



Republic of the Philippines

Bangsamoro Autonomous Region in Muslim Mindanao

**BANGSAMORO TRANSITION AUTHORITY**

Bangsamoro Government Center, Cotabato City

***Second Regular Session***

BTA Parliament Bill No. **53**

---

Principal Authors

**MP ABDULRAOF A. MACACUA**

**MP Engr. BAIN TAN AMPATUAN, MNSA, CSEE**

Co-Authors

**MP Bainon G. Karon, MP Engr. Aida M. Silongan, MP Marjanie S. Macasalong, PhD., MP Amilbahar S. Mawalil, MP Atty. Laisa M. Alamia, CESE, RN, MP Atty. Rasol Y. Mitmug, Jr., CESE**

---

**AN ACT**

**ADOPTING AND MAINSTREAMING THE BANGSAMORO SUSTAINABLE DEVELOPMENT INTO BANGSAMORO GOVERNMENT POLICY FORMULATION, ESTABLISHING THE FRAMEWORK STRATEGY, PRINCIPLES AND ACTION PLAN ON SUSTAINABLE DEVELOPMENT, CREATING FOR THIS PURPOSE THE BANGSAMORO SUSTAINABLE DEVELOPMENT BOARD, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

*Be it enacted by the members of the BTA Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao in session assembled:*

**Section 1. Title.** – This Act shall be known as **“The Bangsamoro Sustainable Development Act of 2021”**.

Section 2. *Declaration of Policies.* – The Bangsamoro Government declares the following policies:

- a. To protect and advance the right of the people to a symbiotic life balancing and healthful ecology in accord with the rhythm and harmony of nature;
- b. To protect and improve the quality of life of jurisdiction through the most efficient, cost-effective planning development of the **Bangsamoro Autonomous Region in Muslim Mindanao**, hereinafter referred to as **“Bangsamoro Autonomous Region”**, taking into consideration the proper utilization and ecological balance of the natural resources, both renewable and non-renewable for the next generation;
- c. It shall promote the effective utilization of the **Bangsamoro Autonomous Region’s** resources including the manpower to attain economic development through livelihood and social justice;
- d. It shall likewise provide equal opportunities for the development of constituent local government units and shall strengthen governance systems to ensure both direct and indirect stakeholder’s participation with consultation;
- e. It shall ensure every Filipino constituents and its territorial jurisdiction the provision of the basic necessities and provide equal opportunities in life. Social justice shall be promoted in all aspects of life and phases of development in the **Bangsamoro Autonomous Region**;
- f. It recognizes the vital role of the youth in nation-building.
- g. It recognizes gender equality where the importance of the women is highly recognized in nation-building and regional development, ensuring their representation in decision-making and policy determining bodies of the Bangsamoro Government;

- h. It recognizes and promotes the rights of non-Moro indigenous people to participate and be active for the framework of the Constitution and national laws;
- i. It recognizes and empowers the cultural and spiritual aspects of the people as the major core of our identity; and
- j. It ensures a proper coordination of the plans from national, regional and local spatial and temporal plans.

Section 3. *Definition of Terms.* For the purposes of this Act, the following shall have the corresponding meaning:

- a. *Bangsamoro Government* refers to the regional government including its agencies and instrumentalities of the Bangsamoro Autonomous Region.
- b. *Global Goals* refers to the seventeen (17) Sustainable Development Goals or SDGs adopted by all United Nation Member States in 2015, designed to be a blueprint to achieve a better and more sustainable future for all.
- c. *Sustainability* refers to using economic, social and environmental resources in a harmonized and balanced way without wasting or deteriorating in quality those resources to be used by future generations to meet the needs of the present.
- d. *Sustainable Development* refers to development based on sustainability that is implemented simultaneously in the pursuit of economic growth, social stability and integration, and the preservation of the environment.

Section 4. *Bangsamoro Sustainable Development Principles.* In order to better integrate the pursuit of sustainable development into its areas of intervention, the Bangsamoro Sustainable Development Principles, hereinafter referred to as the “Principles”, shall be considered in the development of sustainable development strategies:

- 1. *Living within environmental limits.* The physical and biological cycles that maintain the productivity of natural ecosystems must always be

kept intact. The protection of species, ecosystems and the natural processes that maintain life is essential if quality of human life is to be maintained. This means respecting the limits of the planet's environment, resources and biological diversity to improve our environment and ensure that the natural resources needed for life are preserved for the benefit of the present and future generations.

