

- (2) Promulgate and issue educational guidelines, policies, instructions, administrative orders, circulars or memoranda;
- (3) Consult and coordinate with the Regional Planning and Development Office to give and obtain information and advise on the DepEd-ARMM programs and budget;
- (4) Consult and coordinate with the Local Government Units, and advises the national Department of Education on matters relating to education in the region by continued participation in relevant national Department of Education policy and decision-making activities, bodies and committees as prescribed under R.A. 9054;
- (5) Prepare and submit the Annual Accomplishment Report and the annual budget proposals of the department to the Regional Governor and the Regional Assembly;
- (6) Be responsible and accountable to the Regional Governor and the Regional Assembly for ensuring that the functions and programs of the DepEd-ARMM are carried out, and for the quality assurance of those functions and programs;
- (7) In accordance with Section 19, Article VII and other pertinent provisions of RA 9054, appoint the personnel of the Department subject to Civil Service laws, rules and regulations, except teachers and non-teaching personnel in the Division who may be appointed by the Schools Division Superintendent upon his expressed authority;
- (8) Approve and sign payrolls, vouchers, checks, and such other related financial documents or disbursement as may be necessary, subject to accounting, auditing and budgeting rules and regulations;
- (9) Be responsible and accountable to the Regional Governor and the Regional Assembly for ensuring that funds are received and disbursed in a transparent and proper manner and are liquidated promptly, and that the DepEd-ARMM operates within its budget;
- (10) Upon authority from the Regional Governor, negotiate, sign and enter into contractor instruments with any party of interest, governmental or non-governmental, local or international, related to education in the ARMM; and
- (11) Perform such other functions as may be assigned by the Regional Governor or provided by law.

SEC. 23. Duties and Functions of the Undersecretary for Madaris. - The Undersecretary for Madaris shall perform the following duties and functions:

- (1) Assist the Regional Secretary in the implementation of Madaris Plans, Programs and Projects of the DepEd-ARMM;
- (2) Assist the Regional Secretary in the general supervision, direction, evaluation, and coordination of the Madaris plans, projects and programs of the DepEd-ARMM;

- (3) Implement policies, programs rules, and regulations of the Bureau of Madaris Education;
- (4) Oversee the preparation of plans, annual and other related reports of the Bureau;
- (5) Represent the Regional Secretary in the DepEd-ARMM programs/activities involving other agencies relating to or relevant to Madaris;
- (6) May represent the ARMM in international conventions relating to Madaris; and
- (7) Perform such other functions as may be required by proper authority.

SEC. 24. Duties and Functions of the Assistant Regional Secretary for Support Services. - The Assistant Regional Secretary for Support Service shall perform the following duties and functions:

- (1) Assist the Regional Secretary in the supervision, direction, evaluation, and coordination of administrative & financial programs of the DepEd-ARMM;
- (2) Assist in the implementation of policies, programs, rules and regulations of the DepEd-ARMM related to financial and administrative matters;
- (3) Oversee and review the preparation of budgetary plans, annual, financial work programs, and other periodic reports;
- (4) Represent the Regional Secretary of the DepEd-ARMM in programs/activities related to financial and administrative matters;
- (5) Act as Officer-In-Charge of the DepEd-ARMM to perform routine functions in the absence of the Regional Secretary;
- (6) Perform such other functions as may be required by proper authority.

SEC. 25. Duties and Functions of the Assistant Regional Secretary for Programs and Field Operations. - The Assistant Regional Secretary for Programs and Field Operations shall perform the following duties and functions:

- (1) Assist the Regional Secretary in the implementation of the DepEd-ARMM Programs and Projects;
- (2) Oversee, coordinate and monitor all local and foreign assisted projects proposed and implemented in the regional, division and school levels;
- (3) Represent the Regional Secretary of the DepEd-ARMM in donors' forums and activities;
- (4) Recommend policies and programs for effective implementation and operations;

- (5) Establish linkages with the other GOs, NGOs and other stakeholders;
- (6) Map and identify donor funded projects which are implemented in the region;
- (7) Assist the Regional Secretary in the general supervision direction, evaluation, and coordination of academic programs of the DepEd-ARMM;
- (8) Assist in the implementation of policies, programs rules and regulations of the DepEd-ARMM;
- (9) Oversee the preparation of plans, annual and other periodic reports on academic matters;
- (10) Represent the Regional Secretary in programs/activities related to academic activities involving other agencies/offices;
- (11) Assist the Regional Secretary in the exercise of the functions on Performance Appraisal Review and Grievance mechanisms;
- (12) Oversee and supervises the Curriculum and Textbook Development Services and its support Materials Development Center;
- (13) Assist in the preparation of annual school calendar as provided for in Section 51, Article V hereof; and
- (14) Perform such other functions as may be required by proper authority.

Chapter 3 **Bureaus in the Deped-ARMM**

SEC. 26. Bureaus in the DepEd-ARMM. - The DepEd-ARMM shall consist of the Bureau of Elementary Education; Bureau of Secondary Education; Bureau of Alternative Learning System; Bureau of Research and Planning Services; Bureau of Physical Education and Sports Development; Bureau of Administrative and Financial Management Services; and the bureaus under the Madaris Education such as: Bureau on Arabic Language and Islamic Values Education (ALIVE), Bureau on Research and Curriculum Development (R&CD), Bureau on Accreditation and Regulation (AR), and Bureau on Human Resource and Development.

SEC. 27. The Bureau of Elementary Education. - The Bureau of Elementary Education shall be composed of a Director, and Subject Area Supervisors who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service rules and regulations. It shall perform the following functions.

- (1) Formulate, develop and evaluate plans, educational standards, curricular designs, textbooks and other instructional materials, and Islamic values;
- (2) Implement a capacity development program for elementary school teachers;

- (3) Conduct periodic supervision and inspection of elementary educational institutions to ensure that educational standards are met and complied with; and
- (4) Perform such other functions as may be necessary to ensure efficient implementation of the elementary education programs in the DepEd-ARMM.

SEC. 28. Specific Duties and Functions of the Director of the Bureau of Elementary Education. - The Director shall exercise supervision over the Elementary Education programs of the region and other field offices and perform the following duties and functions:

- (1) Formulate, develop, and evaluate educational policies, plans, programs and standards with respect to pre-schools, elementary, and special education;
- (2) Evaluate plans, programs and standards for curriculum and staff development, and infrastructure improvement;
- (3) Provide technical assistance to the Regional Secretary of the DepEd-ARMM on matters pertaining to pre-schools, elementary and special education;
- (4) Assist in the formulation of guidelines on the conduct of competitive and qualifying examinations for Madaris Teachers pursuant to Section 14, Article XIV of RA 9054, and
- (5) Perform such other functions as may be required by proper authority.

SEC. 29. Bureau of Secondary Education. - The Bureau of Secondary Education shall be composed of a Director and Subject Area Supervisors who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service rules and regulations. It shall perform the following functions.

- (1) Formulate, develop and evaluate plans, educational standards, curricular designs, textbooks and other instructional materials, and Islamic values;
- (2) Implement a capacity development program for secondary school teachers;
- (3) Conduct periodic supervision and inspection of secondary educational institutions to ensure that educational standards are met and complied with; and
- (4) Perform such other functions as may be necessary to ensure efficient implementation of the secondary education program in the region.

SEC. 30. Specific Duties and Functions of the Director of the Bureau of Secondary Education. - The Director shall exercise supervision over the Secondary Education programs of the region and other field offices and perform the following duties and functions:

- (1) Formulate and develop educational policies, plans, programs, and standards for the secondary level, including adult education;
- (2) Provide technical assistance to the Regional Secretary of the DepEd-ARMM on matters pertaining to secondary level education;
- (3) Evaluate plans, programs and standards for curriculum and staff development, and infrastructure improvement;
- (4) Maintain dialogue with the regional and field offices for the improvement of established plans and programs and determine problems arising there from;
- (5) Assist in the formulation of guidelines on the conduct of competitive and qualifying examinations for Madaris Teachers pursuant to Section 14, Article XIV of RA 9054, and
- (6) Perform such other functions as may be required by proper authority.

SEC. 31. Bureau of Research and Planning Services. - The Bureau of Research and Planning Services shall be composed of Director, and planning staffs who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service rules and regulations. It shall be responsible for providing the department with economical, efficient, and effective services relating to planning, programming, and project development and shall perform the following specific functions:

- (1) Coordinate with other Bureaus, responsible for the collection, collating, and processing of basic educational data/ information;
- (2) Manage the establishment and operation of the management information services (MIS);
- (3) Provide consultancy services to the Regional Secretary and policy recommendations to Senior Regional/ Divisional Management on programs and project implementations;
- (4) Provide educational statistics to be used as basis for the formulation of policies, plans and budgetary proposals;
- (5) Undertake educational researches;
- (6) Coordinate and provide data for the preparation of the Regional Basic Education Plan (RBEDP); and
- (7) Perform such other functions as may be required by proper authority.

SEC. 32. Specific Duties and Functions of the Director of the Bureau of Research and Planning Services. - The Director shall exercise supervision over the regional planning and other field offices and in coordination with Bureau Directors and officers of the Department, perform the following duties and functions:

- (1) Plan, direct and supervise the Bureau of Research and Planning Services Staff in the performance of their duties;
- (2) Supervise the collection, processing and dissemination of Basic Education Information System (BEIS), Human Resources Information System (HRIS) and Madrasah Information System (MIS);
- (3) Supervise the establishment and operation of a management information services;
- (4) Recommend policies to Senior Regional/ Divisional Management on programs and project implementations;
- (5) Prepare educational statistics to be used as basis for the formulation of policies, plans and budgetary proposals;
- (6) Supervise the conduct of educational researches undertaken by the Bureau;
- (7) Direct and supervise the preparation of the Regional Basic Education Plan;
- (8) Perform such other functions as may be directed by the proper authority.

SEC. 33. Bureau of Physical Education and Sports Development. - This Bureau shall be headed by a Director, and assisted by Education Supervisors who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service laws, rules and regulations. It shall perform the following functions.

- (1) Formulate, develop and evaluate plans, programs, curricular designs and instructional materials for physical fitness and sports development;
- (2) Provide, devise and update training programs and courses for physical education teachers;
- (3) Coordinate with the other agencies of the government on their physical fitness and sports development programs;
- (4) Propose and initiate the implementation of plans to set up sport centers and facilities, including the procurement of athletic equipment; and
- (5) Perform such other functions as may be necessary to ensure efficient implementation of the education physical fitness and sports development program in the region.

SEC. 34. Specific Duties and Functions of the Director of the Bureau of Physical Education and Sports Development. - The Director shall exercise supervision over the regional Physical Education and Sports Development programs and that of the field offices and perform the following duties and functions:

- (1) Formulate, develop, evaluate educational policies, plan, programs and standards with respect to the Bureau of Physical Education and Sports Development;
- (2) Develop guidelines necessary in guiding the regional and field offices in the proper implementation of such plans and programs;
- (3) Evaluate plans, programs and standards;
- (4) Provide technical assistance to the Regional Secretary of Department of Education on matters pertaining to physical education and sports development;
- (5) Coordinate closely with the bureaus in the regional and provincial or city offices;
- (6) Maintain dialogue with the regional and other field offices for the improvement of established plans and programs and to determine problems arising there from; and
- (7) Perform such other functions as may be provided by law.

SEC. 35. Bureau of Alternative Learning System. - This Bureau shall be composed of a Director, and other education supervisors and staffs who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service rules and regulations. It shall perform the following functions.

- (1) Provide alternative learning systems (informal education) aimed at attaining specific learning objectives for a particular clientele, especially the unschooled, illiterates and out-of-school youths and adults, including those run by the 'A & E system', indigenous informal education and various creative learning programs;
- (2) Provide pathways into alternative learning systems for those who do not successfully complete their schooling;
- (3) Provide a program to raise the level of literacy of the population, in order to allow them to become citizens who can fully and knowledgeably participate in modern Philippine society and achieve greater employment opportunities and economic productivity;
- (4) Provide pathways from alternative learning system into mainstream education programs, including, technical-vocational, and higher education, for those who have demonstrated equivalency through recognized examinations or other recognized means;

- (5) Provide special education for differently-abled persons, who need modified teaching methods to develop their mental and/or physical capacity to the maximum; and
- (6) Perform such other functions as may be necessary to ensure efficient implementation of alternative learning system, non- formal education, and special education programs in the region.

SEC. 36. Specific Duties and Functions of the Director of the Bureau of Alternative Learning System (ALS). - The Director shall exercise supervision over the ALS programs in the region and other field offices and perform the following duties and functions:

- (1) Formulate, develop, evaluate educational policies, plan, programs and standards with respect to Alternative Learning System;
- (2) Develop guidelines necessary in guiding the regional and field offices in the proper implementation of such plans and programs;
- (3) Provide technical assistance to the Regional Secretary of Department of Education on matters pertaining to Alternative Learning System;
- (4) Maintain dialogue with the regional and other field offices for the improvement of established plans and programs and to determine problems arising there from; and
- (5) Perform such other functions as may be required by proper authority.

SEC. 37. Bureau of Administrative and Financial Management Services. - This Bureau shall be headed by a Director and assisted by Assistant Director and support staff, who shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with paragraph 6, Section 22, Article II of MMA Act 279 and pertinent Civil Service laws, rules and regulations.

The Director shall exercise supervision over Administrative and Financial Management Services in the region and other field offices and perform the following duties and functions:

- (1) Supervise and coordinate the administrative and financial functions in the department;
- (2) Direct the general services functions on personnel administration, financial transactions, and legal, records, property, cashiering, custodial and security works;
- (3) Implement laws, policies, programs, rules and regulations on administrative and financial functions;
- (4) Oversee all personnel transactions including appointments, leaves, transfers, resignations, separations and other related matters;
- (5) Direct and supervise the collection and disbursement of public funds in the department;

- (6) Oversee the procurement and distribution of books, supplies, materials, and equipment, subject to existing accounting and auditing rules and regulations;
- (7) Prepare memoranda, office orders, communications, and other matters pertaining to administrative and financial policies;
- (8) Conduct or act as consultant and/or resource person in in-service trainings, seminars, workshops, and other related administrative and financial matters;
- (9) Recommend periodic, annual and other required administrative and financial related reports;
- (10) Provide staff advice and assistance on budgetary, financial, and management improvement matters;
- (11) Provide efficient and effective services relating to information, records, supplies or equipment, collection, disbursement, security and custodial work; and
- (12) Perform such other functions as may be required by proper authorities.

SEC. 38. Madaris Education. - The Madaris Education shall be composed of the Office of the Undersecretary for Madaris Education and the four (4) bureaus under it. It shall administer, supervise and regulate all basic Madaris.

It shall perform the following functions:

- (1) Formulate, adopt and evaluate plans, programs, educational standards and curricular designs related to Islamic studies;
- (2) Establish linkages and cooperation with Islamic educational organizations, academic institutions, and cultural centers here and abroad;
- (3) Establish a system of recognition, accreditation and standardization of the Madaris and the Asatidz;
- (4) Establish a capacity development program for Asatidz;
- (5) Allocate specific funds for scholarship programs for deserving talamidz;
- (6) Carry out infrastructure development programs for duly accredited and recognized Madaris;
- (7) Coordinate with the Bureaus of Elementary and Secondary Education and other concerned agencies, formulate guidelines on the conduct of competitive and qualifying examinations for Madaris Teachers pursuant to Section 14, Article XIV of RA 9054, and

- (8) Perform such other functions as may be necessary to ensure efficient implementation of the Madrasah educational program in the region.

SEC. 39. Duties and Functions of Bureau Directors Under Madaris Education. -The Bureau Directors shall exercise supervision over Madaris-related programs, projects and activities in the region and other field offices relevant to their respective duties and functions as follows:

- (1) Formulate, develop, evaluate educational policies, plan, programs and standards with respect to Madaris education;
- (2) Provide technical assistance to the Regional Secretary through the Undersecretary for Madaris of the DepEd-ARMM on matters pertaining to Madaris education;
- (3) Coordinate closely with the Planning Service of the Department and the elementary and secondary level specialists in the regional and provincial or city offices;
- (4) Maintain dialogue with the regional and other field offices for the improvement of established plans and programs and to determine problems arising there from; and
- (5) Perform such other functions as may be provided by law.

Chapter 4

School Divisions and Districts, Other Field Offices and Schools

SEC. 40. Schools Divisions. - The DepEd-ARMM shall further consist of School Divisions in each province or city which shall be headed by a Schools Division Superintendent who shall be assisted by at least one Assistant Schools Division Superintendent and staff for programs, promotion, planning, administrative, fiscal, legal, auxiliary, and other support services. Other Divisions may be created subject to prescribed requirements and standards.

The Schools Division Superintendent and Assistant Schools Division Superintendent shall be appointed by the Regional Governor upon recommendation of the Regional Secretary in accordance with the qualification standards as provided in Section 45 of MMA Act 279.

SEC. 41. Qualification Standards of Schools Division Superintendent and Assistant Schools Division Superintendent. - No person may be appointed Schools Division Superintendent or Assistant Schools Division Superintendent unless he is natural born citizen of the Philippines; a native inhabitant of the Autonomous Region; a registered voter in any province or city in the region for at least five years at the time of appointment.

The Schools Division Superintendent shall possess, at the time of his/her appointment, a Doctorate Degree in education; at least one year experience as Assistant Schools Division Superintendent; with relevant trainings; and possesses appropriate civil service eligibility.

The Assistant Schools Division Superintendent, at the time of his appointment, shall at least be a Master's Degree holder; five years of supervisory and administrative experiences; with relevant trainings; and possesses appropriate civil service eligibility.

The School Division Superintendent and Assistant School Division Superintendent shall serve not more than five years consecutively in a division and shall be transferred to another division in the region as may be determined by the Regional Secretary.

Consistent with the ARMM educational policies, plans and standards, the Schools Division Superintendent shall be responsible and accountable to the regional department for his authority to exercise and perform the following:

- (1) Develop and implement division education development plans;
- (2) Plan and manage the effective and efficient use of all personnel, physical and fiscal resources of the division, including professional staff development;
- (3) Except for the Assistant Schools Division Superintendent, evaluate and recommend for appointment as well as assign Division Supervisors, Schools District Supervisors and all employees in the division, both teaching and non-teaching personnel, including school heads;
- (4) Monitor the utilization of funds provided by the local, regional and national government units to the schools and learning centers;
- (5) Ensure compliance of quality standards for basic education programs and for this purpose strengthening the role of division supervisors as subject area specialists;
- (6) Promote awareness of and adherence by all schools and learning centers to accreditation standards prescribed by the Regional Secretary of Education;
- (7) Supervise the operations of all public and private elementary, secondary and integrated schools, and learning centers; and
- (8) Perform such other functions as may be determined by regional authorities.

SEC. 42. School Districts. - There shall be School Districts within the School Divisions headed by a District Supervisor with Office Staff for program promotion. He shall be responsible to perform the following:

- (1) Providing professional and instructional advice and support to the school heads and teachers/facilitators of schools and learning centers in the district or cluster thereof;
- (2) Curricular supervision; and
- (3) Performing such other functions as may be assigned by proper authorities.

Upon recommendation of the Schools Division Superintendent, the Regional Secretary may establish additional school districts within a school division.

SEC. 43. Schools. - There shall be a school head for all public elementary schools and public high schools or a cluster thereof. The school head, who may be assisted by an assistant school head, shall be both an instructional leader and administrative manager. The school head shall form a team with the school teachers/learning facilitators for delivery of quality educational programs, projects and services. A core of non-teaching staff shall handle the school's administrative, fiscal and auxiliary services.

Consistent with the region's educational policies, plans and standards, the school heads shall have authority, accountability and responsibility for the following:

- (1) Setting the mission, vision, goals and objectives of the school;
- (2) Creating an environment within the school that is conducive to teaching and learning;
- (3) Implementing the school curriculum and be accountable for higher learning outcomes;
- (4) Developing the school education program and school improvement plan;
- (5) Offering educational programs, projects and services that provide equitable opportunities for all learners in the community;
- (6) Introducing new and effective modes of instruction to achieve higher learning outcomes;
- (7) Administering and managing all personnel, physical and fiscal resources of the school;
- (8) Recommending the staffing complement of the school based on its needs;
- (9) Encouraging and institutionalizing staff development;
- (10) Establishing school and community networks and encouraging the active participation of teacher's organizations, non-academic personnel of public schools, and parents-teachers-community associations;
- (11) Accepting donations, gifts, bequests and grants for the purpose of upgrading teacher's and learning facilitator's competencies, improving and expanding school facilities and providing instructional materials and equipment. Such donations or grants must be reported to the appropriate district supervisors and division superintendents; and
- (12) Performing such other functions as may be assigned by proper authorities.

Upon recommendation of the Schools Division Superintendent, the Regional Secretary may establish additional elementary and secondary schools within a division.

The Regional Secretary of Education shall create a promotions board, at the appropriate levels, which shall formulate and implement a system of promotion for schools division supervisors, schools district supervisor, and school heads. Promotion of school heads shall be based on educational, qualification, merit and performance.

The qualifications, salary grade, status of employment and welfare and benefits of school heads shall be the same for public elementary, secondary and integrated schools.

SEC. 44. School Governing Councils. - There shall be School Governing Councils in every elementary and secondary schools and Madaris. Each School Governing Council shall be composed of the school head as Chairman with members from representatives of Local Government Units, Non-Government Organizations, Parents Teachers Community Association and teachers' organization and Head of the Supreme Student Government duly selected from among their ranks.

The Council shall serve as governing body of the school and shall spearhead the preparation and implementation of school improvement plans, assist in the recruitment of teachers, resource generation, and establishing linkages with other stakeholders of the school.

SEC. 45. Materials Development Center (MDC). - There shall be Materials Development Center in the DepEd-ARMM Regional Office which shall support the Curriculum and Textbooks Development Services. The Center shall operate as efficient service center to produce affordable support materials for teachers and students. It shall be committed to the production of low-cost but high-quality learning materials as a means to improve quality teaching and learning of the subject areas at the elementary and secondary levels through the Curriculum and Textbooks Development Services. It shall develop, produce and distribute teacher-support and student learning materials; and develops innovative tools and processes to produce and publish those materials for all DepEd-ARMM programs.

SEC. 46. Regional Professional Development Center (RPDC). - There is hereby created a Regional Professional Development Center in the DepEd-ARMM which shall serve as a hub of academic professional training for leadership, managerial, and staff development of regional and field education managers, school administrators, school heads, and teachers' skills enhancement. The RPDC shall be headed by a senior official who shall be organic member of DepEd-ARMM and assisted by qualified management and technical staff to manage the training activities and maintenance of the Center.

SEC. 47. Donor Convergence Committee for Basic Education (DCCBE) and Special Project Coordination Office (SPCO). - There is hereby created a Donor Convergence Committee for Basic Education (DCCBE) in DepEd-ARMM for purposes of sourcing funds and assistance and ensure availability of resources for basic education. It shall also serve as a mechanism for donor convergence and coordination in order to manage and consistently align donor activities with the policy direction of DepEd-ARMM, maximize gains and sustain donor-funded initiatives and institutionalize them within the context of ARMM. The Special Project Coordination Office (SPCO) shall serve as a secretariat of the DCCBE, implement policies, monitor and evaluate donor-funded projects on basic education.

Chapter 5 Miscellaneous Provisions

SEC. 48. Rights, Duties and Obligations of Parents, Students/Pupils, Teachers and School Administrators. - In addition to other rights, duties and obligations under existing laws, all parents, students/pupils, teachers and school administrators including academic staff shall have the rights, duties and obligations which shall be spelled out in the implementing rules and regulations of this Code.

SEC. 49. School Calendar. - DepEd-ARMM shall make an official issuance of school calendar days for every school year thereby determining the date of the opening and closing of classes, school days, number of school days, and those for regular national and regional holidays. School calendar must be made flexible during the month of Ramadhan.

SEC. 50. Logo. - DepEd-ARMM is authorized to adopt its own logo as a symbol of its identity. The present logo may continue to be used until a new official logo shall have been adopted.

SEC. 51. Specific Policy. - Nothing in this Code shall preclude the Regional Assembly from adopting such measures as may be necessary to strengthen the Regional Department of Education.

SEC. 52. Suppletory Clause. - The provisions of RA 9155, RA 9054 and other pertinent national education laws not herein provided which are consistent with this Code shall be applied in a suppletory manner.

Chapter 6 Higher Education

SEC. 53. CHED-ARMM.– The Commission on Higher Education in the Autonomous Region in Muslim Mindanao (CHED-ARMM) is hereby recognized as an independent and separate agency from the Department of Education.

SEC. 54. Higher Education Structure and Subsystem. – The Regional higher education structure and system shall follow the basic structure of the educational system and the same curricular years as those prescribed nationally.

SEC. 55. Coverage. – Within the powers granted herein, the CHED-ARMM shall cover all Higher Education Institutions (HEIs), such as: State Universities and Colleges (SUCs), CHED-Supervised Higher Education Institutions (CHEIs) and Private Higher Education Institutions (PHEIs), in ARMM as well as tertiary-degree programs in all post-secondary institutions in ARMM.

SEC. 56. Powers and Functions. – The powers and functions originally devolved to DepEd, pertaining to higher education, as stipulated in Executive Order No. 459, which were, however, transferred to the Commission by virtue of Republic Act (RA) No. 7722, otherwise known as the “Higher Education Act of 1994,” are hereby adopted as powers and functions of the CHED-ARMM.

SEC. 57. Specific Functions of the CHED-ARMM. - The CHED-ARMM shall be specifically charged to administer, supervise, and promote higher education as well as degree-granting programs in all higher education institutions in the region, and to perform the following functions:

- (1) Formulate, adopt and evaluate plans, programs, projects, education standards, and curricular designs;
- (2) Formulate and recommend to the Regional Governor development plans, policies, priorities and programs on higher education and research, including higher Madaris education, in ARMM;
- (3) Initiate and encourage institutional development and improvement through technical assistance to related programs and projects;
- (4) Compile, analyze and evaluate data on higher education including masteral and doctoral courses and studies;
- (5) Conduct periodic supervision and inspection of colleges and universities to insure that proper educational standards for higher education are being met and complied with;
- (6) Set minimum standards for programs in the institutions of higher learning including higher Madaris education as maybe recommended by the CHED-ARMM Technical Panel, subject to public hearings;
- (7) Monitor and evaluate the performance of programs and institutions of higher learning in the ARMM and recommend to the Commission appropriate incentives as well as the imposition of sanctions such as, but not limited to a diminution or withdrawal of subsidy, a downgrading or withdrawal of accreditation, program termination or closure of the Higher Education Institution;
- (8) Identify, support and develop potential centers of excellence in program areas in the region needed for nation-building and national development;
- (9) Develop criteria for allocating additional resources such as research and program development grants, scholarships, and other similar programs provided, however, that these shall not detract from the fiscal autonomy already enjoyed by colleges and universities within the region;
- (10) Direct or re-direct purposive research by institutions of higher learning within ARMM to meet the needs for regional development;
- (11) Devise and implement resource development schemes for ARMM;
- (12) Review the charters of institution of higher learning and state universities and colleges, including the chairmanship and membership of their governing bodies, and recommend to the Commission appropriate measures as basis for necessary action; and

- (13) Perform such other functions as may be necessary to insure efficient implementation of higher education programs in the region.

SEC. 58. CHED-ARMM Organizational Structure. – The CHED-ARMM organizational structure is composed of the Office of the Commission, Office of the Regional Chairperson/Managing Commissioner, the Administrative and Finance Services, the Technical Services, the Higher Madaris Services, the Provincial Monitoring Offices and the CHED-ARMM Supervised Higher Education Institutions (HEIs).

SEC. 59. Composition of the Commission. – The Commission shall be composed of a Chairperson and two (2) Commissioners who shall be appointed by the Regional Governor and serve for a term of four (4) years each, without prejudice to re-appointment. They shall continue to hold office until their successors are appointed and qualified.

SEC. 60. Programs and Projects of the Commission. – All programs and projects of the CHED National and other agencies relating to higher education, whether locally-funded or foreign-assisted, earmarked for or to be implemented in the ARMM, including scholarships and grants, shall be transferred and administered by the CHED-ARMM, including their corresponding budgets and assets.

SEC. 61. Regulatory Functions. – The powers and functions to grant authority to establish and operate new private schools/programs on higher education in the ARMM, and the cancellation and/or withdrawal of recognition, restoration of canceled or revoked government recognition, shall be vested upon the CHED-ARMM.

SEC. 62. The Chairperson as Managing Commissioner. - The Regional Chairperson shall also be the Managing Commissioner who will directly manage the affairs of the Commission. He/she shall preside the Commission when it convenes en banc as a collegial body in the formulation of higher education policies, and rules and regulations of regional application.

SEC. 63. The two (2) Commissioners shall serve as Deputy Commissioners for Administration and Finance and for Technical Services.

SEC. 64. Qualifications. – The CHED-ARMM Chairperson and the two (2) Commissioners must be holders of doctorate degrees who have been actively engaged in higher education in the ARMM for at least seven (7) years and must not have been candidates for any elective position in the elections immediately preceding their appointment. They must be academicians known for their high degree of professionalism and integrity and must have been distinguished in their respective fields of learning.

SEC. 65. Term of Office. – The CHED-ARMM Chairperson and the two (2) Commissioners shall serve for a term of four (4) years each, without prejudice to re-appointment. They shall continue to hold office until their successors are appointed and qualified: Provided that this provision shall not affect the tenure of office of the incumbent Chairperson.

Should any of the two (2) Commissioners fail to finish their terms, the successor(s) shall be appointed by the Regional Governor but only for the unexpired portion of the term(s).

SEC. 66. Ranks and Emoluments. – The CHED-ARMM Chairperson and the two (2) Commissioners shall have the same rank as a Department Secretary and Undersecretaries, respectively, and shall receive the corresponding salary and other emoluments.

SEC. 67. CHED-ARMM Board. – There shall be maintained a CHED-ARMM Board which shall convene at least once a year to assist the Commission in aligning its policies and plans with the cultural, political and socio-economic development needs of ARMM, which shall be composed of the following, namely:

- | | |
|---|------------------|
| (1) The Regional Governor | Chairperson |
| (2) The Chairperson of the CHED-ARMM | Vice Chairperson |
| (3) The Executive Director of the ARMM
Regional Planning and Development Office | Member |
| (4) The Regional Secretary of DOST-ARMM | Member |
| (5) The Regional Secretary of DepEd | Member |
| (6) The Regional Secretary of DTI-ARMM | Member |
| (7) The Regional Secretary of DOLE-ARMM | Member |
| (8) The President of the Federated Associations of
Higher Education Institutions within ARMM | Member |
| (9) The President of the Higher Madrasah/Madaris
Education in ARMM | Member |

Two (2) additional members may be appointed by the Regional Governor upon recommendation of the CHED-ARMM.

Except as may otherwise be agreed upon, the CHED-ARMM Board of Advisers shall convene every last Thursday of April each year.

SEC. 68. CHED-ARMM Technical Panel. - The CHED-ARMM shall have the CHED-ARMM Technical Panels (TPs) for the different disciplines/programs which shall be composed of senior academicians in the ARMM and who shall act as technical advisers to the CHED-ARMM. The members of the CHED-ARMM TPs shall be appointed by the CHED-ARMM.

SEC. 69. Technical Services. - The Technical Services which shall primarily be responsible for the Technical Management and Operation of the Regional Commission shall be headed by a **Director II** and shall be assisted by a Chief Education Program Specialist. It shall be supported by the following units: Policy Planning Unit (PPU), Higher Education Management Information System Unit (HEMISU), Higher Education Development Fund Unit (HEDFU), and Legal Unit (LU). The PPU and the LU shall be headed by a Planning Officer II and a Legal

Officer II, respectively; and the HEDFU and HEIMISU, each headed by an Education Supervisor II.

SEC. 70. Divisions Under the Technical Services. - The Technical Services shall consist of the Scholarship and Student Services Division (SSSD), Research and International Affairs Division (RIAD), Programs and Standards Division (PSD), and the Special Programs Division (SPD). Each Division shall be headed a Division Chief.

SEC. 71. Administrative and Financial Services. - The Administrative and Financial Services shall be responsible on the general supervision over the financial and administrative functions of the CHED-ARMM and shall be composed of two divisions: (1) the Administrative Division which is consisted by the Personnel, Records, Supply, and General Services Sections and (2) the Financial Management Division which is consisted by the Budget, Accounting and Cash Sections.

The Administrative and Financial Services shall be headed by Director II, the Financial Management Division shall be headed by Financial Management Officer II and the Administrative Division shall be headed by Chief Administrative Officer.

SEC. 72. The Higher Madaris Services. - The Higher Madaris Services shall be headed by Director II who shall be assisted by Chief Education Program Specialist. It shall be responsible for the implementation, development, supervision and monitoring of all higher education programs related to or addressing the needs of Higher Madaris in ARMM. It shall be headed by Director II and assisted by Chief Education Program Specialist for each division under this Services.

SEC. 73. Provincial Monitoring/Field Offices. - There shall be established CHED-ARMM Monitoring Offices in the component provinces and city of the ARMM which shall be headed by Supervising Education Program Specialist with at least three (3) staff/personnel.

SEC. 74. Availment of the Higher Education Development Fund (HEDF). – The Autonomous Regional Government may avail of the HEDF through the CHED-ARMM and based on projects and programs approved by the Commission for ARMM.

SEC. 75. HEDF Administration. – The CHED-ARMM shall administer that portion of HEDF pertaining to programs and projects approved by the Commission for ARMM in accordance with the guidelines set by the Commission.

SEC. 76. Budget and Allocation of CHEIs within ARMM. – The budget and allocation of CHEIs within ARMM shall be transferred through the CHED-ARMM.

SEC. 77. Allocation to the CHED-ARMM. – The CHED-ARMM shall be considered as one of the Commission’s Higher Education Regional Offices (HEROs) for the purpose of resource allocation. Support programs, projects and equipment allocated to other HERO’s shall similarly be allocated to the CHED-ARMM.

SEC. 78. Scholarship Allocation from the ARMM Local Fund. - The Autonomous Regional Government through the Regional Assembly shall provide scholarships to qualified,

poor, disadvantaged but deserving students in all levels of education by devoting at least fifteen percent (15%) of its regular budget for education to support scholarships and shall endeavor to augment the fund for scholarships from other sources of revenue, public or private.

SEC. 79. Standard Setting. – The rules and regulation which may be formulated by the CHED-ARMM for the implementation of programs and policies on higher education in ARMM must be consistent with the standards set by the CHED National.

SEC. 80. Academic Freedom and Fiscal Autonomy. - SUC shall be part of the regional educational subsystem within the autonomous region and shall enjoy academic freedom and fiscal autonomy and shall continue to be governed by their respective charters. The provisions of existing laws to the contrary notwithstanding, the Autonomous Regional Government shall be represented in the Board of SUCs in the Region by the Chair of the Committee on Education, Culture and Sports of the Regional Assembly either as co-chair or co-vice chair in accordance with Section 8, Article XIV of RA 9054.

SEC. 81. Education Centers. - All state colleges and universities in the ARMM shall serve as regional centers for tertiary and post-graduate education in their respective areas of competence.

SEC. 82. Tribal University. - The Autonomous Regional Government may create a tribal university system within ARMM to address the higher educational needs of the indigenous cultural communities in the region. The Regional Commission shall undertake studies on how to efficiently and effectively establish the Regional Tribal University.

TITLE IV ENVIRONMENT AND NATURAL RESOURCES

Chapter 1 General Provision

SECTION 1. Declaration of Policy. - (1) The control and supervision over the exploration, utilization, development, and protection of the mines and minerals and other natural resources within the autonomous region is vested in the Autonomous Regional Government in accordance with the Constitution and the pertinent provisions of the Organic Act and existing laws including the Indigenous People’s Rights Act;

(2) The Autonomous Regional Government shall ensure, for the benefit of its constituency, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country’s forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making them accessible to the different segments of the present as well as future generations;

- (3) The protection, rehabilitation and the sustainable development of forests, coastal, marine and other surface and sub-surface resources including the adoption of programs and projects to ensure the maintenance of ecological balance, shall be given priority; and
- (4) The Autonomous Regional Government shall likewise recognize and apply a true value system that takes into account social and environment cost implications relative to the utilization, development and conservation of our natural resources.

SEC. 2. Mandate. - The Department is mandated to protect, explore, develop, utilize the natural resources, including surface and sub-surface rights, in-land and coastal waters, and renewable and non-renewable resources in the autonomous region and ensure the sustainable development of these resources. Muslims and other indigenous cultural communities shall, however, have priority rights to explore, develop and utilize the said resources in the areas designated as parts of their respective ancestral domains.

SEC. 3. Powers and Functions. - The Department shall have the following powers and functions.

