

Philippines: Storm surging for Peace in Mindanao - Part 9 - "The MILF will definitely have prominent role in the Bangsamoro Political Entity but the BBL should not only benefit the MILF and its followers"

Monday 1 June 2015, by [DE SILVA Raymund](#) (Date first published: 26 May 2015).

Last Wednesday (may 20, 2015), the 75-member Ad Hoc Committee on the Bangsamoro Basic Law of the House of Representatives had approved the draft law for the House Bill 4994. The proposed bill has been renamed as Basic Law of the Bangsamoro Autonomous Region or BLBAR. It had undergone three amendments and 95 revisions on the versions of the so-called Chair and Vice-Chair working drafts.

Mindanao's 27 provinces and 33 cities are duly represented in the Ad Hoc Committee since all representatives of 59 Congressional districts of the country's second biggest island are members of the 75 members of the Ad Hoc Committee.

President Noy Aquino with some members of his Cabinet but especially with Secretary Butch Abad of the Department of Budget and Management (DBM) had met twice with the members and officials of the Ad Hoc Committee the weekend before the deliberations of the draft law. Obviously, after three day marathon sessions from the 18th, 19th and 20th of this month, the Malacanang version of the BBL was approved. The votes were as follows: 50 representatives voted in favor, 17 against and 1 abstained. Rep. Rufus Rodriguez of Cagayan de Oro City, who chaired the Ad Hoc Committee had said that there was consensus among members of the committee that the 6 provisions which had some Constitutional issues will be discussed in another level. Representative Rufus Rodriguez had successfully steered his committee to approve the Malacanang version of the draft law.

Several weeks ago, one could not imagine that the House of Representatives Ad Hoc Committee on BBL headed by R. Rodriguez, would vote in this manner. The latter had strongly and openly advocated that unless the 44 SAF murdered in Mamasapano last January 25, 2015 would get justice, he would lead in the activities of blocking the deliberations, much more the approval of the BBL. In fact, the leader of the Ad Hoc Committee had raised 9 Constitutional questions of the draft BBL. But this was before the President and Secretary Abad had talked with them. And this was before the so-called 1 million in cash and the 50 millions worth of hard projects for each member of the Ad Hoc Committee, who would vote in favor of Malacanang and MILF version of the BBL.

From the Ad Hoc Committee, the Malacanang approved version had easily passed two more committees; the Ways and Means and the Appropriation Committees, which discussed the resources and their generations and the budget and their utilization.

By the first week of June, it is expected as far as the House of Representatives is concerned that the draft version of the BBL will be discussed in the plenary level. The target will be to approve the

House Bill before June 10, 2015, the last day of the second regular session of the 16th Congress. This is also the House of Representatives' attempt to include the BBL or its version for the July 27, 2015, the 6th and last State of the Nation Address (SONA) of President Noy Aquino.

The bicameral nature of the legislative branch of the government of the country, the Senate and its approved version of the BBL is needed together with the House of Representatives' version to complete the two versions of the BBL and bicameral discussions and approval for the Basic Law of the Bangsamoro Autonomous Region.

As far as the Senate is concerned, the deliberations of the BBL is still in the Committee level. There are two main committees which have deliberated on the BBL; the Committee on Constitutional Reform - headed by Senator Miriam Defensor-Santiago and the Committee on the Local Government - headed by Senator Ferdinand "Bongbong" Marcos.

The Committee, headed by Senator Santiago, has just finished and submitted to the Senate leadership its reports on the BBL. The main content of such report is saying that the BBL as submitted by both peace panels of the Government of Philippines (GPH) and the Moro Islamic Liberation Front (MILF) and as strongly endorsed by Malacanang and the President is unconstitutional. The aforementioned Committee is strongly suggesting that there should be Constitutional amendments of the 1987 Constitution of the country first in order to provide a broader framework for the BBL. For Senator Santiago, it will be a waste of time if they will hastily approve the BBL now but will be found unconstitutional later by the Supreme Court and everybody will be back to zero.

Twelve senators (more than 50% of the 23 members of the Senate) have signed the Committee report of Senator Santiago.

With regards to the Committee on Local Government, Senator Bongbong Marcos - the Chair of the Committee, it has continued to have consultations with different stakeholders - in order to make sure that an inclusive BBL will be approved by Congress. So far, the Marcos Committee, have launched consultations with the stakeholders in the island province of Sulu, Zamboanga City, the Sultanate of Sulu and the members and officials of the Moro National Liberation Front (MNLF). This week, the Committee on Local Government has consulted the Indigenous Peoples (IPs) in the core area of the proposed Bangsamoro Political Entity. Just like the different Sultanates (Sulu and Maguindanao) and the traditional political structures of the Maranaos and other ethno-linguistic groups of the Bangsamoro, the IPs were never given considerations in their political and economic interests within the core territory aside from giving them verbal promises that their interests will be protected and developed when the Bangsamoro political entity will be in place. Concretely, the MILF leadership has been saying that laws will be legislated in the Bangsamoro Legislative Body (the 50-member body), where the IPs will never have a chance to have their own representatives except the ones appointed by the MILF and therefore laws cannot be made if they will not serve the interests of the ruling political body. The IPs' experience with the MNLF and the expanded ARMM (RA 9054) has still been fresh in their midst to forget.

It should be recalled that IPs' representatives have been giving their inputs in both GPH and MILF peace panels since early stages of the peace process between the two, the GPH and the MILF to no avail.

Now, the Committee of Senator Marcos has been finding the hard truth that the proposed BBL is obviously very exclusive. Senator Marcos plans to end his consultations with the rest of stakeholders in the 3rd of June 2015. This means that the Senate will start its plenary discussions after the 1st week of June and will not surely finish them before they adjourn on the 10th of June 2015. Such finding is

also consistent on the result of the latest survey of the Social Weather Station (SWS) that after two years of signing the Framework Agreement on the Bangsamoro, peoples' awareness regarding BBL has not risen.