2. *Ensuring social justice and well-being.* Development must be undertaken in a spirit of intra and inter-generational equity and social ethics and solidarity. There should also be a need for the promotion of personal well-being, social cohesion and inclusion, and creation of equal opportunities for everyone regardless of race, ethnicity, age, gender, religion, sexual orientation, gender identity, gender expression, disability, economic status and other diverse backgrounds.
3. *Achieving a sustainable economy.* The Bangsamoro Autonomous Region should be geared towards strong, innovative, prosperous, stable and sustainable economy that is conducive to social progress and respectful to the environment. It must utilize its resources to smart and responsible investments, and support companies and/or ventures with strong consideration for environmental, social, and corporate governance (ESG) factors.
4. *Using evidence-based study responsibly.* The policy that are being developed and/or implemented should be based on strong scientific evidence, while taking into consideration scientific uncertainty as well as public attitudes, culture, belief and heritage of various cultural groups in the Bangsamoro Autonomous Region.
5. *Promoting moral governance.* This will serve as compass and the balancing power of the other four principles. Moral governance is the set of rules, practices, and processes completely devoid of all the evils of graft and corruption, and explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, and integrity.

Section 5. *Creation of the Bangsamoro Sustainable Development Board.*

- There is hereby created and established the Bangsamoro Sustainable

Development Board, hereinafter referred to as the “Board”, that shall ensure the integration and harmonization of economic, social, and environmental considerations as vital dimensions of sustainable development policy and practice in the **Bangsamoro Autonomous Region**.

**The Board shall have oversight of the development and implementation of Framework Strategy on Bangsamoro Sustainable Development that makes decision making related to sustainable development more transparent and subject to accountability to the Bangsamoro Parliament, promotes coordinated action across the Bangsamoro Government, private sector, civil society and all social actors to mainstream and advance sustainable development, and recognize the Bangsamoro Government’s role and obligation relating to sustainable development in the context of improving the quality of life of the inhabitants of the Bangsamoro Autonomous Region.**

**The Board shall be organized within sixty (60) days from the effectivity of this Act.**

Section 6. *Composition of the Board.* The Board shall be composed of representatives from the Bangsamoro Government and the National Government. The Board shall be chaired by the Chief Minister, to be assisted by the **Minister of the** Ministry of Environment, Natural Resources and Energy (MENRE) as vice chairperson.

**The Board shall have an advisory board composed of the following:**

- a) **Minister of Ministry of Environment, Natural Resources and Energy;**
- b) **Minister of Ministry of Agriculture, Fisheries and Agrarian Reform;**
- c) **Minister of Ministry of Interior and Local Government;**
- d) **Minister of Ministry of Science and Technology;**
- e) **Minister of Ministry of Trade, Investments and Tourism;**
- f) **Minister of Ministry of Public Works;**
- g) **Minister of Ministry of Public Order and Safety;**
- h) **Minister of Ministry of Social Services and Development;**

- i) Minister of Ministry of Indigenous People's Affairs;
- j) Minister of Ministry of Basic, Higher and Technical Education;
- k) Minister of Ministry of Human Settlements and Development;
- l) Minister of Ministry of Health;
- m) Minister of Ministry of Transportation and Communication;
- n) Minister of Ministry of Labor and Employment;
- o) Chairperson of the Bangsamoro Youth Commission;
- p) Chairperson of the Bangsamoro Women Commission;
- q) Chairperson of the Bangsamoro Planning and Development Authority;
- r) A member of the Bangsamoro Parliament designated by the Parliament Speaker;
- s) A member of the Council of Leaders upon the recommendation of the said Council;
- t) Governors from each province of the Bangsamoro Autonomous Region;
- u) City Mayors of Cotabato City, Marawi City and Lamitan City;
- v) Three representatives from the private/independent sectors in the Bangsamoro Autonomous Region to be appointed by the Chief Minister upon the recommendation of the Board comprising of one (1) representative each from the:
  - 1. Business sector,
  - 2. Academic sector, and
  - 3. Non-Government Organization (NGO) sector.
- w) Representatives from the national government appointed by the President. *Provided that*, the national government shall nominate its representatives to the Board that is less in number with that of the Bangsamoro board members.