- (1) Recommend to the Regional Governor the enactment of laws relative to the exploration, development, use, regulation and conservation of the region's natural resources and the control of pollution;
- (2) Formulate, implement and supervise the implementation of the government's policies, plans and programs pertaining to the management, conservation, development, use and replenishment of the region's natural resources in accordance with existing laws, IRR, memorandum circulars which are hereinafter incorporated as integral part of this Code in so far as they are applicable;
- (3) Issue licenses and permits for activities related to the use and development of natural resources, treasure hunting, salvaging of sunken vessels and other similar activities;
- (4) Promulgate rules and regulations in accordance with law governing the exploration, development, conservation, extraction, disposition, use and such other commercial activities tending to cause the depletion and degradation of our natural resources;
- (5) Exercise supervision and control over lands, alienable and disposable public lands, mineral resources, and in the process of exercising such control, impose appropriate taxes, fees, charges, rentals subject to existing law, rules and regulations and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;
- (6) Undertake the exploration, assessment, classification and inventory of the country's natural resources, using ground surveys, remote sensing and complimentary technologies;
- (7) Consult with the private sector on matters involving exploration, development, use and conservation of natural resources;

- (8) Undertake and update geological surveys of the whole ARMM including its territorial waters;
- (9) Provide the guidelines in the implementation of the following programs:
 - (a) Accelerated inventory, survey and classification of lands, forest and mineral resources, using appropriate technology, to be able to come up with a more accurate assessment of resource quality and quantity;
 - (b) Equitable distribution of natural resources through the judicious administration, regulation, utilization, development and conservation of public lands, forest, water and mineral resources (including mineral reservation areas), that would benefit a greater number of the residents of Autonomous Region;
 - (c) Promotion, development and expansion of natural resource-based industries;
 - (d) Preservation of cultural and natural heritage through wildlife conservation and segregation of national parks and other protected areas;
 - (e) Maintenance of a wholesome natural environment by enforcing environmental protection laws; and
 - (f) Encouragement of greater people participation and private initiative in rural resource management.
- (10) Promulgate rules and regulations necessary to:
 - (a) Accelerate cadastral and emancipation patent surveys, land use planning and public land titling;
 - (b) Harness forest resources in a sustainable manner, to assist rural development, support forest-based industries and provide raw materials to meet increasing demands, at the same time keeping adequate reserves for environmental stability;
 - (c) Expedite mineral resources surveys, promote the production of metallic and non-metallic minerals and encourage mineral marketing; and
 - (d) Assure conservation and judicious and sustainable development of aquatic resources.
- (11) Assess, review and provide direction to, in coordination with concerned government agencies, energy research and development programs, including identification of sources of energy and determination of their commercial feasibility for development;
- (12) Regulate the development, disposition, extraction, exploration and use of the country's forest land, water and mineral resources;

- (13) Assume responsibility for the assessment, development, protection licensing and regulation as provided for by law, where applicable, of all energy and natural resources; the regulation and monitoring of service contractors, licensees, lessees, and permit for the extraction, exploration, development and use of natural resources products; the implementation of programs and measure with the end in view of promoting close collaboration between the government and the private sector; the effective and efficient classification and sub classification of lands of the public domain; and the enforcement of natural resources and environmental laws, rules and regulations;
- (14) Promulgate rules, regulations and guidelines on the issuance of licenses, permits, concessions, lease agreements and such other privileges concerning the development, exploration and utilization of the region's marine, freshwater, and brackish water and over all aquatic resources of ARMM and shall continue to oversee, supervise and police our natural resources; cancel or cause to cancel such privileges upon failure, non compliance or violation of conservation of natural resources and supportive of the regional interest;
- (15) Exercise exclusive jurisdiction in the management and disposition of all lands of the public domain and serve as sole agency responsible for classification, sub classification, surveying and titling of lands in consultation with appropriate agencies;
- (16) Implement measures for the regulation and supervision of the processing of forest products, grading and inspection of lumber and other forest products and monitoring of the movement of timber and other forest products;
- (17) Promulgate rules and regulation and supervision of the control of water, air and land pollution;
- (18) Promulgate ambient and effluent standards for water and air quality including the allowable levels of other pollutants and radiations;
- (19) Promulgate policies, rules and regulations for the conservation of the country's genetic resources and biological diversity, and endangered habitats;
- (20) Formulate an integrated, multi-sectoral, and multi-disciplinary regional conservation strategy for the Regional Governor's approval; and
- (21) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Services, the Line Bureaus, the Provincial Offices, and Community Offices. The Line Bureaus are composed of the following: 1) Environmental Management Bureau, 2) Forest Management Bureau, 3) Land Management Bureau, 4) Protected Areas & Wildlife Bureau, 5) Ecosystem Research & Development Bureau, and 6) Mines & Geosciences Bureau.

Chapter 2

Department Proper

SEC. 5. Department Proper. - The Department Proper is composed of the Office of the Regional Secretary and two (2) Assistant Regional Secretaries.

SEC. 6. Office of the Regional Secretary. - The Office of the Regional Secretary shall be composed of the Regional Secretary, his/her immediate staff, the Legal Affairs Office, the Public Affairs and Liaison Unit and the Internal Control Unit (ICU).

The Legal Affairs Office which shall be headed by a Division Chief, shall provide the Department with legal services and matters on proposed legislations.

The Public Affairs and Liaison Unit in the Office of the Regional Secretary shall provide public information services and publications as well as coordinate and mobilize volunteers, non-governmental organizations and cause-oriented groups in partnership with the Department.

SEC. 7. Assistant Regional Secretaries. - The Regional Secretary shall be assisted by two (2) career Assistant Regional Secretaries.

SEC. 8. Functions of the Assistant Regional Secretary for Lands, Environment and Forestry (LEF). - The Assistant Regional Secretary for Lands, Environment and Forestry shall perform the following functions:

- (1) Advise and assist the Regional Secretary in the formulation and implementation of Department's objectives and policies;
- (2) Administer the Environmental Management Bureau, Forest Management Bureau and the Land Management Bureau for which he/she shall be responsible to the Regional Secretary;
- (3) Coordinate the programs and projects of the Department, and be responsible for its economical, efficient, and effective administration;
- (4) Assist the Regional Secretary, in issues and concerns relating to environment, lands and forestry; and
- (5) Perform such other functions as may be provided by law.

SEC. 9. Functions of the Assistant Regional Secretary for Protected Areas, Research and Mines (PARM). - The Assistant Regional Secretary for Protected Areas, Research and Mines shall perform the following functions:

- (1) Advise and assist the Regional Secretary in the formulation and implementation of Department's objectives and policies;

- (2) Administer the Protected Areas and Wildlife Bureau, Ecosystems Research and Development Bureau, and Mines and Geo-Sciences Bureau for which he/she shall be responsible to the Regional Secretary;
- (3) Coordinate the programs and projects of the Department, and be responsible for its economical, efficient, and effective administration;
- (4) Assist the Regional Secretary, in issues and concerns relating to protected areas, research and mines; and
- (5) Perform such other functions as may be provided by law.

Chapter 3 Department Services

SEC. 10. Department Services. - The Department Services shall be as follows:

- (1) The Administrative and Finance Management Service shall provide the Department with services relating to Human Resource Management and Career Development; records and correspondence; supplies, property and equipment; budgeting, accounting, and other financial services, collection, cashiering, and other financial matters;
- (2) The Plans, Programs and Project Management Services shall provide technical services to the Department in the areas of overall policy formulation, strategic and operational planning, management systems or procedures, and the evaluation and monitoring of Department programs, projects and internal operations; and
- (3) Each of the Services shall be headed by a Staff Director with a rank of Director II.

Chapter 4 Bureaus

SEC. 11. Forest Management Bureau. - The Forest Management Bureau shall be headed by a Director II who shall assist the Assistant Regional Secretary for LEF on matters pertaining to forest development and conservation. As its primary functions, the bureau shall:

- (1) Recommend policies and/or programs for the effective protection, development, occupancy, management and conservation of forest lands and watersheds, including the grazing and mangrove areas; reforestation and rehabilitation of critically denuded or degraded forest reservations, improvement of water resource use and development, development of national parks, preservation of wilderness areas, game refuge and wildlife sanctuaries, ancestral lands, wilderness areas and other natural reserves, developing of natural plantations, including rattan, bamboo, and other valuable non-timber natural resources; and rationalization of the wood-based industries, regulation of utilization and exploitation of forest resources, including wildlife, to ensure continuous supply of forest products, goods and services;

- (2) Advise the department in the implementation of the above policies and/or programs;
- (3) Develop plans, programs, operating standards and administrative measures to promote the Bureau's objectives and functions;
- (4) Assist in the monitoring and evaluation of forestry and watershed development projects to ensure efficiency and effectiveness;
- (5) Undertake studies on the economics of the forestry and forest-based industries, including supply and demand trends on local, national and international levels, identifying investment problems and opportunities in various areas;
- (6) Takes charge in the processing of applications for the issuance of concessions, permits, licenses and similar documents for the development, exploitation and utilization of forest resources; and
- (7) Perform such other functions as may be provided by law or assigned by the Regional Secretary.

SEC. 12. Land Management Bureau. - The Land Management Bureau, to be headed by a Director II, shall absorb the functions and powers of the Bureau of Lands abolished by Presidential Executive Order No. 131, except those line functions and powers thereof which are transferred to the regional field offices. In addition, it shall assist the Assistant Regional Secretary for LEF on matters pertaining to the rational management and disposition of lands and shall perform the following functions:

- (1) Recommend policies and programs for the efficient and effective administration, survey, management and disposition of alienable and disposable lands of the public domain and other lands outside the responsibilities of other government agencies, such as reclaimed areas and other areas not needed for or are not being utilized for the purposes for which they have been established;
- (2) Advise the Field Offices on the efficient and effective implementation of policies, programs and projects for more effective public land management;
- (3) Assist in the monitoring and evaluation of land surveys, management and disposition of lands to ensure efficiency and effectiveness thereof;
- (4) Issue standard, guidelines, regulations and orders to enforce policies for the maximization of land use and development;
- (5) Develop operating standards and procedures to promote the Bureau's objectives and functions; and
- (6) Perform such other functions as may be provided by law or assigned by the Regional Secretary.

SEC. 13. Mines and Geosciences Bureau. - The Mines and Geosciences Bureau shall be headed by a Director II who shall assist the Assistant Regional Secretary for PARM on

matters pertaining to geology and mineral resources exploration, development, utilization and conservation; and shall:

- (1) Recommend policies, regulations of programs pertaining to mineral resources development and geology;
- (2) Advise the Assistant Regional Secretary for PARM on the granting of mining rights and contract over areas containing metallic and non-metallic mineral resources;
- (3) Advise the Field Offices on the effective implementation of mineral development and conservation programs as well as geological surveys;
- (4) Recommend policies, regulations and oversee the development and exploitation of mineral resources of the sea within the region's jurisdiction in accordance with other existing laws;
- (5) Assist in the monitoring and evaluation of the Bureau's program and projects to ensure efficiency and effectiveness thereof;
- (6) Develop and promulgate standards and operating procedures on mineral resources and geology;
- (7) Supervise and control the development and packaging of nationally applicable technologies on geological survey, mineral resource assessment, mining and metallurgy; the provision of the geological, metallurgical, chemical and rock survey mechanics laboratory services; the conduct of marine geological and geophysical; and
- (8) Perform such other functions as may be provided by law or assigned by the Regional Secretary.

SEC. 14. Environmental Management Bureau. - The Environmental Management Bureau shall be headed by a Director II who shall assist the Assistant Regional Secretary for LEF on matters relating to environmental management, conservation and pollution control and shall:

- (1) Recommend legislation, policies and programs for environmental management and pollution control;
- (2) Advise the Field Offices in the efficient and effective implementation of policies, programs, and projects for the effective and efficient environmental management and pollution control;
- (3) Takes charge of processing of applications for environmental clearance certificate;
- (4) Formulate environmental quality standards such as the quality standards for water, air, land, noise and radiations;

- (5) Recommend rules and regulations for environmental impact assessment and provide technical assistance for their implementation and monitoring;
- (6) Formulate rules and regulations for the proper disposition of solid wastes, toxic and hazardous substances;
- (7) Advise the Assistant Regional Secretary for LEF on the legal aspects of environmental management and pollution control and assist in the conduct of public hearings on pollution cases;
- (8) Coordinate inter-agency initiatives on the preparation of the Regional Environmental Report and the Regional Conservation Strategy;
- (9) Provide assistance to the Field Offices in the formulation and dissemination of information on environmental and pollution matters to the general public;
- (10) Assist the Assistant Regional Secretary for LEF and the Field Office by providing technical assistance in the implementation of environmental pollution and pollution laws; and
- (11) Provide scientific assistance to the Field Offices in the conduct of environmental research programs.

SEC. 15. Ecosystems Research & Development Bureau. - The Ecosystems Research and Development Bureau shall be headed by a Director II. It shall:

- (1) Formulate and recommend integrated research program relating to Philippine ecosystems and natural resources such as minerals, lands, forests, as holistic and interdisciplinary fields of inquiry;
- (2) Assist the Assistant Regional Secretary for PARM in determining a system of priorities for the allocation of resources to various technological research programs of the department;
- (3) Provide technical assistance in the implementation and monitoring of the aforementioned research program;
- (4) Generate technologies and provide scientific assistance including accessing of resources nationally or internationally, governmental or otherwise, to enhance capability to conduct research and in the development of technologies relevant to the sustainable uses of Philippine ecosystem and natural resources; and
- (5) Assist the Assistant Regional Secretary for PARM in the evaluation of the effectiveness of the implementation of programs and projects of the bureau.

SEC. 16. Protected Areas and Wildlife Bureau. - The Protected Areas and Wildlife Bureau shall be headed by a Director II, shall:

- (1) Formulate, recommend and implement policies, guidelines, projects, rules and regulations for the establishment and management of a Regional Integrated Protected Areas Systems such as national parks, wildlife sanctuaries and refuge, marine parks, watershed reserved areas, and biospheric reserves;
- (2) Formulate, recommend and implement policies, guidelines, projects, rules and regulations for the protection and preservation of biological diversity, genetic resources, the endangered flora and fauna in Autonomous Region in Muslim Mindanao;
- (3) Prepare an updated list and profile of endangered flora and fauna in Autonomous Region in Muslim Mindanao and recommend programs for their protection, conservation and propagation;
- (4) Assist the Assistant Regional Secretary for PARM in the monitoring and assessment of the management of the Regional Integrated Protected Areas System and provide technical assistance to the Field Offices in the implementation of programs for these areas; and
- (5) Perform such other functions as may be provided by law or assigned by the Regional Secretary.

Chapter 5 Field Offices

SEC. 17. Field Offices of the Department. - The Field Offices of the Department are the Provincial Environmental and Natural Resources Offices in every province and the Community Environment and Natural Resources Office in every legislative district as necessary.

SEC. 18. Provincial and Community Offices. - The Provincial and Community Offices shall be headed by a Provincial Natural Resources Officer and Community Natural Resource Officer, respectively.

TITLE V HEALTH

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous Regional Government shall protect and promote the right to health of the people and instill health consciousness among them; adopt an integrated and comprehensive approach to health development, with priority for the underprivileged sick, elderly, disabled, women and children; endeavor to make essential goods, health and other social services available to all the people at affordable cost; establish and maintain an effective food and drug regulatory system; and undertake appropriate health manpower development and research, responsive to the ARMM's health needs and problems.

SEC. 2. Mandate. - The Department shall be primarily responsible for the formulation, planning, implementation, and coordination of policies and programs in the field of health. The primary function of the Department is the promotion, protection, preservation or restoration of the health of the people through the provision and delivery of health services and through the regulation and encouragement of providers of health goods and services attuned to and in pursuance with Islamic faith and teachings.

SEC. 3. Powers and Functions. - The Department shall:

- (1) Define the regional health policy and formulate and implement a regional health plan within the framework of the government's general policies and plans, and present proposals to appropriate authorities on regional issues which have health implications;
- (2) Provide for health programs, services, facilities and other requirements as may be needed;
- (3) Coordinate or collaborate with, and assist local communities, agencies and interested groups including international organizations in activities related to health;
- (4) Administer all laws, rules and regulations in the field of health, including quarantine laws and food and drug safety laws;
- (5) Collect, analyze and disseminate statistical and other relevant information on the region's health situation, and require the reporting of such information from appropriate sources;
- (6) Propagate health information and educate the population on important health, medical and environmental matters which have health implications;
- (7) Undertake health and medical research and conduct training in support of its priorities, programs and activities;
- (8) Regulate the operation and issue licenses and permits to government and private hospitals, clinics and dispensaries, laboratories, blood banks, drugstores and such other establishments which by the nature of their functions are required to be regulated by the Department;
- (9) Issue orders and regulations concerning the implementation of established health policies;
- (10) Formulate policies, guidelines, regulations as well as operating procedures congruent to Islamic teachings on health and sanitation; and
- (11) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, Provincial Health Offices, District Health Offices as well as ARMM retained hospitals and rural health units and barangay health stations.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary and his/her immediate staff; the Regional Epidemiology & Surveillance Unit (RESU); the Health Emergency Management Unit (HEMU); the Management Support Divisions under it.

SEC. 6. Office of the Assistant Regional Secretaries. - The Regional Secretary shall be assisted by two (2) career Assistant Regional Secretaries.

SEC. 7. Functions of the Assistant Regional Secretaries. - The two (2) career Assistant Regional Secretaries shall perform the following functions:

- (1) Assistant Regional Secretary for Field Operations - supervise field health services component of operation including but not limited to public health or preventive aspect of health operations; and
- (2) Assistant Regional Secretary for Hospital Operations - supervise the hospital base operation component including but not limited to hospital services or curative aspect of health operations with respect to technical matters.

Chapter 3 Department Services

SEC. 8. Services of the Department. - The Department Services shall consist of Field Health Services and the Hospital Operations which shall be supported by the following divisions a) Administrative Division, Finance Division, Health Human Resource Development Division (HHRDD), and Technical Division.

SEC. 9. Field Health Services. - The field health services shall be delivered through the Integrated Provincial/ City Health Offices.

SEC. 10. Hospital Operations. - The hospital operations shall be implemented by ARMM retained hospitals.

Chapter 4 Integrated Provincial Health Offices (IPHO) and City Health Offices (CHO)

Subject to Section 3, Article III and Section 1, Article IV of RA 9054 mandating the Regional Government to adopt a policy on local autonomy whereby regional powers shall be devolved to local government units, provincial/city health offices, district health offices, district

hospitals, municipal hospitals, rural health units and barangay health stations shall be governed by the following:

SEC. 11. Provincial/City Health Offices. - The Provincial/City Health Office shall be the Department agency in the province/city. It shall exercise supervision and control over district health offices and other field units of the department in the province/city, except those otherwise placed under the Department Proper.

The said IPHO/CHO shall be headed by a Provincial/City Health Officer II assisted by two Provincial/City Health Officer I, one for public health activities and the other for hospital operations. The Provincial/City Health Officers and Assistant Provincial/City Health Officers shall be appointed by the Regional Governor and their deployment shall be made by the Regional Secretary.

SEC. 12. District Health Office. - The District Health Office shall exercise administrative supervision and control over district hospitals, municipal hospitals, rural health units, barangay health stations and all other Department units in the health district, except those offices/units that are explicitly placed under the supervision and control of either DOH-ARMM or DOH National, as the case may be.

The District Health Office shall be headed by a Chief of Hospital and shall also serve as head of all field units in the district. Chief of Hospital shall be appointed by the Regional Governor and their deployment from district to district shall be made by the Regional Secretary.

SEC. 13. Rural Health Centers. - The Department shall review and monitor the establishment, operation and maintenance of rural health centers, barangay health stations funded by local governments. Rural health units are headed by rural health physicians to be appointed pursuant to existing laws. Proposals for integrating locally funded health agencies under the supervision and control of the Department without regard to the sourcing of funds shall be made by the Department for the appropriate local government's approval. Any such agreement shall be allowed and, whenever possible, funding from national sources may be extended to achieve a nationally integrated government health service under the Department.

Chapter 5 Hospital Services

SEC. 14. Hospitals. - Hospitals shall be the principal implementers of appropriate curative services. They shall be the institutions that will develop an effective network of facilities which are available, accessible, acceptable and affordable.

SEC. 15. Hospital Operations. - The hospital operations shall be implemented through the following:

- (1) Administrative services. The hospital administrative services shall execute policies and directions promulgated by the hospital body and discharged support services in the areas of finance, personnel, materials, and property, housekeeping, laundry, security, transport, engineering and maintenance;

- (2) Medical/ancillary services. The medical/ancillary services shall render prompt and efficient medical services to in and out-patient through a competent and organized medical and ancillary staff; and
- (3) Nursing service. The nursing service shall provide quality nursing care and management to meet the need of the patients in close coordination with the medical ancillary and administrative services.

SEC. 16. Classification of Hospitals. - Hospitals shall be classified according to:

(1) Nature of Ownership

- (a) Government Hospitals – these are hospitals operated and maintained partially or wholly by the national, provincial, city or municipal government or their political unit, or by any department , board or agency thereof; and
- (b) Private Hospitals – these are privately owned established and operated with funds through donations, principal investments or other means by any individuals or corporation or associations.

(2) Kinds of Services

- (a) General Hospitals – provide services to all types of deformities, diseases, illness or injuries; and
 - (b) Specialty Hospitals – primarily engaged in the provision of specific area of specialties such as: kidney, heart, lungs, etc.
- (3) Hospital Service Capability is likewise classified according to their service capability as follows:

(3.1) First Level Referral Hospitals

- (a) Non-departmentalized hospitals which provides clinical care and management on the prevalent diseases in the locality;
- (b) Clinical services which includes general medicine, pediatrics obstetrics and gynecology, surgery and anesthesia;
- (c) Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, and pharmacy); and
- (d) Provision for nursing care for patients who require intermediate, moderate and partial category of supervised care for 24 hours or longer.

(3.2) **Second Level Referral Hospital**

- (a) Departmentalized hospitals which provide clinical care and management on the prevalent diseases in the locality as well as particular forms of treatment, surgical procedure and intensive care;
- (b) Clinical services as provided in the first Level referral hospital as well as specialty clinical care;
- (c) Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, pharmacy); and
- (d) Nursing care as provided in the first level referral hospital as well as total and intensive care.

(3.3) **Third Level Referral Hospital**

- (a) Teaching and training hospitals which provide clinical care and management on the prevalent diseases in the locality as well as specialized and sub specialized forms of treatment, surgical and intensive care;
- (b) Clinical services provided in the second level referral hospital as well as sub specialty clinical care;
- (c) Provision for appropriate administrative and ancillary services (clinical laboratory, radiology, pharmacy);
- (d) Nursing care as well as continuous and highly specialized care;
- (e) Infirmaries are health facilities which provide emergency treatment and limited care (confinement of not less than 24 hours but not 72 hours) for the sick and injured, as well as clinical care and management of normal delivery cases;
- (f) Birthing homes are health facilities which provide consultative medical nursing on prenatal and post natal normal and spontaneous delivery and care of newborn babies; and
- (g) Psychiatric care facilities are health facilities which provide consultative medical nursing pharmacology and psychosocial treatment for mentally-challenged patients.

SEC. 17. Hospital General Services. - All hospitals shall provide among others services such as:

- (1) **Emergency Care Services** which shall be managed by a competent personnel with adequate equipment to attend to critical patients 24 hours;
- (2) **Admission Care Services** which shall be responsible for admitting and providing initial care in hospital whenever appropriate;

- (3) **Ward Services** which shall provide quality care for all admitted patients in the hospital to include ward work, nursing round, doctors round, endorsement, medication, treatment, general grand round, recording/reporting, nursing care, mortality/morbidity conferences and discharges; and
- (4) **Out-Patient Department Services** which shall provide ambulatory care services and other hospital-based preventive health care services.

Chapter 6 Program Units and Offices

SEC. 18. Integrated Maternal and Child Health Care and Nutrition Unit. - The Integrated Maternal and Child Health and Nutrition Unit shall formulate plans, policies, programs, standards and techniques relative to maternal and child health; provide consultative training and advisory services to implementing agencies; and conduct studies and research related to health services for mothers and children. to family planning in the context of health and family welfare; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to family planning as well as nutrition services in the context of primary health care, provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to nutrition.

SEC. 19. Environmental, Sanitation and Occupational Health Unit. - The Environmental, Sanitation and Occupational Health Unit shall formulate plans, policies, programs, standards and techniques relative to environmental health and sanitation; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to environmental health. As well as regulations on occupational standards for industries, manufacturing companies to ensure that establishments and institutions, facilities shall ensure the health and welfare of their workers through healthy conducive safe workplace in consonance with the provisions of “industrial Hygiene” and Occupational Toxicology” of the Code of Sanitation of the Philippines (Presidential Decree 856) and its implementing rules and regulations.

SEC. 20. The Dental Health Unit. - shall formulate plans, policies, programs, standards and techniques relative to dental health services; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to dental services.

SEC. 21. Infectious Disease Control Unit. - The Infectious Disease Control Unit shall formulate plans, policies, programs, standards and techniques relative to the control of communicable diseases, specifically on the major causes or mortality and morbidity, such as leprosy, sexually transmitted infections, filariasis tuberculosis, schistosomiasis, soil transmitted diseases, dengue, malaria including emerging diseases like meningococemia, SARS, Avian Influenza and other infectious diseases ; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to these other communicable diseases.

SEC. 22. Chronic Disease Control Unit. - The Chronic Disease Control Unit shall formulate plans, policies, programs, standards and techniques relative to the control of non-communicable diseases; provide consultative, training and advisory services to implementing agencies; and conduct studies and research related to mental illness, cardiovascular-diseases, cancer, other non-communicable diseases.

SEC. 23. Hospital Operations, Maintenance and Management Unit. - The Hospital Operations and Management Unit shall formulate and implement plans, programs, policies, standards and techniques related to management improvement and quality control of hospital operations; provide consultative, training and advisory services to field offices in relation to the supervision and management of hospital components; and conduct studies and research related to hospital operations and management. The unit shall also formulate and implement plans, programs, policies, standards and techniques related to assuring the proper maintenance of Department equipment; provide consultative, training and advisory services to implementing agencies in relation to preservation, repair and maintenance of medical and non-medical equipment of the Department; and conduct studies and research related to equipment and facility maintenance.

SEC. 24. Regional Unified Planning Management Unit. - This Unit shall formulate and implement plans, policies, programs, standards and techniques related to development and preservation of health infrastructure; health programs assessment and evaluation, provide consultative, training and advisory services to implementing agencies in relation to health program implementation and infrastructure projects to assure economical and efficient implementation; and conduct studies and research related to infrastructure development, utilization and sustainability.

SEC. 25. Licensing, Regulation, Research and Development Unit. - This Unit develop and formulate plans, standards and policies for the establishment and accreditation and licensing of hospitals, clinics, allied health facilities, lying in, pharmacies, laboratories; blood banks and entities handling biological products, provide consultative, training and advisory services to public and private laboratories; and conduct studies and research related to laboratory procedures and operations, establish standards that shall be the basis of inspections and licensure procedures of the Department's field offices; and provide consultative, training and advisory services to field offices on the conduct of licensing and regulatory functions over hospitals, clinics and other health facilities.

SEC. 26. Food and Drugs Regulation Unit. - This Unit shall act as the policy formulation and sector monitoring arm of the Secretary on matters pertaining to foods, drugs, traditional medicines, cosmetics and household products containing hazardous substances, and the formulation of rules, regulations and standards as provided for in Republic Act 3720 (1963), as amended by Executive Order No. 175, s. 1987, and other pertinent laws for their proper enforcement; prescribe general standards and guidelines with respect to the veracity of nutritional and medicinal claims in the advertisement of food, drugs and cosmetics in the various media, to monitor such advertisements; advise the Department's field offices to call upon any erring manufacturer, distributor, or advertiser to desist from such inaccurate or misleading nutritional or medicinal claims in their advertising; should such manufacturer, distributor, or advertiser refuse or fail to obey the desistance order issued by the Department through the recommendation of this unit he/she shall be subject to the applicable penalties as may be

prescribed by law and regulations; the Bureau shall provide consultative, training and advisory services to all agencies and organizations involved in food and drug manufacturing and distribution with respect to assuring safety and efficacy of food and drugs; conduct studies and research related to food and drug safety; maintain a corps of specially trained food and drugs inspectors for assignment to the various field offices of the Department; while these inspectors shall be under the technical supervision and guidance of the unit, they shall be under the administrative supervision of the head of the field office to which they shall be assigned, the latter being responsible for regulatory program implementation within the geographic area of his/her jurisdiction.

The Unit shall coordinate and work hand in hand with ARMM Halal Accreditation Board in the effective implementation of Halal laws in ARMM and for other purposes.

SEC. 27. Quarantine Office. - The Regional Quarantine Office shall formulate and implement quarantine laws and regulations.

Chapter 7 Health Promotion and Communication

SEC. 28. Health Education and Counseling. - The Regional Department of Health, in collaboration with Muslim religious leaders, the Department of Education, Department Of Social Welfare and Development, and other regional line agencies shall integrate and promote health education in consonance with Islamic faith particularly on human sexuality, disease prevention, and healthy lifestyle.

SEC. 29. Health Information Education and Communication (IEC). - The Department shall adopt a user friendly, culturally sensitive and pro Islamic IEC materials that shall be made available to enhance the promotion of health programs and activities to stakeholders thereby advocating Islamic Health Brand “*Shihah lil Jamie*” or Health for All.

Chapter 8 Epidemiology, Surveillance and Health Emergency Management

SEC. 30. Health Emergency Management. - The Regional Department of Health will provide plans and policies that will reduce the impact of calamity in time of disasters.

SEC. 31. Epidemiology and Surveillance. - The department shall set priority plans and programs, and take actions to protect public health through timely reporting and response as well as analysis on the basis of epidemiological survey and result of health surveillance in accordance with existing laws.

Chapter 9 Other Programs and Services

SEC. 32. Medical/ Surgical/ Dental Out-Reach Program. - The Autonomous Regional Government through the department of health shall institutionalize medical, surgical and dental outreach programs for the people in the remote and depressed and those areas affected by natural and man-made calamities.

SEC. 33. Emerging and Re-Emerging Diseases Program. - The Autonomous Regional Government through the regional department of health shall formulate integrated preparedness and response plan to combat, avert, and/or minimize the overall impact of Avian Influenza, Severe Acute Respiratory Syndrome and Meningococemia.

SEC. 34. Partnership for Community Health Development. - The Autonomous Regional Government through the department of health in partnership with local government units shall educate and empower the people in the community towards self reliance for the betterment of their health and well being.

TITLE VI LOCAL GOVERNMENT

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous Regional Government shall ensure the autonomy of local governments units. For this purpose, it shall provide for a more responsive and accountable local government structure instituted through a system of decentralization. The allocation of powers and resources to local government units shall be promoted, and inter-local government grouping, consolidation and coordination of resources shall be encouraged. The Autonomous Regional Government shall guarantee the local government units their just equitable share in the proceeds from the use of natural resources, and afford them wider latitude for resources generation.

SEC. 2. Mandate. - The Department shall assist the Regional Governor in the exercise of general supervision over local governments and in ensuring autonomy, decentralization and community empowerment.

SEC. 3. Powers and Functions. - To accomplish its mandate, the Department shall:

- (1) Recommend to the Regional Governor policies, rules, regulations relative to the general supervision over local government units;
- (2) Establish and prescribe rules, regulations and other issuances and implementing laws on the general supervision of local government units and on the promotion of local autonomy and monitor compliance thereof by said units;
- (3) Provide technical assistance in the preparation of regional legislation affecting local government units;
- (4) Establish and formulate policy that will regulate the conduct of Capacity Building Training for the Local Government Units in the Autonomous Regional Government;

- (5) Establish and prescribe plans, policies, programs and projects to strengthen the administrative, technical and fiscal capabilities of local government offices and personnel;
- (6) Formulate and implement policies, plans, programs and projects to meet regional and local emergencies arising from natural and man-made disasters; and
- (7) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Services and the Provincial Offices.

Chapter 2 Department Proper

SEC. 5. Department Proper. - The Department Proper is composed of the Office of the Regional Secretary and two (2) Assistant Regional Secretaries.

SEC. 6. Office of the Regional Secretary. - The Office of the Regional Secretary shall be composed of the Regional Secretary, his/her immediate staff, the Legal Affairs Division (LAD), and the Internal Control Unit (ICU).

- (1) **Legal Affairs Division (LAD).** The Legal Affairs Division shall be headed by a Attorney V to be appointed by the Regional Secretary who shall supervise Complaint and Investigation Section; and Legal and Research Section. The Division shall perform the following functions:
 - (a) Appear as counsel through the Head of the Division in collaboration with the Attorney General in all legal proceedings before any judicial, quasi-judicial or administrative bodies in cases involving the Department;
 - (b) Gather, collate, and evaluate testimonial and documentary evidence for submission in legal proceedings;
 - (c) Handle complicated administrative cases;
 - (e) Provide assistance to the Regional Secretary on all legal matters including preparation of legal opinion and comments;
 - (f) Provide assistance in the preparation of legal orders, circulars, memoranda, and other issuances and the monitoring of the strict compliance thereof;
 - (g) Act on issues and problems affecting local government units that need legal opinions by the Regional Department;
 - (h) Review and investigate administrative cases involving Department personnel and the result of which shall be submitted to the Regional Secretary or upon the

approval of the latter, to the Office of the Regional Governor, or to the Civil Service Commission, as the case may be;

- (i) Conduct legal researches on policy formulation and legislative agenda affecting Local Government Units;
- (j) Prepare periodic legal briefs of cases brought to the attention of the Regional Secretary; and
- (k) Perform such other functions as provided by law.

(2) Internal Control Unit (ICU). The internal control unit shall perform the following:

- (a) Undertake the receipt and review of all disbursement vouchers for payments;
- (b) Receive financial reports for submission to the resident auditor;
- (c) Undertake the checks and balance of financial records of the Department; and
- (d) Perform other functions as provided by law.

SEC. 7. Office of the Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations. – The Office of the Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations is composed of the Office of the Director for Technical Services and the Divisions and Sections under it. The Local Governance Regional Resource Center (LGRRC) shall be under the office of the Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations.

SEC. 8. Office of the Assistant Regional Secretary for Administration and Finance. – The Office of the Assistant Regional Secretary for Administration and Finance is composed of the Office of the Director for Staff Support Services (SSS) and the Divisions and Sections under it.

Chapter 3 Department Services

SEC. 9. Office of the Assistant Regional Secretaries. - The Regional Secretary shall be assisted by two (2) Career Assistant Regional Secretaries, one for Policy Formulation, Capacity Development and Operations, and the other for Administration and Finance.

SEC. 10. Functions of the Assistant Regional Secretaries. - The Assistant Regional Secretaries shall have the following functions:

- (1) Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations:**

- (a) Supervise the Technical Services through the Director II the following Divisions:
 - (i) planning, policy formulation, research and capacity development (PPRCD);
 - (ii) local government operations (LGO) and (iii) local government development (LGD);
- (b) Assist the Regional Secretary in the supervision of the Department's programs, projects, and activities implementation in the ARMM;
- (c) Advise the Regional Secretary on the status of the Department's policies, program, projects, and activities implementation;
- (d) Advise and assist the Regional Secretary in the exercise of the power on general supervision of the Regional Governor over local government units, particularly in the capacity development, policy formulation and implementation of national laws, policies, and standards concerning local government operations and their personnel;
- (a) Serve as deputy to the Regional Secretary, in all matters relating to the operations of the Department; and
- (b) Perform such other functions as may be provided by law.

Local Governance Regional Resource Center (LGRRC). The Local Governance Regional Resource Center headed by the Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations, as Program Manager, shall serve as Knowledge Center of the Department and shall perform the following functions:

- a. Act as a custodian of knowledge products particularly on local governance and make them accessible/available to all stakeholders;
- b. Formulate policies and guidelines in the operationalization of the Local Governance Regional Resource Center (LGRRC) for ARMM;
- c. Identify and participate in researches and assessments of relevant information related to local governance; and
- d. Plan, implement, monitor, and evaluate programs, projects, and activities for the center.

The Assistant Regional Secretary for Planning, Policy Formulation, Capacity Development and Operations shall:

- a. Oversee the day-to-day operations of the said Center;
- b. Ensure the mainstreaming of the LGRRC facilities in the DILG-ARMM operations;

- c. Identify and implement relevant actions related to the enhancement of the LGRRC operations to include the re-tooling of LGRRC personnel; and
- d. Regularly coordinate with the Local Governance National Resource Center (LGNRC) and facilitate knowledge sharing with other LGRRC's.

