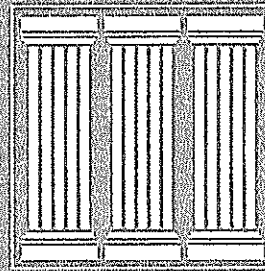


JAPAN INTERNATIONAL COOPERATION AGENCY

Comprehensive Basic Study of the Autonomous Region in Muslim Mindanao in the Republic of the Philippines

Final Report



GOVERNANCE SECTOR

December 2003

PKII ENGINEERS
ENGINEERING CONSULTANTS

IN ASSOCIATION WITH



ORIENT INTEGRATED DEVELOPMENT CONSULTANTS INC.

**COMPREHENSIVE BASIC SURVEY
OF THE AUTONOMOUS REGION
IN MUSLIM MINDANAO**

GOVERNANCE SECTOR

FINAL REPORT

DECEMBER 2003



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FOREWORD

EXECUTIVE SUMMARY ES-1

1. INTRODUCTION 1-1

1.1 Methodology, Coverage and Schedule of Activities Undertaken..... 1-1

1.2 Sources of Information 1-1

1.3 Difficulties Encountered..... 1-1

1.4 Organization of the Report 1-6

2. THE ARMM REGIONAL GOVERNMENT 2-1

2.1 The Executive Department of ARMM..... 2-2

2.1.1 Composition of the Executive Department..... 2-3

2.1.2 The Office of the Regional Governor (ORG) and its locally created offices 2-5

2.1.3 The Devolved Agencies 2-10

2.1.4 The National Government with Field Offices in ARMM 2-17

2.2 Regional Legislative Assembly (RLA) 2-20

2.2.1 Composition of the Regional Legislative Assembly (RLA) 2-20

2.2.2 Office of the RLA Secretary 2-22

2.2.3 Personnel Complement of the RLA..... 2-22

2.2.4 Legislative Process 2-22

2.3 Administration of Justice..... 2-24

2.3.1 Status of Judicial Positions..... 2-27

2.3.2 Total Caseloads in the Shari’a Courts..... 2-34

2.3.3 Shari’a Training and Related Activities..... 2-35

2.3.4 Major Findings of the Study on the Shari’a Courts in the Philippines..... 2-36

2.3.5 Action Program for Judicial Reform (APJR) 2-39

3. THE LOCAL GOVERNMENT UNITS 3-1

3.1 Political Units: Provinces, Cities, Municipalities and Barangay 3-1

3.2 Roles of LGU..... 3-7

3.3 Organizational Arrangements..... 3-8

3.3.1 Structure..... 3-8

3.3.2 Offices, Officials and Functions..... 3-12

3.3.3 Services Provided..... 3-14

3.3.4 Structures Supportive of Local Governance 3-15

4. THE CIVIL SOCIETY ORGANIZATIONS (CSOs) 4-1

4.1 Role of the Civil Society Organizations (CSOs) in Governance..... 4-1

4.2 Consortium of BangsaMoro Non-Government Organizations (NGOs) and People’s Organizations (POs) in ARMM and Mindanao 4-2

4.3 Other Civil Society Organizations (CSOs) in ARMM 4-4

5. ORGANIZATIONAL DIMENSIONS 5-1

5.1 Development Planning for ARMM..... 5-1

5.1.1 Planning Structure 5-1

5.1.2	Planning Linkage.....	5-2
5.1.3	Development Directions.....	5-3
5.2	Financing the ARMM.....	5-11
5.2.1	Sources of Revenues for ARMM.....	5-11
5.2.2	Local Funds of ARMM.....	5-12
5.2.3	Local Budget Preparation.....	5-13
5.2.4	Transfers from the National Government.....	5-14
5.2.5	Distribution of Budgets under the General Appropriations Act within the ARMM.....	5-15
5.2.6	National Government Budget Preparation for ARMM.....	5-15
5.2.7	Sources of Revenues of ARMM Local Government Units.....	5-17
5.3	Policies.....	5-18
5.4	Relationships.....	5-25
5.5	Human Resource (HR) Complement.....	5-30
5.6	Operating Systems and Procedures.....	5-33
5.7	Performance Monitoring and Evaluation and Problem Solving.....	5-39
5.8	Advocacy and Communication.....	5-40
5.9	Strategies in Basic Service Delivery.....	5-45
5.10	Devolution.....	5-46
6.	PEACE BUILDING INITIATIVES.....	6-1
6.1	Status of the Peace Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF).....	6-1
6.1.1	GRP and MNLF Implementation of the Political Aspect of the 1996 Peace Agreement.....	6-2
6.1.2	GRP and MNLF Implementation of the Military/Police Aspect of the 1996 Peace Agreement.....	6-6
6.1.3	GRP and MNLF Implementation of the Socio-Economic Aspect of the 1996 Peace Agreement.....	6-9
6.2	Status of the Government of the Republic of the Philippine and the Moro Islamic Liberation Front (MILF) Peace Talks (Extracted from the GRP Peace Negotiating Panel for Talks with the MILF, OPAPP).....	6-14
6.2.1	Background.....	6-14
6.2.2	Current Status (As of September 2003).....	6-16
6.3	Government's Initiatives on Loose Firearms.....	6-17
6.3.1	Philippine National Police (PNP) Initiatives.....	6-17
6.3.2	Balik Baril Program of the Armed Forces of the Philippines (AFP).....	6-18
7.	DEVELOPMENT INITIATIVES.....	7-1
7.1	National and Regional Undertakings.....	7-1
7.2	Eternally Funded Programs.....	7-3
7.2.1	Projects.....	7-3
7.2.2	Directions of Externally Funded Projects.....	7-5
8.	TRENDS AND CHALLENGES.....	8-1
8.1	Development Directions in ARMM.....	8-1
8.2	Delivery of Basic Services.....	8-2
8.3	Resources Generation and Mobilization.....	8-2
8.4	Budget and Fund Flows.....	8-4
8.5	Organizational Structures and Staffing Patterns.....	8-5