The representatives appointed by the President and Chief Minister shall serve for a term co-terminus with the appointing authority, unless their representation is withdrawn by the sector they represent. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Section 7. *Powers and Functions of the Board.* – The Board shall have the following powers and functions:

- a) Advocate sustainable development in the Bangsamoro Government, the private sector, civil society and as well as that of all social actors in mainstreaming sustainable development within the territorial jurisdiction of the Bangsamoro Government, and fostering joint and cohesive action and participation in order to harmonize interventions;
- b) Formulate a Framework Strategy on Bangsamoro Sustainable Development, hereinafter referred to as “Framework”, that will serve as the basis for a program for sustainable development planning, research and development, extension, and monitoring of activities for the proper conservation, utilization and development of natural resources;
- c) Ensure the development and implementation of the Framework;
- d) Develop a set of indicators for measuring the progress achieved in the area of sustainable development, and their progressive revision;
- e) Revise the said Framework in line with the National commitments to UN Sustainable Development Goals and Climate Change Agreement;
- f) Review the policies, programs and action plans of the Bangsamoro Government to ensure that they are in line with the sustainable development pursuant to the provisions of this Act;
- g) Perform audits to evaluate how the Bangsamoro Government agencies and its instrumentalities have integrated the Framework and Principles of sustainable development in its policies, plans, programs and projects;
- h) Engage in an active consultation with all stakeholders;
- i) Promote the effective use of economic resources and endeavor to attain economic development that facilitates growth and full employment, livelihood, human development, and social justice;

- j) Coordinate with the local government units to ensure that the latter's plans, programs and projects are aligned with the promotion of sustainable development;
- k) Make recommendations to the Bangsamoro Parliament on matters related to sustainable development for adoption by the Bangsamoro Government;
- l) Provide guidance and direction for its technical support staff to undertake various tasks;
- m) Initiate, promote, sponsor and encourage projects, studies, research, training, awareness initiatives and any other activities which exemplify sustainable development practices;
- n) Call upon any representative from the National Government agencies and its instrumentalities operating within the territorial jurisdiction of the Bangsamoro Autonomous Region, Bangsamoro Government agencies and its instrumentalities, and/or any representative of the Local Government Units (LGUs), and/or the private sector for such opinions or advice on relevant issues and concerns affecting sustainable development policies, programs and projects;
- o) Conduct investigation to prevent irregularities which may arise in the implementation of the policies, plans and programs such as but not limited to conservation, preservation rehabilitation, exploration, development and utilization of the natural resources within the Bangsamoro Autonomous Region and initiate appropriate action thereof;
- p) Create task forces or committees as may be deemed necessary in the accomplishment of duties and functions;
- q) Perform such other functions as may be directed by a competent authority.

Section 8. *Creation of the Bangsamoro Sustainable Development Office.*

– There is hereby created a Bangsamoro Sustainable Development Office, hereinafter referred to as “BSDO”, that shall assist the Board in the discharge of its duties and responsibilities.

The BSDO shall be under the Ministry of Environment, Natural Resources and Energy (MENRE) and shall be headed by a Director General who shall serve as the Head Secretariat of the Board. The Board shall have the authority to determine the number of staff and create corresponding positions necessary to facilitate the proper implementation of this Act, subject to civil service laws, rules and regulations. **The officers and employees of the BSDO shall be appointed by the Minister of the Ministry of Environment, Natural Resources and Energy (MENRE).**

The BSDO shall have the following mandates:

- a) Serve as think-tank to provide expert view to the Board, ministers and other Bangsamoro government agencies on sustainable development and climate change;
- b) Formulate **Bangsamoro Sustainable Development Action Plan**, including climate change, that will serve as a basis of every ministry anchoring their plans and programs;
- c) **Set guidelines, parameters and tools according to the Principles and Framework for guidance of the government agencies, business sectors, and the whole Bangsamoro populace;**
- d) Serve as oversight and secretariat of the Bangsamoro Autonomous Region to the UN Sustainable Development Goals, Climate Change, and other International Commitments of the country relative to Sustainable Environmental Development;
- e) **Provide periodic documents to the Bangsamoro society reporting according to the Principles of the Bangsamoro Sustainable Development;**
- f) **Oversee by scrutinizing programs and projects being implemented and to be implemented within or that may significantly affect the Bangsamoro Autonomous Region's territorial jurisdiction and ensuring that is within the context of the Principles;**
- g) In-charge of educating the community to promote locally-based concept of sustainable development;

