

1996 Peace Agreement with the Moro National Liberation Front

In The Name of God, The Omnipotent, The Merciful

The final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the participation of the Organization of Islamic Conference Ministerial Committee of Six and the Secretary General of the Organization of Islamic Conference.

Whereas, the President of the Republic of the Philippines, His Excellency Fidel V. Ramos, has pursued a peaceful settlement of the armed conflict under the principle of peace with honor and to serve the paramount ends of national unity, solidarity and progress for all Filipinos;

Whereas, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and freely pursue their religious, social, economic and cultural development;

Whereas, the Organization of Islamic Conference (OIC), upon the request of the GRP initiated the First Formal Peace Talks between the GRP and the MNLF during its Third Ministerial Conference in Jeddah, Kingdom of Saudi Arabia, which resulted in the signing of the Tripoli Agreement on December 23, 1976, the document which served as a basis for a just, lasting, honorable and comprehensive solution to the problem in Southern Philippines within the framework of the Philippine Constitution;

Whereas, by the Grace of the Almighty God and owing to the bold and innovative initiative of the Philippine Government, under H.E. President Fidel V. Ramos, and the dedication and perseverance of his duly appointed representatives, headed by the Presidential Adviser for the Peace Process Manuel T. Yan, coupled with the highly positive and laudable response of the MNLF leadership under its founding Chairman, H.E. Professor Nur Misuari, a peace process has been conducted and pursued successfully for the last four (4) years, with the most constructive and beneficial participation of the OIC Ministerial Committee of the Six, headed by its distinguished Chairman, H.E. Ali Alatas, Minister of Foreign Affairs of Indonesia, and his four (4) able assistants as facilitators of the talks, namely: H.E. Ambassador S. Wiryono, H.E. Dr. Hassan Wirajuda, H.E. Ambassador Pieter Damanik, and H.E. Ambassador Abu Hartono, and the OIC Secretary General, H.E. Hamid Algabid, and his deputy, H.E. Ambassador Mohammed Mohsin, and with special mention to Libyan Ambassador, H.E. Rajab Azzarouq;

Whereas, the parties acknowledge the valuable role of the Organization of Islamic Conference (OIC) in promoting and upholding the rights, welfare and well-being of Muslims all over the world;

Whereas, the parties likewise, acknowledge the role of the OIC Ministerial Committee of the Six comprising the nations of Indonesia as Chair, Libya, Saudi Arabia, Bangladesh, Senegal and Somalia in the search of a just, comprehensive and durable peace in Southern Philippines;

Whereas, in accordance with the Statement of Understanding signed in Tripoli, Libya on October 3, 1992 and the subsequent Statement of Understanding signed in Cipanas, West Java on April 14, 1993, the parties agreed, through the good offices of the Great Libyan Arab Jamahiriya, inspired and guided by its great leader, H.E. Colonel Muammar Gaddafi, the Government of the Republic of Indonesia under the wise and able leadership of H.E. Bapah President Suharto, and H.E. OIC Secretary General, Dr. Hamid Algabid, to hold formal peace talks to discuss the modalities for the full implementation of the 1976 Tripoli Agreement in letter and spirit; to include those portions of the Agreement left for further discussion and the transitional implementing structure and mechanism;

Whereas, the parties affirm their solemn commitment in the aforementioned Statement of Understanding as well as the Memorandum of Agreement signed in the 1st Round of Formal Peace Talks held in Jakarta, Indonesia on October 25-November 7, 1993; the Interim Agreement signed in the 2nd Round of Formal Peace Talks held in Jakarta on September 1-5, 1994; the Interim Agreement signed in the 3rd Round of Formal Peace Talks held in Jakarta on November 27-December 1, 1995; the Interim Agreement signed in the 4th Round of Formal Peace Talks held in Jakarta on August 29, 1996; and in the nine (9) meetings of the Mixed Committee held in various places and dates in the Philippines and Indonesia;

Whereas, all these agreements resulted from the consensus points reached by the Mixed Committee and the Support Committees (Support Committee No. 1 - National Defense and Security; Support Committee No. 2 - Education; Support Committee No. 3 - Economic and Financial System, Mines and Minerals; Support Committee No. 4 - Administrative System, Right of Representation and Participation in the National Government, and in all Organs of the State; Support Committee No. 5 - Shariah and the Judiciary; and the Ad Hoc Working Group on the Transitional Implementing Structure and Mechanism in meetings held in various places in the Philippines and Indonesia;

Whereas, the parties have rationalized and consolidated all the agreements and consensus points reached, with the assistance of the Mixed Committee and the various support committees established for the purpose, into a final peace agreement;

Whereas, the parties affirm the sovereignty, territorial integrity and the Constitution of the Republic of the Philippines; and

Whereas, this final peace agreement constitutes the full implementation of the Tripoli Agreement.