(2) Assistant Regional Secretary for Administration and Finance

- a. Advise and assist the Regional Secretary in the formulation and implementation of the Department's policies and objectives relating to administrative and financial matters;
- b. Supervise the Staff Support Services through the Director II the Administrative, Finance and Management Divisions;
- c. Coordinate the programs and projects of the Department, and be responsible for efficient and effective administration; and
- d. Perform such other functions as may be provided by law.

SEC. 11. Technical Services. - The Technical Services shall be headed by a Director II that shall assist the Regional Secretary in planning, policy formulation, research and LGU monitoring and capacity development. It is composed of the following divisions: (a) Local Government Operations Division, (b) Local Government Development Division and (c) Planning, Policy Formulation, Research and Capacity Development Division.

(1) Local Government Operations Division. - The Local Government Operations Division shall supervise the following sections: (1) Regional Training for Local Government Section, (2) Project Development Management Section, and (3) Local Government Monitoring Section. This division shall have the following functions:

- (a) Provide assistance to the Regional Secretary in the exercise of general supervision of the Regional Governor over local government units, particularly in the formulation and implementation of regional laws, policies, and standards concerning local government operations and their personnel;
- (b) Monitor compliance with national and regional laws and policies by local government units;
- (c) Provide assistance in the preparation of national legislation affecting local government units and in the promotion of local autonomy;
- (d) Extend consultation service and advice to local government units involved in promoting local autonomy;
- (e) Provide assistance to local governments in the promotion of citizens' participation in local government activities;

- (f) Provide technical assistance, as well as secretariat services to the Leagues of Cities, Municipalities and Punong Barangays and the Sangguniang Kabataan Federations; and
- (g) Perform such other functions as may be provided by law.

The Local Government Operations Division shall be headed by a Local Government Operations Officer VII assisted by a technical and support staff.

(2) Local Government Development Division. - The Local Government Development Division shall supervise the following sections: (1) Barangay Affairs Section; (2) Community and Civil Affairs Section; and (3) Public Safety and Peace & Order Section. This Division shall have the following functions:

- (a) Establish plans, policies, programs, and projects to strengthen the administrative and technical capabilities of local government offices and personnel;
- (b) Establish and prescribe guidelines for the administration of the *Katarungang Pambarangay* laws;
- (c) Provide technical assistance to enhance the administrative, fiscal and technical capabilities of local government officers and personnel;
- (d) Formulate and periodically evaluate local development policies, plans, programs and projects designed to enhance the participation of local government units in planning and implementation;
- (e) Establish a system of incentives and grants to local governments and prescribe policies, procedures and guidelines in the implementation of self-help assistance projects;
- (f) Formulate and develop models, standards and technical materials on local government development;
- (g) Extend consultation service and advice to local government units involved in development programs;
- (h) Establish a viable system of strategies and approaches for local governments anchored on citizen participation within a holistic and integrated framework for the development of communities;
- (i) Formulate plans, programs, and guidelines on projects development management;
- (j) Establish and maintain data bank on all Local Government Units; and
- (k) Perform such other functions as may be provided by law.

The Local Government Development Division shall be headed by a Local Government Operations Officer VII assisted by a technical and support staff.

(3) Planning, Policy Formulation, Research, and Capacity Development Division. - The Planning, Policy Formulation, Research, and Capacity Development Division shall supervise the following sections: (1) Planning Section; (2) Policy Formulation; and (3) Research and Capacity Development Section. This division shall have the following functions:

- (a) Develop administrative and managerial systems, including local government performance standards that promote effective supervision over local government units;
- (b) Monitor and evaluate local government national/regional policies, plans and programs for an effective delivery of service;
- (c) Review the implementation of LGU policies/ordinances to determine its effectiveness;
- (d) Conduct policy researches in aid of regional and local legislation;
- (e) Extend technical assistance to local government units to facilitate an effective compliance of local government policies; and
- (f) Perform such other functions as provided by law.

The Planning, Policy Formulation, Research and Capacity Development Division shall be headed by a Local Government Operations Officer VII assisted by a technical support staff.

SEC. 12. Staff Support Services. - The Staff Support Services is headed by a service Director II to be appointed by the Regional Governor upon the recommendation of the Department Secretary. The Director II shall supervise the Administrative and Finance Divisions and its corresponding Sections/Units therein.

(1) Administrative Division. - The Administrative Division shall be headed by Chief Administrative Officer and shall be responsible for providing the Department with effective and efficient services relative to human resource, records, correspondence, supply, general services and other related services;

The Administrative Division shall have the following functions:

- a) Be responsible for the effective and efficient services relative to the administrative matters of the office;
- b) Undertake the overall management of the human resource development and financial plans:

- c) Manage and maintain personnel records and all other financial records of the office;
 - d) Conduct a periodic performance appraisal of employees therein and submit reports to the recipient offices/agencies;
 - e) Provide general services, supplies, security, and other services necessary for the office to fulfill its mandates; and
 - f) Perform such other related functions as provided by law.
- (2) **Finance and Management Division.** - The Finance Division shall be headed by Finance and Management Officer to be appointed by the Regional Secretary and shall be responsible for providing the Department with efficient and effective services relative to budget, collection, disbursement, and other financial matters.

Chapter 4

The Provincial/City Offices and Municipal Field Units

SEC. 13. DILG Provincial/City Offices. - There shall be one Provincial/City Office to be established, operated and maintained in each of the Provinces and component cities of the region. A Provincial/City Office shall have the following functions:

- (1) Implement laws, rules and regulations, and other issuances, policies, plans, programs and projects of the Department;
- (2) Plan, organize, direct and monitors the implementation of the department's functions, programs, projects and activities in the province/city;
- (3) Disseminate and monitor compliance with the implementation of laws, rules and regulations, policies and standards and other issuances affecting local government units;
- (4) Provide technical assistance to the local government units in developing their capabilities for local government administration and development;
- (5) Promote people's participation by providing technical assistance and services to civil society organizations including Non-Governmental Organizations (NGOs), People's Organization (POs) and the Indigenous Groups; and
- (6) Perform such other functions as may be delegated by the Secretary or as provided by law.

SEC. 14. Composition of Provincial Offices. - The DILG Provincial Office shall be headed by a **Provincial Director or Local Government Operations Officer VIII** to be assisted by an Assistant Provincial Director or Local Government Operations Officer VII.

- (1) **Composition of City Office.** - The component City Office shall be headed by a City Director or Local Government Operations Officer VI.
- (2) **The DILG-ARMM Provincial Offices** shall be composed of the Administrative and Finance, Operations, and Development Sections. The City Office shall be composed of the City Director and Support Staff.

The Administrative and Finance Section shall be headed by a Local Government Operations Officer V with a support staff designated by the Provincial Director and concurred by the Regional Secretary, performs the following:

- a) Be responsible for the effective and efficient services related to the administration, financial and other related matters of the office;
- b) Undertake the overall management of the human resource development and financial plans;
- c) Manage and maintain personnel records and all other financial records of the office;
- d) Conduct a periodic performance appraisal of employees therein and submit reports to the recipient offices/agencies;
- e) Provide general services, supplies, security, and other services necessary for the office to fulfill its mandates; and
- f) Perform such other related functions as provided by law.

The Operations Section shall be headed by a Local Government Operations Officer V with a technical and support staff designated by the Provincial Director with the concurrence of the Regional Secretary. It shall perform the following functions:

- a) Provide assistance relating to the exercise of the powers on general supervision over local government units particularly on the implementation of national laws, policies and standards concerning local government operations;
- b) Monitor compliance with national and regional laws, policies and other issuances by the local government units;
- c) Assist in the preparation of regional legislation affecting local government units in the promotion of local autonomy;
- d) Extend consultation service and advices to local government units involved in promoting local autonomy;
- e) Coordinate with other agencies in the planning and implementation of intergovernmental special programs and projects under its jurisdiction; and
- f) Perform such other functions as provided by law.

The Development Section shall be headed by a Local Government Operations Officer V with a technical and support staff designated by the Provincial Director with the concurrence of the Regional Secretary. It shall perform the following functions:

- a) Formulate, prescribe and periodically evaluate local development policies, plans, programs and projects designed to enhance the participation of local government units in planning and implementation;
- b) Formulate and develop models, standards and technical materials on local government development;
- c) Extend consultation service and advice to local government units involved in development programs;
- d) Establish a viable system of strategies and approaches for local governments anchored on citizen participation within a holistic and integrated framework for the development of communities;
- e) Formulate plans, programs, and guidelines on projects development management;
- f) Establish and maintain data bank on all Local Government Units; and
- g) Perform such other functions as may be provided by law.

The Division/Section Heads shall be appointed by the Regional Secretary upon the recommendation of the Provincial Director and must possess the education, experience, training and appropriate civil service eligibility required for the position. The heads of divisions shall oversee the management of personnel and work assignment of the section and units therein. The Provincial Director is authorized to recommend to the Regional Secretary for the creation of divisions/sections/units as needed of the exigency of public service.

SEC. 15. Municipal Field Units.- The Municipal Field Unit is headed by a Municipal Local Government Operations Officer V and is primarily responsible in the administration, implementation and monitoring of Department's policies, plans, programs, projects and activities in the municipal level. The head of the municipal field units shall be appointed by the Regional Secretary upon the recommendation of the Provincial Director and must possess the education, experience, training and appropriate civil service eligibility required for the position.

TITLE VII LABOR AND EMPLOYMENT

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous 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 gender, race, or creed, regulate the relations between workers and employer, and promote 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.

SEC. 2. Mandate. - The Department shall be the primary policy-making, programming, coordinating and administrative entity of the Executive Branch of the Autonomous Regional Government in the field of labor and employment. It shall assume primary responsibility for:

- (1) The promotion of gainful employment opportunities and the optimization of the development and utilization of the region's manpower resources;
- (2) The advancement of workers' welfare by providing for just and humane working conditions and terms of employment; and
- (3) The maintenance of industrial peace by promoting harmonious, equitable, and stable employment relations that assures equal protection for the rights of all concerned parties.

SEC. 3. Powers and Functions. - The Department of Labor and Employment shall:

- (1) Enforce social and labor legislation to protect the working class and regulate the relations between the worker and his/her employer;
- (2) Formulate and recommend regional policies, plans and programs for manpower development, training, allocation and utilization;
- (3) Recommend legislation to enhance the material, social and intellectual improvement of the region's labor force;
- (4) Protect and promote the interest of every constituent desiring to work locally or overseas by securing to him the most equitable terms and conditions of employment, and by providing social and welfare services;
- (5) Regulate the employment of aliens within the ARMM, including the establishment of a registration and/or work permit system for such aliens, as provided for by national or regional laws;
- (6) Formulate general guidelines concerning wage and income policy;

- (7) Recommend necessary adjustments in wage structures with a view to develop a wage system that is consistent with regional economic and social development plans;
- (8) Provide for safe, decent, humane and improved working conditions and environment for all workers, particularly women and young workers;
- (9) Formulate general guidelines for the issuance of working permit for minors in the media industry;
- (10) Maintain harmonious, equitable and stable labor relations system that is supportive of national and regional economic policies and programs;
- (11) Uphold the rights of workers and employers to organize and promote free collective bargaining as the foundation of the labor relations system;
- (12) Provide and ensure the fair and expeditious settlement and disposition of labor and industrial disputes through collective bargaining, grievance machinery, conciliation, mediation, voluntary arbitration, compulsory arbitration as may be provided by law, and other modes that may be voluntary agreed upon by the parties concerned; and
- (13) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Finance and Administrative Division; Employment Promotion and Manpower Development Division; Labor Standards Employment Division; Workers' Amelioration & Welfare/ Women & Young Workers Division; Industrial Labor Relations Division; Labor & Employment Statistics Division; the Provincial Field Units, and the agencies or offices attached to it.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary and his/her immediate staff.

SEC. 6. Office of the Assistant Regional Secretary. - The Office of the Regional Secretary shall consist of the career Assistant Regional Secretary and his/her immediate staff.

SEC. 7. Functions of the Assistant Regional Secretary. - The Assistant Regional Secretary shall perform the following specific functions:

- (1) Advise and assist the Regional Secretary in the formulation and implementation of Department's objectives and policies;
- (2) Supervise the Employment Promotion and Manpower Development Division, Labor Standards Division, Workers Amelioration and Welfare Division, Industrial Labor

Relations Division, Women and Young Workers Division, Labor and Statistics Division, and the Planning and Information Unit;

- (3) Coordinate the programs and projects of the Department, and shall be responsible for its economical, efficient, and effective administration;
- (4) Serve as deputy to the Regional Secretary, in all matters relating to administrative and finance services and the programs and operations of the Department; and
- (5) Perform such other functions as may be provided by law.

SEC. 8. Functions of Administrative and Finance Division. - The division shall have the following functions:

- (1) Provide the department with efficient, effective and economical services relating to records, management supplies, equipment, collections, disbursements, building administration and maintenance, security and custodial work;
- (2) Recommend to the Regional Secretary programs and projects needed to upgrade the levels of competence and productivity of agency personnel;
- (3) Provide the department with efficient, effective and economical services relating to budgetary, financial, management improvement and internal control matters; and
- (4) Perform such other functions as may be assigned by the Regional Secretary.

Chapter 3 Department Services

SEC. 9. Programs and Operations. - The Programs and Operations shall be composed of the following divisions:

- (1) **Employment Promotion and Manpower Development Division** with the following functions:
 - (a) Implement policies, standards and procedures on productive manpower resources, development, utilization and allocation;
 - (b) Establish and administer machinery for the effective allocation of manpower resources for maximum employment and placement;
 - (c) Develop and maintain a responsive vocational guidance and testing system in aid of proper human resources allocation;
 - (d) Regulate and supervise private sector participation in the recruitment and placement of workers locally under such rules and regulations as may be issued by the Regional Secretary;

- (e) Implement policies on work permit system to regulate employment of aliens;
 - (f) Develop and maintain a labor market information system in aid of proper manpower and development planning;
 - (g) Implement employment programs designed to benefit disadvantaged groups and communities; and
 - (h) Perform other functions as may be provided by law.
- (2) **Workers Amelioration & Welfare/ Women & Young Workers Division** with the following functions:
- (a) Assist rural workers, displaced farmers, and migratory workers in seeking gainful employment;
 - (b) Conduct studies and draw up programs for re-training of displaced agricultural workers;
 - (c) Coordinate with local government units in preparing a census of rural workers seeking employment;
 - (d) Facilitate registration of rural workers association with the Department;
 - (e) Recommend to the Assistant Regional Secretary policies, orders, rules and regulations implementing the provisions of the Labor Code affecting working women and minors;
 - (f) Recommend to the Assistant Regional Secretary standards which shall protect the welfare of the working women and minors, improve their working condition, increase their efficiency secure opportunities for their profitable employment and find ways for their economic, educational, social and cultural advancement;
 - (g) Prepare and recommend to the Assistant Regional Secretary the approval and issuance of such rules and regulations necessary in the interpretation of all laws relating to employment of women and minors;
 - (h) Undertake studies and submit recommendations on the employment of women and minors in commercial, industrial and agricultural establishments and other places of labor;
 - (i) Undertake development studies on the training needs of women and minors and develop programs and projects to enhance their productivity effective participation in community development;
 - (j) Protect every child employed in the movie, television, radio and entertainment industries against exploitation, improper influences, hazards and other

conditions or circumstances prejudicial to his/her physical, mental, emotional, social and moral development;

- (k) Undertake projects and in-service training programs for working children to improve their potentials for employment and their capabilities and physical fitness, increase their efficiency, secure opportunities for their promotion, prepare them for more responsible positions, and prepare them for their social, educational and cultural advancement, in cooperation with labor and management; and
- (j) Perform such other functions as may be provided by law.

(3) Labor Standards Employment Division with the following functions:

- (a) Implement safety standards, measures and devices; promote safety consciousness and habits among workers; develop and evaluate occupational safety and health programs for workers;
- (b) Develop plans, programs, standards and procedures for the enforcement of laws relating to labor standards, including the operation of boilers, pressure vessels, machinery, internal combustion engines, elevators, electrical equipment, wiring installations, and the construction, demolition, alteration and use of commercial and industrial buildings and other workplaces;
- (c) Prepare rules and regulations, interpretative bulletins and legal opinions relating to the administration and enforcement of labor standards; and provide manuals and plan programs for the training of field personnel; and
- (d) Perform such other functions as may be provided by law.

(4) Industrial Labor Relations Division. The Labor Relations Division shall implement policies, standards, and procedures on the registration and supervision of legitimate labor union activities including denial, cancellation and revocation of labor union permits. It shall also set policies, standards, and procedure relating to collective bargaining agreements, and the examination of financial records of accounts of labor organizations to determine compliance with relevant laws. The division shall also provide proper orientation to workers on their schemes and projects for the improvement of the standards of living of workers and their families.

(5) Labor and Employment Statistics Division shall:

- (a) Undertake research and studies in all areas of labor and manpower policy and administration;
- (b) Study and develop innovative and indigenous approaches towards the promotion of harmonious and productive labor-management and the improvement of workers' welfare services;

- (c) Conduct region-wide surveys and studies which will generate trends and structures on labor and employment;
- (d) Develop and prescribe uniform statistical standards, nomenclatures and methodologies for the collection, processing, presentation and analysis of labor and employment data;
- (e) Formulate, develop and implement plans and programs on the labor statistical system in order to provide the government with timely, accurate and reliable data on labor and employment;
- (f) Establish appropriate mechanisms for the coordination of all statistical activities in the Department and for collaboration with other government and private agencies including international research organizations in the conduct of surveys and studies in the area of labor and employment;
- (g) Develop and undertake programs and projects geared toward enhancement of the technical competence of the Department on theories, techniques and methodologies for the improvement of the labor statistical system;
- (h) Disseminate statistical information and provide statistical services or advice to the users by establishing a data bank and issuing the division's statistical materials and research findings;
- (i) Publish its research studies for dissemination to government as well as to all concerned parties; and
- (j) Perform such other functions as may be provided by law.

Chapter 4 **Provincial Field Units**

SEC. 10. Provincial Field Units. - The Department shall establish a Provincial Field Unit in each of the provinces of the Autonomous Region in Muslim Mindanao to promote economy and efficiency in the delivery of its services. Each Provincial Field Unit shall be headed by a **Supervising Labor and Employment Officer** with at least three (3) staff.

SEC. 11. Functions of the Provincial Field Units. - The Provincial Field Units shall:

- (1) Provide efficient, effective and economical delivery of the Department's services to the people; and
- (2) Perform such other functions as may be assigned by the Regional Secretary.

Chapter 5

Department Attached Agencies

SEC. 12. Attached Agencies. - The following agencies shall be attached to the Department for policy and programs coordination or administrative supervision:

- (1) Regional Conciliation and Mediation Board;
- (2) Philippine Overseas Employment Administration;
- (3) Regional Wages and Productivity Board; and
- (4) Overseas Workers Welfare Administration

SEC. 13. Policy Coordination. The following agencies shall be attached to the Department for policy coordination:

- (1) Regional Labor Relations Commission; and
- (2) Technical Education and Skills Development Authority.

Chapter 6

Regional Conciliation and Mediation Board (RCMB)

SEC. 14. Mandate, Powers, and Functions. - The Regional Conciliation and Mediation Board shall have the following mandates, powers and functions:

- (1) Formulate policies, programs, standards, procedures, manuals of operation and guidelines pertaining to effective mediation and conciliation of labor disputes;
- (2) Perform preventive mediation and conciliation functions;
- (3) Coordinate mediation linkages with other sectors or institutions and other government authorities concerned with matters relative to the grievances and settlement of labor disputes;
- (4) Formulate policies, plans, programs, standards, procedures, manual of operations and guidelines pertaining to the promotion of cooperative and non-adversarial schemes, grievance handling, voluntary arbitration and other voluntary modes of dispute settlement;
- (5) Administer the voluntary arbitration program, maintain or update a list of voluntary arbitrators: compile arbitration awards and decisions;
- (6) Provide counseling and preventive mediation assistance particularly in the administration of collective bargaining agreements; and
- (7) Perform such other functions as maybe devolved and/or provided for by law.

SEC. 15. Composition of the RCM Board. - The composition of the Board shall be patterned to that of the Central Office and determined upon its devolution to the Autonomous Regional Government.

SEC. 16. The Powers and Functions of the RCM Board. - The powers and functions of the Board shall be determined upon its devolution from the national government to the Autonomous Regional Government.

SEC. 17. The RCMB Executing Office. - The RCMB shall have an executing office to be headed by Director I who shall exercise general supervision over the administrative and technical operations of the agency, to be appointed by the Regional Governor.

The structure and staffing pattern of the office shall be subject to the terms and conditions of its devolution to the Autonomous Regional Government.

Chapter 7 **Philippine Overseas and Employment Administration (POEA)**

SEC. 18. Mandate, Powers and Functions. - The mandate, powers, and functions of the Philippine Overseas and Employment Agency have the following mandate, powers and functions:

- (1) Regulate private sector participation in the recruitment and overseas placement of workers from the provinces and cities under the ARMM by setting up a licensing and registration system, consistent with national policies and standards;
- (2) Formulate and implement in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of workers from the ARMM taking into consideration their welfare and the domestic manpower requirement;
- (3) Protect the rights of Filipino workers from ARMM for overseas employment to fair and equitable recruitment and employment practices and ensure their welfare;
- (4) Undertake preliminary investigation of all claims arising out of an employer-employee relationship or by virtue of any law or contract involving Overseas Filipino Workers from the ARMM including the disciplinary cases which are administrative in character involving or arising out of violation of recruitment laws, rules and regulations and submit findings to the NLRC for disposal;
- (5) Establish and maintain a registry of skills for overseas placement;
- (6) Recruit and place workers to service the requirement for trained and competent Filipino workers by foreign governments and their instrumentalities and such other employers as public interest may require;

- (7) Promote the development of skills and careful selection of workers for overseas employment; undertake overseas market development activities and secure the best terms and conditions of employment of contract workers from the ARMM and ensure compliance therewith;
- (8) Develop and implement programs for the effective monitoring of returning contract workers, promoting their re-training, re-employment and / or reintegration into the main stream of the regional economy in coordinating with other government agencies;
- (9) Maintain close coordination and working relationship with the Department of Foreign Affairs; Philippine Tourism Authority, Manila International Airport Authority, Department of Justice, and other government agencies concerned and private institutions in the pursuit of its objectives; and
- (10) Perform such other functions as maybe devolved and/or provided for by law.

SEC. 19. The Office of the Regional Administrator. - The agency shall be headed by Regional Administrator with a rank of Director I, who shall exercise general supervision over the administrative and technical operations of the agency, who shall be appointed by the Regional Governor.

The structure and staffing pattern of the office shall be subject to the terms and conditions of its devolution to the Autonomous Regional Government.

However, the present skeletal workforce of POEE-ARMM shall continue to perform their duties and responsibilities as they already acquired the necessary trainings and experiences and are well-immersed in the systems and procedures for the effective and economical delivery of the agency services to Oversees Filipino Workers.

Chapter 8

Regional Labor Relations Commission (RLRC)

SEC. 20. Mandate, Powers and Functions. - The Commission shall have the following mandate, powers and functions:

- (1) Adopt and promulgate policies and procedures governing the hearing and disposition of cases before it, as well as those pertaining to its internal functions and such procedures and guidelines as may be necessary to carry out the purposes of the Labor Code, subject to national policies, rules and regulations;
- (2) Administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contract records, statement of accounts, agreements and others as may be material to a just determination of the matter under investigation and to testify in any investigation or hearing conducted in pursuance of the Labor Code;

- (3) Conduct investigation for the determination of a question, matter of controversy within its jurisdiction, proceed to hear and determine the disputes in the absence of any party thereto who has been summoned or served notice to appear, conduct its proceedings or any part thereof in public or in private, adjourn its hearing to any time and place; refer technical matters or accounts to an expert and accept his/her report an evidence after hearing of the parties upon due notice, direct to be joined in or excluded from the proceedings; correct, amend or waive any error, defect or irregularity, whether in substance or in form, give all such directions as it may deem necessary or expedient in the determination of the dispute before it; and dismiss any matter of refrain from hearing further or determining dispute or part thereof, where it is trivial or where further proceeding by the Commission are not necessary or desirable;
- (4) Hold any person in contempt, directly or indirectly and impose appropriate penalties therefore in accordance with law;
- (5) Enjoin or restrain any actual or threatened commission of any or all prohibited or unlawful acts or to require the performance of a particular act in any labor disputes which if not restrained or performed forthwith, may cause grave or irreparable damage to any party or render ineffectual any decision in favor of such party, subject to certain provisions provided in the Labor Code; and
- (6) Perform such other functions as maybe devolved and/or provided for by law.

SEC. 21. Composition. – The composition of the Commission shall be patterned to that of the central government and shall be subject to the terms and conditions of its devolution to the Autonomous Regional Government.

SEC. 22. Powers and Functions of the Commission. - The powers and functions of the commission shall be determined upon its devolution to the Autonomous Regional Government.

SEC. 23. The Office of the Regional Executive Labor Arbiter. - The office shall have Regional Executive Labor Arbiter, with salary grade of 27, who shall exercise general supervision over the administrative and technical operations of the agency, a *bona fide* member of the Philippine Bar and to be assisted by Assistant Labor Arbiter, with salary grade of 25, who shall both be appointed by the Regional Governor.

The structure and staffing pattern of the agency shall be subject to the terms and conditions of its devolution to the Autonomous Regional Government.

Chapter 9

Regional Tripartite and Wages Productivity Board (RTWPB)

SEC. 24. Mandate, Powers and Functions. - The Board shall have the following mandate, powers and functions:

- (1) Serve as the regional consultative and advisory body to the Regional Governor and the Regional Assembly on matters relating to wages, incomes and productivity;
- (2) Formulate policies and guidelines on wages, incomes and productivity improvement at the enterprise, industry and regional levels, consistent with national policies and guidelines;
- (3) Assume the powers and functions of the Regional Tripartite Wages and Productivity Board for the ARMM as provided for under the Labor Code; and
- (4) Perform such other functions as maybe devolved and/or provided for by law.

SEC. 25. Composition of Board. – The Board shall be composed of the Regional Secretary of DOLE –ARMM as Chairperson, the Regional Secretary of Department of Trade and Industry-ARMM and the Executive Director of Regional Planning and Development Office-ARMM as members, two (2) representatives from the employer sectors and two (2) representatives from the workers sectors. It shall have its Board Secretariat to be headed by Board Secretary VI.

Chapter 10 **Overseas Workers Welfare Administration (OWWA)**

SEC. 26. Mandate, Powers and Functions. - The mandate, powers and functions of the Overseas Workers Welfare Administration shall be as follows:

- (1) Delivery of Welfare Services and Benefits;
- (2) Ensuring Capital Build-up and Fund Viability;
- (3) Protect the interest and promote the welfare of Overseas Foreign Workers (OFWs) in recognition of their valuable contribution to the development of the nation's economy;
- (4) Facilitate the implementation of the provisions of the labor code concerning the responsibility of the government to promote the well-being of the OFWs;
- (5) Provide social and welfare services to OFWs, ensuring insurance, social work assistance, cultural services and remittance services;
- (6) Ensure the efficiency of collection and viability and sustainability of the fund through sound and judicious investment fund management policies;
- (7) Undertake studies and research for the enhancement of their social, economic and cultural well-being;
- (8) Develop support and finance specific projects for the welfare of OFWs; and
- (9) Perform such other functions as maybe devolved and/or provided for by law.

SEC. 27. Composition of the OWWA Board. – The composition of the Board shall be patterned to that of the national office and shall be determined upon its devolution to the Autonomous Regional Government.

SEC. 28. Powers and Functions of the OWWA Board. – The powers and functions of the Board shall be determined upon its devolution to the Autonomous Regional Government.

SEC. 29. The Office of the Administrator. - OWWA shall have an executing office to be headed by an Administrator with the rank of a Director II and must possess the appropriate civil service eligibility. He/she shall be appointed by the Regional Governor.

Chapter 11

Technical Education and Skills Development Authority (TESDA)

SEC. 30. Declaration of Policy. - It is the policy of the Autonomous Regional Government to provide relevant, accessible, high quality and efficient technical education and skills development in order to produce high quality middle level manpower in the Autonomous Region.

The Autonomous Regional Government shall encourage active participation of all stakeholders in the technical education and skills development.

SEC. 31. Mandate. - The Technical Education and Skills Development Authority (TESDA) is mandated to provide quality technical education and skills development to the people in the Autonomous Region.

SEC. 32. Powers and Functions of TESDA – The Technical Education and Skills Development Authority shall:

- (1) Manage and regulate the Technical-Vocational Education and Training (TVET) Sector in the ARMM through accreditation and registration of all TVET program offerings, compliance audits, trainers' and assessors' trainings, among others;
- (2) Address gaps in the formal TVET sector through the conduct of skills trainings in its training centers and in the communities;
- (3) Ensure TVET quality through the provision of standards and system development services;
- (4) Conduct of National Competency Assessment and Certification of workers and TVET graduates;
- (5) Develop comprehensive training syllabi incorporating desirable work values through the development of moral character with emphasis on work ethic, discipline, self-reliance and deep sense of nationalism; and

- (6) Promote and encourage partnership with various stakeholders, LGUs and other civic organizations.

SEC. 33. Composition of the Authority and its Organizational Structure. - The Authority is composed of the TESDA Board and TESDA Secretariat. It is an attached agency to the Department of Labor and Employment of the Autonomous Regional Government for policy and program coordination.

SEC. 34. Regional TESDA Board Composition. - The TESDA Board in the ARMM shall be composed of the following:

- | | |
|---|----------------|
| (1) Regional Secretary of Labor and Employment | Chairperson |
| (2) The Executive Director of TESDA | Co-Chairperson |
| (3) Regional Secretary of Education | Member |
| (4) Regional Secretary of Trade and Industry | Member |
| (5) Regional Secretary of Agriculture | Member |
| (6) Regional Secretary of Interior & Local Government | Member |
| (7) Regional Secretary of Science and Technology | Member |
| (8) Chairperson of the Commission on Higher Education | Member |

The Regional Governor shall also appoint members from the following private sectors:

- (a) Two (2) representatives from the employer/industry organization, at least one (1) of whom shall be a female;
- (b) Three (3) representatives from the labor sector, at least one (1) of whom shall be a female;
- (c) Two (2) representatives from the regional associations of private technical-vocational education and training institutions, at least one (1) of whom shall be a woman;
- (d) Two (2) representatives from business/investment sector; and
- (e) TESDA Board Secretariat - The Chief of the Regional Operations Division or the Chief of the Financial and Administrative Services Division of the Secretariat shall automatically serve as the Head of the Board Secretariat and shall be assisted by one (1) Senior Technical Staff and one (1) Senior Administrative Staff;

The Head of the Board Secretariat shall have the same benefits, privileges and emoluments as a regular member of the TESDA Board.

The TESDA Board shall meet at least four (4) times a year, or as frequently as may be deemed necessary by its Chairperson. In the absence of the Chairperson, a Co-Chairperson shall preside. In case any member of the Board representing the Government cannot attend the meeting, he/she shall be represented by an Assistant Regional Secretary or chief of regional operations division, as the case may be, to be designated by such member for the purpose.

The benefits, privileges and emoluments of the Board shall be consistent with existing laws and rules.

SEC. 35. Powers and Functions of the Board. - The Authority shall be primarily responsible in formulating, coordinating and fully integrating technical education and skills development policies, plans and programs taking into consideration the following:

- (1) The regional policy declared herein of giving new direction and thrusts to efforts in developing the quality of human resource in ARMM through technical education and skills development;
- (2) The implementation of the above-mentioned policy requires the coordination and cooperation of policies, plans and programs of different concerned sectors in the ARMM and Philippine society;
- (3) Equal participation of representatives of industry groups, trade associations, employers, workers and government shall be made the rule in order to ensure that urgent needs and recommendations are readily addressed; and
- (4) Improved linkages between industry, labor and government shall be given priority in the formulation of any regional-level plan.

The Board shall have the following powers:

- (1) Promulgate, after due consultation with industry groups, trade associations, employers, workers, policies, plans, programs and guidelines as may be necessary for the effective implementation of this Code;
- (2) Organize and constitute various standing committees, subsidiary groups or technical working groups for efficient integration, coordination and monitoring technical education and skills development programs in the ARMM;
- (3) Enter into, make, execute, perform and carry-out domestic and foreign contracts subject to existing laws, rules and regulations;
- (4) Restructure the entire sub-sector consisting of all institutions and programs involved in the promotion and development of middle-level manpower through upgrading, merger and/or phase-out following a user-led strategy;
- (5) Approve trade skills standards and trade tests as established and conducted by private industries in the ARMM;

- (6) Establish and administer a system of accreditation of both public and private institutions;
- (7) Establish, develop and support institutions' trainers' training and/or programs;
- (8) Lend support and encourage increasing utilization of the dual training system as provided for by Republic Act No. 7686;
- (9) Prescribe reasonable fees and charges for such tests and trainings conducted and retain such earnings for its own use, subject to guidelines promulgated by the Authority;
- (10) Allocate resources, based on the Secretariat's recommendations for the programs and projects it shall undertake pursuant to approved Regional Technical Education and Skills Development Plan;
- (11) Determine and approve systematic funding schemes such as the levy and grant scheme for technical education and skills development purposes;
- (12) Create, when deemed necessary, an Advisory Committee which shall provide expert and technical advice to the Board to be chosen from the academe and the private sector: Provided, That in case the Advisory Committee is created, the Board is hereby authorized to set aside a portion of its appropriation for its operation; and
- (13) Perform such other duties and functions necessary to carry out the provisions of this Code consistent with the purposes of the creation of TESDA.

SEC. 36. Power to Review and Recommend Action. - The Authority shall review and recommend action to concerned authorities on proposed technical assistance programs and grants-in-aid for technical education or skills development, or both, including those which may be entered into between the Autonomous Regional Government and other nations, including international and foreign organizations, both here and abroad.

SEC. 37. The TESDA Secretariat. - There is hereby created a Technical Education and Skills Development Authority Secretariat which shall have the following functions and responsibilities:

- (1) Establish and maintain a planning process and formulate a national technical education and skills development plan in which the member-agencies and other concerned entities of the Authority at various levels participate;
- (2) Provide analytical inputs to policy decision-making on allocation of resources and institutional roles and responsibilities as shall be embodied in annual agency's technical education and skills development plans, in accordance with the manpower plan for middle-level skilled worker as approved by the Authority;

- (3) Recommend measures, and implement the same upon approval by the Authority, for the effective and efficient implementation of the regional technical education and skills development plan;
- (4) Propose to the Authority the specific allocation of resources for the programs and projects it shall undertake pursuant to approved regional technical education and skills development plan;
- (5) Submit to the Authority periodic reports on the progress and accomplishment of work programs of implementation of plans and policies for technical education and skills development;
- (6) Prepare for approval by the Authority an annual report to the Regional Governor on technical education and skills development;
- (7) Implement and administer the apprenticeship program as provided for in Republic Act No. 7796 or The TESDA Act;
- (8) Prepare and implement upon approval by the Authority a program for the training of trainers, supervisors, planners and managers as provided for in Republic Act No. 7796 or The TESDA Act;
- (9) Enter into agreement to implement approved plans and programs and perform activities as shall implement the declared policy of this Act; and
- (10) Perform such other functions and duties as may be assigned by the Board.

SEC. 38. The Secretariat Proper. - The TESDA Secretariat Proper shall be composed of the following offices, service divisions and training centers:

- (1) Office of the Executive Director;
- (2) Office of the Director II;
- (3) Regional Operations Division;
- (4) Finance and Administrative Division;
- (5) Regional Manpower Training Center;
- (6) Provincial Office; and
- (7) Provincial Training Centers

SEC. 39. Office of the Executive Director. - The TESDA Secretariat shall be headed by an **Executive Director III** and shall be the Co-chairperson of the Board. The Executive Director shall be appointed by the Regional Governor of the ARMM.

As Chief Executive Officer of TESDA Secretariat, the Executive Director shall exercise general supervision and control over its technical and administrative personnel and financial administration.

SEC. 40. Office of the Director II. - The Executive Director shall be assisted by a Director II who shall:

- (1) Advice and assist the Executive Director in the formulation and implementation of the Authority's objectives and policies;
- (2) Coordinate programs and projects and be responsible for its economical, efficient and effective administration;
- (3) Serve as assistant to the Executive Director in all matters relating to the operations and administration;
- (4) Temporarily perform the functions of the Executive Director, when the latter is unable to perform his/her duties owing to illness, absence or cause, as in case of vacancy in the office; and
- (5) Perform such other functions as may be provided by law, until such time, that the Board shall have recommended a new Executive Director.