8.6	Operating Systems and Procedures	8-5
8.7	Human Resource Development.....	8-6
8.8	Inter and Intra-governmental Relations.....	8-6
8.9	Devolution	8-7
8.10	Legislation.....	8-7
8.11	Administration of Justice.....	8-8
8.12	Peace Building.....	8-8
9.	ISSUES AND RECOMMENDED INTERVENTIONS.....	9-1

LIST OF TABLES

Table 1-1	Methodology, Coverage and Schedule of Activities Undertaken	1-2
Table 1-2	Organization of the Governance Sector Report	1-6
Table 2-1	Composition of the ARMM Executive Department.....	2-3
Table 2-2	Functions and Responsibilities of Other Locally Created Offices	2-9
Table 2-3	Summary of Positions for the Office of the Regional Governor	2-10
Table 2-4	Summary of Positions for Devolved Agencies.....	2-12
Table 2-5	Status of Devolution.....	2-13
Table 2-6	Functions and Roles of Agencies Covered in the Study.....	2-16
Table 2-7	Provisions of RA 9054 on the Administration of Justice and its Current Status (as of September 2003).....	2-24
Table 2-8	Summary of Organized and Unorganized Shari'a Circuit Courts.....	2-27
Table 2-9	Summary of Existing Judicial Positions in Shari'a Circuit Courts.....	2-33
Table 2-10	Summary of Case Inflows and Outflows	2-34
Table 2-11	Summary of Case Inflows and Outflows	2-35
Table 2-12	Shari'a Training and Related Activities.....	2-36
Table 3-1	Breakdown of LGUs per Province.....	3-1
Table 3-2	Income Brackets for LGU Classification.....	3-7
Table 3-3	Roles of LGUs.....	3-7
Table 3-4	Offices, Officials, Functions of LGUs	3-12
Table 3-5	Structures and Councils in Place in Sample LGUs.....	3-15
Table 4-1	List of Program Strategies.....	4-3
Table 5-1	Status of Implementation of the Regional Executive Agenda.....	5-5
Table 5-2	Availability of Plans and Other Documents in Sample Provinces, Municipalities and City	5-10
Table 5-3	ARMM Local Funds	5-12
Table 5-4	Historical Budget Trend	5-15
Table 5-5	Sources of Local Revenues (LGUs).....	5-17
Table 5-6	Revenue Sources Ratio of Sample LGUs.....	5-18
Table 5-7	Legislation Promoting Social Sector.....	5-19
Table 5-8	Legislation Supportive of the Economic/Agriculture Sector.....	5-19
Table 5-9	Legislation Supportive of the Infrastructure Sector.....	5-20
Table 5-10	Legislation Related to Development Administration/Finance	5-20
Table 5-11	Legislation Supportive of the Political Sector	5-20
Table 5-12	Summary of Enactment.....	5-21