Now therefore, the Parties do hereby agree on the following:

I. Implementing Structure and Mechanism of this Agreement

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly.

During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

2. Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).

b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided by the Congress in a law that clusters 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 new Autonomous Region.

II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:

3. There shall be established a Special Zone of Peace and Development in the Southern Philippines (SZOPAD) covering the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani and Palawan and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga and Puerto Princesa. Within the next three (3) years, these areas shall be the focus of intensive peace and development efforts. Public and private investments shall be channeled to these areas to spur economic activities and uplift the conditions of the people therein.

4. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.

5. The SPCPD shall be assisted by the Darul Iftah (advisory Council) which shall be created by the Chairman of the SPCPD.

6. The local government units in the area including the ARMM, shall continue to exist and exercise their functions in accordance with existing laws.

7. Appropriate agencies of the government that are engaged in peace and development activities in the area, such as but not limited to the Southern Philippines Development Authority (SPDA), shall be placed under the control and/or supervision of the Council as its implementing agencies to ensure that peace and development projects and programs are effectively accomplished.

Based on the foregoing, the following agencies or entities will be placed under the control and/or supervision of the SPCPD, to wit:

a. The Southern Philippines Development Authority (SPDA) may be attached to the SPCPD and be placed under the latter's direct supervision in so far as SPDA offices and projects in the SZOPAD are concerned. The SPCPD can exercise a further degree of control over SPDA by allowing the Council to submit recommendees to the President for appointment as officials of SPDA;

b. The Regional and Field Offices of the Office of Muslim Affairs (OMA) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OMA and SPCPD shall be defined by a Presidential issuance;

c. The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance;

d. Task Force Basilan, which shall be reorganized into the Basilan Development Task Force, to undertake development activities in Basilan shall be placed under the control and supervision of SPCPD;

e. Task Force MALMAR, to be reorganized into the Central Mindanao Development Task Force, to undertake development activities in Central Mindanao shall be placed under the control and supervision of SPCPD;

f. Sulu Development Task Force - an interagency task force that shall be organized to undertake development projects in Sulu shall be placed under the control and supervision of SPCPD; and

g. Special Development Planning Group - this is an ad hoc body composed of staff officers and planning experts from the Department of Trade and Industry (DTI), the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH) and other concerned agencies which could be organized to support directly the staff planning requirements, shall be placed under SPCPD.

The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter.

8. The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of South East Asian Nations (ASEAN).

9. The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The powers referred to here are only those powers of the President that could be delegated under the Constitution and existing laws.

10. There shall be established a Consultative Assembly with 81 members composed of the following:

a. The Chairman of the SPCPD shall be the head and presiding officer of the Assembly;

b. The Governor and the Vice Governor of the ARMM, the 14 Governors of the provinces and the 9 City Mayors in the SZOPAD;

c. 44 members from the MNLF; and

d. 11 members from various sectors recommended by non-governmental organizations (NGOs) and people's organizations (POs).

11. The Consultative Assembly shall exercise the following functions and powers:

a. To serve as a forum for consultation and ventilation of issues and concerns;

b. To conduct public hearings as may be necessary and to provide appropriate advice to the SPCPD; and

c. To formulate and recommend policies to the President through the Chairman of the SPCPD and make rules and regulations to the extent necessary for the effective and efficient administration of the affairs of the area.

12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

13. A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I.

14. The provisions of the 1994 and 1995 Interim Agreements and subsequent agreements entered into by the GRP and the MNLF that would not require legislative action shall be implemented during Phase I.