SEC. 41. The Regional Operations Division. - There shall be a Regional Operations Division (ROD) to be headed by a Division Chief subject to the qualifications set by existing laws on appointment. The ROD shall:

- (1) Serve as the Secretariat to the Regional Technical Education and Skills Development Committees (RTESDCs);
- (2) Provide effective planning, supervision, coordination and integration of technical education and skills development programs (e.g. program registration and accreditation, assessment and certification, youth profiling for starring careers and scholarship grants) and projects (e.g. skills trainings) and related activities;
- (3) Develop and recommend TESDA programs for regional and local-level implementation within the policies set by the Authority;
- (4) Design and establish planning processes and methodologies to enhance the efficiency of resource allocation decisions within the TESD sector;
- (5) Conduct researches, studies for effective and efficient planning and policy making within the sector;
- (6) Monitor and analyze labor market information; and
- (7) Perform such other functions as may be delegated by the Executive Director and the Board.

SEC. 42. The Finance and Administrative Division. - The Office of the Executive Director shall also be assisted by Finance and Administrative Division (FAD) headed by Division Chief subject to the qualifications set by existing laws on appointment. The FAD shall:

- (1) Monitor and control utilization of funds of all operating units;
- (2) Provide technical assistance on budgetary matters to operating units;
- (3) Maintain and update all books of accounts for all funds;
- (4) Monitor work performances of, and study and implement areas of human resources and management development for, all employees of the TESDA;
- (5) Coordinate procurement and storekeeping of supplies, materials and equipment and recommend disposal of unserviceable tools and equipment; and
- (6) Attend to the maintenance of records on deductions and their timely remittance to the proper agencies

SEC. 43. The Regional Manpower and Development Center. - The Regional Manpower Training Center (RMDC) shall be headed by a Center Chief or Chief TESD Specialist subject to the qualifications set by existing laws on appointment. The RMDC shall:

- (1) Serve as the center for excellence in the implementation of Center-based skills trainings;
- (2) Venue for continuing development of trainers, teachers and instructors;
- (3) Venue for skills assessments and certifications of Technical-Vocational Education and Training (TVET) graduates;
- (4) Provide vocational training on specialized programs;
- (5) Undertake research and development to improve service delivery in the center; and
- (6) Organize and conduct symposia/seminars and other related activities.

SEC. 44. The Provincial Offices. - The Provincial Offices shall be headed by Career Executive Service Officers with the rank of a Director II. The Provincial TESDA Offices (POs) shall be under the direct control and supervision of the Executive Director. The POs shall:

- (1) Serve as secretariat to Provincial Technical Education and Skills Development Committees (PTESDCs);
- (2) Provide technical assistance particularly to LGUs for effective supervision, coordination, integration and monitoring of TVET programs within their localities;
- (3) Review and recommend TESDA programs for implementation within their localities;

- (4) Coordinate programs of private schools and assessment centers;
- (5) Establish network of institutions, LGUs and enterprises implementing the TVET programs; and
- (6) Perform such other functions as may be authorized.

SEC. 45. The Provincial Manpower and Development Center. - The Provincial Manpower Training Center (PMTTC) shall be headed by a Supervising TESD Specialist, to be appointed by the Executive Director subject to the qualifications set by Civil Service Laws, Rules and Regulations on appointment. The PMTCs shall:

- (1) Serve as the center of excellence in the conduct of Center-based skills trainings in the provinces;
- (2) Serve as venues for the assessment and certification of TVET graduates; and
- (3) Serve as venue for trainers' trainings.

Appointment of TESDA Official and Personnel. The Executive Director of the TESDA Secretariat, the Director II and its Provincial Directors shall be appointed by the Regional Governor. All other personnel in the Secretariat shall be appointed by the Executive Director subject to existing Civil Service Laws, Rules and Regulations.

SEC. 46. Regional Technical Education and Skills Development (RTESD) Plan. - The Authority in the ARMM shall formulate a Comprehensive ARMM Regional Plan for Middle-level manpower based on the ARMM Regional Development Plan of policies for the optimum allocation, development and utilization of skilled workers for employment, entrepreneurship and technology development for economic and social growth.

TITLE VIII PUBLIC WORKS AND HIGHWAYS

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous Regional Government shall maintain an engineering and construction arm and continuously develop its technology, for the purposes of ensuring the safety of all infrastructure facilities and securing for all public works and highways the highest efficiency and the most appropriate quality in construction. The planning, design, construction and maintenance of infrastructure facilities, especially regional highways, flood control and water resources development objectives, shall be the responsibility of such an engineering and construction arm.

SEC. 2. Mandate. - The Department of Public Works and Highways shall be the Autonomous Regional Government's engineering and construction arm and is tasked to carry out the policy enunciated above.

SEC. 3. Powers and Functions. - The Department, in order to carry out its mandate, shall:

- (1) Provide technical services for the planning, design, construction, maintenance, or operation of infrastructure facilities;
- (2) Administer implementation codes, standards, and guidelines to ensure the safety of all public and private structures in the region and ensure efficiency and proper quality in the construction of public works;
- (3) Ascertain that all public works plans and project implementation designs are consistent with current standards and guidelines;
- (4) Identify, plan, secure funding for, program, design, construct or undertake prequalification, bidding and award of contracts of public works projects with the exception only of specialized projects undertaken by Government corporate entities with established technical capability and as directed by the Regional Governor or as provided by law;
- (5) Supervise all public works constructions and ensure that actual constructions are done in accordance with approved government plans and specifications;
- (6) Assist other agencies, including the local governments, in determining the most suitable entity to undertake the actual construction of public works projects;
- (7) Maintain all highways, flood control, and other public works throughout the region except those under the responsibility of other agencies as directed by the Regional Governor or as provided by law;
- (8) Provide an integrated planning for highways, flood control and water resource development systems and other public works;
- (9) Based on the current objective criteria, identify and recommend the classification/reclassification or conversion of roads into regional, provincial, city, municipal, and barangay roads; and
- (10) Perform such other functions as may be assigned by the Regional Governor or provided by law.

SEC. 4. Organizational Structure. - The Department shall be composed of the Department Proper consisting of the Office of the Regional Secretary, the Offices of the Assistant Regional Secretaries, Bureaus and Field Offices.

Chapter 2

Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall be composed of the Regional Secretary and his/her immediate staff.

SEC. 6. Offices under the Office of the Regional Secretary. - The Offices under the Office of the Regional Secretary shall be as follows:

- (1) Management Information System (MIS) which shall take charge of all information concerning all the operations and other related matters. The MIS Unit shall be headed by Information Officer III;
- (2) Project Management Office (PMO) which shall take charge and implement all special projects with foreign assisted funding. The PMO shall be headed by Project Manager I;
- (3) The Legal Unit shall provide the Department with services on legal matters, including the preparation of legislative proposals. The Legal Unit shall be headed by a Legal Officer III; and
- (4) The Internal Control Unit (ICU) shall ensure that all transactions are executed in conformity with generally accepted accounting and auditing rules, principles and practices. The Internal Control Unit (ICU) shall be headed by Financial Management Officer I.

SEC. 7. Assistant Regional Secretary. - The Regional Secretary shall be assisted by two (2) Assistant Regional Secretaries.

SEC. 8. Functions of the Assistant Regional Secretary for Administration. - The Assistant Regional Secretary for Administration shall have the following functions:

- (1) Advise and assist the Regional Secretary in the formulation and implementation of the department administrative policies, plans and programs;
- (2) Supervises all the operational activities of the Services Bureau and Divisions/Sections assigned to him/her, for which he/she shall be responsible to the Regional Secretary;
- (3) Coordinate the programs and projects of the Department relating to Administrative Support Services and be responsible for its economical, efficient and effective administration;
- (4) Represent the Regional Secretary in conferences, meetings and other official functions relating to administrative operations of the Department; and
- (5) Perform such other duties and functions as maybe assigned or delegated by the Regional Secretary or as maybe required by law.

SEC. 9. Functions of the Assistant Regional Secretary for Operations. - The Assistant Regional Secretary for Operations shall have the following functions:

- (1) Advise and assist the Regional Secretary in the formulation and implementation of the Department's operational policies, plans and programs;
- (2) Supervises all the operational activities of the Bureau of Operations and Divisions/Sections assigned to him, for which he/she shall be responsible to the Regional Secretary;
- (3) Coordinates the programs and projects of the Department relating to infrastructures development and be responsible for its economical, efficient and effective administration;
- (4) Represent the Regional Secretary in conferences, meetings and other official functions relating to technical operations of the Department; and
- (5) Perform such duties and functions as maybe be assigned or delegated by the Regional Secretary or as maybe required by law.

Chapter 3 Bureaus and Offices

SEC. 10. Bureaus of Services and Operations. - There shall be Bureaus of Services and Operations, each of which shall be headed by a Director II.

SEC. 11. Duties and Functions of the Bureau of Services. - The Bureau of Services shall develop and formulate the Department's policies and plans to ensure efficient and effective implementation of programs and projects. For such purpose, it shall:

- (1) Prepare and submit the Annual Regional Budget proposals of the Department;
- (2) Provide the Assistant Regional Secretary for Administration with the technical advice and assistance on financial management and budgetary requirement;
- (3) Formulate the internal system for processing fund request and allocation in line with the declared fiscal policies and budget guidelines in coordination with Planning Staff;
- (4) Undertake financial and budgetary management improvement programs and services;
- (5) Formulate and recommend policies, guidelines, and standard on administrative operations;
- (6) Review correctness of data and information pertaining to administrative matter and recommend appropriate action;
- (7) Implement approved office and personnel guidelines and policies; and

- (8) Perform such other related duties and functions as may be assigned by the Regional Secretary.

SEC. 12. Duties and Functions of the Bureau of Operations. - The Bureau of Operations shall develop and formulate plans and policies relating to implementation of infrastructure projects in accordance with set guidelines and standard specifications. For such purpose, it shall:

- (1) Formulate plans and policies pertaining to:
 - a) Construction Management and Control Administration;
 - b) Maintenance of Infrastructure projects and facilities; and
 - c) Management of infrastructure equipment auxiliary facilities.
- (2) Review and evaluate programs, estimates, tender and contract documents for construction, maintenance and equipment;
- (3) Inspect, supervise and monitor all construction directly implemented by the Department;
- (4) Inspect and monitor construction and maintenance activities including equipment utilization of Field Offices for the purpose of insuring that such activities are being conducted/ implemented in accordance with the approved standard policies and guidelines;
- (5) Provide technical support to implementing field offices on construction management, construction by administration, maintenance of infrastructure facilities, and equipment management; and
- (6) Perform such other functions as maybe assigned by the Regional Secretary.

Chapter 4 Field Offices

SEC. 13. District Office. - There shall be a District Office in each of the provinces and cities in the Autonomous Region to be headed by a District Engineer appointed by the Regional Governor. The District Office shall be responsible for all highways, flood control and water resource development systems, and other public works within the district, except those specialized projects undertaken by corporate entities with established technical capability, authorized or directed by the Regional Governor or as may be provided by law. For this purpose, it shall:

- (1) Prepare and evaluate the plans, construction designs, and perform supervisory functions of the Department for the District;

- (2) Undertake the maintenance of the above-mentioned infrastructure within the district and supervise the maintenance of such local roads and other infrastructure received from the Autonomous Regional Government financial assistance as the Regional Secretary may determine;
- (3) Coordinate with other departments, agencies, institutions, and organizations, especially local government units within the district in the planning and implementation of infrastructure projects;
- (4) Provide technical assistance to other agencies at the level of public works planning, design, construction, maintenance and other engineering matters to include generation of funding assistance from the Department;
- (5) Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Department responsive to the needs of the general public, compile and submit such information to the Department Proper and recommend such appropriate actions as maybe necessary; and
- (6) Performs such other related duties and responsibilities as may be assigned or delegated by the Regional Secretary or as may be required by law.

SEC. 14. District Engineer. - The District Engineer within a province or city shall be responsible for the efficient and effective discharge of the duties and functions of the District Office. Within his/her defined powers, he/she shall exercise functional and administrative supervision over district operations. He/she shall also perform such other related duties and responsibilities as may be assigned or delegated by the Regional Secretary or as may be required by law.

SEC. 15. Area Equipment Services. - There shall be an Area Equipment Service to be organized in every Province or City in the Autonomous Region to undertake the management, repair, maintenance and rehabilitation of construction and maintenance equipment. Each depot or shop shall be operated, to the extent practicable, as a profit center. The Area Equipment Services shall be under the administrative supervision of the Office of the Regional Secretary and technical supervision of the Bureau of Operations.

TITLE IX SCIENCE AND TECHNOLOGY

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. – Science and technology are essential elements in the attainment of national and regional development and progress. To attain this objective, it is hereby declared a regional policy to:

- (1) Support and encourage local scientific and technological efforts that address national and local problems and positively contribute to national and regional development;

- (2) Promote the development of local capability in science and technology to achieve technological self-reliance in selected areas that are vital to national and regional development;
- (3) Support and encourage public and private sector partnership aimed at accelerating self-reliance in selected areas;
- (4) Encourage and support private sector initiatives in science and technology and provide the necessary incentives and assistance to enable the private sector to take increasing responsibility and a greater role in the country's and region's research and development efforts; and
- (5) Accelerate the application and transfer of the benefits of modern science and technology, particularly to the rural areas, so that the great majority of our people, through higher productivity and increased earning power, improve the quality of their lives.

SEC. 2. Mandate. - The Department shall provide central direction, leadership and coordination of all scientific and technological efforts and ensure that the results therefrom are utilized in areas of maximum economic and social benefits for the people in the region. As such, it shall formulate and implement policies, plans, programs and projects for the development of science and technology and for the promotion of scientific and technological activities for both the public and private sectors, and ensure that the results of such scientific and technological activities are properly applied and utilized to accelerate economic and social development. It shall also continuously review the state and needs of science and technology in the context of the country and region's development goals.

SEC. 3. Powers and Functions. - The Department of Science and Technology shall:

- (1) Formulate and adopt a comprehensive Regional Science and Technology Plan, including specific goals, policies, plans, programs and projects, and monitor and coordinate its funding and implementation;
- (2) Promote, assist, and where appropriate, undertake scientific and technological research and development vital to the regional and national development;
- (3) Promote the development of indigenous technology and the adaptation and innovation of suitable imported technology, and in this regard, undertake technology development up to commercial stage;
- (4) Undertake design and engineering works to complement its research and development functions;
- (5) Promote, assist, and where appropriate, undertake the transfer of the results of scientific and technological research and development to the end-users;
- (6) Promote, assist, and where appropriate, undertake technological services needed by agriculture, industry, transport and the general public;

- (7) Develop and maintain an information system and databank on science and technology;
- (8) Develop and implement programs for strengthening scientific and technological capabilities in the relevant discipline through manpower training, infrastructure, institution building and rationalization, in both public and private sectors; When it is necessary however, it may coordinate or cooperate with other entities concerned in the discharge of this function;
- (9) Promote public consciousness in science and technology;
- (10) Undertake policy research, technology assessment studies, feasibility and technical studies;
- (11) Administer scientific and technological scholarships, awards and grants;
- (12) Develop and improve scientific and technological education and training;
- (13) Administer scientific and technological incentive and career system;
- (14) Conduct research and development on information technology and advanced fields and undertake venture financing; and
- (15) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure - The Department shall consist of the Office of the Regional Secretary, the Office of the Assistant Regional Secretary, Research and Development Division, Science and Technology Services Division, Administrative and Finance Division, and the Provincial Science and Technology Offices (PSTOs).

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Department shall be headed by a Regional Secretary who shall be appointed by the Regional Governor. He/she shall act as the head of the Department and shall exercise the powers and authority inherent to his/her office.

SEC. 6. Office of the Assistant Regional Secretary. - The Regional Secretary shall be assisted by a Career Assistant Regional Secretary. He/she shall assist the Regional Secretary in the formulation and determination of policies and implementation of laws, plans, programs, and projects, and shall serve as the deputy of the Regional Secretary in all matters pertaining to the administration of the Department.

Chapter 3 **Department Services**

SEC. 7. Services of the Department. The Department Services shall be carried out through the following: 1) Administrative and Finance Division, 2) Research and Development Division, 3) Science and Technology Services Division, 4) Provincial Science and Technology Offices (PSTOs).

SEC. 8. Administrative and Finance Division. This division provides administrative services relating to budgeting, financial management and analysis, supply and records and matters relating to human resource management.

SEC. 9. Research and Development Division – Shall have seven (7) Research and Development Sections, namely:

- (1) Regional Textile Research Section (RTRS)
- (2) Regional Nuclear Research Section (RNRS);
- (3) Industrial Technology Development Section (ITDS);
- (4) Advanced Science and Technology Section (ASTS);
- (5) Forest Products Research and Development Section (FPRDS);
- (6) Food and Nutrition Research Section (FNRS); and
- (7) Metals Industry Research and Development Section (MIRDS);

SEC. 10. Science and Technology Services Division. - This Division shall have seven (7) sections, namely:

- (1) Regional Volcanology and Seismology (RVOLCS) Section;
- (2) Technology Application and Promotion (TAP) Section;
- (3) Regional Science High Schools Scholarship Administration (RSHSSA) Section;
- (4) Science Education (SE) Section;
- (5) Science and Technology Information (STI) Section;
- (6) Regional Atmospheric, Geophysical and Astronomical Services Administration (RAGASA) Section; and
- (7) Regional Standards & Testing Laboratory (RSTL) Section;

Chapter 4 Provincial Science and Technology Offices (PSTOs)

SEC. 11. Provincial Science and Technology Offices (PSTOs). – The Provincial Science and Technology Office shall serve as the implementing arm of the Department in the provinces/cities. However, whenever practicable, such PSTOs shall be established within state colleges and universities or LGUs upon mutual terms and conditions between such SUCs or LGUs and the Department. In the event that the PSTOs is established within an SUC, it shall be considered as the implementing arm of the Department in the province/cities where such SUC is situated.

The provincial S&T Office shall be headed by a Provincial S&T Director with a rank of Director I.

Chapter 5 Sectoral Planning Council

SEC. 12. Sectoral Planning Councils. – There shall be five (5) Sectoral Planning Councils which shall be responsible in their respective sectors for formulating policies, plans, programs, projects, and strategies for science and technology development, for programming and allocating funds for monitoring of research and development projects and for generating external funds.

- (1) **Regional Council for Industry and Energy Research and Development (RCIERD)** – It is mandated to serve as the central agency in planning, monitoring and promotion of scientific and technological research for application in the industry, energy, utilities and infrastructure sectors. It has the authority to set and specify research and development (R&D) goals and priorities and rationalize the allocation of available resources for its delineated sectors;
- (2) **Regional Council for Agriculture, Forestry and Natural Resources Research and Development (RCARRD)** – Consolidate research and make it a vital force in the regions development whose mandates were gradually broadened to cover natural resources research agriculture and forestry;
- (3) **Regional Council for Health Research and Development (RCHRD)** – Responsible for coordinating and monitoring research activities aimed at improving health;
- (4) **Regional Council for Aquatic and Marine Research and Development (RCAMRD)** – Envisioned to set the direction for fisheries and aquatic resources research and development; and
- (5) **Regional Council for Advanced Science and Technology Research and Development (RCASTRD).** – Is tasked primarily with the development, integration and coordination of the national research system for advanced science and technology and related fields.

TITLE X

SOCIAL WELFARE AND DEVELOPMENT

Chapter 1 General Provisions

SECTION 1. Declaration of Policies. - The Autonomous Regional Government is committed to the care, protection, and rehabilitation of individuals, families and communities in ARMM especially those who have less in life and those who need social welfare interventions to restore their normal functioning and enable them to participate in community affairs.

SEC. 2. Mandate. - The Department shall provide a balanced approach to welfare whereby the needs and interests of the population are addressed not only at the outbreak of crisis, but more importantly at the stage which would inevitably lead to such crisis. It shall provide social protection, promote the rights and welfare of the poor, vulnerable and disadvantaged individuals, families and communities and contribute to poverty alleviation and empowerment of the people through social welfare and development policies. Following such strategy, the Department's shall:

- (1) Care for, protect and rehabilitate the physically and mentally handicapped and socially disadvantaged constituents for effective social functioning;
- (2) Provide an integrated welfare package to its constituents on the basis of their needs and coordinate the service facilities required from such departments or agencies, government and non-governmental, which can best provide them;
- (3) Prevent further deterioration of the socially disabling or dehumanizing conditions of the disadvantaged segment of the population at the community level; and
- (4) Formulate, develop and advocate policies and measures addressing emerging social welfare concerns, especially on poverty alleviation program and people empowerment.

SEC. 3. Powers and Functions. - To achieve its mandate and objectives the Department shall:

- (1) Implement national, regional and foreign assisted/funded programs and projects including pilot and special projects, consistent with regional policies and plans;
- (2) Formulate, develop and recommend regional social welfare development policies;
- (3) Disseminate information and publish bulletins on social welfare and development;
- (4) Promote, establish, support, operate and maintain social welfare facilities, projects and services in ARMM;

- (5) Register, license, accredit, and regulate institutions and organizations engaged in social welfare activities and regulate fund drives, public solicitation and donation for charitable or social welfare purposes;
- (6) Issue certificate of travel for minors traveling abroad;
- (7) Receive and manage both local and foreign donations intended for the welfare of the disadvantaged sectors and clientele of the Department for and in behalf of the Autonomous Regional Government;
- (8) Initiate, promote, establish and maintain linkages for local, national and international training and development institutions for career advancement of social workers and allied professionals;
- (9) Coordinate with law enforcement agencies to assist in the implementation of laws, rules and regulations for the protection of the rights of the exploited, abused, abandoned, potentially neglected and disadvantaged individuals;
- (10) Develop and implement Human Resource Development (HRD) for social workers, students of social work and other allied disciplines, volunteers and people's organization involved in social welfare and development. In partnership with the academe, the department shall set up arrangement for continuing education;
- (11) Monitor and evaluate status of program implementation of both regular and special projects including centers;
- (12) Extend assistance to local government units, law enforcement, NGOs, POs and other agencies of the government for the protection of the rights of the exploited, abandoned, potentially neglected and the disadvantaged;
- (13) Provide assistance to NGOs and POs involved in disaster relief operation;
- (14) Conduct research, study and develop pilot projects on social welfare and development; and
- (15) Performs such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the following: a) Office of the Regional Secretary, b) the Office of Assistant Regional Secretary, c) the Office of the Director for Technical Management Service and the divisions under it, d) the Office of the Director for Finance and Administration Services and the divisions under it, e) Regional Social Welfare and Development Center, and f) the Provincial and City/Municipal Offices.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary and his/her immediate staff.

SEC. 6. Office of the Assistant Regional Secretary. - The Regional Secretary shall be assisted by a Career Assistant Regional Secretary.

Chapter 3 Department Services

SEC. 7. Services of the Department. - The Services of the Department shall be as follows:

- (1) **The Administrative and Finance Management Services**, headed by a Director I, shall provide the Department with services relating to human resource management, records management, supply & property management, general services and financial management such as: budget, collection, disbursement, and other financial matters.
- (2) **The Technical Management Service**, headed by a Director I, shall be composed of Program/Project Management Division (PPMD) and the Planning and Institutional Development Division (PIDD), shall assist the Department in the formulation of policies and guidelines on program implementation; supervise in the management of programs, projects and services and ensure that social protection policies and standards and regulations are implemented. It shall also formulate and develop planning and research mechanism and establish the management information and monitoring system of the Department. The Program/ Project Management Division shall be headed by a Social Welfare Officer V, and the Planning and Institutional Development Division by a Planning Officer V.
- (3) **Regional Social Welfare and Development (RESWAD) Center.** The RESWAD Center shall be under the supervision of the Technical Management Service (TMS) Director. The Center shall handle the overall supervision, management and operation of its five (5) sub-centers, namely: a) Integrated Family Life Resource Center, b) Reception and Study Center for Children, c) Women's Halfway Home and Production Center, d) Learning and Productivity for Differently-abled Persons, and d) Emergency Management Operation and Information Center. Each center shall have its own mandate, programs and target beneficiaries;

Chapter 4 Provincial/City Social Welfare Offices

Subject to Section 3, Article III and Section 1, Article IV of RA 9054 mandating the Regional Government to adopt a policy on local autonomy whereby regional powers shall be devolved to local government units, the provincial, city and municipal social welfare offices shall be governed by the following:

SEC. 8. Provincial/City Social Welfare Offices. - The Department shall operate and maintain Provincial/City Social Welfare Offices in each of the provinces/cities of the region. It shall be headed by a Director I.

SEC. 9. Functions. - The Provincial/ City Social Welfare Office shall:

- (1) Implement in the provincial/ city regular and special programs/projects of the Department in accordance with regional plans;
- (2) Ensure the implementation of laws, policies, programs, rules, and regulations regarding social welfare and development within the province;
- (3) Establish effective coordination with other departments, agencies, institutions and organizations, especially local government units within the province; and
- (4) Conduct continuing studies and planning to improve its services to its constituents.

SEC. 10. Welfare Facilities. - The Provincial Officers are hereby authorized to establish, operate, and maintain the following, whenever necessary and subject to the approval of the Regional Secretary:

- (1) Vocational Rehabilitation and Special Learning Centers for Handicapped;
- (2) Senior Citizens Center;
- (3) Centers for Street Children;
- (4) Women Training Center / Crisis Intervention Unit/ Facilities;
- (5) Violence Against Women and Children (VAWC) Facilities;
- (6) Rehabilitation Center for Youth;
- (7) Reception and Study Center for Children; and
- (8) Such other facilities as may be necessary to assist the socially disadvantaged.

Chapter 5 Municipal Social Welfare Offices

SEC. 11. Municipal Social Welfare Offices. - The Department shall operate and maintain Municipal Social Welfare Office headed by a Municipal Social Welfare and Development Officer. The Municipal Social Welfare Office shall primarily be responsible for the efficient and effective implementation of the Department's programs in the municipality under the supervision of the Provincial Director.

Chapter 6 Fund Drives

SEC. 12. Solicitation. - Any person, corporation, organization, or association desiring to receive contribution for charitable or public welfare purposes shall first secure a permit from the Regional Office of the Department. Upon the filing of a written application for a permit in the form prescribed by the Department, the Regional Secretary or his/her duly authorized

representative may, in his/her discretion, issue a permanent or temporary permit or disapprove the application. In the interest of the public, he/she may, in his/her discretion, renew or revoke any permit issued under Republic Act 4075.

SEC. 13. Requirements. - The Regional Secretary of the Department may require the person, corporation, organization or association duly authorized to solicit contributions for the aforementioned purpose and to submit, from time to time, a verified report or information regarding their activities. The period covered by the report, the collection and expenditures made and the names and addresses of the contributors and persons to whom the assistance was rendered from the funds obtained must be specified in the report. This report shall be made available for public information.

The Regional Secretary or his/her duly authorized representative may, for the protection of the public, likewise investigate the books, papers, affairs and activities related to the aforesaid purposes of any person, corporation, organization, or association: Provided, however, that the provisions of the preceding Section shall not apply to any organization or institution established for charitable or public welfare purposes in its campaign for raising funds or soliciting public subscription or any means for collecting funds which has been authorized by Executive Proclamation.

SEC. 14. Fees. - The Department shall charge fees for application for permit to solicit, registration and accreditation of organizations. These fees shall be remitted to the Regional Treasury.

Chapter 7

Social Welfare Services by Other Agencies

SEC. 15. Social Welfare Services by Other Agencies. - Social welfare services by the Department shall be provided without prejudice to similar efforts by any local government unit or private agency, institution or groups. All Department units shall actively promote and extend maximum assistance, including the provision of counterpart or supplementary funds and resources, upon approval of the Regional Secretary, to such efforts.

SEC. 16. Accreditation and Operation of Social Welfare Agencies. - (1) No social welfare agency shall operate and be accredited as such unless it is registered with the Department upon issuance of corresponding certificates of registration, license and accreditation.

(2) Before any social welfare agency shall be duly registered, the following requirements must have been complied with:

- (a) The applicant must be engaged mainly or generally in social work activity or social services;
- (b) The applicant has employed a sufficient number of duly qualified and registered social workers to supervise and take charge of its social service functions in accordance with accepted social work standards;

- (c) The applicant must show, in a duly certified financial statement that at least sixty (60) percent of its funds are disbursed for direct social work services;
- (d) The applicant keeps a social work record of all cases and welfare activities handled by it; and
- (e) The applicant has paid the authorized fees.

(3) A certificate of registration may be revoked if, after due investigation, the Department finds that the social welfare agency has failed to perform its function or has violated existing laws, rule and regulations.

SEC. 17. Child Welfare Agency. - (1) No person, natural or juridical, shall establish any child welfare agency without first securing a license from the Department. Such license shall not be transferable and shall be used only to the person or institution to which it was issued at the place stated therein. No license shall be granted unless the purpose or function of the agency is clearly defined and stated in writing. Such definition shall include the geographical area to be served, the children to be accepted for care, and the services to be provided. If the applicant is a juridical person, it must be registered in accordance with Philippine laws.

(2) The operations of all registered and licensed child welfare agencies shall be supervised and coordinated by the Department;

(3) The Department may, after notice and hearing, suspend or revoke the license of a child welfare agency on any of the following grounds:

- (a) That the agency is being used for immoral purposes;
- (b) That the agency is insolvent or is not in financial position to support and maintain the children therein or to perform the functions for which it was granted;
- (c) That the children therein are being neglected maltreated or are undernourished;
- (d) That the place is unsanitary as to make it fit for children;
- (e) That said agency is located in a place or community where children should not be, or is physically dangerous to children or would unduly expose children to crime, vice, immorality, corruption or severe cruelty; and
- (f) That said agency has by any act or omission shown its incompetence or unworthiness to continue acting as a child welfare agency. During the period of suspension, the agency concerned shall not accept or admit any additional children. In any case, the Department shall make such order as to the custody of the children under the care of such agency as the circumstances may warrant. The suspension may last for as long as the agency has not complied with the order of the Department to remove or remedy the condition which has given rise to the suspension. The aggrieved agency may appeal the suspension or revocation in a proper court action. In such case, the court shall within fifteen (15) days from the

filing of the Department's answer, conduct a hearing and decide the case, either by lifting the suspension, or continuing it for such period of time as it may order, or by revoking the license of the agency where the Department has proven the revocation to be justified.

SEC. 18. Foster Homes. - No foster home, day care center and other substitute parental arrangement shall operate unless it is registered with and licensed by the Department.

TITLE XI TOURISM

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. - The Autonomous Regional Government shall promote tourism as a major socio-economic activity respecting, upholding and maintaining the diverse cultural heritage and the moral and spiritual values of the people in the autonomous region.

SEC. 2. Mandate. - The Department of Tourism in the Autonomous Region in Muslim Mindanao is the primary government agency charged with the responsibility of encouraging, promoting and developing tourism as a major socio-economic activity to generate revenues and employment and to spread the benefits of tourism to a wider segment of the population, with the support, assistance and cooperation of both private and public sectors.

SEC. 3. Powers and Functions. - The Department shall have the following powers and functions of are as follows:

- (1) Formulate policies, plans, programs and projects for the development of the tourism industry in the region;
- (2) Advise and assist the Regional Governor in the promulgation of regional laws relative to policies, programs and projects designed to promote and develop the tourism industry;
- (3) Design an integrated marketing program to attract and encourage local and foreign tourists to visit the region;
- (4) Promote and ensure pleasant and hospitable entry, stay and egress of tourist;
- (5) Coordinate with any or all government agencies, civil or military, in the implementation of tourism-related rules and regulations and other issuances, and enforcement of orders and/or decisions issued or promulgated by appropriate authority;

- (6) Formulate standards for the operation of tourism-oriented establishments within the minimum level acceptable to local and international norms;
- (7) Promulgate rules and regulations governing the operations and activities of all persons, firms, entities and establishments that cater to tourists; provide standards for accreditations of hotels, resorts and tourist-oriented facilities for classification purposes consistent with national laws;
- (8) Prescribe information reporting on the purchase, sale or lease of accredited tourism-oriented facilities;
- (9) Ensure a peaceful, harmonious, positive and constructive tourism development industry;
- (10) Provide technical assistance to the Committee on Privatization and Asset Privatization Trust, or such other government agency, office or institution as are charged with the duty and/or responsibility of selling government-owned or controlled hotels, resorts and other tourist-oriented facilities within the ARMM;
- (11) Promote the ARMM as the locale for foreign film or movie production or any other form of wholesome entertainment that will project good image of the region as a tourist destination;
- (12) Develop programs to encourage private sector investment and participation in tourism activities and projects;
- (13) Promote the protection, maintenance and preservation of historical, cultural and natural assets which are tourist attractions with the appropriate government agencies or with the private sector or with the owners of said assets or attractions;
- (14) Undertake research studies and surveys for the continuing analysis of economic conditions and trends relating to tourism and travel and maintain a statistical data bank on tourism industry;
- (15) Protect and enhance the Filipino image in the entertainment field and thereby gain better international respect and reputation for the region by assisting the appropriate government agency by screening Filipino performers being sent abroad;
- (16) Recommend to the Regional Governor the granting of incentives to tourist-oriented facilities;
- (17) Assist in the enforcement of all laws and regulations for the protection of tourists and other transients;
- (18) Arrange whenever deemed appropriate, for the reclamation of any land adjacent to or adjoining the tourist zone in coordination with appropriate government agencies;

- (19) Coordinate with appropriate government agencies the development of infrastructure requirements supporting a tourist zone such as, but not limited to, access roads to the zone, electric power brought to the proper line of the zone, airports, harbors, and other support facilities;
- (20) Coordinate with concerned government agencies the provision of social infrastructure requirements supporting a tourist zone as educational facilities, health centers, social and recreational outlets and other necessary amenities for the social upliftment of the populace and preservation of ecological balance; and
- (21) Exercise such other powers and functions that maybe devolved, necessary, proper, or incidental to the attainment of its mandate.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Department Divisions, and Tourism Provincial Field Units.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary and his/her immediate staff.

SEC. 6. Assistant Regional Secretary. - The Regional Secretary shall be assisted by a Career Assistant Regional Secretary.

SEC. 7. Functions of the Assistant Regional Secretary. - The Assistant Regional Secretary shall:

- (1) Assist the Regional Secretary in the formulation and implementation of Department's objectives and policies;
- (2) Oversee the administration of the Tourism Promotions, Marketing and Operations, and Tourism Planning and Policy Development of the Department, consistent with the mandate of the department, for which he/she shall be responsible to the Regional Secretary;
- (3) Serve as deputy to the Regional Secretary, in all matters relating to the operations of the Department; and
- (4) Perform such other functions as may be provided by law.

Chapter 3 Department Services

SEC. 8. Services of the Department. - The Department Services shall be composed of:

(1) The **Administrative Support and Finance Division** which shall:

- (a) Provide the Department with services relating to manpower, career planning and development, personnel transactions, and employee's welfare;
- (b) Formulate and manage a financial program to ensure availability and proper utilization of funds; and provide for an effective monitoring system of the financial operations of the Department;
- (c) Provide services relating to records, correspondence, procurement and allocation of supplies and equipment, transportation, messengerial work, cashiering, payment of salaries and other Department obligations, office maintenance, property safety and security, and other utility services; and
- (d) Provide services relating to, budget, collection, disbursement, and other financial matters.

(2) The **Tourism Promotions, Marketing and Operations Division** which shall:

- (a) Provide technical services to the department in the areas of promotions and marketing;
- (b) Provide accreditation services to tourism-oriented establishments; and
- (c) Provide public information services and publications as well as coordinate, organize and mobilize volunteers, non-governmental organizations, and cause-oriented groups in partnership with the Department; and establish data exchange linkages with public and private agencies whenever feasible.

(3) The **Tourism Planning and Policy Development Division** which shall:

- (a) Provide technical services to the Department in the areas or overall policy formulation, strategic and operational planning, management systems or procedures;
- (b) Evaluate and monitor the effectiveness of programs, projects, activities and internal operations of the Department; and
- (c) Conduct the updating of the Department's operating plans and review the Department's performance standards for effective services.

Chapter 4 **Tourism Provincial Field Units**

SEC. 9. Tourism Provincial Field Units. - The Department is authorized to establish, operate and maintain a provincial field unit in each of the provinces of the region, which shall have the following functions:

- (1) Initiate and coordinate with all sectors both government and private, the development of the regional tourism plans and policies;
- (2) Coordinate priority activities and projects of the Department, and other government agencies, and the private sector;
- (3) Enlist the assistance and support of local government units or provincial or city offices of other departments, bureaus, and agencies in the implementation of the policies of the Department;
- (4) Provide support to all tourism-related activities of the private sector needing government assistance;
- (5) Formulate and coordinate the implementation of operational, field-level plans/programs of the Department; and
- (6) Perform such other functions as may be provided by law.

Chapter 5

ARMM Tourism Authority

SEC. 10. ARMM Tourism Authority (ATA). – The Autonomous Regional Government may create its own ARMM Tourism Authority (ATA) as an attached agency of the Department of Tourism and shall operate and function in accordance with existing laws, its charter, and executive issuances creating and/or devolving it.