Table of Contents

Table 5-13	Pending Bills for Approval.....	5-21
Table 5-14	Priority Legislative Agenda.....	5-22
Table 5-15	Legislative Actions of Sample LGUs	5-24
Table 5-16	Resolutions/Enactments of Sample LGUs in Maguindanao	5-25
Table 5-17	Relationship Patterns Among Agencies/Institutions	5-26
Table 5-18	LGU Relationship Patterns.....	5-29
Table 5-19	Human Resource Complement and Status.....	5-31
Table 5-20	Unfilled Positions in Sample Line Agencies (Provinces).....	5-31
Table 5-21	Human Resource Complement of Sample LGUs.....	5-32
Table 5-22	Systems/Processes in Place	5-34
Table 5-23	Systems/Processes in Place	5-35
Table 5-24	Constraints Relative to the Systems/Processes	5-36
Table 5-25	Difficulties and Actions Done by LGUs.....	5-38
Table 5-26	Communication Strategies Adopted by Agencies.....	5-41
Table 5-27	Communication Facilities Availability	5-42
Table 5-28	Communication Facilities Availability	5-43
Table 5-29	Communication Facilities Availability	5-44
Table 5-30	Communication Facilities Availability	5-44
Table 5-31	Strategies in Delivering Agency Services.....	5-45
Table 5-32	Devolution Status in Sample Agencies.....	5-47
Table 6-1	Status of the Implementation of the Political Aspect of the 1996 Peace Agreement (As of September 2003)	6-3
Table 6-2	Status of Implementation of the Military/Police Aspect.....	6-6
Table 6-3	Other Initiatives on Peace and Development in ARMM.....	6-11
Table 6-4	Summary of Firearms Confiscated and Surrendered ARMM.....	6-17
Table 6-5	Registered Firearms Licensed	6-18
Table 7-1	Sample of LGU Projects	7-2
Table 7-2	Sample ODA Projects in ARMM (Ongoing)	7-3

LIST OF FIGURES

Figure 2-1	ARMM Organizational Structure.....	2-1
Figure 2-2	Office of the Regional Governor Organizational Structure.....	2-6
Figure 2-3	Regional Planning and Development Office (RPDO) Organizational Structures	2-8
Figure 2-4	Organizational Structure of NAPOLCOM-ARMM.....	2-18
Figure 2-5	Organizational Structure of the Regional Legislative Assembly (RLA).....	2-21
Figure 2-6	Legislative Process in the Regional Legislative Assembly (RLA)	2-23
Figure 2-7	Location of Shari'a Circuit Courts in First Judicial District.....	2-28
Figure 2-8	Location of Shari'a Circuit Courts in Second Judicial District.....	2-29
Figure 2-9	Location of Shari'a Circuit Courts in Third Judicial District.....	2-30
Figure 2-10	Location of Shari'a Circuit Courts in Fourth Judicial District	2-31
Figure 2-11	Location of Shari'a Circuit Courts in Fifth Judicial District	2-32
Figure 3-1	Congressional Districts of Maguindanao	3-2
Figure 3-2	Congressional Districts of Lanao del Sur.....	3-3
Figure 3-3	Congressional District of Basilan.....	3-4

Figure 3-4	Congressional Districts of Sulu.....	3-5
Figure 3-5	Congressional District of Tawi-Tawi.....	3-6
Figure 3-6	Organizational Chart, Provincial Government of Maguindanao.....	3-8
Figure 3-7	Organizational Chart of H. Panglima Tahil, Sulu.....	3-9
Figure 3-8	Organizational Chart of Marawi City	3-10
Figure 3-9	Organizational Chart of a Barangay.....	3-11
Figure 5-1	Regional Economic Planning and Development Board (REPDB) Organizational Structure.....	5-2
Figure 5-2	Linkages of National, Regional and Local Planning and Development Machinery.....	5-3
Figure 5-3	Status of Completion of Comprehensive Land Use Plans (CLUPs)	5-9
Figure 5-4	Budgetary Processes for the General Appropriations Act	5-16
Table 9-1	Summary of Issues and Recommended Interventions on Governance	9-1

LIST OF APPENDICES

Annex 1-1	List of Respondents Interviewed at the Regional level Sector on Governance
Annex 1-2	Participants to the Consultative Workshop on the Governance Component of the Comprehensive Basic Survey of ARMM for the ORG and Locally Created Offices, September 24, 2003, ORG Conference Room, Cotabato City
Annex 1-3	Participants to the Consultative Workshop on the Governance Component of the Comprehensive Basic Survey of ARMM for the Members of the Regional Development Administration Committee (RDAC), September 25, 2003, CSC Conference Room, Cotabato City
Annex 1-4	List of Respondents Interviewed, Devolved Agencies at the Provincial level, Sector on Governance
Annex 1-5a to c	List of Local Government Unit (LGU) Respondents, Sector on Governance
Annex 2-1	The Autonomous Region in Muslim Mindanao: A Historical Flashback
Annex 2-2	List of Cabinet Officials
Annex 2-3	List of Agencies in ARMM
Annex 2-4	Samples of the Organizational Structures of other Devolved Agencies covered in the Study
Annex 2-5	EO No. 178 further Devolving to the ARMM certain Powers and Functions of the Department of Science and Technology amending for this purpose EO No. 426, Series 1991
Annex 2-6	EO No. 180 further Devolving to ARMM certain Powers and Functions of the Department of Trade and Industry amending for this purpose EO No. 481, and for other purposes
Annex 2-7	EO No. 181 Devolving to ARMM certain Powers and Functions of the Technical Education and Skills Development Authority in the Province of Basilan and Marawi City, including the control and supervision over its Programs and projects and for other purposes.

