

# Philippines: Hearing the Bangsamoro perspective on Cha-cha

Monday 26 February 2024, by [SANTOS Soliman, Jr](#) (Date first published: 25 February 2024).

**“As Bangsamoros, we are as equally invested as our fellow Filipinos in actively participating in the discussion of constitutional reforms.” Thus said Bangsamoro Parliament (BP) Deputy Speaker Omar Yasser Sema, a second-generation member of the Moro National Liberation Front (MNLF), who earlier lamented that the current discussions about Charter change (Cha-cha) by national leaders had never factored in the perspective of the Bangsamoro people. (see “BARMM execs back Cha-cha to secure peace deal,” *Philippine Daily Inquirer*, February 23, 2024, p. A11)**

Sema’s remarks are in the context of a most recent significant BP Resolution No. 521 issued on 20 February 2024 “expressing the sense of the Parliament supporting Charter change to resolve constitutional issues in the implementation of the Comprehensive Agreement of the Bangsamoro (CAB) that necessitate amendment of the 1987 Constitution.” The Resolution stated that “while the proponents for charter change intend to amend only limited economic provisions in the Constitution, the Bangsamoro Parliament suggests that including certain peace provisions for amendment, to accommodate the asymmetrical relationship between the national government and the Bangsamoro, is also as equally important.”

The Resolution was introduced in the current transition Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) by MP Ahod Balawag Ebrahim, MP Mohagher M. Iqbal and MP Atty. Pangalian M. Balindong. The first two are top leaders of the Moro Islamic Liberation Front (MILF) currently at the helm of the Bangsamoro Transition Authority (BTA). Ebrahim has been better known as MILF Chairman Al-Haj Murad, while Iqbal was/is the MILF chief peace negotiator.

The Resolution significantly provides as its context and rationale a certain understanding of the peace process as “having three tracks: the Political track, the Normalization track and the Constitutional track. To recall, the previous Bangsamoro Transition Commission [BTC]’s mandate was to craft the Bangsamoro Organic Law [BOL] and propose Constitutional Amendments for contentious provisions that cannot be served by the present constitutional regime.” The Resolution states that “there are remaining provisions in the peace accord that are not yet implemented due to constitutional issues that cannot be accommodated in the current 1987 Constitution. These issues had been there since the start of the peace negotiations but the parties were confined to operate within [the] legal framework of the present Constitution.”

The MILF recalls that when a peace deal was still being negotiated back in 2011, the government’s chief negotiator then, now Supreme Court Senior Associate Justice Marvic Leonen, assured them that its political demands could be accommodated “within the flexibilities of the Constitution.” However, in the early BARMM practice so far since 2019, Sema laments the constant constitutionality challenges against legislative acts of the Bangsamoro Parliament such as the Bangsamoro Electoral Code and the Bangsamoro Local Governance Code, not to mention the BOL

itself.

The Resolution goes on to say that “the current move for charter change offers a golden opportunity for the Bangsamoro people to again put forward the issues in the peace agreement that need constitutional amendment. These include among others, 1. The power sharing agreement that defines what is reserved to the national government, what is exclusive to the Bangsamoro government, and what [are] concurrent powers to both; 2. The Sharia Justice System; 3. Policing in the Bangsamoro; 4. Supervision and control of the regional government over its local government units; 5. Delineation of powers of the Constitutional bodies vis-à-vis [the] regional government; 6. Qualification of the Chief Minister.”

And so, the Resolution affirms that “it is for the Bangsamoro people to join the conversation on charter change in order to provide a categorical policy that will afford the highest form of autonomy for the Bangsamoro embedded in the constitutional framework.” But the question is: is there room in the current Cha-cha conversation for this Bangsamoro voice?

Can Filipino political leaders and mainstream society understand and give what is due the Bangsamoro perspective on Cha-cha? If not now, when?

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**P.S.**

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