TITLE XII

TRADE, INDUSTRY AND INVESTMENTS

Chapter 1

General Provisions

SECTION 1. Declaration of Policy. – (1) The Autonomous Regional Government shall encourage, promote and support the establishment of economic zones, industrial centers, ports in strategic areas, and growth centers to attract local and foreign investors and business entrepreneurs;

- (2) The Autonomous Regional Government shall strengthen the existing Regional Economic Zone Authority in the autonomous region;
- (3) The Autonomous Regional Government recognizes the private sector as the prime mover of trade, commerce and industry. It shall encourage and support the building-up of entrepreneurial capability in the Autonomous Region and shall recognize, promote and protect cooperatives;
- (4) The Autonomous Regional Government shall promote and protect cottage industries by providing assistance such as marketing opportunities, financial support,

appropriate and alternative technology and technical training to produce semi-finished and finished products;

- (5) The Autonomous Regional Government shall promote consumer education and protect the rights, interests, and general welfare of consumers; and
- (6) Subject to the provisions of the Constitution, the Autonomous Regional Government shall regulate and exercise authority over foreign investments within its jurisdiction. The central government may intervene in such matters only if national security is involved.

SEC. 2. Mandate. - The Department of Trade and Industry shall be the primary agency the Autonomous Regional Government mandated to implement laws, programs and project of trade and industry. Towards this end, it shall promote and develop an industrialization program effectively controlled by inhabitants of the region and shall act as catalyst for intensified private sector activity in order to accelerate and sustain economic growth through:

- (1) Comprehensive industrial growth strategy;
- (2) Progressive and socially responsible liberalization program;
- (3) Policies designed for the expansion and diversification of trade; and
- (4) Policies to protect regional enterprises against unfair foreign competition and trade practices.

SEC. 3. Powers and Functions. - The powers and functions of the Department of Trade and Industry are as follows:

- (1) Plan, implement and coordinate activities of the government related to trade, industry and investments within the Autonomous Region in Muslim Mindanao;
- (2) Take the primary role in the promulgation, negotiation, and review of economic agreements in the ARMM;
- (3) Sit as Vice-Chair of the Regional Board of Investment Autonomous Region in Muslim Mindanao;
- (4) Coordinate with the Department of Agriculture and Fisheries and other concerned agencies in the autonomous region in the development and promotion of Halal industry;
- (5) Coordinate with the Department of Interior and Local Government to facilitate an LGU-facilitated local economic development;
- (6) Formulate the appropriate mechanics to guide and manage the transfer of appropriate industrial technology within the region subject to national guidelines established by the Department of Trade and Industry;

- (7) Promote, develop, regulate and accredit repair and service enterprises in accordance with existing laws;
- (8) Promote, initiate or conduct the annual trade and industry development conference between the government and the private sector;
- (9) Build up and maintain the trade and industry database of the Regional Department's Information System through a continuing and well coordinated program of data search and information processing;
- (10) Develop and maintain an integrated computerized marketing information system for trade, industry and investments with a domestic and local scope; Provided, That there shall be a tie-up with the Department of Trade and Industry of the central government for international and domestic market information;
- (11) Encourage and support the formation of Small and Medium Enterprise Development Council (SMEDC) within the Autonomous Region as well as other trade, industry and consumer protection institutions and associations;
- (12) Formulate and implement programs to strengthen industries adversely affected by the economic crisis, particularly those that have a good probability of attaining financial viability;
- (13) Formulate plans and programs that shall encourage projects which would effect the dispersal of industries to the rural areas, promote manufactured goods for export, and develop micro, small and medium scale industries;
- (14) Facilitate, promote and encourage the upgrading and development of the manufacture of local goods, capital equipment and precision machinery components;
- (15) Coordinate efforts in formulating long-term industry sectoral plans with the private sector;
- (16) Promote domestic trade, marketing and distributions to ensure the rational, economical and steady flow of commodities from producing and/or marketing centers to areas where there is a shortage of supply;
- (17) Establish orderly marketing arrangements for locally produced and imported manufactured goods, and for raw materials used in manufacturing and construction done within the Autonomous Region;
- (18) Propose, for the consideration of the Monetary Board, programs in the commercial banking sector for directing commercial lending facilities towards priority areas of commercial and industrial development, as well as coordinate government direct funding and financial guarantee programs to achieve trade and industry growth;

- (19) Create, in cooperation and coordination with the Regional Department of Labor and Employment, a desk which shall provide assistance to the public relative to industrial relations;
- (20) Create in coordination with related agencies of the autonomous regional government, a one-stop-shop Business Development Support Center to promote the growth of micro, small and medium scale businesses and enterprises;
- (21) Coordinate with other local government units, the regional office of other departments and their office and agencies the implementation of rules and regulations, and the laws, policies and plans, programs and projects relevant to trade, industry and investments;
- (22) Administratively adjudicate and impose reasonable fines and penalties for violation of existing trade and industry laws;
- (23) Issue *subpoena* when deemed necessary in the exercise of its powers and functions; and
- (24) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department of Trade and Industry shall consist of the Department Proper, the Department Services and the Provincial Trade and Industry Offices.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary, his/her immediate staff, the Legal Unit, the Planning and Monitoring Unit, and the Management Information System (MIS) Unit.

SEC. 6. Office of the Assistant Regional Secretary. - The Office of the Assistant Regional Secretary shall consist of the Career Assistant Regional Secretary and his/her immediate staff.

SEC. 7. Functions of the Assistant Regional Secretary. – The Assistant Regional Secretary shall assist the Regional Secretary in the following: (a) formulation, determination and implementation of laws, policies, plans, programs and projects on trade and industry; (b) administration of the Technical Management Services Office and the Provincial Trade and Industry Offices, consistent with the mandate of the Department; and (c) serve as deputy to the Regional Secretary, in all matters relating to administrative and finance services and the programs and operations of the Department.

Chapter 3 **Department Services**

SEC. 8. Services Under the Office of the Regional Secretary. - The services under the Office of the Regional Secretary shall consist of:

- (1) The **Legal Unit** shall exercise the following functions:
 - (a) Provide the Regional Secretary with legal advice on all policies, programs, and operational matters of the Department;
 - (b) Serve as Counsel for the Department in cases in which it is a party; handle administrative cases against the Department personnel and submit recommendations pertaining thereto;
 - (c) Review legislative proposals; and
 - (d) Hear and try administrative complaints involving violation of existing Trade and Industry Laws;

The Legal unit shall be headed by a Legal Officer III.

- (2) The **Management Information System (MIS) Unit** shall design and implement a comprehensive management information system for the Department; provide technical assistance to various information-generating units within the Department; and establish data exchange linkages with public and private agencies whenever feasible.

SEC. 9. The Finance and Administrative Division shall:

- (1) Formulate and manage a financial program to ensure availability and proper utilization of funds;
- (2) Provide an effective monitoring system of the financial operations of the Department;
- (3) Provide services relative to procurement and allocation of supplies and equipment, transportation, messenger work, cashiering, payment of salaries and other Department obligations, office maintenance, property safety and security, and other utility services; and
- (4) Comply with government regulatory requirements in the areas of performance appraisal, compensation and benefits, employment records and reports.

Chapter 4

Technical Management Services

SEC. 10. Technical Management Services. - The Technical Management Services headed by a Director II, shall be composed of the following:

- (1) Trade Regulations and Consumer Protection Division;
- (2) Enterprise and Trade Development Division;
- (3) Industry Development and Investment Promotion Division; and

SEC. 11. Trade Regulations and Consumer Protection Division. - The division shall have the following functions:

- (1) Formulate and monitor the implementation of programs for the effective enforcement of laws, correct interpretation and adoption of policies on monopolies and restraint of trade, mislabeling, product misrepresentation and other unfair trade practices; monitor the registration of business names and the licensing and accreditation of establishments and practitioners; protect and safeguard the interest of consumers and the public, particularly the health and safety implications of intrinsic products features, product representation, and the like; and establish the basis for evaluating consumer complaints and product utility failures; and
- (2) Facilitate and coordinate relevant functions of the Bureau of Product Standards, such as review the products contained in the critical imports list in accordance with established national standards or relevant international standards and buyer-seller specifications; study and carry out research on the various reference materials to be used as basis for the start of whatever analysis or evaluation is demanded by the products under examination or investigation; participate actively in international activities on standardization, quality control and metrology; ensure the manufacture, production, and distribution of quality products for the protection of consumers; facilitate testing and analysis of standardized and non-standardized products for purposes of product standard formulation and certification; extend technical assistance to producers to improve the quality of their products; check length, mass and volume measuring instruments; and maintain consultative liaison with the DTI National Office and other standards organizations, both local and foreign.

SEC. 12. Enterprise and Trade Development Division. - This Division shall have the following functions:

- (1) Facilitate, formulate and monitor development programs for private institutions involved in assisting the trade and industry sector, delivery mechanisms and linkages for marketing, financial and subcontracting services, and development programs for livelihood and micro, small and medium enterprises;
- (2) Prepare and monitor the implementation of plans and programs aimed at promoting and developing domestic trade, particularly in the area of efficiency, fairness and

balance in the distribution of essential products and services and in the strengthening of the domestic base for export activities; conceptualize, monitor, and evaluate programs, plans and projects intended to create awareness of domestic marketing opportunities for new projects, new technologies and investments; and

- (3) Provide product identification, research, and development services to the private sector; conduct seminars and workshops on product design and development; set up design exhibitions; publish product design related materials; and conduct continuing research on product and product packaging design trends and processing technologies.

SEC. 13. Industry Development and Investment Promotion Division. - This Division shall have the following functions:

- (1) Plans, coordinate the preparation of short, medium and long-term industry plans as well as promote investments in the region in accordance with national policies and priorities, in coordination with relevant offices and agencies;
- (2) Strengthen business sector, chamber of commerce and industries and facilitate the holding of annual business congresses; and
- (3) Prepare industry profiles, resource mapping and conduct research on priority industries of the Autonomous Regional Government.

SEC. 14. The Planning and Monitoring Unit shall develop operating plans, programs and projects of the Department; evaluate the cost-effectiveness of various projects and activities of the Department; coordinate the updating of the Department's operating plans in response to relevant environment changes; review the Department's performance standards and targets previously established;

Chapter 5 Provincial Trade and Industry Offices (PTIOs)

SEC. 15. Provincial Trade and Industry Offices (PTIOs). - The Department shall operate and maintain a Provincial Trade and Industry Office in each of the provinces of the region. It shall be headed by a Provincial Trade and Industry Officer (PTIO) with a rank equivalent to a Director II and shall perform the following functions:

- (1) Implement laws, policies, plans, programs, rules and regulations of the Department in their respective area of jurisdiction;
- (2) Provide economical, efficient and effective service to the people;
- (3) Coordinate with the provincial/city offices of other departments, bureaus, agencies, and local government units; and
- (4) Perform such other functions as may be provided by law.

Chapter 6
Regional Economic Zone Authority

SEC. 16. The Regional Economic Zone Authority (REZA) as created by MMA Act 154, otherwise known as the Autonomous Region in Muslim Mindanao Special Economic Zone Act of 2003, is hereby placed as an attached agency of the Department of Trade and Industry and shall be implemented in accordance with its Implementing Rules and Regulations.

Chapter 7
The Regional Board of Investments (RBOI)

SEC. 17. Declaration of Investment Policies. - The development of the regional and national economy shall be promoted in consonance with the principles and objectives of achieving global competitiveness; fostering economic efficiency; encouraging and supporting investments that promote region-wide development and create productive and quality employment. Accordingly, the Autonomous Regional Government shall;

- (1) Create and maintain a stable market and responsive investment policies that encourage and support private sector investments;
- (2) Extend fiscal and non-fiscal incentives to promote investments that significantly contribute to the attainment of the region's and country's development objectives;
- (3) Grant incentives based on a system that is clear and simple to administer, time-bounded and performance-based taking into consideration the need to be competitive in attracting foreign investments;
- (4) Enact and adopt an integrated, cohesive and comprehensive investment incentives law that shall be implemented by a single administering agency, whenever applicable, and shall be recognized as the governing statute on the grant of investment incentives; and
- (5) Undertake investment promotion initiatives deemed crucial to the attainment of its investment goal and objective.

SEC. 18. Powers and Duties of the Board. - The Board shall be the policy making body of the RBOI and shall be responsible for the regulation and promotion of investments in the Autonomous Region in Muslim Mindanao. Its powers shall include the following:

- (1) Promulgate such rules and regulations as may be necessary to implement the intent and provisions of the Regional Investments & Incentives Code;
- (2) Process and approve, deny, suspend, revoke applications for registration with the Board, imposing terms and conditions as it may deem necessary to promote the objectives of the Regional Investments & Incentives Code, including the refund and forfeiture of incentives when appropriate, restricting availment of certain incentives not needed by the project upon the determination of the Board, require performance bonds from RBOI accredited bonding companies, and payment of application, registration, publication and other necessary fees when warranted;

- (3) After due hearing, decide controversies concerning the implementation of the relevant provisions of the Regional Investments & Incentives Code that may arise between registered enterprises or investors therein and government agencies, within thirty (30) days after the controversy has been submitted for decision; Provided, That the investor or the registered enterprise may appeal the decision of the Board within thirty (30) days from receipt thereof to the Regional Governor for decision. The Board shall have the power to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidences, and to cite for contempt any person/organization that fails to comply with the aforesaid processes. Provided, further, That the Board may grant immunity from prosecution to any person whose testimony or documents or other evidence is necessary or relevant to determine such truth in any investigation;
- (4) Recommend to the Commissioner of Immigration and Deportation the entry into the Philippines for employment of foreign national under the Regional Investments & Incentives Code;
- (5) Periodically check and verify, either by inspection of the books or by requiring regular reports, the proportion of the participation of Philippine nationals in a registered enterprise to ascertain compliance with its qualification to retain registration under the Regional Investments & Incentives Code;
- (6) Verify annually the compliance by registered enterprises with the relevant provisions of the Regional Investments & Incentives Code, its rules and regulations and the terms and conditions of registration;
- (7) After due notice and hearing, cancel the registration or suspend the enjoyment of incentives benefits of any registered enterprise and/or require refund of incentives enjoyed by such enterprise including interest and monetary penalties, and levy properties of the registered enterprise, if appropriate, or (a) failure to maintain the qualifications required by Regional Investments & Incentives Code for registration with the Board or (b) for violation of any provisions of Regional Investments & Incentives Code, its rules and regulations and the terms and conditions of registration. Provided, that the registration of an enterprise whose project timetable, as set by the Board is delayed by one year, shall be considered automatically cancelled unless otherwise reinstated as a registered enterprise by the Board;
- (8) Determine the new organizational structure as provided in the Regional Investments & Incentives Code; appoint, discipline and remove its personnel consistent with existing Civil Service Law, Rules and Regulations;
- (9) Prepare feasibility and other pre-investment studies, either upon its own initiative; or upon the request of the investor under the terms and conditions mutually agreed upon;
- (10) Grant, special incentives provided to registered enterprises that list their shares of stock in the Philippine Stock Exchange or directly offer a portion of their capital stock to the public and/or their employees;

- (11) Formulate and implement industrial programs that would hasten economic growth and development including those relating to the implementation of international trade, investments and environmental agreements and protocols;
- (12) Establish Satellite Offices in the Provinces of the Autonomous Region in Muslim Mindanao as may be deemed necessary;
- (13) Prepare industry and sectoral development programs, the Regional Plan for Investment Promotions (RPIP) and gather and compile statistical, technical, marketing, financial and other data required for the effective implementation of Regional Investments & Incentives Code;
- (14) Within four (4) months after the close of the fiscal year, submit annual reports to the Regional Governor that shall cover its activities in the administration of this Code, including recommendations on investments policies;
- (15) Provide, directly or through Philippine Diplomatic Missions, information as may be of interest to prospective foreign investors;
- (16) Collate, analyze and compile pertinent information and studies concerning activities/ industries/ sector that have been or may be in the Investment Priorities Plan;
- (17) Enter into agreements with other agencies of government for the simplification and facilitation of systems and procedures involved in the promotion of investments, operation of economic zones and registered enterprises, and other activities necessary for the effective implementation of Regional Investments & Incentives Code;
- (18) Prepare the ARMM Investment Priorities Plan for inclusion in the National Investment Priorities Plan; and
- (19) Generally, exercise all the powers necessary or incidental to attain the purposes of Regional Investments & Incentives Code and other laws vesting additional functions on the Board.

SEC. 19. Composition of the Board of Governors. - The Board of Governors shall be composed of the RBOI Chairperson as Chair, the regular DTI Assistant Regional Secretary as permanent Vice-Chair, and three (3) member Governors. The Chairperson and the three (3) members shall be appointed by the Regional Governor and shall be co-terminus with the appointing authority.

SEC. 20. Qualifications of Governors of the Board. - The Governors of the Board must be citizens of the Philippines, residents of the Autonomous Region in Muslim Mindanao for at least six (6) months prior to their appointment, registered voters of ARMM, at least thirty (30) years old, of good moral character and of recognized competence in any of the following fields: law, economics, finance, banking, commerce, industry, agriculture, engineering, and management. The Chairperson and the three (3) appointed members of the Board of Governors must each come from the different provinces and cities of the Autonomous Region.

SEC. 21. Powers and Duties of the RBOI Chairperson. – The Chairperson of the RBOI shall have the following functions:

- (1) Act as Chairperson of the Board of Governors;
- (2) Render annual reports to the Regional Governor and such special reports as may be requested;
- (3) Recommend to the Board of Governors such policies and measures he/she may deem necessary to carry out the objectives of Regional Investments & Incentives Code;
- (4) Coordinate with the DTI Regional Secretary on matters pertaining to domestic and international investment missions for the Autonomous Region; and
- (5) Exercise such other powers and perform such other duties as may be directed by the Board of Governors from time to time.

SEC. 22. Powers and Duties of the RBOI Vice-Chairperson. - The Vice-chairperson of the RBOI Board of Governors shall preside over all meetings of the Board of Governors in the absence of the Chairperson.

SEC. 23. Appointment of Board Personnel. – The Board shall appoint its technical staff and other personnel subject to Civil Service law, rules and regulations including positions that may be created by a regional law.

SEC. 24. Powers and Functions of the Executive Office. - The following are the powers and functions of the Regional Board of Investments (RBOI):

- (1) Approve or disapprove applications for registration under Presidential Executive Order No. 226 otherwise known as the Omnibus Investment Code of 1987;
- (2) Evaluate incentives to be availed by enterprises registered with the RBOI;
- (3) Supervise enterprises duly registered with the RBOI including those enterprises previously registered with the Board of Investments;
- (4) Cancel Certificate of Registration of enterprises in case of violation of terms and conditions of their respective registration;
- (5) Coordinate and collaborate with the members of the ARMM-Regional Economic and Development Planning Board (REDPB), LGU's, Business, Councils and other related Offices/Organizations in the drafting of the ARMM Investment Priority Plan (IPP) and promotion of priority investments thereof;
- (6) Grant the incentives specified under *Book I, Title III, Article 39 of Presidential Executive Order No. 226, series of 1987*, to wit:
 - (a) Income Tax Holidays;

- (b) Additional Deduction for Labor Expenses;
 - (c) Tax and Duty Exemption on Imported Capital Equipment;
 - (d) Tax Credit on Domestic Capital Equipment;
 - (e) Exemption from Contractor's Tax;
 - (f) Simplification of Custom's Procedures;
 - (g) Unrestricted Use of Consigned Equipment;
 - (h) Employment of Foreign Nationals;
 - (i) Exemption on Breeding Stock and Genetic Materials;
 - (j) Tax Credit on Domestic Breeding Stocks and Genetic Materials;
 - (k) Tax Credit for Taxes and Duties on Raw Materials;
 - (l) Access to Bonded Manufacturing/Trading Warehouse Systems;
 - (m) Exemption from Taxes and duties on imported spare parts; and
 - (n) Exemption from wharfage dues and export tax, duty, import and fee.
- (7) Grant additional incentives other than those enumerated in said Presidential Executive Order No. 226 in RBOI implementing rules and regulations; and
- (8) Perform other functions as may be provided by law or as directed by the Regional Governor.

SEC. 25. Organizational Structure. - The Regional Board of Investments shall be composed of the following Offices: (a) Board of Governors headed by the Chairperson, (b) Office of the Executive Director, (c) Plans and Programs Division (Technical Division), (d) Investment Promotion Division (Special Support and Research Division), (e) Finance and Administrative Division. There shall also be Satellite Offices to be determined by the Board.

SEC. 26. Office of the Executive Director. - The Office of the Executive Director shall implement the policies, programs and projects approved by the Board of Governors and in addition shall have the following duties and responsibilities:

- (1) Serve as Secretariat to the Board of Governors;
- (2) Supervise regularly the technical and administrative operations of the office;
- (3) Ensure the efficient and economical implementation of the Board policies and programs;

- (4) Develop strategic linkages and coordination with other public or private agencies or institution;
- (5) Adopt and supervise the implementation of measures designed to strengthen the administrative capacity for regional operations; and
- (6) Perform other assignments as may be directed by appropriate authority.

SEC. 27. The Plans and Programs Division. – The Plans and Programs Division shall be headed by a Chief Investments Specialist and shall have the following functions:

- (1) Process, evaluate and recommend action on applications for registration of projects under Executive Order No. 226, otherwise known as Omnibus Investment Code of 1987 as amended;
- (2) Process , evaluate and recommend action on applications for incentives to be availed by the registered firms;
- (3) Supervision and monitoring of enterprises duly registered with RBOI;
- (4) Evaluate firms for cancellation of Certificate of Registration;
- (5) Assist the Investments Promotion Division in the preparation of the ARMM Investment Priorities Plan;
- (6) Provide technical support to the Board in investment promotion activities both foreign and local; and
- (7) Perform other related work as directed by higher authorities.

SEC. 28. Investments Promotion Division. - The Investments Promotion Division shall be headed by a Chief Investments Specialist and shall perform the following functions:

- (1) Prepare feasibility studies and other pre-investments studies;
- (2) Directly in-charge in the preparation and implementation of Investment Priorities Plan based on approved criteria;
- (3) Prepare investments collaterals/ paraphernalia to be used in investment promotions both local and abroad;
- (4) Prepare industry and sectoral development programs, the Region Plan for Investments Promotion and gather statistical data, technical, marketing, financial and other data required to attain the goal of the Office;
- (5) Collate, analyze and compile pertinent information and studies concerning activities/industries/sectors that have been or may in the Investment Priorities Plan;

- (6) Provide technical support to the Board in the conduct of Investment promotion activities both local and foreign; and
- (7) Perform other related work as directed by higher authorities.

SEC. 29. The Administrative and Finance Division. - This division shall be headed by a Chief Administrative Officer and shall perform the following functions:

- (1) Provide administrative and finance support to all operating units of the office in matters pertaining to personnel management and development, records management, accounting, budgeting, disbursements, general services, procurement of supplies and equipment; and
- (2) Perform other functions as maybe necessary.

SEC. 30. RBOI Satellite Offices. – The RBOI may establish Satellite Offices in the provinces within the region when deemed necessary by the Board. The head of office and its staffing pattern shall be determined by the Executive Director and concurred in by the Board. It shall perform the following functions:

- (1) Receive and evaluate applications for registration in the provincial level and submit it to the Regional Office for final review and approval/disapproval of the Board;
- (2) Provide technical assistance to prospective investors directly visiting their Office;
- (3) Assist in the monitoring and supervision of registered enterprises or firms as to compliance of Terms and Conditions of Registration;
- (4) Collate and analyze statistical data submitted by registered firms;
- (5) Provide inputs/data in the determining the investment priorities to be included in the Investments Priorities Plan of the Region; and
- (6) Perform other related work as may be directed by superiors.

SEC. 31. Investments Priority Plan. - The Autonomous Regional Government shall be guided by the Annual Investments Priority Plan of the national government in the determination of incentives to be granted to investors.

SEC. 32. Regional Investments Priority Plan (RIPP). - The Autonomous Regional Government shall prepare a Regional Investments Priority Plan consistent with Article 27 to 31, Chapter 11 of the Omnibus Investment Code of 1987 and the Regional Investments and Incentives Code of ARMM.

The preferred areas on investment to be listed in the Regional Investment Priority Plan shall be based on long-run comparative advantage, taking into account the value of social objectives and employing economic criteria along with market, technical and financial analysis.

The Regional Investment Priority Plan as formulated shall be integrated in the National Investment Priority Plan.

Chapter 8 Cluster Agency

SEC. 33. Cluster Agency. - The Regional Board of Investment shall form part of the cluster agency on trade and investments. It shall maintain a coordinative linkage with the Department of Trade and Industry, Regional Economic Zone Authority and other related agencies.

TITLE XIII TRANSPORTATION AND COMMUNICATIONS

Chapter 1 General Provisions

SECTION 1. Declaration of Policy. – The Autonomous Regional Government is committed to the promotion, maintenance and expansion of viable, efficient, fast, safe, and dependable transportation and communications systems as effective instruments for regional development and economic progress. It shall not compete as a matter of policy with private enterprise and shall operate transportation and communications facilities only in those areas where private initiatives are inadequate or non-existent.

SEC. 2. Mandate. - The Department of Transportation and Communications of the Autonomous Region in Muslim Mindanao or DOTC-ARMM shall be the primary policy, planning, programming, coordinating, implementing, regulating and administrative entity of the Executive Branch of the Autonomous Regional Government in the promotion, development and regulation of dependable and coordinated networks of transportation and communications systems as well as in the fast, safe, efficient and reliable transportation and communications services.

SEC. 3. Powers and Functions. – To accomplish its mandate, the Department shall:

- (1) Formulate and recommend regional policies and guidelines that will aid in the preparation and implementation of an integrated and comprehensive transportation and communications systems at the regional and local levels;
- (2) Establish and administer comprehensive and integrated programs for transportation and communications, and for this purpose, it may call on any agency, corporation or organization, whether public or private, whose development programs include transportation and communications as integral parts thereof, to participate and assist in the preparation and implementation of such programs;

- (3) Assess, review and provide direction to transportation and communications research and development programs of the Autonomous Regional Government in coordination with other institutions concerned;
- (4) Administer and enforce all laws, rules and regulations in the field of transportation and communications;
- (5) Coordinate with the Department of Public Works and Highways in the design, location, development, rehabilitation, improvement, construction, maintenance and repair of all infrastructure projects and facilities of the Department. However, government corporate entities that maybe attached to the Department shall be authorized to undertake specialized telecommunications, ports, airports and railway projects and facilities as directed by the Regional Governor or as provided by law;
- (6) Coordinate with the Philippine Postal Corporation to ensure speed, efficiency, and reliability of postal services in the region;
- (7) Issue Certificates of Public Convenience for the operation of public land, water, and rail transportation utilities and services plying routes within the Autonomous Region;
- (8) Establish and prescribe rules and regulations for identification of routes, zones or areas of operation of particular operators of public land and water services plying routes within the Autonomous Region;
- (9) Establish and prescribe rules and regulations for the establishment, operation and maintenance of such telecommunications facilities in areas not adequately served by the private sector in order to render such services that are necessary with due consideration for advances in technology;
- (10) Establish and prescribe rules and regulations for the issuance of Certificates of Public Convenience for public land and water transportation utilities such as motor vehicles, tri-mobiles, railways, and vessels plying routes within the autonomous Region;
- (11) Establish and prescribe rules and regulations for the inspection and registration of land and water transportation facilities such as motor vehicles, tri-mobiles, railways and vessels plying routes within the Autonomous Region;
- (12) Establish and prescribe rules and regulations for the issuance of licenses to qualified motor vehicle drivers and conductors plying routes within the Autonomous Region. The same shall be applied to airmen plying the routes within the Autonomous Region subject however to the limitations set forth under the devolved powers and functions to the Autonomous Regional Government;
- (13) Establish and prescribe the corresponding rules and regulations for the enforcement of laws governing land, water and air transportation within the Autonomous Region including the penalties for the violation thereof, and for the deputation of appropriate law enforcement agencies in pursuance thereof subject however to the limits defined

- under devolution. It shall also recommend measures to improve the operation of the postal services in the Autonomous Region;
- (14) Determine, fix or prescribe charges or rates pertinent to the operation of public land and water transportation facilities and services in the Autonomous Region, except such rates or charges already fixed by law and, in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine government as the proper arbiter of such charges or rates;
 - (15) Determine, fix or prescribe charges or rates pertinent to the operation of public air transportation facilities and services in the Autonomous Region subject to the limitations set forth under devolution. It shall coordinate with the Civil Aviation Authority of the Philippines (CAAP)-ARMM and in no case shall it interfere with rates or charges prescribed under its charter. The conditions set forth under the preceding item shall apply;
 - (16) Determine, fix or prescribe charges or rates pertinent to the use and operation of devolved facilities and services of the Air Transportation Office in the ARMM such as terminal, concessions, and vehicular parking fees. This includes aircraft landing, take-off and parking fees, excluding those exempted by existing regulations, in accordance with International Civil Aviation Organization (ICAO) standards and practices;
 - (17) Establish and prescribe the rules, regulations, procedures and standards for accreditation of driving schools;
 - (18) Coordinate with the Civil Aviation Training Center (CATC) and the National Telecommunications Training Institute (NTTI) to ensure professional training of its personnel and enhance their career development;
 - (19) Administer and enforce all other functions that had been devolved to it by the national government;
 - (20) Ensure that the rights of the Autonomous Regional Government in all negotiations or concerns with DOTC National are properly represented or taken care of for inter-regional routes. It shall be conscious at all times that the shares in revenues of the Autonomous Region shall not be compromised or put in a disadvantaged position; and
 - (21) Perform such other powers and functions as may be provided by law.

SEC. 4. Organizational Structure. - The Department shall consist of the Department Proper, the Department Services, the Sectoral Offices and the Attached Agencies.

Chapter 2 Department Proper

SEC. 5. Office of the Regional Secretary. - The Office of the Regional Secretary shall consist of the Regional Secretary, his/her immediate staff and the Legal Unit.

The **Legal Unit** shall provide the Department with services pertaining to legal matters to include, but not limited, legislative proposals, legal research, and investigation. He/she shall assist the Regional Secretary in the review and preparation of decisions of appealed cases emanating from the sectoral agencies.

SEC. 6. Powers and Functions of the Regional Secretary. - The Regional Secretary shall exercise the powers and functions as defined in Section 8, Chapter 3, Book IV of this Code and such others as maybe provided by law or by Executive Issuance of the Regional Governor.

Chapter 3 Department Services

SEC. 7. Department Services. – The Department Services is composed of: (a) Sectoral Agencies such as Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Civil Aviation Authority of the Philippines-ARMM (CAAP-ARMM) and Maritime Industry Authority (MARINA); and (b) Administrative, Finance and Technical Divisions.

SEC. 8. Office and the Powers and Functions of Director IV. - The Office of the Director IV is composed of the Director IV and his/her immediate staff. The Office shall be the arm of the Regional Secretary in the supervision of the sectoral agencies of the Department which includes planning, law enforcement, franchising, licensing, coordination, monitoring and evaluation of transportation and communication activities of the Department and others as maybe directed by the Regional Secretary.

SEC. 9. Office and the Powers and Functions of the Director III. - The Office of the Director III is composed of the Director III and his/her immediate staff, the Administrative Division, Finance Management Division and the Technical Division. The Director III shall assist the Regional Secretary in the supervision of administrative, finance and technical divisions of the Department including preparation of budget proposals and preparation of periodic reports of the Department.

- (1) Supervise the operation of the Legal and Technical Divisions;
- (2) Initiate the preparation of plans for the movement of regional enforcer, particularly in LTO, LTFRB, and MARINA;
- (3) Determine the assignment of different law enforcers of the regional office;
- (4) Formulate plans and programs for institutional development;

- (5) Coordinate with other agencies in the compilation and analysis of statistical data needed for the transportation and communications program, planning, review and evaluation;
- (6) Monitor all transportation and communications activities in the department and its sectoral agencies;
- (7) Conduct in-house planning and policy studies on water and land transportation;
- (8) Recommend needed trainings for the personnel in the service; and
- (9) Perform such other functions that may be assigned from time to time.

The **Technical Division** shall be the technical arm of the Department and shall be responsible in the policy formulation, strategic and operational planning, management systems or procedures, and the evaluation and monitoring of Department programs, projects, and other related services.

The **Legal Division** shall provide the Department with services pertaining to legal matters to include but not limited to proposed legislations, legal research, investigation, adjudication, franchise and fees and license regulation, and the review on appeal of the decisions of the traffic Adjudication Service.

Chapter 4 Sectoral Offices

SEC. 10. Sectoral Offices. – The Department shall have the following sectoral offices:

- (1) Land Transportation Office (LTO)-ARMM;
- (2) Land Transportation Franchising and Regulatory Board (LTFRB)-ARMM
- (3) Civil Aviation Authority of the Philippines (CAAP)-ARMM; and
- (4) The Office of Maritime Industry Authority in the Autonomous Region (MARINA)-ARMM.

SEC. 11. Functions of the Sectoral Offices. – The sectoral offices have the power to grant franchises, licenses and permits to land, sea, and air transportation plying-routes in the provinces or cities within the Autonomous Region and communication facilities whose frequencies are confined to and whose main offices are located within the Autonomous Region in accordance with paragraph (1), Section 3, Article IV of Republic Act 9054. These offices shall operate as the main line agencies within the Department.

In addition to the foregoing powers, offices that are devolved after the passage of this Code shall also operate pursuant to the powers and authorities in accordance with Executive Issuances devolving them to the Autonomous Regional Government. The Regional Assembly may pass laws strengthening such devolved offices.

SEC. 12. Supervision and Control Over the Sectoral Agencies. – The Regional Secretary shall exercise general supervision and control over the Sectoral Agencies.

Chapter 5
Land Transportation Office (LTO) ARMM

SEC. 13. LTO –ARMM Organizational Structure. – The LTO-ARMM is composed of the Office of the Regional Director, the Administrative and Finance Division, the Operations Division, and the LTO District Offices. LTO-ARMM is headed by a Regional Director with a rank of Director II and the District Offices is headed by a Senior Transportation Regulation Officer (STRO).

SEC. 14. Powers and Functions of the LTO-ARMM. – Without prejudice to further devolution, the LTO-ARMM shall have the following powers and functions:

- (1) Issue driver's license to operate motor vehicles within the ARMM to persons who upon written and practical examinations have shown proficiency in the operation of motor vehicles, pursuant to the provisions of Republic Act 4136 and relevant laws;
- (2) Register all kinds of motor vehicles including motorcycles and motorized tricycles and to charge registration fees therefore in accordance with existing laws;
- (3) Enforce all transportation and traffic laws, rules and regulations within the ARMM, confiscate licenses, impound vehicles if warranted by law or regulation, and impose fines and penalties to violators, including suspension and revocation of licenses and registration, subject to observance of due process of law;
- (4) Issue rules and regulations consistent with existing transportation and other relevant laws to govern traffic and transportation in the ARMM.

SEC. 15. Functions of the Administrative and Finance Management Division. - The Administrative and Finance Management Division shall have the following powers and functions:

- (1) Prepare, recommend, and implement the organizational development program of the Regional and District Offices;
- (2) Conduct trainings, needed surveys and develop coordination with Provincial and/or Districts offices;
- (3) Implement plans and programs for the benefit and welfare of the employees;
- (4) Monitor employees' morale and recommend measures for its improvements;
- (5) Maintain and update all records of their personnel;

- (6) Supervise the financial activities of the office;
- (7) Prepare budget proposals and other financial reports and documents in accordance with the rules of the Commission on Audit;
- (8) Ensure proper collections of revenues;
- (9) Ensure proper remittance of revenues;
- (10) Maintain Books of Accounts for the Regional, Provincial and District offices; and
- (11) Assist the Regional Director in the preparation of memoranda, orders and other issuances pertaining to the management of the division.

SEC. 16. Functions of the Operations Division. – The Operations Division shall have the followings powers and functions:

- (1) Conduct security and intelligence services relative to the overall operation of Land Transportation Offices;
- (2) Coordinate with other security and intelligence units of the Department as well as with other external agencies both private and public strictly in relation with the functions of Land Transportation Offices;
- (3) Conduct law enforcement functions and activities relating to the mandate of Land Transportation Office;
- (4) Hear and decide cases involving violations of laws, rules and regulations governing land transportation within the Autonomous Region in Muslim Mindanao and to impose fines and/ or penalties therefore; provided that violations resulting in the damage to property and/or physical injuries or violations constituting offenses punishable under the Revised Penal Code and other penal laws shall be under the jurisdiction of the regular courts;
- (5) Order the impounding of motor vehicles and confiscation of plates or the arrest of violators of laws, rules and regulations governing land transportation;
- (6) Issue subpoena *duces tecum* and to summon witnesses to appear in any proceedings thereof, and to administer oaths of affirmations;
- (7) Promulgate rules and regulations governing the proceedings before it; provided that except with respect to paragraph 3 under 4.41.6, the rules of procedures and evidence prevailing in the courts of law shall not be controlling and all reasonable means to ascertain the facts in each case shall be used without regard to technicalities of law and procedures but all in the interest of due process; and

- (8) Perform such other functions and duties as maybe provided by law, or as may be necessary, or proper or incidental to its power and its functions.