Table of Contents

Annex 2-8	EO No 125 further enhancing the Devolution of Powers and Functions, Programs and Projects of National Government Agencies to the ARMM and for other purposes
Annex 2-9a	EO 125-A amending EO 125
Annex 2-9b	Rules and Regulations to Implement EO No. 125 as amended by EO No. 125-A
Annex 2-10	EO No. 207 Providing for the Representation of the ARMM in the Formulation of Social and Economic Policies, Plans and Programs and for other purposes
Annex 2-11	EO No. 212 Providing for the Organization of the ARMM Unified Command, Southern Command, Armed Forces of the Philippines (AFP) of the ARMM
Annex 2-12	Proposed Organizational Structure of the Official Development Office (ODA) Office
Annex 2-13	List of Officers and Members of the Regional Legislative Assembly, As of August 24, 2003
Annex 2-14	Summary of Shari'a Circuit Courts
Annex 2-15a	Nature and Distribution of File Cases according to Gender Shari'a Circuit Courts, Isabela City, Basilan Province January 10, 1995-December 10, 2002
Annex 2-15b	Gender Distribution of Cases, Second Shari'a Circuit Court, 4 th Shari'a District Court, Marawi City, January 1995-December 2002
Annex 2-15c	Nature and Number of Cases Filed and Dismissed, Shari'a Circuit Court, Bongao Tawi-Tawi, 1995-2002
Annex 2-15d	Nature and Status of Cases, Shari'a Circuit Court, Isabela City, Basilan Province, 1995-1999
Annex 2-15e	Nature and Status of Cases Filed and who filed them, 4 th Shari'a Circuit Court, Marawi City, 1993-2002
Annex 2-15f	Status of Docketed Cases Filed per Year, Second Shari'a Circuit Court, 4 th Shari'a District, Marawi City, and January 1995-December 2002
Annex 3-1	Complete List of ARMM Local Government Units
Annex 3-2	Structure of Other LGUs
Annex 4-1	Profiles of the Member Organizations of the BangsaMoro Consortium
Annex 4-2a	List of CSOs, Pos, NGOs in the Province of Tawi-Tawi
Annex 4-2b	Sample List of Accredited CSOs by an LGU (Basilan)
Annex 5-1	Regional Executive Agenda for Peace and Development
Annex 5-2	List of Agency Budgets for 1997 to 2003
Annex 5-3	Regional Allocation by Agencies, FY2000 to FY 2003
Annex 5-4	ARMM Personnel Statistics as of April 21, 2003
Annex 6-1	Final Agreement on the Implementation of the 1976 Tripoli Agreement between the GRP and the MNLF with the Participation Front of the Organization of Islamic Conference Ministerial Committee of the Six and the Secretary General of the Organization of Islamic Conference
Annex 6-2	Muslim Officials Appointed by President Gloria Macapagal-Arroyo
Annex 6-3	Status of MNLF Integration in the Armed Forces of the Philippines, As of April 2003

Table of Contents

Annex 6-4	Status of MNLF Integration in the Philippine National Police, As of September 2003
Annex 6-5	Status of the Balik Baril Program 2000 to 2003
Annex 6-6	List of Prospective Surrenderees, As of September 2003
Annex 7-1a	Official Development Assistance Project Profile Current as of 2 nd Quarter, 2002
Annex 7-1b	Official Development Assistance Project Profile Committed as of 2 nd Quarter, 2002
Annex 7-1c	Official Development Assistance Project Profile Completed as of 2 nd Quarter, 2002
Annex 7-1d	Donor Activities in ARMM after 2000
Annex 7-1e	JICA-assisted projects in Mindanao
Annex 7-2	Official Development Assistance Project Profile Pipeline as of 2 nd Quarter, 2002

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- Executive Performance Report 2002, Office of the Regional Governor-ARMM
- The BangsaMoro, PARSUGPATAN, Volume 1 No. 3 August 2003;
- Status of the Development Administration based on REA Review
- Regional Economic Development Committee Updates
- Third Regional Development Administration Committee Regular Meeting, August 12, 2003, CSC-ARMM;
- Development Framework Plan 2002-2004, Regional Executive Agenda for Peace and Development
- ARMM Regional Development Framework and Regional Investment Plan Presentation Materials
- Medium Term Regional Development Plan 2002-2004
- Script of Executive Secretary Nabil Tan's Presentation during the DILG-ARMM Field Officers Congress and Coaching Workshop, June 19-23, 2003, Mandaya Hotel, Davao City
- Message Delivered by ARMM Governor Parouk S. Hussin
- ARMM Development Assessment
- CSC NO. 16 Midyear Report, January-June 2003
- DSWD-ARMM 1ST AND 2ND Quarter Accomplishment Report
- DOH-ARMM Presentation Materials
- The ARMM Convergence Program
- BLGF Memorandum Circulars
- Regional EXECUTIVE AGENDA
- LGU Executive Agenda/Capacity Development Plan
- UNDP Materials
 - Peace and Development in southern Philippines- Updates from December 1997-March 1998
 - The Midterm Evaluation Report on the SPCPD-NEDA-UN Multi Donor Programme
 - Terminal Report on the Second Phase of the SPCPD-NEDA-UN Multi-Donor Programmed for Peace and Development in Mindanao

