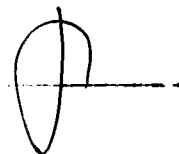


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SENATE

S. B. No. 2862

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Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
RESETTING THE FIRST REGULAR ELECTIONS IN THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO, AMENDING FOR THE
PURPOSE ARTICLE XVI, SECTION 13 OF REPUBLIC ACT NO. 11054,
OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO", AS AMENDED

EXPLANATORY NOTE

Republic Act (RA) No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao Organic Law was enacted into law on 27 July 2018.

As an Organic Law, RA No. 11054 is meant to establish a political entity and provide the basic structure of government, recognizing the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities, in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).¹

Concomitantly, to ensure a smooth transition and prevent a political interregnum, Article XVI of the above-cited Organic Law provides for a Bangsamoro Transition Authority (BTA) to serve as an interim government in the BARMM taking into account post-conflict transition and normalization.

As such, the holding of the first regular elections for the Bangsamoro Government hinges on both having the existence of working institutions and a fully functioning bureaucracy, where security is likewise assured to both voters and in the conduct of an election.

¹ Section 3, Article I, RA No. 11054.

While the reasons behind the first postponement brought about by the passage of RA No. 11593 on 29 October 2021 may be different—the COVID-19 pandemic, and the absence of a Bangsamoro Electoral Code—recent developments speak nonetheless of institutional and statutory issues that warrant another postponement. More succinctly put, such developments refer to disenfranchisement and the need to revisit substantive laws.

One is the status of the Special Geographic Area (SGA) in the Bangsamoro Autonomous Region in Muslim Mindanao consisting of eight (8) newly formed municipalities, to wit: Pahamuddin, Kadayangan, Nabalawag, Tugunan, Ligawasan, Malidegao, Old Kabakan, and Kapalawan. Relative to this, the BTA Parliament passed Parliament Resolution No. 499 on 27 September 2024, urging Congress to enact a law creating a new province to be known as *Kutawato Province*.

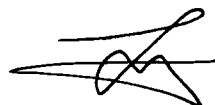
The creation of a new province necessitates the creation of a legislative district as well.² Failure on the part of Congress to do so may result in the disenfranchisement of voters in the 8 municipalities as enumerated above, since they will not be able to vote for a governor and a representative. Hence, this call for the creation of a province and a corresponding legislative district is a matter that needs to be looked into and deliberated upon by Congress if only to avoid such disenfranchisement.

Moreover, the recent case of *Province of Sulu v. Senate* (09 September 2024, G.R. No. 242255) also provides a compelling reason to postpone the Bangsamoro regular elections given its legal implications on the exclusion of Sulu from the autonomous region. This ruling may require a substantial correction of existing laws, particularly RA No. 11054, and the *Bangsamoro Parliamentary Districts Act of 2024* (BAA No. 58, 2024), referring to the allocation of the statutorily mandated eighty (80) seats in the Bangsamoro Parliament.

Thus, this bill proposes to further reset the first regular elections for the Bangsamoro Government until 11 May 2026, to resolve the concerns as above discussed, and further strengthen in the process the autonomy envisioned under the Bangsamoro Organic Law.

Speedy approval of this measure is eagerly sought.

RESPECTFULLY SUBMITTED.



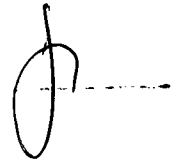
² Section 5 (3), Article VI of the Constitution. *Sema v. COMELEC* (16 July 2008, GR No. 177597)

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

24 NOV -4 P2 :23

SENATE
S.B. No. 2862

RECEIVED BY



Introduced by Senator FRANCIS "CHIZ" G. ESCUDERO

AN ACT

RESETTING THE FIRST REGULAR ELECTIONS IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, AMENDING FOR THE PURPOSE ARTICLE XVI, SECTION 13 OF REPUBLIC ACT NO. 11054, OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO", AS AMENDED

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. Article XVI, Section 13 of Republic Act No. 11054, otherwise known as
2 the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao", as
3 amended, is hereby further amended to read as follows:

4 "SEC. 13. *First Regular Election.* – The first regular election for the
5 Bangsamoro Government under this Organic Law shall be held [~~and~~
6 ~~synchronized with the 2025 national elections~~] **ON MAY 11, 2026.**
7 **SUBSEQUENT ELECTIONS SHALL BE HELD EVERY THREE (3)**
8 **YEARS THEREAFTER.** The Commission on Elections, through the
9 Bangsamoro Electoral Office, shall promulgate rules and regulations for
10 the conduct of the elections, enforce and administer them pursuant to
11 national law, this Organic Law and the Bangsamoro Electoral Code."

12 Sec. 2. Upon effectivity of this Act, the President shall appoint the eighty (80)
13 new interim members of the BTA who shall serve until their successors shall have been
14 elected and qualified. The term of the present duly constituted Bangsamoro Transition
15 Authority (BTA) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)
16 shall be deemed expired.

1 Sec. 3. If any of the provisions of this Act is held unconstitutional, provisions not
2 affected shall remain valid and binding.

3 Sec. 4. All laws, decrees, and all other issuances or parts thereof, which are
4 inconsistent with this Act, are hereby repealed, amended, or modified accordingly.

5 Sec. 5. This Act shall take effect fifteen (15) days after its complete publication
6 in the *Official Gazette* or in at least one (1) newspaper of general circulation.

Approved,