Chapter 6

Land Transportation Franchising and Regulatory Board (LTFRB) - ARMM

SEC. 17. Land Transportation Franchising and Regulatory Board (LTFRB). – The quasi-judicial powers and functions with respect to land transportation shall be exercised through the Land Transportation Franchising and Regulatory Board, hereinafter referred to as the “Board.”

SEC. 18. Powers and Functions of the Board. - The Board shall have the following powers and functions:

- (1) Prescribe and regulate routes, economically viable capacities, and zones or areas of operation of public land transportation services provided by motorized vehicles within the ARMM, consistent with the national public land transportation development policies and plans; provided that the ARG and the LTFRB/DOTC shall coordinate with regard to the establishment and regulation of inter-regional routes, zones or areas of operation that pass through, include or involve the territory of the ARMM;
- (2) Issue, amend, or revise Certificates of Public Convenience (CPC) or permits authorizing the operation of public land transportation services provided by motorized vehicles exclusively within the ARMM, prescribe the appropriate terms and conditions therefore, and for cause, suspend, cancel or revoke the same; provided that jurisdiction over public utility vehicles with inter-regional CPC's or permits, that ply routes within the ARMM shall remain exclusively with the LTFRB;
- (3) Determine, prescribe, approve and periodically review and adjust reasonable fares, rates and other related charges, relative to the operation of public land transportation services provided by motorized vehicles exclusively within the ARMM;
- (4) Issue preliminary or permanent injunction, whether prohibitory or mandatory, in all cases within its jurisdiction in which cases the pertinent provisions of the Rules of Court shall apply;
- (5) Punish for contempt, both direct and indirect in accordance with the pertinent provisions of, and the penalties prescribed by the Rule of Court;
- (6) Issue subpoenas and subpoena *duces tecum* and summon witnesses to appear in any proceedings of the appropriate office in the ARG, to administer oaths and affirmations, and in appropriate cases, to order the search and seizure of all vehicles and documents, upon probable cause and as may be necessary for the proper disposition of the case before it;
- (7) Conduct investigations and hearings of complaints for violation of the public service laws on land transportation and of the rules and regulations, orders decisions or

- rulings and to impose fines or penalties for such violations; provided that if the violators possess inter-regional CPC's or permits, the appropriate office of the ARG in charge of enforcement of public service laws on land transportation shall file and prosecute the appropriate cases with the LTFRB;
- (8) Review *motu proprio* the decisions/actions of the Provincial Franchising and Regulatory Offices within the ARMM;
 - (9) Promulgate rules and regulations governing proceedings before the appropriate office in the ARG and the Provincial Franchising and Regulatory Office. However, except with respect to paragraphs 4, 5, 6 and 7 hereof, the rules of procedure and evidence prevailing in the courts of law should not be controlling but rather the spirit and intention of said rules. The appropriate office in the ARG and the Provincial Franchising and Regulatory Offices shall use every and all reasonable means to ascertain facts in each case speedily and objectively and without regard to technicalities of law and procedures, all in the interest of due process;
 - (10) Fix, impose and collect, and periodically review and adjust, reasonable fees and other related charges for services rendered within the ARMM;
 - (11) Formulate, promulgate, administer, implement and enforce rules and regulations on land transportation public utilities, standards of measurements or design, and rules and regulations requiring operators of any public land transportation service to equip, install and provide in their utilities and in their stations such devices, equipment, facilities and operating procedures and techniques as may promote safety, protection, comfort and convenience to persons and property in their charges as well as the safety of persons and property within their areas of operation; provided, that the same shall apply only within the ARMM and on public transport vehicles under its jurisdiction; and provided further, that the rules and regulations are consistent with existing laws and national policies, and the designs and standards are not below nationally prescribed levels;
 - (12) Coordinate and cooperate with other government agencies and entities concerned with any aspect involving public land transportation services with the end view of effecting continuing improvement of such services; and
 - (13) Perform such other functions and duties as may be provided by law.

SEC. 19. Composition of the Board – The Board shall be composed of the Regional Secretary of the DOTC-ARMM as Chairperson, the Regional Director of LTFRB and a representative from the organized transport sector. The latter shall be appointed by the Regional Governor. Such representative from the organized transport sector shall serve his/her office co-terminus with the Regional Governor.

SEC. 20. The Executive Office of the Board. – The Executive Office of the Board shall be headed by a Regional Director who shall be appointed by the Regional Governor. The Office shall serve as the Technical Secretariat of the Board.

SEC. 21. Decisions of the Board; Appeals therefrom or Review Thereof. – The Board, in the exercise of its powers and functions, shall sit and render its decision en banc. Every such decision, order, or resolution of the Board must bear the concurrence and signature of at least two (2) members thereof.

The decision, order, or resolution of the Board shall be appealable to the Regional Governor within thirty (30) days from receipt of the decision. However, the Regional Governor may *motu proprio* review any decision or action of the Board before the same becomes final.

SEC. 22. Land Transportation Franchising and Regulatory Board (LTFRB) Executive Office Organizational Structure. – The Land Transportation Franchising and Regulatory Board (LTFRB) Executive Office is composed of the Office of the Regional Director, the Administrative & Finance Division, Legal Division, Technical Division, and the Provincial Offices. The Office of the Regional Director is composed of the Regional Director with the rank of Director II, his/her immediate staff and the Provincial Offices.

SEC. 23. Hearing of Franchise Applications. Contested applications and those involving routes extending beyond ARMM jurisdiction shall be heard and decided by the Board. However, uncontested applications or petitions for routes within the Autonomous Region shall be heard and decided by the Regional Director.

Chapter 7 **Civil Aviation Authority of the Philippines** **(CAAP)-ARMM**

SEC. 24. CAAP-ARMM Organizational Structure. – The Civil Aviation Authority of the Philippines (CAAP)-ARMM is composed of the Office of the Regional Director, the Administrative & Finance Division, the Planning and Technical Maintenance Division and the Airports. The Office of the Regional Director is composed of the Regional Director with the rank of Director II and his/her immediate staff.

SEC. 25. Powers and Functions of the Civil Aviation Authority of the Philippines-ARMM (CAAP-ARMM). - The CAAP-ARMM shall have the following powers and functions:

- (1) Manage, supervise and control government airports within the ARMM, except the airside at such airports, where aircraft are controlled and navigational aids and facilities are located, which shall remain under the control and supervision of the National Government, through the DOTC;
- (2) Upon close consultation with the CAAP, promulgate rules and regulations to promote safety and security in civil aviation in the ARMM, which shall be consistent with law and international regulations and standards;
- (3) Fix and impose reasonable charges and fees on the use of its airports and related facilities under its control and supervision;

- (4) Recommend to the CAAP the designation and establishment of airways within its jurisdiction and to participate in studies pertaining to the development of civil aviation;
- (5) Extend technical assistance to private airport operations entities within its territorial jurisdiction;
- (6) Maintain and operate aircraft necessary to carry out the objectives and activities of the ARG;
- (7) Design, install, manage, operate, maintain and repair the airports in the ARMM in accordance with national standards set by the CAAP;
- (8) Enforce the rules and regulations issued pursuant to RA 776 and other air transportation laws within its jurisdiction and in coordination with the CAAP, conduct investigation, and upon observance of due process, impose penalties for the violations thereof; provided that, on appeal, the President of the Philippines shall cause the CAAP to review the findings and conclusions of the ARG and to make recommendations relative thereto; and
- (9) Perform such other functions related to civil aviations as may be provided by law.

Chapter 8

Maritime Industry Authority (MARINA) -ARMM

SEC. 26. Maritime Industry Authority (MARINA-ARMM) Organizational Structure. – The Maritime Industry Authority (MARINA) is composed of the Office of the Regional Director, the Administrative & Finance Division, the Operations and Monitoring Division, and the Provincial Offices. MARINA-ARMM is headed by a Regional Director with the rank of Director II.

SEC. 27. Powers and Functions of the MARINA-ARMM. - The MARINA-ARMM shall have the following powers and functions:

- (1) Issue Certificate of Public Convenience (CPC), Provisional Authority (PA) and Special Permit (SP) for both contested and uncontested applications, provided that the vessels are homeported and are operating exclusively within the ARMM territorial boundaries; and provided further, that the issuance of Certificate of Public Convenience, Provisional Authority and Special Permits of vessels homeported in the ARMM operating inter-regionally shall be forwarded to this Authority;
- (2) Issue Special Permits for the temporary utilization of domestic vessels in the Brunei-Darussalam, Indonesia, Malaysia and Philippines-East ASEAN Growth Area (BIMP-EAGA) routes;
- (3) Accredite *banca* operators whose principal office is located within the ARMM jurisdiction;

- (4) Register vessels of all tonnages homeported within its territorial boundary and to issue the corresponding document appurtenant thereto;
- (5) Conduct safety inspection of vessels homeported and operating within the ARMM jurisdiction so as to determine the Safety of Life at Sea (SOLAS) compliance and manning requirements;
- (6) Issue Coastwise License/ Bay and River License/Pleasure Yacht License on all domestic vessels homeported within the ARMM regional boundaries;
- (7) Issue Motorboat Operator's License for operators of vessels weighing three (3) Gross Registered Tonnages (GRT) and below which are homeported and are operating exclusively within the ARMM jurisdiction;
- (8) Issue licenses to shipyards within the ARMM subject to existing guidelines;
- (9) Issue Domestic Seafarer's Identification and Record Book (SIRB) subject to existing MARINA rules and regulations; and
- (10) Collect fees not exceeding those charged under existing MARINA circulars and issue receipts therefor in the exercise of its devolved functions.

SEC. 28. Divisions under the MARINA-ARMM. - There shall be two divisions under Office of MARINA-ARMM, namely:

- (1) Administrative and Finance Management Division; and
- (2) Regional Operations and Monitoring Division

Each of the aforesaid divisions shall be headed by a Division Chief to be appointed by the Regional Secretary upon the recommendation of the Regional Director of MARINA-ARMM.

SEC. 29. Functions of the Administrative and Finance Management Division. - Administrative and Finance Management Division shall have the following powers and functions:

- (1) Provide the services relating to Human Resource Management and Development like career planning and development, personnel transactions and employee welfare;
- (2) Responsible for the other aspect of administrative functions which shall include, but not limited to, records, correspondence, supplies, property and equipment, and general services;
- (3) Provide the services relating to accounting, budget, collection, disbursement, and other related financial matters;

- (4) Collect all fees and payments prescribed by and payable to MARINA-ARMM and ensure its remittance to the Office of the Regional Treasury of ARMM or other agencies of the government as may be applicable; and
- (5) Ensure submission of periodic reports of its operation to the Regional Secretary of DOTC-ARMM as approved by the Regional Director of MARINA-ARMM;

SEC. 30. Regional Operations and Monitoring Division. - The Regional Operations and Monitoring Division shall have the following powers and functions:

- (1) Responsible for the monitoring and inspection of all vessels operating within ARMM to ensure and enforce compliance with the required safety standards and other rules and regulations on vessels safety;
- (2) Coordinate enforcement activities with other government agencies for the effective implementation of MARINA Laws within the jurisdiction of ARMM;
- (3) Ensure that all vessels operating within ARMM are duly authorized, licensed and registered;
- (4) Prepare and submit operations and monitoring accomplishment reports;
- (5) Supervise and control all its functional units such as inspection, investigation, monitoring and licensing units;
- (6) Prepare and submit plans and programs for the effective implementation of MARINA Laws in the ARMM areas.

Chapter 9 Attached Agencies

SEC. 31. Attached Agencies. – The following Regional Government Owned and Controlled Corporations are attached agencies of the Department:

- (1) The Philippine Ports Authority Office in the Autonomous Region or the Regional Ports Management Authority (RPMA); and
- (2) The National Telecommunications Commission (NTC) in the Autonomous Region or Regional Telecommunications Commission (RTC)-ARMM

The foregoing agencies are governed by Book IV, Title XXIV, Chapters 1 and 2 of this Code.

SEC. 32. Functions of the Attached Agencies. – The agencies attached to the Department shall continue to operate and function in accordance with their respective charters, laws, and executive issuances creating or devolving them, except as otherwise provided in this Code.

SEC. 33. Supervision over the Attached Agencies. – The Regional Secretary of the Department of Transportation and Communications shall exercise supervision over the attached agencies in matters of policy, rules and regulations.

TITLE XIV RENAMING AND REALIGNMENT OF OFFICES

Chapter 1 Offices Renamed

SECTION 1. Renaming and Realignment of Existing Offices. - The following offices shall be renamed and/or realigned as follows:

- (1) ARMM Manila Liaison Office (MLO) shall be renamed as ARMM Liaison Office in Metro Manila (ALOMM);
- (2) Zamboanga Satellite Office (ZSO) shall be renamed as ARMM Satellite Coordinating Office (ASCO);
- (3) Coordinating Development Office-Bangsamoro Youth Affairs (CDO-BYA) to be renamed as Office on Bangsamoro Youth Affairs (OBYA); and
- (4) The Office of Southern Cultural Communities (OSCC-ARMM) shall be renamed as the Regional Commission on Indigenous Peoples - Autonomous Region in Muslim Mindanao (RCIP-ARMM) and in accordance with this Code shall exercise in the Autonomous Region the same powers and functions of the National Commission of Indigenous Peoples without prejudice to devolution.

Chapter 2 Offices Realigned

SEC. 2. Realignment of Existing Offices. - The following offices shall be realigned as follows:

- (1) The existing Library Division under the Administrative Management Service in the Office of the Regional Governor shall be upgraded and named as ARMM Regional Library to be placed directly under the Office of the Regional Governor; and
- (2) The existing Official Development Assistance (ODA) Office shall become a bureaus/services within the Regional Planning and Development Office (RPDO).

TITLE XV COOPERATIVE, HOUSING AND LAND USE

Chapter 1 Cooperative Development Authority (CDA)

SECTION 1. Declaration of Policy. – It is the declared policy of the Autonomous Regional Government (ARG) to foster the creation and growth of cooperatives as a practical vehicle for promoting self-reliance and harnessing people’s potential towards the attainment of economic development and social justice. The region shall encourage the private sector to undertake the actual formulation and organization of cooperatives and shall create an atmosphere that is conducive to the growth and development of these cooperatives.

Further, the Autonomous Regional Government recognizes the principle of subsidiarity under which the cooperative sector will initiate and regulate within its own ranks the promotion and organization, training and research, audit and support services relating to cooperatives with government assistance where necessary.

SEC. 2. Mandate. – The Cooperative Development Authority with all the branches, sub-divisions, instrumentalities and agencies of the Autonomous Regional Government shall ensure the provision of technical guidance, financial assistance and other services to enable the cooperatives to develop into viable and responsive economic enterprises and thereby bring about a strong cooperative movement that shall free the cooperatives from conditions that might infringe their autonomy or organizational integrity.

SEC. 3. General Concepts. – A cooperative is a duly registered association of persons, with common bond of interest, who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in accordance with the universally accepted cooperative principles.

SEC. 4. Powers and Functions. – The CDA shall have the following powers, functions:

- (1) Formulate, adopt and implement integrated and comprehensive plans and programs on cooperative development consistent with the existing policy on cooperatives and the overall socio-economic development plans of the autonomous regional government;
- (2) Develop and conduct management and training programs upon request of cooperatives;
- (3) Support the voluntary organization and consensual development of activities that promote cooperative movements and provide assistance towards upgrading managerial and technical expertise upon request of the cooperative concerned;
- (4) Coordinate the efforts of the Local Government Units in the ARMM and the private sector in the promotion, organization and development of cooperatives;

- (5) Require all cooperatives, their federations and unions in the ARMM to submit their annual reports and their financial statements, duly audited by certified public accountants, and general information sheets;
- (6) Assist cooperatives in the ARMM in accessing financial and other forms of assistance under such terms and conditions as are calculated to strengthen their viability and autonomy;
- (7) Administer all grants and donations coursed through the regional government for cooperative development in the ARMM without prejudice to the right of cooperative to directly receive and administer such grants and donation upon agreement with the grantors and donors thereof;
- (8) Upon request of either or both parties, to mediate and conciliate disputes within a cooperative or between cooperatives in the ARMM;
- (9) Formulate and adopt continuing policy initiatives in consultation with the cooperative sector in the ARMM through public hearings; and
- (10) Perform such other functions under existing laws.

SEC. 5. Organizational Structure. – The Authority shall be composed of the Office the Regional Administrator; the Administrative and Finance Division; the Operation and Technical Management Division; the Promotion and the Training and Project Development Division and shall have the following functions:

- (1) **Office of the Regional Administrator** - The Regional Administrator is the Chief Executive and head of the office. He/she shall be appointed by the Regional Governor for a fixed term of four (4) years;
- (2) **Administrative and Finance Management Division** – The Administrative and Finance Management Division headed by a Chief Administrative Officer or its equivalent shall provide advice and assistance, support on budgetary, financial and fiscal matters, administrative management and other matters that shall strengthen the administrative and financial capability of the office;
- (3) **Operation and Technical Management Division** - The Operation and Technical Management Division headed by a Chief Development Officer or its equivalent shall recommend policies, strategies, plans and programs on cooperatives and extend necessary support and technical assistance towards upgrading managerial/technical and fiscal capabilities of cooperatives.
- (4) **Promotion, Training and Project Development Division** – The Promotion Education and Training Division headed by a Training Officer V or its equivalent shall promote and provide cooperative education to prospective members as required in the organizational processes and coordinate with the concern sector and conduct management and skills training to officers and members of cooperative.

SEC. 6. Support to LGUs. – In a province, city or municipality that has its own Cooperative Development Office, the Authority shall provide support and assistance whenever necessary. Those local government units without a Cooperative Development Office shall be assisted by a Cooperative Development Specialist in the implementation of their cooperative programs.

SEC. 7. Relationship with Other Agencies and Offices in ARMM. – The Authority shall build up a strong relationship with all agencies, offices and instrumentalities in the region for proper coordination and cooperation to strengthen cooperatives.

Chapter 2 Housing and Land Use Regulatory Board (HLURB)

SEC. 8. Declaration of Policy –The Autonomous 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 in the autonomous region. Subject to ecological consideration, it shall adopt and implement a comprehensive urban land reform and land and water use program to ensure just utilization of lands and waters within its jurisdiction.

SEC. 9. Mandate. – The Housing and Land Use Regulatory Board shall be responsible for the enforcement, implementation, streamlining and optimization of land use policies and regulations on human settlements; and the implementation and enforcement of the regulatory aspect of Urban Land Reform Program, and Subdivision and Condominium Buyer’s Protective Decree, Land Value and Building Rental Regulations and other related laws.

SEC. 10. Powers and Functions of the Board. – The Board shall serve as the policy making body of the HLURB. It shall also act on cases appealed to it arising from the decision of the Executive Director.

Decisions of the Board shall be appealable to the Regional Governor whose decision is final and executory. The Regional Governor shall be assisted by the Attorney-General in the preparation of such decisions.

SEC. 11. Composition of the Board. - The HLURB shall be governed by a Board whose members shall be appointed/ designated by the Regional Governor. It shall be composed of the following:

- | | |
|-----------------------------------|---------------|
| 1) Executive Secretary, ORG | Chairman |
| 2) Executive Director, HLURB-ARMM | Vice-Chairman |
| 3) Regional Secretary, DAR-ARMM | Member |
| 4) Regional Secretary, DENR-ARMM | Member |
| 5) Regional Secretary, DPWH-ARMM | Member |

SEC. 12. Powers and Functions of the Executive Office. - The Housing and Land Use Regulatory Board (HLURB) Executive Office shall:

- (1) Implement zoning and other land use control standards and guidelines;
- (2) Review, evaluate and endorse to the Board for appropriate action comprehensive land use/development plans and zoning ordinances;
- (3) Issue rules and regulations to enforce policies, mandates and legislation regulating the use of land, its value and rentals and improvements on it;
- (4) Ensure compliance with policies, plans, standards and guidelines on human settlements;
- (5) Act as the appellate body on decisions and actions of local government unit zoning bodies;
- (6) Act on cases arising out of all housing subdivision controversies and violations of zoning ordinance;
- (7) Develop and implement prototype projects in line with its regulatory functions;
- (8) Issue orders, after conducting the appropriate investigation, for the cessation or closure of any use or activity and for vacating or demolition of any building or structure for violation or failure to comply with relevant laws and directives;
- (9) Define and institutionalize housing and land use planning process at all levels;
- (10) Assist and support local government units in the formulation and implementation of urban development plans;
- (11) Provide training to the different sectors to build up their capabilities in planning and management of urban development undertakings;
- (12) Perform other functions as may be provided by law or as directed by the Regional Governor.

SEC. 13. Organizational Structure. – The HLURB Executive Office is composed of the Office of the Executive Director, the Administrative and Finance Division, the Technical Division, the Legal Division and the HLURB Satellite Offices.

SEC. 14. Functions of the Executive Director – The Executive Director shall perform the following functions:

- (1) Execute and/or administer the policies and measures approved by the Board;

- (2) Act as the Regional Housing and Land Use arbiter who shall hear cases arising out of all housing subdivision controversies and violations of zoning ordinance;
- (3) Direct, manage and supervise the day-to-day operations and internal administration of the HLURB;
- (4) Establish the internal organization of the HLURB;
- (5) Prepare the agenda for the meetings of the Board proper;
- (6) Recommend policies and measures for consideration of the Board;
- (7) Enter into contracts or agreements pursuant to policies or guidelines set by the Board;
- (8) Represent the HLURB either personally or through counsel, in any legal proceedings or actions; and
- (9) Exercise such other functions as may be provided by law.

Chapter 3

Regional Housing and Rural Development Authority (RHRDA)

SEC. 15. Declaration of Policy. - It shall be the declared policy of the Autonomous Regional Government to adopt and execute comprehensive and integrated regional housing, urban and rural development plans, programs, and projects responsive to the needs, aspirations, and values of the people in the region. More particularly, the Autonomous Regional Government, in cooperation with the private sector, shall evolve its own housing policies and programs providing for adequate, low-cost, and decent housing facilities and other basic services to the residents of the region.

SEC. 16. Mandate. - The Regional Housing and Rural Development Authority (RHRDA) shall serve as the primary instrumentality of the Autonomous Regional Government responsible for the formulation and administration of comprehensive and integrated regional housing, and rural development policies, plans, programs, and projects.

SEC. 17. Powers and Functions. - The Authority shall perform the powers and functions as a Regional Housing Authority and as a Rural Development Authority.

- (1) As a Regional Housing Authority. It shall:
 - (a) Develop and implement comprehensive and integrated Housing Program for the ARMM;
 - (b) Formulate and enforce general and specific policies for housing development and resettlement;
 - (c) Prescribe guidelines and standards for the reservation, conservation and utilization of public lands identified for housing and resettlement;

- (d) Develop and undertake housing development and /or resettlement projects through joint ventures or other arrangements with public and private entities;
- (e) Regulate the relationship between the owners and lessees of the residential properties in conformity with such rules and regulations as may be promulgated;
- (f) Invest its funds in bonds and securities issued and guaranteed by the government or by the Central Bank;
- (g) Discharge all responsibilities of the Autonomous Regional Government as may arise from treaties, agreements and other commitments on the housing and resettlement to which it is a signatory, including the determination of the forms and assistance for the housing development or bilateral assistance programs; and
- (h) Prescribe and enforce guidelines, standards and rules to protect home and lot buyers through the regulation of the real estate trade and business.

Subject to existing laws, the RHRDA shall likewise have the following functions:

- (i) Recommend to the Regional Governor the issuance of bonds or contracts, loans, credits or indebtedness, including suppliers, credits or any deferred payment arrangements with any person or entity, domestic or foreign, for the implementation of its housing programs;
- (j) Discharge all responsibilities of the Autonomous Regional Government as may arise from treaties, agreements and other commitments on the housing and resettlement to which it is a signatory, including the determination of the forms and assistance for the housing development or bilateral assistance programs; and
- (k) Receive donations, grants and bequests and utilize the same for the attainment of its objectives. Such donations and grants shall be exempt from payment of transfer taxes and be fully deductible from the gross income of the donor for the income tax purposes.

(2) As a Rural Development Authority. It shall:

- (a) Develop and implement comprehensive and integrated rural development plans and programs for the ARMM in close coordination with Local Government Units (LGU); and
- (b) To institute mechanisms for the proper management of the growth and development of rural communities through close coordination and strong linkages between and among the following institutions:
 - 1) Regional Planning and Development Office;
 - 2) Department of Interior and Local Government;

- 3) Department of Public Works and Highways;
 - 4) Housing and Land Use Regulatory Board;
 - 5) Department of Environment and Natural Resources;
 - 6) Department of Agrarian Reform;
 - 7) Local Government Units; and
 - 8) Other government agencies
- (c) Coordinate and monitor rural development undertakings of the Authority; and
- (d) Perform such other functions as maybe provided by law or executive issuance.

SEC. 18. Organizational Structure. - The RHRDA shall be composed of the Board and executing office. The Executing Office is composed of the Office of the Executive Director II; the Housing Program Development and Management Division; Rural Program Development and Management Division; and the Administrative and Finance Division.

SEC. 19. The Regional Board of Housing and Rural Development (RBHRD). – The Regional Board of Housing and Rural Development (RBHRD) shall be the governing body of the Authority. It shall be composed of the following:

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|-------------------------------|------------------|
| (a) Executive Secretary, ORG | Chairperson |
| (b) Executive Director, HLURB | Vice Chairperson |
| (c) Regional Treasurer, ORT | Member |
| (d) Executive Director, RPDO | Member |
| (e) Regional Secretary, DPWH | Member |
| (f) Regional Secretary, DILG | Member |
| (g) Regional Secretary, DAF | Member |
| (h) Regional Secretary, DAR | Member |
| (i) Regional Secretary, DENR | Member |

In addition, the Board shall be primarily responsible in providing policy direction of the Authority. The Board shall convene at least twice a year

SEC. 20. Qualifications of Executive Director. – The Executive Director shall be at least a holder of a Masters Degree in Business Management or Public Administration or its equivalent and with at least 3 years of relevant experience.

SEC. 21. Appointments and Term of Office. – The Executive Director shall be appointed by the Regional Governor with a fixed term of four (4) years.

TITLE XVI CULTURE, ANCESTRAL RIGHTS AND HERITAGE

Chapter 1 Regional Commission on Indigenous People (RCIP) – ARMM

SECTION 1. Declaration of Policy – The Autonomous Regional Government recognizes the United Nations Declaration of the Rights of the Indigenous Peoples and adopts the Indigenous Peoples Rights Act of the Philippines. In addition, the Autonomous Regional Government shall:

- (1) Protect the Rights of Indigenous Cultural Communities/Indigenous People (CCs/IPs) to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing their property rights or relations in determining the ownership and extent of ancestral domains;
- (2) Recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of regional laws and policies;
- (3) Guarantee that members of the ICCs/IPs shall enjoy the full protection of the law respecting their human rights without distinction or discrimination; and
- (4) Recognize its obligation to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

SEC. 2. Mandate. - The RCIP-ARMM is mandated to implement pertinent provisions of RA 8371, otherwise known as the Indigenous Peoples Rights Act, in the Autonomous Region consistent with the Organic Act of the Autonomous Region, regional laws, customs and traditions of the Indigenous Peoples in the area of autonomy.

SEC. 3. Powers and Functions. - in addition to the applicable powers and functions of the National Commission on Indigenous Peoples, the RCIP-ARMM shall exercise in the Autonomous Region the following powers and functions:

- (1) Serve as the primary regional government agency to assist indigenous cultural communities and indigenous peoples (ICCs/IPs);

- (2) Recommend regional policies for the benefit of ICCs/IPs;
- (3) Implement policies, plans, programs and projects for the economic, social and cultural development of the ICCs/IPs;
- (4) Issue Certificate of Ancestral Domain/Land Title to ICCs/IPs in the Autonomous Region;
- (5) Subject to existing laws, enter into contracts, agreements, arrangement with government or private agencies or entities as may be necessary to attain the objectives of the IPRA (Indigenous Peoples Rights Act of 1997), and subject to the approval of the Regional Governor, to obtain loans from government lending institutions and other lending institutions to finance its programs;
- (6) Negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the Regional Governor for the benefit of the ICCs/IPs and administer the use and utilization of the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of the ICCs/IPs as well as existing laws;
- (7) Coordinate development programs and projects for the advancement of the ICC/IPs and oversee the proper implementation thereof in coordination with other agencies governmental or private if so required;
- (8) Represent the ICCs/IPs in the ARMM in national and international conferences and conventions dealing with the indigenous peoples and other related concerns; and
- (9) Perform such other related functions, as may be provided by law or as directed by the Regional Governor.

SEC. 4. Composition of the Regional Commission. - The Commission shall be composed of a Chairperson with four (4) members who shall belong to different ethnic tribes all of whom shall at least be a Bachelors degree holder. The Chairperson and the members of the Commission, who shall all be appointed by the Regional Governor, shall serve a fixed term of two (2) years.

SEC. 5. Organizational Structure of the Executive Office. - The Executive Office of the RCIP is composed of the Office of the Executive Director and the divisions, sections under it and the provincial offices.

The Executive Office shall be headed by a Director II without prejudice to the security of tenure of the incumbent Executive Director of OSCC-ARMM at the time of the approval of this Code who shall discharge the duties and functions as head of such Executive Office. The security of tenure of permanent employees of OSCC-ARMM shall likewise be respected in accordance with Civil Service Law.

SEC. 6. Provincial Offices. - There shall be a provincial office established in each of the provinces to be headed by a Provincial Officer with salary grade 24.

SEC. 7. Delineation of Functions. – The Regional Commissioners is responsible for the formulation of regional policies, plans and programs. In addition, they shall; (a) hear and decide cases involving land disputes arising from the implementation of Indigenous Peoples Rights Act in the Autonomous Region, (b) approves Free and Prior Informed Consent (FPIC), certification precondition, and other processes relating to the enforcement of IPRA.

The Executive Director shall implement the policies, plans and programs approved by the Commission and shall administer the day to day operations of the Executive Office of the RCIP.

Chapter 2 **Bureau on Cultural Heritage (BCH)**

SEC. 8. Declaration of Policy. The Autonomous Regional Government shall recognize, respect, protect, preserve, develop, promote, and enhance the culture, customs, traditions, beliefs, and practices of the people in the region as integral components of regional development.

SEC. 9. Mandate. - The Bureau on Cultural Heritage is mandated 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.

SEC. 10. Powers and Functions. - The Bureau has the following powers and functions:

- (1) Recommend policies and programs to preserve and promote the cultural heritage of the Bangsamoro People;
- (2) Preserve, develop, and promote the culture, customs, traditions, beliefs and practices of the people in the area of the autonomy;
- (3) Promote culture as a tool for peace and development;
- (4) Encourage and undertake the recovery, collection, restoration and protection of the historical landmarks and cultural properties of the ARMM including the identification and establishment of landmarks thereof to reconstruct the grandeur of the past for posterity;
- (5) Establish and maintain a cultural center, museum, archive and library to house historical artifacts reflecting the culture of the people of the ARMM;
- (6) Develop Bangsamoro artists, writers and cultural trainers in the community through the performing arts and outreach programs;
- (7) Extend assistance to various cultural groups in terms of artifacts collection and preservation, and cultural documentation;
- (8) Assist the Regional Governor in establishing linkages with foreign countries and the international communities or entities for cultural exchange, promotion and preservation;

- (9) Coordinate with other agencies and organizations engaged in similar activities;
- (10) Perform other functions as may be provided by law or as directed by the Regional Governor.

SEC. 11. Organizational Structure. – The Office is composed of the Office of the Executive Director with a rank of Director II, the Office of the Director I, the Research & Program Management Division, the Cultural Preservation and Promotion Division and the Administrative & Finance Division. The Executive Director shall have a fixed term of four (4) years.

TITLE XVII REGIONAL TREASURY AND REGIONAL BUDGET

Chapter 1 Office of the Regional Treasury (ORT)

SECTION 1. Declaration of Policy. - The Autonomous Region in Muslim Mindanao is a corporate entity with jurisdiction in all budget and fiscal matters devolved to it by the Constitution, Republic Act No. 6734 as amended by Republic 9054, and other related laws as the Regional Assembly may pass. It is thus the declared policy of the Autonomous Regional Government that the Regional Treasury shall primarily be responsible for the evolution of a system of sound and efficient management of financial resources and to ensure that said resources are generated and managed in accordance with regional law and applicable existing national policies.

SEC. 2. Mandate. - The Regional Treasury shall be responsible for the formulation, institutionalization and administration of regional fiscal policies in coordination with concerned agencies and offices and instrumentalities of the Autonomous Regional Government.

It shall be responsible for the generation and judicious management of the financial resources to support the regional development objectives. The Regional Treasury shall be responsible for the review, approval and management of all regional public sector debt, whether foreign or domestic, with the end in view of ensuring that all borrowed funds are effectively utilized and all such obligations are promptly serviced by the Autonomous Regional Government.

SEC. 3. Powers and Functions. - The Regional Treasury shall:

- (1) Act as the principal custodian of all funds of the Autonomous Regional Government;
- (2) Initiate the formulation and execute regional policies on revenue generation and financial management, public borrowings and capital market development;

- (3) Formulate annual projections of revenue needs, cash position, and borrowing capacity of the Autonomous Regional Government;
- (4) Assist the Office of the Regional Governor in preparing the budgetary proposals of all offices, bureaus and departments of the Autonomous Regional Government for submission to and enactment by the Regional Assembly;
- (5) Maintain accounts of the financial transactions of all departments, bureaus, and offices of the Autonomous Regional Government;
- (6) Manage the cash resources of the Autonomous Regional Government and performs banking functions in relation to receipts and disbursements of regional funds;
- (7) Adopt implementing strategies for efficient collection of regional revenues, taxes, fees and charges;
- (8) Conduct research and formulate plan for the creation of revenue sources and submit the same for enactment by the Regional Assembly;
- (9) Certify as to the availability of funds and/or expected funding sources and income estimates for pending Regional Assembly legislative bills requiring special appropriations;
- (10) Certify as to the availability of funds or expected funding sources for offices that shall be established through an executive order;
- (11) Release directly, in a prescribed and authenticated format, to the offices, bureaus, departments and agencies of the Autonomous Regional Government their respective funding in accordance with the approved Regional General Appropriations Act;
- (12) In accordance with RA 9054 and regional laws and procedures, determine and directly release to local governments units their respective share in the internal revenue collections and other incomes they may be entitled to share from;
- (13) Manage, controls and service public debts from domestic or foreign sources;
- (14) Undertake all possible measures to see to it that all funds in the Regional Treasury shall be released or transferred in accordance with regional appropriation law;
- (15) Undertake and supervise activities related to the negotiation, servicing, and restructuring of debts of the Autonomous Regional Government, as may be authorized by the Regional Governor;
- (16) Monitor, gather and evaluate reports on financial and economic activities of persons or entities, foreign and domestic, which may adversely affect regional financial interests; and

(17) Perform such other powers and functions as may be provided by law.

SEC. 4. ORT Organizational Structure. – The Office of the Regional Treasury is composed of the Office of the Regional Treasurer, the Office of the Assistant Regional Treasurer for Administration, the Office of the Assistant Regional Treasurer for Operations, the Divisions and the ORT Field Units.

SEC. 5. Functions of Offices, Divisions and Field Units. - The **Offices, Divisions and Field Units** shall have the following functions:

- (1) A Regional Treasurer who shall act and exercise the powers and duties of a Chief Executive Officer;
- (2) An Assistant Regional Treasurer for Administration Service who shall assist the Regional Treasurer in the day-to-day management of the office, more specifically those relating to personnel, legal, information, supplies, records, equipment, security, and custodial work, and such other duties as may be assigned by the Regional Treasurer;
- (3) An Assistant Regional Treasurer for Operation Service who shall assist the Regional Treasurer for Operation Service who shall assist the Regional Treasurer for operation which include, among others, formulation, institutionalization and administration of regional fiscal policies, fiscal research and planning, revenue strategy development and implementation, revenue generation and management, debt management, financial and economic intelligence, and such other functions as may be assigned to him/her by the Regional Treasurer;

In case of absence or temporary disability of the Regional Treasurer, the Assistant Regional Treasurer for Administration, or in his/her absence the Assistant Regional Treasurer for Operation, shall discharge the duties and functions of the Regional Treasurer, except the power to appoint and discipline personnel; and

- (4) Field Units. - For purpose of effectively implementing regional revenue measures and strategies, the Regional Treasurer shall establish operations field unit in each of the provinces and cities of the Autonomous Region in Muslim Mindanao. Composition of such units shall be determined by the Regional Treasurer in accordance with the extent of operations requirements in each province or city and applicable rules and regulations.