15. The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose.

16. The term of the SPCPD and the Consultative Assembly shall be for a period of three years and may be extended by the President upon recommendation of the Council itself.

17. The term of office of the SPCPD and the Assembly shall coincide with the three-year term of office of the officials of the Autonomous Region in Muslim Mindanao (ARMM) elected in 1996.

18. The powers and functions of the Council shall be as follows:

- a. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area;
- b. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;
- c. To provide support to local government units as necessary;
- d. To exercise such other powers and functions necessary for the effective implementation of its mandate as may be delegated by the President;

e. To assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the area as may be duly deputized by the Commission on Elections (COMELEC);

f. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.

19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:

a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.

b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be as prescribed by existing laws and regulations, and shall be conducted by the PNP.

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence-building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

20. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

- a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.
- b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.
- c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.
- d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, non-discrimination, equity and preferential treatment for the poor and underprivileged.
- e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with the AFP.
- f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government

Executive Council

21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.

22. The President shall exercise general supervision over the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional Autonomous Government to ensure that laws are faithfully executed.

The Head of the Autonomous Government shall exercise general supervision over all local government units in the area of autonomy to ensure that national and regional laws are faithfully executed, and see to it that they act within their assigned powers and functions.

Legislative Assembly

23. Legislative power shall be vested in the Regional Legislative Assembly.

24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.

25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.

26. The people's initiative, by way of a plebiscite or referendum, is recognized.

27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit:

- a. Foreign Affairs;
- b. National Defense and Security;
- c. Postal Service;
- d. Coinage, and Fiscal and Monetary Policies;
- e. Administration of Justice except on matters pertaining to Shari'ah;
- f. Quarantine;
- g. Customs and Tariff;
- h. Citizenship;
- i. Naturalization, Immigration and Deportation;
- j. General Auditing, Civil Service and Elections;
- k. Foreign Trade;
- l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and
- m. Patents, Trademarks, Tradenames and Copyrights.

28. The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to approval by a majority of the votes cast in a plebiscite called for the purpose in the political units affected. It may also change the names of such local government units, public places and institutions.

29. Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned-and/or-controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly.

30. No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he directly or indirectly, be interested financially in any contract with, or in any franchise or privilege granted by, the Government or any subdivision, agency or instrumentality thereof, including any government-owned-and/or-controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office.

31. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided that the member elected shall serve for the unexpired term.

32. The Legislative Assembly shall elect from among its members a Speaker and such other officers as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly.

33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

34. No person shall be elected member of the Legislative Assembly unless he/she is:

- a. A natural-born citizen of the Philippines;
- b. At least 21 years of age on the day of elections;
- c. Able to read and write;
- d. A registered voter of the district in which he/she shall be elected on the day he/she files his/her certificate of candidacy; and
- e. A resident thereof for a period of no less than five years immediately preceding the day of election.

35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.

36. The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of members of its standing committees and the suspension or expulsion of its Members.

37. A majority of all the Members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in such manner, and under such penalties as the Assembly may provide.

38. The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected.

39. The Legislative Assembly shall keep a journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session.

40. The Speaker of the Legislative Assembly shall, within ten working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly.

41. No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.

43. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

44. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.

45. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.

46. Discretionary funds appropriated for particular offices shall be disturbed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law.

47. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.

48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.

49. Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session.

50. The Legislative Assembly shall meet in special sessions at the request of one-third (1/3) of all its Members or by call of the Chief Executive. Such special sessions must be convened with specific agenda.

51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3)

days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

52. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal.

The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.

53. The Legislative Assembly may request the presence of the Chief Executive, Vice-Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions.

54. Subject to the rules of the Legislative Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions.

55. The Chief Executive shall submit to the Legislative 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.

56. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year.

57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive 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 regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

58. The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two thirds (2/3) of all its Members.

59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

60. No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law.

61. No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriation Law for their respective offices from savings in other items of their respective appropriations.

Administrative System

62. The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with national laws and the Constitution provided that it shall not in any way diminish the powers and functions already enjoyed by Local Government Units.

Right of Representation and Participation in the National Government and in all Organs of the State

General Principles:

63. Representation in the National Government by the inhabitants of the Autonomous Region may be effected through appointment or elections and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government.