B. BUDGET MATERIALS

- FY 2004, Briefing Materials on the National Government Appropriation to ARMM
- ARMM General Appropriations Act, FY 1999, FY 2000 and FY 2002
- Revenue Code of the ARMM, per MMA No. 49, June 12, 1996
- ARMM Budgetary Assessment Presentation Materials
- ARMM-Local Fund Budget Summary from the TMS-ORG

- ARMM Local Budget Preparation Planning Guidelines, April 2002 to December 2002

C. LEGISLATIVE DOCUMENTS AND EXECUTIVE ISSUANCES

- Various Executive Issuances: Eos 178,180,181,125,125-A,207,212, MMA 14, MMA53, EO8
- ARMM Devolution Status Report, As of July 9, 2003
- Message of the Speaker Ismael B. Abubakar, Jr. on the Opening Program of the Training Seminar for the Legislative Staff Office sponsored by AusAID at the Asian Institute and
- Management (AIMO)
- List of Regional Legislative Assembly members
- Proposed Legislative Agenda

D. JUSTICE

- The Shari'a Courts in the Philippines, women, Men and Muslim Personal Laws by Isabelita Solamo-Antonio, PILIPINO Legal Resource Center, Inc (PLRC)
- Action Program for Judicial Reform, 2001-2002 (with Supplement), August 2001
- AJPR 2001-2006 Presentation Materials
- PD No. 1083, A Decree to Ordain and Promulgate a Code Recognizing the System of Filipino Muslim Laws, Codifying Muslim Personal Las and Providing for its Administration and for other purposes

E. PEACE AND DEVELOPMENT

- Security peace and Development in Mindanao, Chapter 15 of the Medium Term Philippine Development Plan, 2001-2004
- Armed Forces of the Philippine (AFP) Reports on the Balik Baril program, Integration of the MNLF and the Status of the GRP-MILF Peace Talks
- PNP Reports from central Office on EO 171 of the Firearm Amnesty Program and the FA Amnesty Progress Report, from August to September 2003
- Police Regional Office-ARMM Reports on OPLAN PAGLALANSAG, Data on Loose Firearms and Update on the PNP-MNLF Integration
- OPAPP General Information Materials
- Semi-Annual Accomplishment Report of OPAPP
- Quick Look Reference on the Status of the GRP-MILF Peace Talks, As of September 2003
- Report on the Implementation of the 1996 Final Peace agreement between GRP and MNLF

F. CIVIL SOCIETY ORGANIZATIONS

- Consortium of Bangsa Moro Non-Government Organizations (NGOs) and Peoples Organizations in Mindanao.

ACRONYMS

ADB	Asian Development Bank
ADA	ARMM Development Academy
AFP	Armed Forces of the Philippines
AJPR	Action program for Judicial Reforms
ARCs	Agrarian Reform Communities
ARMM	Autonomous Region in Muslim Mindanao
ARMMIARC	ARMM Integrated Agriculture Research Center
ARG	Autonomous Regional Government
ASEC	Assistant Secretary
BEAM	Basic Education Assistance in Mindanao
BCH	Bureau of Cultural Heritage
BIAF	BangsaMoro Islamic Armed Forces
BYMO	Bansang Moro Youth Office
CA	Consultative Assembly
CCCH	Coordinating Committee on the Cessation of Hostilities
CDA	Community Development Assistance
CDA	Cooperative Development Authority
CIDSS	Comprehensive Integrated Delivery of Social Services
CHED	Commission on Higher Education
CRS	Catholic Relief Services
CSC	Civil Service Commission
CSO	Civil Society Organizations
CMPL	Code of Muslim Personal Laws
COMELEC	Commission on Election
CPC	Country Program for Children
DAF	Department of Agriculture and Fisheries
DAR	Department of Agrarian Reform
DBM	Department of Budget and Management
DepEd	Department of Education
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
DND	Department of National Defense
DOH	Department of Health
DOF	Department of Finance
DOLE	Department of Labor and Employment
DOST	Department of Science and Technology
DOT	Department of Tourism
DOTC	Department of Transportation and Communication
DPWH	Department of Public Works and Highways
DTI	Department of Trade and Industry
DSWD	Department of Social Welfare and Development
EA	Executive Agenda
EU	European Union
GAA	General Appropriations Act
GOP-UN	Government of the Philippines-United Nations
GRP	Government of the Republic of the Philippines
HLURB	Housing and Land Use Regulatory Board
JBIC	Japan Bank for International Cooperation