- h) Execute its role with effective coordination with the concerned line agencies for proper implementation and police forces for enforcement;
- i) Formulate, integrate, coordinate, supervise and implement all policies, plans and programs, projects and activities relative to the prevention and control of pollution, as well as the management and enhancement of the environment of the Bangsamoro Autonomous Region;
- j) Provide measures for environmental justice and governance, as well as for the reduction of the vulnerability of women and marginalized groups to climate change and variability;
- k) Monitor and review the implementation of the policies, plans and programs to be adopted by the government instrumentalities, private sectors and other sectors that may significantly impact the Bangsamoro Sustainable Development;
- l) Conduct consultation and investigation to prevent irregularities which may arise in the implementation of the policies, plans and programs such as but not limited to conservation, preservation, rehabilitation, exploration, development and utilization of the natural resources within the Bangsamoro Autonomous Region and initiate appropriate action thereof;
- m) Promote effective environment-friendly business operation that will help cut expenditure and save more money, community centered, respect to culture, peace promoting, services the welfare of the larger society;
- n) Promote investment that encourages or help balance the Bangsamoro Sustainable Development or that will help attain the objectives of this Act; and
- o) Perform such other functions as may be directed by the Board.

**Section 9. Framework Strategy on Bangsamoro Sustainable Development.** – The Board shall, within six (6) months from the effectivity of this Act, formulate a Framework Strategy on Bangsamoro Sustainable Development or Framework. The Framework must state the selected

approach, the main issues, the direction or areas of intervention, and the goals and objectives to be pursued by the Board in the area of sustainable development in keeping with the Principles. Furthermore, the Framework must include the implementation strategy for meeting each target and identify the agencies responsible for meeting each target. Each target shall be measurable and shall include a time frame. The Framework must also specify monitoring mechanisms or means.

The Framework shall be reviewed every three (3) years, or as may be deemed necessary. In the intervals between reviews, the Board may also make any amendment to the Framework that allows the viability of development to be better promoted.

**Section 10. *Bangsamoro Sustainable Development Action Plan.*** – The Board shall formulate a Bangsamoro Sustainable Development Action Plan, hereinafter referred to as “Action Plan”, in accordance with the Framework within one (1) year after the formulation of the latter.

The Action Plan shall be harmonious to the Global Goals for Sustainable Development, but not limited to it.

**Section 11. *Annual Report.*** – The Board shall submit to the Chief Minister and to the Bangsamoro Parliament through the Office of the Parliament Speaker, not later than March 30 of every year following the effectivity of this Act, a report giving a detailed account of the status of the implementation of this Act, a progress report on the implementation of the Action Plan and recommend legislation, where applicable and necessary.

**Section 12. *Board Meeting.*** – The Board shall meet once every three (3) months at such time, place and date as may be determined and fixed by it. *Provided that*, there shall be, in all its meetings, prior notices served to all the members thereof.

A simple majority of the members of the Board shall constitute a quorum to do business. The Board shall adopt its own internal rules and regulations in the conduct of its business. Every member of the Board shall be entitled to

traveling expenses and honorarium for every meeting attended in an amount to be fixed by the Board.

Section 13. *Appropriations.* – The funding support for the operation of the Board shall be included in the annual budget of the Bangsamoro Government. Provided, an amount equivalent to five per cent (5%) of the revenues collected from the exploration, development, and utilization of any natural resources within the Bangsamoro Autonomous Region shall be allocated for the operation of the Board. Provided that, the said amount allocated shall not be included in the amount to be deducted from the block grant under Section 21, Article XII of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, hereinafter referred to as “Organic Law”.

There shall be Php \_\_\_\_\_.00 to be appropriated by the Chief Minister as initial funding to carry out the functions of the Board and the BSDO.