64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims, and Cultural Communities, for lower positions in the above organs of the government cannot be appointed anymore thereto.

Manner of Representation and Participation

Executive

65. It shall be policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government.

66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical policy-determining

positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Autonomous Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determined by the President.

67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy-making body of said GOCCs or their subsidiaries consistent with their respective charters.

Legislative

68. It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congressmen elected from the congressional districts located in the autonomous region.

Judicial

69. It shall be a policy of the National Government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications.

70. The GRP shall endeavour to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government.

71. The GRP shall request the Supreme Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government.

Civil Service Eligibilities

72. The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavour to

provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met.

B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement)

General Principles

73. When the new regular Autonomous Regional Government shall have been established, there shall be created or constituted a PNP Regional Command for the new Autonomous Region, which shall be the Special Regional Security Forces (SRSF) as referred to in Paragraph 8, Article III of the Tripoli Agreement.

74. The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the constitutional provision that there shall be one police force in the country which is national in scope and civilian in character.

75. The PNP Regional Command for the Autonomous Region/SRSF shall be composed of the existing PNP units in the area of autonomy, the MNLF elements and other residents of the area who may later on be recruited into the force.

76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following:

- a. Enforce all laws and ordinances relative to the protection of lives and properties;
- b. Maintain peace and order and take all necessary steps to ensure public safety;
- c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens; and
- f. Perform such other duties and exercise all other functions as may be provided by law.

77. The PNP Regional Command for the Autonomous Region/SRSF shall be charged with the maintenance and preservation of peace, law and order, and protection of life, liberty and property in the region in consonance with the Constitution.

Organization of the PNP Regional Command for the Autonomous Region/SRSF

78. It shall be civilian in nature or character.

79. It shall be regional in scope of operations.

80. It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administration and one (1) for Operations.

81. It shall have regional, provincial, and city or municipal offices.

82. At the provincial level, there shall be a provincial office, headed by a Provincial Director.

83. At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police.

Powers of the Head of the Regional Autonomous Government over the PNP Regional Command for the Autonomous Region/SRSF

84. Act as the Deputy of the National Police Commission (NAPOLCOM) in the region and shall be the ex-officio Chairman of the Regional Police Commission (REPOLCOM).

85. Exercise operational control and general supervision and disciplinary powers.

86. Employ/deploy the elements of the Regional Command through the Regional Director.

87. Assign/reassign officers and other personnel through the Regional Director.

88. Recommend to the President the appointment of the Regional Director and his two (2) Deputies.

89. Oversee the preparation and implementation of the integrated regional public safety plan.

90. Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees.

Creation of the Regional Police Commission

91. There shall be created a Regional Police Commission (REPOLCOM) by the Regional Legislative Assembly consistent with the Constitution.

92. The REPOLCOM shall be under the supervision of the NAPOLCOM.

93. The Chairman of REPOLCOM shall be an ex-officio Commissioner of the NAPOLCOM.

C. Education

The Integrated System of Education

94. The Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in the future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Regional Autonomous Government educational body with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the sub-system. In the event that SUCs should be included as part of the educational component of the Regional Autonomous Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUCs as mandated by their respective charters.

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

The Structure of Education System

96. The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education; the secondary level will correspond to four (4) years of high school, and the tertiary level shall be one year to three (3) years for non-degree courses and four (4) to eight (8) years for degree courses, as the case may be in accordance with existing laws.

Curriculum

97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

98. The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government.

99. The minimum requirements and standards prescribed by Department of Education Culture and Sports (DECS), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) will be followed by the Autonomous Region.

100. The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government and within agreed norms, academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully accredited when they transfer to non autonomous regions.

101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.

102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Administration of Educational System

104. The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national education bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision making activities of the national educational bodies.

105. The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines.

106. The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational supervision and school administration, and regulation over private schools.

107. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up.

108. Locally funded programs will be the responsibility of the Regional Autonomous Government.

109. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally-defined standards which are not below national standards.

110. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other recognized bodies.

111. Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government.

Religious Instruction

112. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies.

Medium of Instruction

113. Filipino and English shall be the medium of instruction in the areas of the Autonomy; provided that Arabic shall be an auxiliary medium of instruction.

114. Regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication.

115. Arabic shall be recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.

116. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for non-Muslims.

Madrasa Education

117. Existing Madaris, including Madaris Ulya shall be under the Regional Autonomous Government educational system as presently organized in the area of autonomy.

118. Madaris teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools.

Non-formal Education and Specialized Education

119. The Regional Autonomous Government educational system shall develop the full potentials of its human resources, respond positively to changing needs and conditions and needs of the environment, and institutionalize non-formal education.

120. The educational system shall respond positively and effectively to the changing needs and conditions of the times as well as regional and national needs of the environment through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions.

121. The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life.

Scholarship Grants and Assistance

122. Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes.

123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.

124. Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds.

Funds for Education

125. Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government.

D. The Economic and Financial System, Mines and Minerals

126. The Regional Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government.

127. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized.

128. The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected.

129. The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy.

130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.

131. In enacting tax measures, the Regional Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind.

132. The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy.

133. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business.

134. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of

autonomy, such business establishment shall pay through the city or municipality where its operation is located.

135. The Regional Autonomous Government in the area of autonomy as a corporate body, may contract domestic loans.

136. The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall:

- a. Encourage the establishment of banks and bank branches in the area of autonomy;
- b. Encourage the entry and establishment of off-shore banking units of foreign banks in the area of autonomy.

137. The Regional Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region.

138. The Regional Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas.

139. The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.

140. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.

141. The Regional Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers, and ports in strategic area and growth centers to attract local and foreign investments and business enterprise.

142. The Regional Autonomous Government in the area of autonomy shall undertake encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, the government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Regional Legislative Assembly within one year from its organization.

143. The residents in the area of the autonomy shall have preferential rights over the exploration, development and utilization of natural resources in the area of autonomy

respecting existing rights on the exploitation, exploration, development and utilization of natural resources.

144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.

145. The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Regional Autonomous Government taking into account national policies.

147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.

148. An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic banking experts nominated by the Governor of the Regional Autonomous Government. The Governor of the Regional Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit.

149. The Bangko Sentral ng Pilipinas shall have a Regional Office with full banking service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Governor of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as recommended by the Governor of the Regional Autonomous Government.

150. The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.

151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:

- a. The Bureau of Internal Revenue (BIR) shall continue to collect such taxes and the BIR Collection Districts/Offices concerned shall retain such collections and

remit the same to the RAG through an approved depository bank within thirty (30) days from the end of each quarter of the current year;

b. Out of said internal revenue tax collections, fifty percent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotel, motels and others), and 114 (Caterers) of the National Internal Revenue Code (NIRC), as amended, in excess of the increase in collections for the immediately preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows:

(1) Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected; and

(2) Eighty percent (80%) shall accrue to the RAG.

In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year.

Provided, however, that the provinces, cities, municipalities and barangays within the area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991.

Provided, finally, that the five-year (5) periods herein abovementioned may be extended upon mutual agreement of the National and Regional Autonomous Governments.

E. Shari'ah and Judiciary

152. The Regional Legislative Assembly of the area of autonomy shall establish Shari'ah Courts in accordance with the existing laws.

F. Totality Clause

153. This Peace Agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all the agreements, covenant and understandings between the GRP and the MNLF respecting all the subject matters embodied herein. This Agreement supersedes and modifies all agreements, consensus, covenants, documents and communications not referred to or embodied in this Agreement or whose terms and conditions are otherwise inconsistent herewith. Any conflict in the interpretation of this Agreement shall be resolved in the light of the Philippine Constitution and existing laws.

G. Effectivity Clause

154. This Agreement shall take effect immediately upon the signing hereof by the parties, unless otherwise provided herein.

Done in the City of Manila on the 2nd day of September 1996.

For the GRP:

H.E. Ambassador Manuel T. Yan
Chairman of the GRP Panel

For the MNLF:

H.E. Professor Nur Misuari
Chairman of the MNLF Panel

With the participation of the OIC Ministerial Committee of the Six and the Secretary-General of the OIC

H.E. Mr. Ali Alatas
Minister for Foreign Affairs of the Republic of Indonesia/Chairman of the OIC
Ministerial Committee of the Six

H.E. Dr. Hamid Al-Gabid
Secretary-General of the OIC