JICRP	Jolo Island Circumferential Road Project
LGU	Local Government Unit
LGSP	Local Government Support Program
LMT	Local Monitoring Team
MDFI	Maguindanao Development Foundation Inc
MEO	Manila Extension Office
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MMA	Muslim Mindanao Act
MPDF	Mindanao Peace and Development Fund
MPDO	Municipal Planning and Development Office
MRDP	Mindanao Rural Development Program
MUCARD	Muslim Christian Advocates for Rural Development
NAPOLCOM	National Police Commission
NCIP	National Commission for Indigenous Peoples
NEDA	National Economic and Development Authority
NEP	National Expenditure Program
NGOs	Non-Government Organizations
NPUD	National Program for Unification and Development
NSO	National Statistics Office
ODA	Official Development Assistance
OIC	Organization of Islamic Conference
OMA	Office of Muslim Affairs
OPAPP	Office of the Presidential Adviser on the Peace Process
ORG	Office of the Regional Governor
ORVG	Office of the Regional Vice Governor
OSCC	Other of Southern Cultural Communities
PBSP	Philippine Business for Social Progress
PCA	Philippine Coconut Authority
PD	Presidential Decree
PEF	Peace and Equity Foundation
PESFA	Private Education Scholarship Fund Assistance
PGMA	President Gloria Macapagal-Arroyo
PLRC	PILIPINA Legal Resource Center, Inc.
PNP	Philippine National Police
PPDO	Provincial Planning and Development Office
POs	People's Organizations
PTT	Permit to Transfer
RA	Republic Act
RAFID	Regional Agriculture and Fishery Information Division
RCBW	Regional Commission on BansangMoro Women
RDAC	Regional Development Administration Committee
RDP	Regional Development Plan
REA	Regional Executive Agenda
REZA	Regional Economic Zone Authority
REDPB	Regional Economic Development and Planning Board
RLEDAC	Regional Legislative and Executive and Development Advisory Committee
RLA	Regional Legislative Assembly
RPFP	Regional Physical Framework Plan

RPDO	Regional Planning and Development Office
RPMA	Regional Ports and Management Authority
RRUC	Regional Reconciliation and Unification Council
RPMEC	Regional Project Monitoring and Evaluation Committee
RSI	Regional Strategic Infrastructure
RTWPB	Regional Tripartite Wage and Productivity Board
SC	Supreme Court of the Philippines
SOMA	Suspension of Military Actions
SPCPD	Southern Philippines Council for Peace and Development
SPDA	Southern Philippines Development Authority
SMEs	Small and Medium Enterprises
STARCM	Support for Agrarian Reform in Central Mindanao
SRI	Strategic Regional Infrastructure
SZOPAD	Special Zone on Peace and Development
TESDA	Technical Education and Skills Development Authority
TMS	Technical Management Service
TWG	Technical Working Group
UNICEF	United Nations Children Fund

FOREWORD

The “Comprehensive Basic Survey of the Autonomous Region In Muslim Mindanao (ARMM)” in the Republic of the Philippines, hereinafter referred to as the “Survey”, was funded by the Japan International Cooperation Agency (JICA) of the Government of Japan. The Survey had commenced on August 4, 2003 and was for three (3) month duration. The sectors included in the Survey were:

- (1) Agriculture and Fisheries
- (2) Health and Medical Care
- (3) Education
- (4) Basic Infrastructure
- (5) Governance
- (6) Water Supply and Sanitation

All the information/data used in the survey was generated during the aforementioned survey period with the objective of gathering as much as possible the latest statistics available to provide an up-to-date picture of the current situation in the ARMM. What is therefore provided in these reports are the latest available data, though in some cases these already seemed outdated.

The difference between time period (year) reflected by the statistics and the period (year) of the conduct of this Survey shows the inadequacy in the availability of updated information. In instances wherein the desired information/data were not available, the Survey had to generate the necessary information itself through field surveys.

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Background, Objectives and Coverage

The Autonomous Region in Muslim Mindanao (ARMM) has been a center of many development interventions since its creation. Both national government and various donors have put in efforts and resources to assist the region perform its function, deliver services and respond to development priorities in the area.

Set against this, a survey is conducted (August 2003-October 2003) to clarify current development constraints and potentials of ARMM along six sectors – health and medical care, education, water supply, agriculture and fishery, basic infrastructure and governance, and find out possible areas of cooperation to further support ARMM meet its development goals.

This report chronicles the results of the study on Governance. It aims to present the development trends, issues/gaps and challenges in the sector as well as possible areas for interventions. This is a product of assessing the status of structures, systems, relationships within, administrative processes and resources management of ARMM, its agencies and Local Government Units (LGUs) in ensuring responsive delivery of mandated functions and services.

Sources of information for the study came from reviewing secondary data; structured interviews conducted at the regional, provincial, municipal levels; results of provincial and regional workshops; results of unstructured interview with a Peace & Development Community representative, and selected officials at the national level.