It has been announced by the allies of the Malacanang that the proposed BBL will be endorsed by the President as urgent bill. This means that both Houses of Congress will try their best to unify their versions of the BBL (HB 4994 and SB 2408) in the bicameral meetings of both houses and approved it in time before the President's term expires.

It has also been openly announced that the President is planning to have dialogues with the Senators (that is if the Senators will invite the President to shade light on the BBL). This Presidential move is emitting different signals – mostly dangerous. Many observers are worried that a repeat of the President's meeting with the members of the Ad Hoc Committee of the House of Representatives will happen in the Senate. The harder the positions against the BBL by the representatives, the higher the amount the DBM will produce for the unmoderated greed of these representatives. The scenario is that, at the end of the day, the President will buy his way for the approval of the BBL before his term expires.

Serious concerns have been raised with regards to the proposal of the Senators, who support the Committee report and proposal of Senator Miriam Santiago – that is – to call for Constitutional amendment to accommodate the BBL.

If such steps will be followed, it will be done by early next year or before the May 2016 elections. Meanwhile, what will happen to the peace timeline set by both the GPH and MILF? There will be no legal basis for the putting-up of the transitional mechanism – the Bangsamoro Transition Autonomy (BTA) before the May 2016 elections. Unless there will be no May 2016 elections (or it will be postponed) there can never be the BBL and there can never be the Bangsamoro Political Entity.

There can be some bases for serious concerns for such political development in Congress. In the House of Representatives, the Constitutional amendments on Economy has already passed on the second reading. The proposal of the Committee on Constitutional Reforms in the Senate, which strongly recommends Constitutional amendment in order to accommodate the proposed BBL and the political initiatives in the House of Representatives to amend the economic articles in the Constitution can be related.

Not a few people have the belief that once the Constitution will be opened for amendments although only the economic provisions, nobody could stop anybody in Congress who will prepare other amendments to amend the 1987 Constitution. This will not be a bad timing because moves for Constitutional revisions are coming from both Houses of Congress albeit with different reasons and purposes.

In addition, if one tries to follow the peace timeline of the current government and the MILF, after both Houses in a bicameral meetings and both versions will be reconciled, the President will sign it into a Law replacing the R.A. 9054 creating the expanded ARMM, a plebiscite will be held in the proposed Bangsamoro territory, so it is the people directly approving the Law. So, why is it still a Constitutional amendment needed, as recommended by the Committee of Senator Santiago?

Meanwhile, the MILF will be waiting on the side and continue to politically prepare for the setting-up of the transitional mechanism or the Bangsamoro Transition Authority. The ARMM with the President's chosen person will be continuing their governance. And meanwhile, the investors will continue to have a "wait and see" attitude and have their economic interests in the Bangsamoro be protected and developed.

With regards to the concerns of people within and outside the ARMM areas that if the BBL will not be approved as targeted in the peace timeline, the existing peace or the absence of war will be broken has some bases. The problem can come from some members of the MILF who can be frustrated because of the delay of the BBL and the putting-up of the Bangsamoro. It can be like the 2008 disapproval of the Memorandum Agreement on Ancestral Domain (MOA AD), when several Base Commands (105 led by Ombra Kato and 113 led by Bravo and Pangalisan in Lanao) attacked and killed more than 100 civilians and dislocated more than 750 thousand people in the areas as their protest to the government's failure. Eventually, Ombra Kato founded the Bangsamoro Islamic Freedom Fighters (BIFF) and could not be reached and disciplined by the leadership of the MILF while Bravo has remained in the MILF and has not been meted justice for his crime. In fact, it has been known that Bravo was promoted in the MILF hierarchy.

The MILF leadership in the main will try to hold on with the peace process, especially in the context that the present government administration has been supported to the interest of the MILF. Besides, it has been known that the MILF has invested so much political and economic capital in the peace process. Billions of pesos have been invested in agricultural fields and MILF has increased their followers on the ground because they (followers) are promised to get back their lands from the non-Bangsamoro if the BBL will be signed. In fact, some troubles have erupted already in Maguindanao and Lanao area because the MILF followers could not wait any longer to lay their hands on the lands of the IPs and the Christians or the migrants in the Bangsamoro area. In addition, not so few people have been promised employment by the MILF when the Bangsamoro will be in place.

The abovementioned situation can possibly happen even if the government and MILF version of BBL will be approved. In fact, it can even be worst because the MILF leadership and followers are basing their claim on ancestral domain and the resources within the Bangsamoro areas in an exclusive framework. The non-Bangsamoro, within and the periphery areas, have been preparing themselves to defend their lands and resources against the Bangsamoro. One can already observe during this period that the non-Bangsamoro have been arming themselves for any eventually.

It is in this context that one can understand when the only Cardinal of Mindanao said that, the role of the passage of the BBL is eminently one of peacemaking - that is an inclusive BBL and not the version of the GPH and the MILF, which can bring about long lasting peace.

In the same regard, the statement of the Peace Council (created by President Aquino) that the BBL is not just an ordinary legislation but a product of almost two decades of peace negotiation and a concrete result of exhaustion with war, should be understood.

It simply means that the BBL should be a legislation for sustainable peace of the three peoples in Bangsamoro in particular which will not definitely end with the signing of the BBL but will be a lifetime process for the different communities within and outside the Bangsamoro areas.

The MILF will definitely have prominent role in the Bangsamoro Political Entity but definitely the BBL will not and should not only benefit the MILF and its followers. Sustainable peace can only be achieved and nurtured if all the stakeholders will be included now and the days to come.

Raymund de Silva, May 26, 2015