SEC. 6. Qualifications – No person shall be appointed to the position of Regional Treasurer unless he/she is:

- (1) natural born citizen of the Philippines;
- (2) a resident and registered voter of the Autonomous Region in Muslim Mindanao;
- (3) at least thirty years (30) of age;

- (4) a Certified Public Accountant, or a regular member of the Philippine Bar, or Bachelor of Commerce graduate, or a holder of Master's degree in Business Administration, or Public Administration with appropriate civil service eligibility;
- (5) with at least five (5) years supervisory experience in treasury operations and related works; and
- (6) of proven honesty and integrity.

These qualifications shall also apply to both Assistant Regional Treasurers for Administration and Operations.

SEC. 7. Appointment. – The Regional Treasurer who shall have the rank of Cabinet Secretary shall be appointed by the Regional Governor for a term of five (5) years and without prejudice to reappointments, provided that after the approval of this Code, the incumbent Regional Treasurer shall continue to serve the unexpired portion of his term of office of five (5) years. In case of vacancy, the appointee succeeding him/her shall serve only the unexpired portion of his/her term without prejudice to reappointment.

SEC. 8. Salary. – Subject to salary increase adjustments, the Regional Treasurer shall receive an annual compensation equivalent to that of a Regional Department Secretary or in accordance with the standards set by the Office of Compensation and Position Classification.

The two (2) Assistant Regional Treasurers shall receive annual compensation one (1) grade below the salary grade of the Regional Treasurer.

SEC. 9. Quarterly and Annual Reports. – the Regional Treasurer shall submit quarterly and annual reports to the Regional Governor and the Speaker of the Regional Assembly on the status of funds in the Regional Treasury.

SEC. 10. Relation with Treasurers of Local Government Units (LGUs). – Relationship between the Regional Treasurer, the provincial, city, municipal, or barangay treasurer shall be defined and executed in accordance with the provisions of applicable laws, rules and regulations, and such institutional arrangements as may be agreed upon by the Autonomous Regional Government and the National Government or their respective instrumentalities.

Chapter 2

Regional Budget and Management Office (RBMO)

SEC. 11. Declaration of Policy- Article XVIII Section 6 of RA 9054 provides that pending the enactment of a regional budgetary law, the budgeting process of the Autonomous Regional Government shall be governed by pertinent rules and regulations prescribed by the Department of Budget and Management.

SEC. 12. Mandate. - The RBMO is mandated to assist the Office of the Regional Governor and line agencies and offices in the Autonomous Regional Government in the

formulation and implementation of the Annual Regional Budget to ensure that funds from the national and local sources are utilized properly and Autonomous Regional Government operations are conducted effectively, economically and efficiently.

SEC. 13. Powers and Functions. - RBMO has the following powers and functions:

- (1) Initiate the preparation of the Regional Budget of ARMM;
- (2) Provide technical assistance to agencies and offices on matters relative to budgeting, compensation policies and salary administration, and management analysis;
- (3) Develop regional budgeting system and recommend policies for executive issuances and for regional legislation;
- (4) Evaluate the organizational structure, personnel and equipment requirements of the agencies and offices;
- (5) Coordinate with all regional line agencies, offices, and local government units within the Autonomous Region regarding various budgetary activities;
- (6) Establish linkages with the Department of Budget and Management and other government instrumentalities to keep abreast of national policies affecting the ARMM in order to strengthen the fiscal position of the region;
- (7) Issue allotments, sub-allotments and Notice of Cash Allocations in accordance with the approved Work and Financial Plan in the prescribed format to offices, bureaus, departments and agencies of the Autonomous Region in Muslim Mindanao;
- (8) Recommend appropriate action to the Regional Governor on requests of agencies for the use of savings; and
- (9) Perform such other powers and functions as may be provided by law.

SEC. 14. Organizational Structure. - The Office shall be composed of the Office of the Executive Director, Budget Preparation and Coordination Division, Budget Execution and Monitoring Division, Management and Compensation Evaluation Division and supported by Administrative and Finance Unit.

The Regional Budget and Management Office shall be headed by an Executive Director with a rank of Director III. The Executive Director shall act and exercise the powers, duties and responsibilities of a Chief Executive Officer.

SEC. 15. Qualifications. - No person shall be appointed to the position of Executive Director unless he/she has the following qualifications:

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

- (2) A resident of the Autonomous Region in Muslim Mindanao for at least three (3) years at the time of his/her appointment;
- (3) A registered voter of the Autonomous Region;
- (4) At least thirty-five years of age;
- (5) Either a Certified Public Accountant, a lawyer and a bona fide member of the Integrated Bar of the Philippines or a Masters Degree holder in Business or Public Administration with appropriate Civil Service Eligibility; and
- (6) At least five (5) years supervisory experience in budget or related services or its equivalent.

SEC. 16. Relation with DBM and ORT. - The office shall perform its budgeting functions in coordination with the Department of Budget and Management and the Office of the Regional Treasurer.

SEC. 17. Relation with the LGUs on Budgeting - The Office shall coordinate with local Chief Executives of LGUs within the Autonomous Region in Muslim Mindanao to ensure the simplified and unified budgeting of funds of the Autonomous Regional Government.

TITLE XVIII DEVELOPMENT PLANNING AND ASSISTANCE

Chapter 1 Regional Planning and Development Office (RPDO)

SECTION 1. Declaration of Policy. - The Autonomous Regional Government (ARG) 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 in the autonomous region. It shall also 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.

In support of the foregoing, the ARG shall maximize access to foreign development assistance to promote and accelerate development in the region.

SEC. 2. Mandate. - The Regional Planning and Development Office (RPDO) is the socio-economic planning office of Autonomous Regional Government. It shall also be responsible for accessing foreign block grants, donations, endowments and other forms of socio-economic aid from Official Development Assistance (ODA).

SEC. 3. Powers and Functions. – The Regional Planning and Development Office shall be the technical arm of the Regional Economic and Development Planning Board (REDPB). In addition, it shall exercise powers and functions through its line services, as follows:

(1) The **Policy, Planning, Programming and Development Services** shall:

- (a) Evaluate and review proposed programs and projects for consideration by the Regional Economic and Development Planning Board;
- (b) Monitor and assess the programs and project implementation in the Autonomous Region in Muslim Mindanao;
- (c) Serve as the Technical Secretariat of the Regional Economic and Development Planning Board in the Autonomous Region in Muslim Mindanao;
- (d) Provide technical assistance to implementing agencies in the Autonomous Region in identifying and developing regional programs and projects;
- (e) Coordinate and provide technical assistance to the regional office of other departments and agencies in planning, implementation, monitoring and evaluation of programs and projects;
- (f) Provide technical assistance to the local government units in areas of development planning and project cycle management;
- (g) Coordinate, monitor and evaluate all local and foreign assisted projects in the region;
- (h) Coordinate local and foreign scholarships in the region; and
- (i) Manage and administer special ODA and locally funded programs and projects of the ARG;

(2) The ODA Services shall:

- (a) Formulate and undertake approved strategies to access ODA programs and projects;
- (b) Establish and maintain a database of existing and pipeline ODA-accessed projects;
- (c) Monitor the status and progress of implementation of the ODA-accessed projects based on the terms and conditions in the agreements;
- (d) Recommend appropriate action to resolve or mitigate problems, if any, in the implementation of programs and projects based on the terms and conditions in the agreements and/or agreed plans as the case maybe, in coordination with concerned regional and national government agencies and other project implementers and stakeholders;

- (e) Submit regular reports on the accessed Development Assistance to the Office of the Regional Governor; and
- (f) Perform such other functions as may be provided by law.

SEC. 4. Organizational Structure. - The Regional Planning and Development Office is composed of the Office of the Executive Director, the Office of the Director III, the Office of the Director II for Policy, Planning, Programming and Development Services and the divisions under it, the Office of the Director II for ODA Services and the divisions under it, and the Administrative and Finance Division.

The Policy, Planning, Programming and Development Services shall be composed of the following divisions:

- (1) Plans and Policy Formulation Division;
- (2) Project Monitoring and Evaluation Division;
- (3) Knowledge Management Division; and
- (4) Project Development, Investment Programming, and Budgeting Division

The ODA Services shall be composed of the following:

- (1) Peace and Development Administration Division;
- (2) Social Development Division;
- (3) Economic Development Division; and
- (4) Infrastructure Development Division.

SEC. 5. Transfer of Properties and Assets. - The properties and assets of the ODA office shall be transferred to ODA Services of the Regional Planning and Development Office immediately upon effectivity of this Code. The Director of the Administrative Management Services of the Office of the Regional Governor (AMS-ORG) shall administer the transfer of such properties and assets.

TITLE XIX

DEVELOPMENT ACADEMY AND SPORTS

Chapter 1

ARMM Development Academy (ADA)

SECTION 1. Declaration of Policy. – It is the policy of the Autonomous Regional Government to pursue continuous education, training, technical advancement and professional growth of officials and employees of government and private entities.

SEC. 2. Mandate. - ARMM Development Academy shall be the central training institution of the autonomous regional government which aims to produce highly and globally competitive managers, administrators and workers who are abreast with the latest technologies and systems of development management.

SEC. 3. Powers and Functions. – The ARMM Development Academy shall:

- (1) Establish and maintain a self-sustaining training center in the region;
- (2) Undertake surveys of training needs of various public agencies and offices in the ARMM, and conduct continuing education and promotion programs on effective management and public administration;
- (3) Develop training design and modules for the training programs and activities responsive to the needs of ARMM Human Resource;
- (4) Develop and undertake comprehensive training programs;
- (5) Establish and organize pool of trainers from among experts within and outside ARMM both government and non-government;
- (6) Access and mobilize local and foreign resources to support implementation of its mandate as provided under the immediate preceding section and as may be authorized by the Regional Governor in accordance with existing law;
- (7) Request assistance from other agencies or instrumentalities of the Regional Government as maybe necessary to carry out the objectives and purposes for which the Academy had been created and established;
- (8) Advise the Regional Governor on the promulgation of executive and administrative orders, including regulative issuances and legislative proposals designed to strengthen the managerial competence and technical skills of ARMM officials and employees;
- (9) Operate and maintain a self-sustaining Regional Training Center that shall cater to various regional trainings, conferences, workshops and other related activities; and

- (10) Exercise such other powers and functions as maybe provided for by law or as directed by the Regional Governor, to promote efficiency and effectiveness in the delivery of public services as well as to meet the requirements of development for competent manpower in Muslim Mindanao.

SEC. 4. Organizational Structure. – The Academy shall be composed of the Offices of the President and the Vice President with two (2) departments such as: 1) Training/ Course Development Department; and 2) Training Program/ Course Implementation Department. Each Department shall be headed by a Training Director with a rank of Director I. It shall be supported by Administrative and Finance Division.

SEC. 5. Regional Training Center. – The Regional Training Center shall be composed of the Training Center Manager with a rank of Director I, and its immediate staff.

SEC. 6. Term of Office. - The President and the Vice-President of the Academy shall serve for a term of four (4) years.

SEC. 7. Qualifications. - The President and the Vice-President of the Academy shall have a doctorate degree. Selection and appointment to all positions shall be done strictly in accordance with qualification standards and procedures set by the Board of Trustees.

SEC. 8. Governing Body. - The ARMM Development Academy shall be governed by its Board of Trustees composed of five (5) members, and each shall serve for a term of four (4) years, to be appointed by the Regional Governor from among the different ethno linguistic groups in Muslim Mindanao. The President of the Academy shall sit in the Board as Ex-Officio Member. The Regional Governor is Honorary Chairperson of the Board and shall Chair the Board until the regular Chairperson is duly elected.

Chapter 2

Regional Sports Development Office (RSDO)

SEC. 9. Declaration of Policy- It is the policy of the regional government to develop and promote sports to foster physical and mental prowess and inculcate values of sportsmanship, understanding, cooperation, teamwork, camaraderie and goodwill. As such, it shall encourage and support sports programs, league competitions, indigenous games, martial arts, and amateur sports, including training for regional, national, and international competitions.

SEC. 10. Mandate. - The Regional Sports Development Office (RSDO) is mandated to sustain an integrated regional sports promotion and development program in the ARMM.

SEC. 11. Powers and Functions. - The RSDO shall have the following powers and functions:

- (1) Plan, implement and oversee the integrated sports promotion and development program for the region;

- (2) Coordinate and maintain linkages with the Philippine Sports Commission, Manila, National Sports Commission or organizations of other countries, and other non-governmental organizations, local or foreign, whose main objective is sports;
- (3) Establish and maintain fully-equipped sports facilities and centers in strategic places in the area of autonomy and supervise the management and maintenance thereof;
- (4) Formulate rules and regulations for the different sports competition defining and delineating areas of responsibilities of all sectors involved in sports promotion and development;
- (5) Provide such incentives, recognition and awards to deserving athletes and other persons and entities involved in or supporting sports development as may be permissible under the rules of amateurism;
- (6) Undertake basic and applied research on sports development, particularly the promotion and preservation of indigenous sports;
- (7) Assist in the establishment of regional, provincial, municipal and barangay or school district sports promotion and development councils, which shall initiate, conduct and coordinate sports activities in their respective jurisdictions; and
- (8) Perform such other functions as may be provided by law.

SEC. 12. Organizational Structure. – The Regional Sports Development Office (RSDO) shall be composed of the Office of the Regional Sports Coordinator and supported by three (3) units such as: Sports Development and Promotion Unit; Sports Regulations and Coordination Unit; and Finance and Administration Unit.

The Regional Sports Coordinator with a rank of Director I and with a fixed term of four (4) years. He/she shall possess the appropriate qualifications required by his/her position in accordance with existing civil service law and rules.

TITLE XX INFORMATION AND LIBRARY

Chapter 1 Bureau of Public Information (BPI)

SECTION 1. Declaration of Policy. - The Autonomous Regional Government recognizes the importance of information as a tool for regional development, to establish transparency and foster participative governance. For this purpose, BPI ensures to update the entire constituents of the region on ARMM thrusts, operations and development directions to achieve a high sense of recognition and maintain desirable image of the Autonomous Regional Government.

SEC. 2. Mandate. - The Bureau is mandated to provide the Office of the Regional Governor, all line agencies and offices in and outside of the ARMM an intensified information system to ensure a well-informed and well-educated populace and environs, participating in the affairs of the Autonomous Regional Government.

SEC. 3. Powers and Functions. - The Bureau has the following powers and functions:

- (1) Provide an institutional and effective information arm in the ARMM government to ensure participatory governance;
- (2) Develop viable measures institutionalizing a well-managed information feedback and feed-forward process between the Autonomous Regional Government and its constituents/clients and environs;
- (3) Institute plans and recommend information policies for executive issuances and in aid of regional legislation;
- (4) Establish viable information network in various line agencies and other offices or entities within and outside the region;
- (5) Conduct continuing research concerning the information needs and requirement of the ARMM government and its clients;
- (6) Establish and maintain conduits with public and private media outlets, local, national and foreign, to keep the regional populace and neighboring areas abreast with the development projects and programs, including events, opportunities and concerns in the region;
- (7) Develop and sustain informational package promoting the ARMM to attract investments and economic cooperation; and
- (8) Perform such other functions as may be authorized by the Regional Governor.

SEC. 4. Organizational Structure. - The Bureau of Public Information (BPI) is composed of Office of the Executive Director with the support of three (3) divisions and provincial coordinating units. The Bureau shall be headed by an Executive Director with a rank of Director III and with a term co-terminus to the appointing authority.

SEC. 5. The Divisions, Coordinating Units and their Respective Functions. - The Bureau has the following divisions and coordinating units with respective functions and responsibilities:

- (1) **Administrative and Finance Division** shall undertake administrative services relating to human resource management, supplies, property and equipment, records and other related services. It shall also undertake services relating to budget, disbursement and other financial matters;

- (2) **Print Division** shall undertake all information requirements pursuant to Bureau's inherent functions involving print media matters;
- (3) **Broadcast Division** shall undertake all information requirements pursuant to the Bureau's inherent functions involving broadcast (Radio and Television) media matters; and
- (4) **Provincial Field Units (PFU).** – The **Provincial Field Units** shall administer the provincial operations of the Bureau.

Chapter 2

The ARMM Regional Library

SEC. 6. The ARMM Regional Library. – The existing division for Library under the Administrative Management Service in the Office of the Regional Governor shall be upgraded and named as Regional Library and shall be realigned as an attached agency to the Office of the Regional Governor.

SEC. 7. Mandate. – The Regional Library is mandated to collect, maintain and preserve regional vital documents and laws, legislations, reports, orders/issuances and other documents of similar importance. It shall also serve as the primary instrumentality of the Autonomous Regional Government in providing free library services to as many people as possible and to maintain a viable cooperation with the National Library together with other public libraries in providing the maximum benefits of a wider variety of data and information.

SEC. 8. Powers and Functions. - The ARMM Regional Library shall have the following powers and functions.

- (1) Provide free library service to as many clients as possible not only thru the established library but also thru its bookmobile units;
- (2) Catalog and classify books and other reading materials for easy reference;
- (3) Maintain cooperation with the National Library for more book allocations and reading materials;
- (4) Keep and maintain the official Gazette of ARMM including its archives;
- (5) Encourage and assist local government units in the ARMM in cooperation with the National Library in the establishment of provincial, city, municipal and barangay libraries in their respective area of jurisdiction;
- (6) Establish and maintain a children's' library that will help develop future leaders;
- (7) Establish linkage with other government and non-government agencies with similar functions and services; and
- (8) Perform such other functions as may be provided by law.

SEC. 9. Organizational Structure. - The Regional Library shall be headed by a Licensed Librarian with the rank of Director II and shall be supported by two (2) Divisions namely: Readers' Services Division, Technical Services and Archives Division and supported by Administrative and Finance Unit.

TITLE XXI WOMEN, YOUTH AND SENIOR CITIZENS' AFFAIRS

Chapter 1 Regional Commission on Bangsamoro Women (RCBW)

SECTION 1. Declaration of Policy. - The Autonomous Regional Government recognizes the role of women in nation building and regional development. It shall promote their well-being and ensure respect, protection and promotion of their fundamental rights. It shall also ensure the representation of women in appropriate decision and policy-making bodies.

SEC. 2. Mandate. - The Commission shall be the principal women development agency of the Autonomous Region that shall promote women's economic empowerment; protect and advance women's rights through strengthened services and justice delivery system; promote gender-responsive governance through promotion of equal representation of women in decision-making bodies and promote Gender and Development programs.

SEC. 3. Powers and Functions of the Commission. - The Commission shall serve as the policy making body of the RCBW.

SEC. 4. Composition of the Commission. – The Commission Proper is composed of the Regional Chairperson and the five (5) Commissioners representing all provinces of the region. Each Commissioner must be a resident of the province she represents. The Regional Chairperson and the Commissioners shall be co-terminus with the appointing authority.

SEC. 5. Powers and Functions of the Executive Office. - The Executive Office shall:

- (1) Protect and promote the rights, dignity and welfare of women from any form of abuse and seek justice for them in any forum or court of law to address their grievances;
- (2) Support the resource generation, mobilization and technical improvement of women's program;
- (3) Provide technical assistance to women's groups on capability building;
- (4) Submit to the Regional Governor and Regional Assembly reports and recommendations on the promotion, protection and preservation of active involvement and participation of women in governance, peace building and sustainable development of their respective agencies, barangays, municipalities and provinces;

- (5) Formulate plans, programs and projects to ensure the participation and involvement of women in all levels;
- (6) Oversee the implementation of policies, programs and projects geared towards development of women;
- (7) Prepare the development plan for Bangsamoro women that shall serve as the blue print for their socio-economic and political development;
- (8) Promote and monitor implementation of Gender and Development programs being implemented by all line agencies and Local Government Units within the areas of Autonomy;
- (9) Coordinate closely with the Human Rights Commission, Department of Social Welfare and Development, Bureau on Cultural Heritage, national or international women's organizations, the Cooperative Development Authority and civic institutions to pursue and advance the welfare of women in the Autonomous Region; and
- (10) Perform such other functions as may be provided for by law or as directed by the Regional Governor.

SEC. 6. RCBW Organizational Structure. - The RCBW is composed of the Commission Proper as the governing body, the Office of the Regional Chairperson and the units therein; the Administrative and Finance Division; the Education, Research and Training Division; and the Planning and Operations Division.

SEC. 7. Qualification and Appointment. – No person may be appointed as Chairman or Commissioner, unless she is a natural-born citizen of the Philippines, a resident of the Autonomous Region for five (5) years, at least 35 years of age on the day of her appointment, a registered voter, holder of a master's degree or its equivalent and of good moral character.

Chapter 2

Office on Bangsamoro Youth Affairs (OBYA)

SEC. 8. Declaration of Policy. - The Autonomous Regional Government recognizes the vital role of the youth in nation building.

SEC. 9. Mandate. - The Office on Bangsamoro Youth Affairs (OBYA) is mandated to prepare, implement, monitor and evaluate plans and programs for the welfare and development of the youth sector to ensure its active participation in the affairs of the government.

SEC. 10. Powers and Functions. - The Office on Bangsamoro Youth Affairs shall:

- (1) Provide institutional and effective youth plans and programs in the ARMM to ensure active participation in the government;
- (2) Develop viable measures, institutionalizing youth-related program and activities between the ORG and the youth sector in the area of autonomy;

- (3) Institute plans and recommend programs policies for executive issuance and in aid of regional legislation;
- (4) Conduct trainings and research concerning youth development in the ARMM;
- (5) Strengthen communication linkages with the ORG, LGUs and other offices in the region;
- (6) Establish and maintain conduits with government and non-government organization, local, national and international, to keep the youth abreast with the development, projects and programs including events and issues concerning them;
- (7) Promote and sustain information drive on youth programs and activities within and outside the area of autonomy;
- (8) Promote unity and cooperation among the youth; and
- (9) Perform such other functions as may be authorized by the Regional Governor.

SEC. 11. OBYA Organizational Structure. – The Office on Bangsamoro Youth Affairs shall be composed of the Office of the Executive Director, Technical Management Division, Entrepreneurship/Livelihood Division, and Finance and Administrative Division.

SEC. 12. Composition. - The Office on Bangsamoro Youth Affairs shall be headed by Executive Director I and assisted by his/her immediate staff, three (3) division chiefs and provincial/city coordinators.

SEC. 13. Qualifications. - The Executive Director shall possess the qualifications required under the Civil Service Law and Rules for similar position, preferably resident of the ARMM for at least five (5) years prior to his/her appointment and must not be more than thirty-five (35) years old upon his/her appointment. The Executive Director shall have a fixed term of four (4) years without re-appointment.

Chapter 3 **ARMM Bureau on Senior Citizens**

SEC. 14. The Bureau on Senior Citizens shall be governed by MMA Act 92, otherwise known as An Act Creating the Bureau of Senior Citizens, Appropriating Funds Therefor, and for Other Purposes.

TITLE XXII

PEACE MONITORING AND RECONCILIATION

Chapter 1

ARMM Peace Process Office (APPO)

SECTION 1. Declaration of Policy- It is the policy of the Regional Autonomous Government of the Autonomous Region in Muslim Mindanao (ARMM) to actively participate in peace processes in consonance with the principle of settlement of conflicts by peaceful means, and abhorrence of any form of lawless violence as an instrument of redress.

SEC. 2. Mandate. – The **ARMM Peace Process Office (APPO)** shall be in charge for peace processes affecting the Autonomous Region in Muslim Mindanao (ARMM).

SEC. 3. The existing Joint Monitoring Committee shall be renamed as **ARMM Peace Process Office (APPO)**.

SEC. 4. Functions. - The **ARMM Peace Process Office (APPO)** shall perform the following functions:

- (1) Participate in peace processes affecting ARMM;
- (2) Coordinate with concerned agencies and bodies involved in peace processes;
- (3) Recommend policies concerning the promotion of peace in the region;
- (4) Conduct dialogues with stakeholders in peace building;
- (5) Coordinate and facilitate the implementation of programs and projects focused on peace building;
- (6) Monitor implementation of peace agreements and initiatives; and
- (7) Perform such other functions as may be authorized by the Regional Governor.

SEC. 5. APPO Organizational Structure. The ARMM Peace Process Office is composed of the Office of the Peace Adviser with a rank equivalent to Director II and shall be assisted by one (1) Legal Officer, at least five (5) Technical Staff and at least three (3) Administrative/Finance Staff.

SEC. 6. Qualifications and Term of Office. - The Peace Adviser must be a natural-born citizen of the ARMM and a resident thereof for at least five (5) years preceding his/her appointment. He/she shall have sufficient background and experience in peace building affecting the Bangsamoro people.

His/her term of office shall be co-terminus with that of the appointing authority, unless sooner removed for just cause.

Chapter 2
Regional Reconciliation and Unification Commission (RRUC)

SEC. 7. Declaration of Policy. – The Autonomous 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.

SEC. 8. Mandate. - The Regional Reconciliation and Unification Commission shall serve as an advisory and conflict management body of the Autonomous Regional Government for “Rido”/feuds, thereby helping enhance the promotion and maintenance of peace and security in the region.

SEC. 9. Functions. - In the pursuit of its objectives, the Commission shall have the following functions:

- (1) Recommend policies to Regional Governor;
- (2) Promote culture of peace and unity in diversity;
- (3) Coordinate with concerned agencies and bodies in settling conflicts;
- (4) Undertake region-wide inventory of rido/feud cases and maintain data bank;
- (5) Strengthen traditional methods of conflict prevention, resolution and management;
- (6) Monitor and assess projects and programs designed to promote reconciliation and unification of all parties involved in rido/feuds in the region; and
- (7) Perform such other functions as may be provided by law.

SEC. 10. Composition. - The Regional Reconciliation and Unification Commission (RRUC) shall be composed of one (1) Commissioner from each component province of the region. It shall be headed by a Chairman and assisted by a Vice-chairman who shall be appointed by the Regional Governor from among the members of the Commission with a Co-terminus status.

SEC. 11. Organizational Structure. - The Regional Reconciliation and Unification Commission (RRUC) is composed of the Offices of the Chairman and the Vice-chairman, the Office of the Executive Director and supported by three (3) divisions namely: Research and Policy Division, Peace Advocacy and Conflict Management Division, and Administrative and Finance Division.

The Chairman of the Commission shall recommend to the Regional Governor the appointment of officials and employees lower in rank than the Executive Director of the Commission. The incumbent officials and employees of the commission shall continue to perform their duties and functions and shall be given preferential rights in the filling-up of the created positions pursuant to subsequent implementing rules and regulations issued by competent authority.

TITLE XXIII
ADMINISTRATIVE SERVICES

Chapter 1
Human Resource Development and Management

SECTION 1. Recruitment. - The recruitment of employees for appointment in the career and non-career positions in all agencies and offices of the Autonomous Regional Government shall be open to all qualified men and women according to the principle of merit, fitness and equality and shall be in accordance with existing Civil Service rules and regulations.

All ARMM agencies and offices shall promulgate its respective Merit Selection Plan (MSP) which shall embody the procedures, scope, and manner in determining the qualified applicant or candidate for appointment to first and second level positions in the career service. It shall be guided by the following general policies:

- (1) There shall be equal opportunity for men and women at all levels of positions in the ARMM bureaucracy, provided they meet the minimum requirements of the position;
- (2) There shall be no discrimination in the selection of employees on account of his/her gender, civil status, disability, religion, ethnicity or political affiliation;
- (3) An applicant for employment in the first, second and third level position, who is competent, qualified, and possesses the appropriate civil service eligibility shall be considered for permanent appointment;
- (4) All candidates for appointment to first and second level positions in the line departments, agencies and offices shall be screened by the Personnel Selection Board (PSB) of the respective agency which shall be created by the agency or office in accordance with existing Civil Service law, rules and guidelines;
- (5) The comparative competence and qualification of candidates for appointment shall be determined on the basis of:
 - (a) Education and Training;
 - (b) Experience and Outstanding Accomplishments;
 - (c) Psycho-social Attributes and Personality Traits; and
 - (d) Potential
- (6) The appointing authority shall assess the merits of the PSB's recommendation for appointment and in the exercise of sound discretion, select, in so far as practicable, from among the top five ranking applicants deemed most qualified for appointment to the vacant position;

- (7) The agency/office shall submit through the Office of the Regional Governor, its proposed Merit Selection Plan to the Civil Service Commission for approval.

However, recruitment and appointment of officials to third level positions shall be governed by pertinent provisions as provided for in the qualifications set forth in their respective departments, agencies, commissions or offices. In addition, applicants to said third level positions must possess executive and managerial competence.

SEC. 2. Promotion. - An employee may be promoted or transferred to a position which is not more than three (3) salary steps or job rate higher than the employee's present position, except in very meritorious cases, such as, if the vacant position is next-in-rank as identified in the System of Ranking Positions approved by the head of the agency or office, or the lone or entrance position indicated in the agency's staffing pattern.

- (1) Before being considered for promotion, an employee should have rendered at least a very satisfactory performance in his/her present position for the last rating period;
- (2) The appointing authority may appoint an applicant who is not the next-in-rank but possesses superior qualification/s and competence, and has undergone the selection process;
- (3) An employee who is on local or foreign scholarship or training grant or on a maternity leave may be considered for promotion. The performance rating of the concerned employee shall be his/her rating immediately prior to the scholarship or training grant or maternity leave. His/her promotion shall be in effect upon assumption to duty; and
- (4) Promotion within six (6) months prior to compulsory retirement shall not be allowed, except as otherwise provided by law.

SEC. 3. Grievance. - Grievance which refers to work related issued giving rise to employee dissatisfaction shall be acted upon by the agency/office based on the following guidelines:

- (1) A grievance shall be resolved expeditiously at all times at the lowest level possible in any agency/office of the ARMM. However, if not settled at the lowest level possible, an aggrieved party shall present his/her grievance step by step following the hierarchy of positions;
- (2) All agencies shall establish a Grievance Machinery which is the best way to address grievance between or among government officials and employees to be approved by the Civil Service Commission;
- (3) The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on grievance;

- (4) Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed;
- (5) A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his/her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action;
- (6) If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor;
- (7) A Grievance Committee shall be created by every agency/office and shall be composed of permanent officials and employees, whenever applicable, based on his/her integrity, probity sincerity and credibility;
- (8) The agency grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least every quarter, "*talakayan*", counseling, HRD interventions and other similar activities;
- (9) The Human Resource Management Office, in collaboration with the agency Grievance Committee, shall conduct continuing information drive on grievance machinery among its officials and employees;
- (10) The Grievance Committee shall establish its own internal rules, procedures and strategies. Membership in the Committee shall be considered part of the members' regular duties;
- (11) The following cases are considered as work-related grievance which may be referred to the Committee:
 - (a) Non-implementation of policies, practices and procedures on terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits and other related personnel concerns;
 - (b) Non-implementation of policies, practices and procedures which affect the employees from recruitment to promotion, detail, transfer, retirement, termination, lay-off and other related issues that affect them;
 - (c) Physical working conditions;
 - (d) Interpersonal relationships and linkages;
 - (e) Protest on appointment; and
 - (f) All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

- (12) The following cases, however, shall not be acted upon through the grievance committee.
 - (a) Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administration Cases;
 - (b) Sexual harassment cases as provided for in *RA 7877*; and
 - (c) Union related issues and concerns.

SEC. 4. Performance Management System. - In line with the policies of the Civil Service Commission, all ARMM agencies and offices shall adopt a Performance Management System (PMS) geared towards continuously fostering improvement of organizational performance, employee effectiveness and efficiency, and provision of an objective performance rating at individual and team levels as basis for performance appraisal and recognition. The PMS shall be guided by the following policies and procedures:

- (1) The PMS shall adhere to a results-based performance approach;
- (2) The agency/office shall operate on the basis of the shared commitments and objective measures of performance results. Performance targets and standards or measures of results are planned and agreed upon by the management, supervisors and employees and in accordance to the agency organizational goals and mandates;
- (3) The PMS shall recognize the role of multi-stakeholders in its objective assessment and feed-backing on individual employee performance;
- (4) The PMS shall apply to all employees in the career service in a certain rating period, as may be determined by the agency/office. It may also apply to employees in the non-career service, whenever appropriate;
- (5) A Performance Management Review Committee (PMRC) shall be created in each agency/office and whose membership shall be determined by the agency/office head. It shall formulate appropriate procedures and mechanism to be observed in implementing the PMS; and
- (6) The PMRC shall review the comparative assessments of employees' performance targets to ensure rationalization of employee workload, particularly of those holding similar positions and working under the same work conditions and recommends necessary modifications or corrective action, if necessary.

SEC. 5. Incentives. - The Autonomous Regional Government shall adopt the Program on Awards and Incentives for Service Excellence (PRAISE) in line with the Revised Policies on Employee Suggestions and Incentives Awards System (ESIAS) as provided by the Civil Service Commission's rules and regulations.

- (1) The PRAISE shall adhere to the principle of providing incentives and awards based on performance, innovative ideas and exemplary behavior of the deserving employees;
- (2) It shall encourage, recognize and reward employees, individually or in groups, for their suggestions, innovative ideas, inventions, discoveries, superior accomplishments, heroic deeds, exemplary behavior, extraordinary acts or services in the public interest and other personal efforts which contribute to the efficiency, economy, and improvement in government operations, which lead to organizational productivity;
- (3) It shall be institutionalized in every ARMM agency/office through the creation of a PRAISE Committee composed of key officials of the agency/office and two (2) representatives from the rank-and-file, one (1) from the first level and one (1) from the second level. The representatives shall be chosen by the employees belonging to their respective level; and
- (4) The Committee shall be responsible for the development, administration, monitoring and evaluation of the awards and incentives system of the agency. The agency, may, however, employ an external or independent body to assist in objectively implementing the system.

Chapter 2

Procurement Management System

SEC. 6. Procurement Policy. – It is the policy of the Autonomous Regional Government to promote greater transparency, accountability, efficiency and equal opportunity in the government procurement system in consonance with the provisions of R.A. 9184 or the Government Procurement Reform Act, aimed to safeguard government public resources against loss or wastage due to graft and corruption, thereby generating substantial savings in the coffers of the Autonomous Regional Government.

SEC. 7. Scope and Coverage. – The Procurement Management System shall govern all procurement of the Autonomous Regional Government, departments, bureaus, agencies, locally created offices and LGUs in terms of Civil Works, Goods, Supplies, Materials and related services and consulting services.

SEC. 8. Creation of Bids and Awards Committee (BAC). – As a general rule, there shall be a single BAC in each department of the Autonomous Regional Government with the following functions:

- (1) Determine eligibility of bidders;
- (2) Receive and open bids;
- (3) Conduct evaluation of bids;
- (4) Undertake post-qualification; and

- (5) Recommend award of the Contract

SEC. 9. Composition of the BAC. – The BAC shall be composed of five (5) members, three (3) of whom shall be regular members and the two (2) shall be provisional members. The Chairperson shall be at least a 3rd ranking official of the Agency and the members shall be at least a 5th ranking permanent personnel.

(1) Regular Members:

The regular members shall be composed of:

- Chairperson – who shall serve for three (3) years
- 1st Member – who shall serve for two (2) years
- 2nd Member – who shall serve for one (1) year

Thereafter, all regular members shall serve for a fixed term of three (3) years. Technical, financial and legal areas of the agency shall each be represented in the fixed term/regular members. In case of resignation, retirement, separation, transfer, suspension, leave of at least six (6) months, the replacement shall serve only for the unexpired term. One of the regular members may be designated as Vice-Chairperson.

(2) Provisional Members:

The two (2) provisional members shall be technical members from the project end-user/Project Management Office

(3) Observers:

Aside from the five (5) members of the BAC, there shall be two (2) observers from relevant sectors with no direct or indirect interest in the contract to be bid, who shall sit and monitor in the proceedings. The observers shall sit as non-voting members of the BAC.

SEC. 10. BAC Secretariat. – There shall be created a BAC Secretariat who shall act as the main support unit of the BAC. The Head of the Secretariat in the regional offices shall be at least a 5th ranking official while in the bureaus and provincial offices he/she shall be at least a 3rd ranking official.