Given the time and resource limits, the study only covered nine (9) devolved line agencies at the regional and/or provincial level (DOH, DEPED, DAF, DPWH, DILG, DSWD, HLURB, DTI, DENR), two (2) non-devolved institutions (CSC, NAPOLCOM), one local created (RPDO), Regional Legislative Assembly, forty (40) LGUs (5 provinces, 1 city, 34 municipalities) and respondents from Office of the Presidential Adviser on the Peace Process, National Economic and Development Agency, Supreme Court, Shari'a Court, Philippine National Police, and Office of the Regional Governor.

General Findings

a.) Structures and Staffing in ARMM Government

Three main departments in ARMM – Executive, Legislative, and Judiciary, are provided for by the Organic Act. They operate and support each other in performing their mandates to pursue development in the region. Except for the Judiciary whose budget comes from and is supervised by the Supreme court, both Executive and Legislative departments draw their financial resources from the national government through the Autonomous Regional Government that is directly under the Office of the President. To facilitate interaction of the Executive and Legislative Departments, a Regional Legislative and Executive Development and Advisory Committee (LEDAC) was created.

Comprised of the Offices of the Regional Governor (ORG), Vice Governor, Deputy Regional Governors, Cabinet Secretaries, Local Chief Executives of Local Government Units, the Executive Department ensures that development directions are set and pursued through the implementation of programs and projects. On the other hand, the Legislative Department through the Regional Legislative Assembly (composed of 24 elected Assembly members representing eight districts) enacts necessary policies in support of the implementation of the development directions.

Councils, Boards and Committees exist in the region to provide support services, these include – Regional Economic Planning and Development Board (REPDB), Regional Reconciliation and Unification Council (RRUC), and the Regional Project Monitoring and Evaluation Committee (RPMEC). In addition, a Manila Extension Office or ARMM Liaison Office provides linkage between ARMM and national government, congress and donors.

In view of many donor programs in ARMM and to harmonize these efforts/projects, an ODA Office was created under the Office of the Governor this year. Providing necessary resources and linkages will help enable the unit operate fully.

Aside from the devolved, non-devolved agencies in ARMM, local created offices are operating and funded through local resources, i.e., Office of the Regional Treasurer, ARMM Development Academy, Bureau of Cultural Heritage, Bangsa Moro Youth Office, Regional Commission on Bangsa Moro Women, among others. The extent and progress of their operations however depend on the availability of local funds.

The Judiciary, responsible for the administration of justice in the region, consists of the regular courts as well as the Shari'a. There are five Shari's District Courts and thirty-six (36) Shari'a Circuit Courts existing across Mindanao. The law mandates the organization of fifty-one (51) Circuit Courts in addition to the setting up of Shari'a Public Assistance Office, Shari's Appellate Court and the appointments of Consultant to the Judicial Bar and Council as well as Deputy Court Administrator for ARMM.

There are two thousand five hundred forty eight (2,548) Local Government Units in ARMM – broken down as: 5 provinces, 1 city, 98 municipalities, and 2, 445 barangays. The LGUs are responsible for ensuring services and effective governance in their localities. To facilitate performance of functions, LGUs establish structures and councils with multi-sectoral memberships. Some of these are – Local special Bodies, Disaster Coordinating Committee, Local Shelter Board, Fisheries and Aquatic Resource Council, Gender Focal Unit.

Empowerment of communities and mainstreaming their participation in governance is provided for in the Organic Act and Muslim Mindanao Act # 25 (Local government Code for ARMM). The Civil Society Organizations' (CSOs) presence in ARMM serves as third force that represents people sentiments. They are involved in advocacy and information dissemination activities, project implementation, services delivery. Some have been accredited by the LGUs and perform functions as members of the Local Special Bodies (LSBs). At the Regional Assembly however a law on sectoral representation need to be enacted and implemented to ensure CSOs involvement in policy making processes.

The estimate number of government employees in the region is 37, 000. These include plantilla positions, contractuals/casuals, project based personnel across executive, legislative, judicial, government owned and controlled corporations (except Basilan agencies). Contractuals/casuals are usually paid out of Maintenance and Operating Expenses (MOOE), projects or other sources. Majority of the agencies have filled up all plantilla positions except for lawyer posts in some agencies (NAPOLCOM, DILG, DSWD, DPWH). As regards Shari'a courts, only 19 of 52 judge positions in the circuit courts are filled up while all 5 District Courts have no judges.

b.) Development Planning/Directions

ARMM's planning and development framework is similar to other administrative region in the country. Plans emanate from barangays, municipalities, provinces, region and brought up

to the national level. Linkage between and among each other though is not assured considering time and capacity limitations. More so continuity and sustainability is affected by the changing priorities of leaders.