Section 14. *Implementing Rules and Regulations.* – Within ninety (90) days after the approval of this Act, the Board shall, upon consultation with Bangsamoro Government agencies, LGUs, private sector, NGOs and civil society, promulgate the implementing rules and regulations of this Act: Provided, That failure to issue rules and regulations shall not in any manner affect the executory nature of the provisions of this Act.

Section 15. *Separability Clause.* – If for any reason any section of this Act is declared as unconstitutional or contrary to the provisions of the Organic Law, the other sections of this Act or any provision not affected thereby shall remain in force and effect.

Section 16. *Effectivity.* - This Act shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation in the Bangsamoro Autonomous Region.

Approved,

**MP ABDULRAOF A. MACACUA**

**MP ENGR. BAIN TAN ADIL-AMPATUAN, CSEE, MNSA**

**MP BAINON G. KARON**

**MP MARJANIE S. MACASALONG, PhD**

**MP AMILBAHAR S. MAWALIL**

**MP ATTY. LAISA M. ALAMIA, CESE, RN**

**MP ATTY. RASOL Y. MITMUG, JR. CESE**

**MP ENGR. AIDA M. SILONGAN**

## **Comments on BTA Parliament Bill No. 53**

### **Policy Research and Legal Services**

#### **Legislative Research Division**

##### **Reviewer 1:**

Emphasis should be on the Bangsamoro Government's support and commitment to sustainable development, rather than the creation of the Board. The latter should be secondary and direct result of the passage and implementation of the Bangsamoro Sustainable Development Act of 2021 as the implementing body of the said Act, just like the passage of the Philippine Immigration Act of 1940 led to the establishment of Bureau of Immigration, the Climate Change Act of 2009 to the Climate Change Commission, etc.

In this version of Bill No. 53, sections that cover the Board's principles, framework strategy and action plan are added for their vital importance for the Board's success in implementing the Act. They serve as guidance, direction and key factor for the monitoring and measurement of goals and objectives of the Board.

These three, i.e. principles, framework strategy, action plan, are good practices adopted from the laws on sustainable development in countries like UK, South Korea, Canada, Malta, Taiwan, as well as some bills ratified into law in the Philippines. Therefore, this suggestion to adopt the same from these governments' existing law on sustainable development.

## Reviewer 2:

Bill No. 53 focuses on crafting a “Sustainable Development” board with the Bangsamoro and outlining the particulars of functions, powers, funding, etc. The second draft submitted seeks to “refine” the previous version and has consolidated several of its points from the previous version in this revision. This second draft will be the version this review examines.

Focusing on the policy section (Section 2), many of these policies seem vague and broadly defined. For example Section 2, part a states: To protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

What constitutes a “balanced and healthful ecology” that is “in accord with the rhythm and harmony of nature”? What does this mean in terms of social action, economy, or in terms of legislation? It is a nice piece of prose, but it is not clear regarding how it would drive any sort of actionable response in a concrete way. Another instance of ill-defined usage of a phrase is the term “social justice” which is employed in the document a few times, for example in Section 2 part e, it states that: Social justice shall be promoted in all aspects of life and phases of development in the Bangsamoro Autonomous Region. Though what is meant by social justice in regards to sustainable development and what are the particular concerns of the community in relation to the promotion of a “balanced ecology” intersecting with this social justice?

Section 2, parts f and g mention that the board will recognize the role of youth and women in nation-building. Again what is meant by recognizing? Will the board actively include “youth” and women in their policy making? Similarly, Section 2, part h “recognizes and promotes” the rights of non-Moro indigenous peoples in the Bangsamoro, what effectively does this mean? Does this mean these groups will be made part of the decision making process and have their concerns addressed? Is there an effort to include these groups as part of the board?

The Sustainable Development Board sets out to create a framework to promote and cultivate sustainable development within the Bangsamoro, but the language employed could be more clearly defined. After reading this proposed bill, the general feeling is there is a vague and loose framework that aims to promote diverse inclusion in decision making and social justice upon the establishment of the board. That being said perhaps there is a benefit to the broadness of the language to encompass needed actions that have yet to come to attention. Overall, the intentions of the bill in crafting a sustainable development board that promotes a certain equitable view regarding policy are there, but the bill could be more effective if better defined language is utilized to provide more understanding towards which direction the board will go to fulfill their goals.