The BAC Secretariat shall have the following functions:

- (1) Provide administrative support for the BAC;
- (2) Organize and make necessary arrangements for the BAC meetings;
- (3) Attend BAC meetings;
- (4) Prepare minutes of the BAC meetings;

- (5) Take custody of procurement documents;
- (6) Manage procurement processes for the BAC;
- (7) Monitor procurement activities and make proper report;
- (8) Make arrangements for pre-procurement, pre-bid and bid-opening; and
- (9) Central channel of communication

SEC. 11. BAC Technical Working Group (TWG). – The BAC shall also create a Technical Working Group which shall assist in the eligibility screening and evaluation of bids. The BAC TWG has a Jury Duty wherein its members shall give utmost priority to BAC assignments over all other duties and responsibilities and shall assist in the continuous procurement process.

SEC. 12. Administrative Penalties for Bidders and Prospective Bidders. – The Procurement System of the Autonomous Regional Government shall also adopt measures to penalize erring bidders.

(1) Grounds for suspension of bidders

Any of the following shall be a ground to suspend bidders:

- (a) submission of eligibility requirements containing false information or false documents;
- (b) submission of bids that contain false information or falsified documents or; concealment thereof;
- (c) use of another name or allowing another bidder to use its name;
- (d) withdrawal of bid or refusal to accept an award;
- (e) refusal to post performance bond;
- (f) termination of the contract due to its default;
- (g) documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding;
- (h) other acts that tend to defeat the purpose of the bidding

(2) Penalties

- (a) 1st offense - 1 year suspension
- (b) 2nd offense - 2 years suspension

(c) disqualification to participate in any specific bidding

SEC. 13. Appeal. – The decision of the BAC in all stages of procurement maybe appealed in writing by the bidders to the Head of the Agency. The appeal shall be made in writing by filing of Position Paper containing the following:

Name of Bidder:

Office Address:

Name of Project:

Contract Number:

Facts of the complain:

The decision of the head of agency shall be appealable to the Regional Governor whose decision shall be final.

SEC. 14. Sanctions and Accountabilities. – The Procurement Management System of the Autonomous Regional Government shall also provide for administrative sanctions and stiffer penalties in terms of fine and imprisonment for all who do not abide by the provisions stated by law.

Chapter 3 Financial Management System

SEC. 15. Fiscal Policy. – The Autonomous Regional Government, in consonance with the budget system of the national government, shall adopt a regional budget system consisting of methods and practices of the government for planning, programming and budgeting. It shall include the adoption of sound economic and fiscal policies and the execution of programs and projects geared towards the accomplishment of political, economic and social objectives. Its primary concern is the availability of use of money to provide the services required as expected from the government.

The budget system of the Autonomous Regional Government shall be interlinked with other systems or techniques of national government to accomplish its objectives. The systems of accounting, personnel administration are essential to the effective operation of the budget system.

Under this system, the Autonomous Regional Government shall carry out all government activities under a comprehensive fiscal plan, which are authorized, developed and executed in accordance with the constitution and the provisions of *RA 9054*, prevailing statutes and the principles of sound public management. It shall provide for periodic review and disclosure of the fiscal position of the government in such detail that fiscal officers entrusted by law with the responsibility of managing the fiscal affairs of the Autonomous Regional Government can determine the true financial position of the Regional Government.

SEC. 16. Budgeting Process. – The budgeting process shall consist of budget preparation, authorization, execution, and accountability. The process shall consist of the following:

- (1) Budget Preparation - Preparation of budget estimates
- (2) Budget Authorization - Legislative authorization of the budget
- (3) Budget Execution - Allotment of the appropriations incurrence of obligations
- (4) Budget Accountability - Reporting on actual performance against plans

SEC. 17. Fiscal Year. – Pursuant to Article VII, Section 21 of R.A. 9054, the fiscal year of the autonomous region shall cover the period January 1 to December 31 of every year, in consonance with the fiscal year of the national government.

- (1) **Regional Budget** – 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.
- (2) **Regional Assembly Power Over Budget** – 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 law enacted by the Regional Assembly. Pending the enactment of such law, the budgeting process shall be governed by existing laws and rules and regulations prescribed by the Department of Budget and Management.
- (3) **Prohibitions Against Riders** – No provision or enactment shall be embraced in the regional appropriations therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.
- (4) **Procedure for Approval** – In approving appropriations for its own operation, the Regional Assembly shall strictly follow the procedure for approving the appropriations for all departments and agencies of the Autonomous Regional Government.
- (5) **Specific Purpose and Availability of Funds** – A special appropriations bill shall specify the purpose for which it is intended and shall be supported by funds actually available or to be raised by a corresponding revenue proposal as certified by the Treasurer of the Autonomous Regional Government.
- (6) **Transfer of Funds** – No regional law shall be passed authorizing any transfer of appropriations. The Regional Governor, the Speaker of the Regional Assembly, and the Presiding Justice of the highest Shari’ah court may, however, be authorized by law enacted by the Regional Assembly, to augment any item in the Regional General

Appropriations Law for the respective offices from savings in other items of their respective appropriations.

- (7) **Discretionary Funds** – Discretionary funds appropriated for particular officials shall be disbursed only for public purposes as evidenced by appropriate vouchers and subject to such guidelines as prescribed by law enacted by the Regional Assembly.

Chapter 4 Property, Facilities and Equipment Management

SEC. 18. Property Ownership. - The land, permanent buildings or structures, facilities and equipment owned, controlled, administered, or in the possession of the Autonomous Regional Government, including those transferred and formerly owned, held, administered, or controlled by the defunct autonomous governments in Regions IX and XII and the properties and assets of offices devolved to the ARMM shall remain the property of the Autonomous Regional Government.

As much as practicable, these properties shall be saved, retained, developed and managed in pursuit to an effective and efficient delivery of services and governance.

SEC. 19. Disposition of Real Properties located outside ARMM. - In the event the Autonomous Regional Government decides to dispose the real properties owned, controlled and administered by the Autonomous Regional Government located outside the ARMM, these properties shall be disposed in accordance with existing pertinent laws, rules and regulations of the Autonomous Regional Government.

TITLE XXIV ARMM GOVERNMENT OWNED AND CONTROLLED CORPORATION (ARMM-GOCC)

Chapter 1 Regional Ports and Management Authority (RPMA)

SECTION 1. Declaration of Policy. - It is the declared policy of the Autonomous Regional Government to integrate with the National Port System the management, operation, financing, planning and construction of Ports or Port District under its territorial jurisdiction in order to foster the development, growth and promotion of domestic and foreign seaborne trade and commerce in the Autonomous Region in Muslim Mindanao.

SEC. 2. Mandate. - The Regional Ports Management Authority shall manage, administer and operate all ports under its jurisdiction in the Autonomous Region in Muslim Mindanao consistent with national and global safety, security and productivity standards towards the delivery of reliable and competitive maritime services, increased port demand and utilization and attainment of sustainable financial viability in consonance with the following objectives:(;)

- (1) Coordinate, improve and optimize the planning, development, financing, construction, maintenance and operation of ports, port facilities, port physical plants, and all equipment used in connection with the operation of a port;
- (2) Ensure the smooth flow of waterborne commerce passing through the Autonomous Regional Government ports, whether public or private, in the conduct of international and domestic trade;
- (3) Promote regional development through the dispersal of industries and commercial activities throughout the different provinces;
- (4) Foster inter-island seaborne commerce and foreign trade;
- (5) Redirect and reorganize port administration beyond its specific and traditional functions of a total Port District development, including encouraging the full and efficient utilization of the port's hinterlands and tributary areas; and
- (6) Ensure that all income and revenues accruing out of dues, rates, and charges for the use of facilities and services provided by the Authority are properly collected and accounted for by the Authority and to ensure that a reasonable return on the employed is realized.

SEC. 3. Powers and Functions. - In pursuing its mandate to align all port facilities in the Regional Autonomy as vibrant links in the nation's overall Maritime Transport Chain and, of the world, the Regional Ports Management Authority (RPMA) shall exercise such corporate powers and functions, as follows:

- (1) The Corporate Duties of the RPMA are as follows:
 - (a) Coordinate with DOTC-ARMM, DPWH-ARMM, RPDO, Philippine Ports Authority districts in Mindanao and other regional agencies in the formulation of a comprehensive Port Development Plan for the region and to program its implementation, renew and update the same annually;
 - (b) Supervise, control, regulate, construct, maintain, operate, and provide such facilities or services as are necessary in the ports vested in, or belonging to the Authority;
 - (c) Prescribe rules and regulations, procedures, and guidelines governing the establishment, construction, maintenance and operation of all other ports, including private ports in the ARMM;
 - (d) License, control, regulate, supervise any construction or structure within the Port District;
 - (e) Provide services (whether on its own, by contract, or otherwise) within the Port District and the approaches thereof, including but not limited to: berthing, towing, mooring, moving, slipping, or docking any vessel, loading or

discharging any vessel; sorting, weighing, measuring, warehousing, or otherwise, handling goods;

- (f) Exercise control of or administer any foreshore rights or leases which may be vested in the Authority, from time to time;
- (g) Coordinate with the Regional Bureau of Lands or any other government agency or corporation, in the development of any foreshore area;
- (h) Control, regulate and supervise pilotage and the conduct of pilots in any port in the ARMM;
- (i) Provide or assist in the provision of training programs and training facilities for its staff, or staff of port operators and users for the efficient discharge of its functions, duties, and responsibilities;
- (j) Exercise the corporate powers and the Police Authority now vested in the Regional Ports Authority; Provided, that the exercise of Police Authority shall not extend to areas outside the Autonomous Region; and
- (k) Perform such acts or provide such services, as may be deemed proper or necessary, to carry out and implement the provisions of this Code.

(2) The Corporate Powers of the RPMA are as follows:

- (a) Succeed in its corporate name;
- (b) Sue and be sued in such corporate name;
- (c) Adopt, alter, and use a corporate seal;
- (d) Create or alter its own organization or any Port;
- (e) Establish Management Office and staff such Port Management Office with appropriate and qualified personnel in accordance with what may be deemed proper or necessary to achieve the objectives of the Authority;
- (f) Enter into contracts, transactions and undertakings of any kind or nature, both foreign and local, to enable it to discharge its functions under this Code;
- (g) Levy dues and impose rates or charges for the use of the premises, works, appliances, facilities, or for services provided by or belonging to the Authority or any other organizations concerned with port operations;
- (h) Reclaim, dredge, excavate, enclose, or raise any part of the lands vested in the Authority;
- (i) Exercise the right of eminent domain;

- (j) Acquire, own, hire, use, operate and dispose of personal property, real property and interest thereon, and to make improvements on such real property;
- (k) Purchase, hold, alienate, mortgage, pledge, or otherwise dispose of the shares of the capital stock, bond, security or other evidences of indebtedness;
- (l) Supply water or bunkers for ships;
- (m) Make expenditures for promotion of the business affairs of the Authority;
- (n) Do all such other things and to transact all such business directly or indirectly necessary, or conducive to the attainment of the purpose of the Authority; and
- (o) Generally, exercise all the powers of a corporation under the Corporation Law insofar as they are not inconsistent with the provisions of this Code.

SEC. 4. Organizational Structure. - The Regional Ports Management Authority is composed of the Governing Board, the Office of the General Manager, the Port Services, the Ports Management Offices (PMOs) and the Terminal Management Office (TMOs).

SEC. 5. Governing Board. - The corporate powers of the Authority shall be vested in the Governing Board which shall serve as its highest policy-making body, to be composed of the following:

(1) Regional Governor, ARMM	Chairperson
(2) Regional Secretary, DOTC-ARMM	Vice Chairperson
(3) General Manager, RPMA-ARMM	Member
(4) Regional Treasurer, ORT	Member
(5) Regional Secretary, DTI-ARMM	Member
(6) Regional Secretary, DAF-ARMM	Member
(7) Regional Secretary, DPWH-ARMM	Member
(8) Chairperson, RBOI	Member
(9) Chairperson, Committee on Transportation/ Communications, RLA-ARMM	Member
(10) Representative from Shipping Association	Member
(11) Representative from Labor Association	Member
(12) Representative from Business Chambers	Member

The members of the Governing Board shall receive per diems for each Board Meeting actually attended to be fixed by them or by legislation.

Seven (7) members of the Board shall constitute a quorum to transact official business.

SEC. 6. Office of the General Manager. - The Office of the Regional Manager shall consist of the General Manager, his/her immediate staff, and the Legal Division which shall provide legal services to the Authority.

SEC. 7. Functions of the General Manager. - The General Manager shall be the head of the agency and shall be responsible to the day-to-day management and supervision of the office. He/she shall exercise the following duties and responsibilities:

- (1) Implement, enforce and apply policies, programs, guidelines, procedures, decisions, rules and regulations promulgated, prescribed, issued or adopted by the Authority;
- (2) Manage the day-to-day affairs of the Authority, and ensure the operational efficiency of the ports under the jurisdiction and ownership of the Authority;
- (3) Sign contracts; to approve expenditures and payments within the budget provisions, and, generally, to do any all acts or things for the proper operation of the Authority or any of the ports under the jurisdiction, control or ownership of the Authority;
- (4) Submit an annual budget to the Board for Recurrent Income and Expenditures and the Estimated Capital Expenditures for its adoption not later than two months before the commencement of the ensuing Fiscal Year;
- (5) Undertake research, studies, investigations, and other activities and projects and to submit comprehensive reports and appropriate recommendations to the Board for its information and approval; and
- (6) Perform such other duties as may be required by law.

SEC. 8. Assistants to the General Manager. - The General Manager shall be assisted by two (2) Assistant General Managers, one (1) for Operation and one (1) for Administration and Finance.

SEC. 9. Functions of the Assistant Manager for Operation. - The Assistant General Manager for Operation shall perform the following functions:

- (1) Monitor the implementation of port projects, plans, constructions, programs, functions and other port activities necessary to properly discharge port services;
- (2) Conduct research regarding ports development and other port functions, which are advantageous to the government;
- (3) Recommend to the General Manager other programs both operational and managerial activities;

- (4) See to it that all plans and programs are gradually/properly implemented; and
- (5) Perform such other functions as may be required by law.

SEC. 10. Functions of the Assistant General Manager for Administration and Finance. - The Assistant General Manager for Administration and Finance shall exercise the following functions:

- (1) Assist the General Manager in implementing, enforcing, and applying the policies, programs, guidelines, procedures, decisions, rules and regulations promulgated, prescribed, issued, or adopted by the Authority;
- (2) Assist the General Manager in the performance of his/her other functions and duties;
- (3) Monitor all financial documents and other supporting papers, reports are properly made, submitted to requesting agencies or entities;
- (4) Monitor, undertake administrative issuances;
- (5) See to it that such functions are properly implemented;
- (6) Sign checks and counter-check issued vouchers and other documents in support to financial transactions; and
- (7) Perform such other functions as may be required by law.

The positions of Assistant General Manager for Engineering and Assistant General Manager for Corporate Affairs may be created as the need arises, subject to the recommendation of the Governing Board and approval of the Regional Governor.

SEC. 11. Services of the Authority. - The Authority shall:

A. Operation Services

- (1) Port Operation Division shall be composed of Commercial Development Section and Engineering Section. The division shall:
 - a. Implement policies relating to operation of ports encompassing safety, productivity, vessel and cargo reception, labor management and contract system;
 - b. Establish data banking, retrieval and collation, market trends, marketing and promotions; and
 - c. Undertake port planning and development, maintenance, rehabilitation, construction and expansion program consistent with national policy.

- (2) Safety and Security Division shall carry-out effective regional security policy, gate management scheme for the protection of port facilities, stakeholders, ships and portworkers in conformity with the National Safety Security Programmes for Sea Transport and Maritime Infrastructure and the International Ship and Port Facility Security (ISPS) Code as imposed by the DOTC-National and the International Maritime Organization, respectively.

B. Administrative and Finance Services

- (1) Administrative Division shall carry-out policies relative to records management, human resource development, supply and property management and general services; and
- (2) Finance Division shall provide services related to fiscal management and control, bookkeeping and accounting system and other national policy covering government-owned and controlled corporation.

SEC. 12. Port Management Office. - A Port Management Office shall be established at an identified Baseport in ARMM to serve as maritime hub of the RPMA.

SEC. 13. Composition of the Port Management Office. - The Port Management Office shall be composed of the following:

- (1) **Port Services Division** shall enforce port rules and regulations attendant to safety, vessel cargo reception, harbor/dockwork supervision and labor management;
- (2) **Engineering Services Division** shall be charged to ensure that port facilities are maintained efficiently and kept at readyline round-the-clock and to propose/conduct repairs, maintenance and expansion projects, as may be necessary, to sustain efficient port services;
- (3) **Resource Management Division** shall take charge of enforcing policies relating to bookkeeping/accounting procedures, disbursement of funds, financial management and control, personnel training program, supply procurement and management, cashiering and related services; and
- (4) **Port Police Division** shall be charged to implement gate management policy, cargo control and surveillance and security of port facilities, ships, portworkers, stakeholders and other port users in consonance with National and International standards in coordination with other port authorities and law enforcement units operating inside the port operation zone.

SEC. 14. Functions of the Port Manager. - The Port Manager shall perform the following duties and functions:

- (1) Exercise over-all supervision and regulatory control over all outports and feeder ports situated within his/her operational jurisdiction.

- (2) Responsible for the development of plans and programs consistent with guidelines set forth by the General Manager and sees their efficient implementation by all Divisions/Sections within the Port Management Office;
- (3) Formulates rules and regulations, systems and procedures on all aspects of port administration within the PMO;
- (4) Oversees and coordinates the activities of all units to ensure efficient accomplishment of planned objectives and targets;
- (5) Keeps the General Manager fully informed on the operation and status of pertinent programs within the PMO;
- (6) Supervises the handling of legal transactions affecting the port;
- (7) Manages the resources of the port in accordance with approved plans, programs and budgets;
- (8) Sees to proper use, custody and periodic evaluation of all assets of the PMO;
- (9) Supervises the preparation of annual/semi-annual and regular accomplishments and reviews the annual programs and budgets for submission to top management;
- (10) Sees to it that pertinent data regarding the use of resources/facilities and rendition of services are collated, recorded and made available to appropriate officials in the RPMA;
- (11) Sees to it that port facilities are properly maintained and adequate port equipment are available and operational;
- (12) Approves recommendations, measures consistent with existing guidelines;
- (13) Recommends for approval improvements of systems and procedures, engineering projects, procurement of equipment and supplies, recruitment and selection of personnel, payments of creditors and other disbursement, police intelligence operations, issuance of temporary permits to operate and/or occupy port premises in accordance with existing guidelines; and
- (14) Performs such other duties and functions as may be required by law.

SEC. 15. Terminal Management Office. - A Terminal Management Office shall be established at an identified out-port, feeder port or municipal port whenever practicable. The TMO shall be supervised by a Terminal Operation Supervisor who shall be under the administrative and operational control of the Port Manager within the province where the facility is located.

SEC. 16. Functions of the Terminal Management Supervisor. - As head of the Terminal Management Office, the Terminal Operation Supervisor shall exercise the following duties and functions:

- (1) Oversees the day-to-day activities of the port and report problems to the Port Manager for final action;
- (2) Submits regular reports on collection/revenue and trade statistics;
- (3) Recommends maintenance/repair of facilities;
- (4) Keeps liaison with the local government unit on matters affecting port operation and submits recommendations/actions taken;
- (5) Supervises dockwork and cargo handling operations; and
- (6) Performs such other functions as may be required by law.

SEC. 17. Terminal Management Office. - The Terminal Management Office shall be composed of the following units:

- (1) Port Operation Unit shall take charge of vessel entrance/clearance amenities, assessment/collection of port charges, safety and dockwork supervision.
- (2) Maintenance Unit shall monitor the status of port facilities and undertake minor repairs as well as submit recommendation for immediate action;
- (3) Bookkeeping and Accounting Unit shall maintain records of revenues/ collections, depository and cashiering; and
- (4) Port Police Unit shall enforce gate management system and implement security measures/arrangements for the protection of ships, cargoes, equipments, port personnel/laborers and other port users.

The composition of personnel in the established out-ports, feeder ports or municipal ports shall be recommended by the Port Manager, subject to the approval of the General Manager.

SEC. 18. Fiscal Autonomy. - In the exercise of its corporate powers, the Regional Ports Management Authority shall have fiscal autonomy over the management of its revenues and corporate funds, as approved by the Governing Board.

In the exercise of such corporate powers, a Trust Fund constituting forty percent (40%) of the collection remitted to the Regional Ports Management Authority from its ports shall be established for the exclusive use of the Authority. The disposition of this Trust Fund shall be determined by the Governing Board. The remaining sixty percent (60%) shall be remitted by the RPMA to the Office of the Regional Treasurer as Regional Funds and shall be utilized in accordance with an act of the Regional Assembly.

SEC. 19. Policy-Making and Program Coordination. - As an attached agency operating as a Government-Owned and Controlled Corporation, the Regional Secretary of DOTC-ARMM, shall prescribe policy, rules and regulations attendant to periodic reportage and project planning and programming, in coordination with the Governing Board, to ensure that RPMA corporate thrusts are well aligned with the National Maritime Transportation and Ports Development Agenda.

SEC. 20. Supervisory and Regulatory Power of the Regional Ports Management Authority. - The Regional Ports Management Authority shall exercise supervisory and regulatory powers over all private and municipal ports legally operated by private operators and local government units, in consonance with the declared policy of the State herein adopted and pursued by the Autonomous Regional Government.

SEC. 21. Compliance with International and National Port Policy. - As a signatory to the International Convention, the Philippines is committed to implement the International Ship and Port Facility Security (ISPS) Code as imposed by the UN/International Maritime Organization and, consequently, the National Security Programme for Sea Transport and Maritime Infrastructure (NSPSTMI) of the Philippines in all ports of the country. Towards this end, the Regional Ports Management Authority shall comply with the mandatory requirements under these documents, as prescribed by the DOTC/Office of Transportation Security (OTS), the single authority designated by the Republic of the Philippines, as a Contracting Government, set forth under Executive Order No. 311 and the provisions of all Transportation Security Regulations, (TSR), as may be hereinafter, legislated and/or formulated for all ports in the country.

The Regional Ports Management Authority shall also comply and implement other existing International Conventions regulating Vessel Entrance/Clearance Amenities and Maritime Pollution (UN-IMO), Dockworkers Safety and Health Standards (UN-ILO) and Cargo Documentation and Packaging (UN-ISO), among others.

SEC. 22. Imperative of Port Planning, Construction and Development. - The port planning, construction and development of the RPMA shall conform with the advent of modernization of the shipping industry and growing sophistication in cargo handling services influenced by the globalization and onset of the “Borderless Economy” which makes it imperative for the RPMA to modernize and be compliant with global standards of cargo, vessel and passenger amenities presently revolutionizing waterfronts worldwide.

SEC. 23. Powers of Harbor Master. - The Authority, through the Harbor Master of a port or Port District, may:

- (1) Direct where any vessel shall be berthed, moored or anchored and the method of berthing with the port and anchoring at the approaches/anchorage area of the port;
- (2) Direct shifting of any vessel from any berth or anchorage to another berth or anchorage and the time within which such shifting is to be effected; and

- (3) Regulate the mooring of vessels considering weather condition, availability of berth space and safety/security in coordination with operation personnel, port police and Philippine Coast Guard.

SEC. 24. Authority to Formulate Port Rules and Regulations. - The RPMA shall have the power to formulate and enforce port rules and regulations consistent with national policy and to impose/exact reasonable administrative fines for such specific amounts and for such specific violations arising out of the use of the port.

SEC. 25. RPMA Management and Staff. – The RPMA Management and Staff shall be screened and appointed subject to the following policy:

- (1) The General Manager and the Assistant General Managers shall be appointed by the Regional Governor for a term of four (4) years: Provided, that upon the expiration of their respective terms, they shall continue to serve until their successors shall have been appointed and qualified: Provided further, that no vacancy shall be filled except for the unexpired portion of the term: Provided finally, that the Regional Governor may remove the General Manager and Assistant General Managers from office for cause upon the recommendation of the Board;
- (2) All other officials and employees of the Authority including those of professional and technical positions which are policy determining, primarily confidential and highly technical in nature shall be selected and appointed by the General Manager consistent with Civil Service rules and regulations; and
- (3) The General Manager shall, subject to the approval of the Board, determine the staffing pattern and the numbers of personnel of the Authority, define their duties and responsibilities, and fix their salaries and emoluments. For professional and technical positions, the General Manager shall recommend salaries and emoluments that are comparable to those of similar positions in other government-owned corporations, the provisions of existing rules and regulations on wage and position classification notwithstanding.

SEC. 26. Creation of Port Bodies. - To ensure safety, security and productivity and to sustain port utilization and demand in the ARMM Port System, the following Port Bodies may be created:

- (1) **Regional Port Management Advisory Council** – Tasked to receive, deliberate and decide problems, issues and concerns raised by the port community relating to enforcement of port policy and rules and regulations in the Baseports or Outports and, where needed, submit recommendations to the Governing Board for final action;
- (2) **Port Management Advisory Committee** – A forum in the Baseports charged to discuss problems, issues and concerns encountered during their day-to-day operation and to submit to the Regional Port Management Advisory Council recommendations or actions taken, where needed;

- (3) **Port Integrated Clearing Office** – A one-stop-shop organized in the Baseports/Outports composed of representatives from Port Authorities with inherent mandates to perform inside the facility to facilitate processing of cargo documents before these are granted entry/withdrawal to/from port premises;
- (4) **Port Claims and Arbitration Committee** – A Body tasked to investigate and decide cases involving claims for loss, damage, and/or tampering of cargoes, damage of equipment/facility during cargo handling operation and/or while at stacking area inside port operation zone;
- (5) **Port Facility Security Advisory Committee** – A consultative Body created to implement the International Ship and Port Facility Security Code imposed by the International Maritime Organization and the National Security Programme for Sea Transport and Maritime Infrastructure prescribed by the DOTC-National for all ports and outports in country to deter all forms of unlawful acts aimed at ships, port facilities, equipment and Maritime Industry Participants; and
- (6) **Maritime Board of Inquiry** – A Body tasked to investigate marine protests filed by Vessel Masters arising from accidents which result to damage of vessel and/or port facilities and injuries the people and to decide such case after due process.

Membership of the aforecited Port Bodies shall be culled from the cross-section of various Maritime Industry participants of the region, as may be deemed appropriate by the Authority.

SEC. 27. Quasi-Judicial Power. - As a public corporate entity, the Regional Ports Management Authority is clothed with Quasi-Judicial Power to try and hear cases and its decision on cases under its jurisdiction is final and executory.

SEC. 28. Plantilla Positions and Funding Support. - Upon enactment of this Code, the General Manager shall make direct representations to the Department of the Budget Management for the approval of the existing RPMA Organizational Structure herein initially proposed, from the Regional Office down to the Port Management Offices and Terminal Management Offices, for the immediate opening of plantilla positions of port personnel with the corresponding budget support in consonance with the provisions of EO No. 435, DOTC DO 97-1113 and applicable national policy.

SEC. 29. The provisions of MMA Act 125 which are not consistent with the Code is hereby repealed.

Chapter 2

Regional Telecommunications Commission (RTC)-ARMM

SEC. 30. Mandate. – The Regional Telecommunications Commission -ARMM is an attached agency of the DOTC-ARMM. It shall exercise the mandate pertaining to all matters of telecommunications in the Autonomous Region as provided by the Executive Issuance devolving the DOTC which includes the National Telecommunications Commission to the Autonomous Government.

SEC. 31. Powers and Functions of RTC-ARMM. - In coordination with the Department of Transportation and Communication-ARMM, the RTC-ARMM shall exercise the following powers and functions:

- (1) Issue Certificate of Public Convenience (CPC) for the operation of communication utilities and services, radio communication systems, wire or wireless telephone or telegraph systems radio and television broadcasting systems and other similar public utilities within ARMM;
- (2) Maintain its regulatory and quasi-judicial function as an attached agency under the DOTC-ARMM as devolved by virtue of E.O. 435 and its IRR (D.O. 97-1113) and the MOA between NTC National and DOTC and RTC-ARMM entered into on 31st day of January 1997 and in accordance with pertinent provisions of R.A. 9054;
- (3) Establish, prescribe and regulate areas of operation of particular operators of public service communications within ARMM and determine and prescribe charges or rates pertinent to the operation of such public utility facilities and services except in cases where charges or rates are established by international bodies or associations of which Philippines or ARMM is a participating member or bodies recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (4) Grant permit for the use of radio frequencies for wireless telephone and telegraph systems and radio communication systems including amateur radio stations and radio and television broadcasting systems within the region, subject to limitations provided under national laws;
- (5) Establish and prescribe rules, regulations, standards and specifications in all cases related to the issued Certificates of Public Convenience and administer and enforce the same within its territorial jurisdiction;
- (6) Cooperate and coordinate with government agencies and other entities concerned with any aspect involving telecommunications service in the ARMM;
- (7) Promulgate such rules and regulations applicable within its jurisdiction, as public safety and interest may require, to encourage a larger and more effective use of communications, radio and television broadcasting facilities and to maintain effective competition among private entities in these activities whenever feasible;
- (8) Supervise and inspect the operation of radio stations and telecommunication facilities in the region;
- (9) Undertake the examination and licensing of radio operators in the region;
- (10) Undertake whenever necessary the registration of radio transmitters and transceivers operated and used within its territorial jurisdiction; and
- (11) Perform such other functions as may be prescribed by law.

SEC. 32. RTC-ARMM Organizational Structure. - The RTC-ARMM is composed of the Office of the Regional Director with a rank of Director II, the Office of the Assistant Director with a rank of Director I, the Administrative and Finance Division, the Enforcement Division, the Licensing Division and the Field Coordinating Offices and the respective sections and units in the Office.

SEC. 33. Divisions under the RTC-ARMM. - There shall be three (3) divisions in the RTC-ARMM, namely:

- (1) Administrative and Finance Division
- (2) Licensing Division, and
- (3) Enforcement/Operation Division

Each of the aforesaid divisions shall be headed by a Division Chief to be appointed by the Regional Director of RTC-ARMM.

SEC. 34. Powers and Functions of the Administrative and Finance Division. - Administrative and Finance Management Division shall have the following powers and functions:

- (1) Provides the services relating to Human Resource Management and Development like career planning and development, personnel transactions and employee welfare;
- (2) Responsible for the other aspect of administrative functions which shall include, but not limited to, records, correspondence, supplies, property and equipment, and general services;
- (3) Provides the services relating to accounting, budget, collection, disbursement, and other related financial matters;
- (4) Collects all fees and payments prescribed by and payable to RTC-ARMM and ensure its remittance to the Office of the Regional Treasury;
- (5) Ensure submission of periodic reports of its operation as approved by the Regional Director of RTC-ARMM; and
- (6) Perform such other functions and duties as may be provided by law, or as may be necessary, or proper or incidental to the purposes and objectives of the Autonomous Regional Government.

SEC. 35. Powers and Functions of the Licensing Division. – The Licensing Division shall have the following powers and functions:

- (1) Accepts, evaluates, processes all applications for new and renewal of radio station and operators under the approved or authorized decentralized licensing functions of the region;
- (2) Monitors the ratio frequency to determine compliance with the technical regulations and standard by radio station through the available monitoring equipment;
- (3) Prepares and submits plans, programs and targets for monitoring of all communication utilities operated in the ARMM area; and
- (4) Perform such other functions and duties as may be provided by law, or as may be necessary, or proper or incidental to the purposes and objectives of the Autonomous Regional Government.

SEC. 36. Powers and Functions of the Enforcement/Operations Division. - The Enforcement/ Operations Division shall have the following powers and functions:

- (1) Responsible for the monitoring and field inspection and investigation of all radio stations within the ARMM area;
- (2) Coordinate enforcement activities with other agencies for the effective implementation of telecommunications laws, rules and regulations;
- (3) Causes the sealing and confiscation when evidence warrants of any transmitter or transceiver found to be illegally possessed, owned or operate in the area including the implementation of closure orders of the commission and submit pertinent reports and recommendations to the office of the ARMM Regional Governor thru the DOTC-ARMM Regional Secretary;
- (4) Prepares and submit operations and monitoring accomplishment reports;
- (5) Conducts physical inspections of all telecommunications and broadcast facilities/stations including CATV systems in the region and other stations of various radio services;
- (6) Conduct monitoring of all public communication facilities; and
- (7) Perform such other functions and duties as may be provided by law, or as may be necessary, or proper or incidental to the purposes and objectives of the Autonomous Regional Government.

SEC. 37. Standard Setting. - The RTC-ARMM, in the exercise of its powers as devolved under Executive Order 435 may formulate its own standards; provided that in the formulation of the regional standards, it shall adhere to the national standards and pertinent national laws as a minimum requirement.

SEC. 38. Budget and Appropriation. - The budget for RTC-ARMM shall, in coordination with the RBMO, be directly transferred to it in accordance with existing budget and appropriation policies.

SEC. 39. Revenue Collection and Its Allocation. - All revenues collected by RTC-ARMM pursuant to its mandate shall accrue to the Autonomous Regional Government Fund, provided that forty percent (40%) of its remittances shall be retained and directly allocated for RTC-ARMM thru a Trust Fund which shall be used to augment the operational budget of the agency.

SEC. 40. Allocation of Programs and Projects. - Pursuant to Section 8 of Presidential E.O. 435 Series of 1997, all allocations of programs and projects of the NTC, whether locally-funded or foreign-assisted, in the ARMM, earmarked for or to be implemented in the region, including grants, shall be transferred to the RTC-ARMM including its corresponding budgets and assets as well as the existing assets, equipment, being programmed or utilized for ARMM and its component provinces and city.

SEC. 41. Technical Assistance. - The DOTC-ARMM shall make available to the RTC-ARMM such technical assistance as may be necessary to enable it to carry out effectively the mandate of the agency pursuant to Regional Executive Order No. 04, Series of 2011.

SEC. 42. Personnel. - The two (2) devolved personnel serving as Senior Telecommunications Officers from NTC who are under the direct control and supervision of the DOTC-ARMM at the time of the approval of this Code and the corresponding budget thereof, shall be transferred to and absorbed by the RTC-ARMM without loss or diminution of seniority rights, compensation and other benefits. Such devolved personnel shall continue to enjoy security of tenure and shall not be removed except for a valid cause in accordance with Civil Service law, rules and regulations.

SEC. 43. Transfer of Funds, Records and Properties. – The funds, records and properties belonging to the NTC-ARMM which are under the direct control and supervision of the DOTC-ARMM at the time of the approval of this Code, shall be turned over to the RTC-ARMM within the period not exceeding three (3) months after the effectivity of this Code. The official responsible to effect such transfer who refuses or fails to abide by this provision shall be held accountable in accordance with existing law.

Chapter 3 **Regional Economic Zone Authority (REZA)**

SECTION 1. The Regional Economic Zone Authority (REZA) shall be governed by MMA Act 154, otherwise known as Autonomous Region in Muslim Mindanao Special Economic Zone Act of 2003.

BOOK V

GENERAL PROVISIONS

Chapter 1

Applicability

SECTION 1. Scope. - This Code shall be applicable to all Departments, Agencies, Bureaus, and Offices under the Autonomous Regional Government of the Autonomous Region in Muslim Mindanao.

SEC. 2. Gender. Where a masculine noun or pronoun is used in this Code, it shall likewise imply and include the corresponding feminine gender.

SEC. 3. Collection and Remittance. – Fees, charges, levies, taxes, dues and other income collected and received by Government-Owned or -Controlled Corporations (GOCC's) and other agencies of the ARMM shall be remitted to the account of the Regional Treasury. The manner and regularity of remittance shall be in accordance with existing laws, rules and regulations relative thereto.

Chapter 2

Amendments or Revisions

SEC. 4. Amendments or Revisions. - Consistent with the provisions of the Constitution, this Code may be amended or revised by the Regional Assembly by a majority vote of all its members.

Chapter 3

Transitory Provisions

SEC. 5. Devolution. – All offices, powers and functions, personnel, properties, equipment, budget and other financial resources to be devolved from the Central Government shall be placed immediately under the supervision and control of the Autonomous Regional Government.

SEC 6. Security of Tenure. – The security of tenure and seniority rights of all permanent officials and rank-and-file employees affected by the renaming, realignment, reorganization, reclassification of positions and transfer of offices by virtue of this Code shall be respected in accordance with existing Civil Service law, rules and regulations.

SEC. 7. Separability Clause. – The provisions of this Code 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.

SEC. 8. Repealing Clause. – All laws, decrees, orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with this Code, are hereby repealed or amended accordingly.

SEC. 9. Effectivity Clause. – This Act shall take effect after fifteen (15) days following its complete publication in at least one (1) newspaper of general circulation in the autonomous region and/or in the official websites of the Regional Assembly and the Office of the Regional Governor.

APPROVED:

DATU ROONIE Q. SINSUAT
Speaker

This Code was passed by the Regional Assembly on November 28, 2011.

DATU MAMA M. AMPATUAN
Secretary General

APPROVED:

ANSARUDDIN ALONTO ADIONG
Acting Regional Governor
Date: _____