At the level of the region, current leadership has formulated the Regional Executive Agenda (REA) for Peace and Development as the Regional Development Framework Plan and Catch-Up Plan. Line agencies have aligned their plans in accordance with the priorities set in the REA. LGUs, on the other hand, came up with their Executive Agenda.

The REA focused on supporting the peace process and pursuing social, economic, political and institutional reforms. A number of activities have been accomplished and projects are operating in support of the thrusts, however, actual desired changes and outcomes still have to be seen as these were done recently and most are still continuing.

Ideally, a complementary Legislative Agenda has to be in place at the level of the region and in the LGUs. Although there are indicators of supportive enactments (i.e., Regional Economic Zone Authority) at both levels, there is a need to ascertain that an agenda exist.

A number of other plans are present among LGUs, the study cited at least twenty-one plans and documents that are asked of LGUs to prepare. Given the time, capacity and resource availability, presence, quality and implementation of these plans cannot be assured.

c.) Policies

The Organic Act provides overall policy in the ARMM. This is supported by Executive Orders and other issuances by the national government. With regard to regional policies, ensuring complementation between development directions and legislative action is wanting. A welcome development is brought in by the current RLA Speaker who has indicated a number of priority bills in support of development thrusts cited in the REA.

At the level of the LGUs, there is a need to policies enacted support executive agenda priorities. Enforcing policies enacted likewise need to done.

d.) Financing ARMM

Lack of financial resources is a bottleneck in ARMM. Most agencies experienced either shortfall of funds and delay in fund transfers for their operations. ODA resources have

provided in for the gaps through projects and other services however agencies have inadequate resources to provide counterpart. In addition, they have to deal with the ODA requirements – documentation and cycles, hence timely flow of such resources are not predictable.

Dependency on national government transfers is high both on regional agencies and Local government Units. LGUs have not optimized local revenue generation strategies cited in the Local Government Code.

e.) Systems, Procedures, Processes

Most agencies indicated the presence of systems and processes needed in their organizations, this includes policy development, planning, financial management, audit, administrative management, information management, human resource management (HRM), and monitoring & evaluation. Compliance and consistent implementation of these processes though cannot be pronounced. The agency respondents also cited the need for the systems to be documented/manualized.

In the area of HRM, provisions for staff development, rewards and sanctions have been highlighted.

As to monitoring of agency performance and problem solving processes, MANCOM, regular cabinet meetings, reporting using the RPMEC processes are seen as venues and approaches for tracking performance and presenting/resolving issues. There is no guaranty however that issues are properly addressed and that results are feedback to agencies.

f.) Relationships

Many of the devolved agencies have not cut-off ties with their central agencies, they continue to share policies, information, resources. This is seen as advantageous and strengthens performance of functions. All agencies also cooperate with undertakings of the region especially in activities called for by the ORG and in committee work.

Survey results however show that clarifying relationships among line agencies, RLA, LGUs, and congress is necessary.

g.) Advocacy and Communication

The need for systematic and continuous information dissemination on development thrust and updates is required in the ARMM considering its geography and inadequate communication facilities. There are efforts to hasten information and education of its constituents but are limited.

h.) Strategies for Services Delivery

Basic services delivery is a mandate of regional agencies. However some LGUs have recognized that they have to perform such function being closer to the public and having better standing in terms of Internal Resource Allocation transfers. In a number of areas, Convergence strategy has been adopted by line agencies and the LGUs in delivering services. This is seen as efficient as it pools resources together.

i.) Devolution

Devolution processes are not yet complete. Although many agencies have been transferred, addressing operational concerns are necessary. There is also a need to manage perceptions to the process and the attached consequences.

j.) Peace Building Initiatives

The wellspring for development is peace. ARMM and the entire country for that matter continues to deal with peace and development concerns – recurrence of armed conflict, lack of harmony due to diverse culture, and low level of socio-economic development.

Past and current efforts of government include the implementation of the Peace Agreement Between the Government and the Moro national Liberation Front and the peace talks between the government and the Moro Islamic Liberation Front.

Regarding the GRP-MNLF agreement, political, military/police, and socio-economic aspects of the Peace Agreement are being addressed. Initiatives on repeal of the Organic Act and corresponding plebiscite, creating of peace and development areas and program implementation, socio-economic assistance provision, integration of former MNLF members into PNP/military, creation of commands and appointments of key leaders to posts were done. In this regard, multi-donor programs heeded the call for assistance and support on this.

For the GRP-MILF Peace talks, a general framework for the resumption of peace was put into place. Hostilities and violations to the initial framework pushed back negotiations. The President's Peace Initiative which consisted of confidence-building measures were undertaken – downgrading of AFP operational status from punitive action to active defense, lifting of warrants of arrests against MILF leaders and the reward for their capture, issuance of safe conduct pass. The cessation of hostilities agreement was signed on July 19, 2003. Follow through meetings to enhance implementation and monitoring mechanisms are being done.

There are also current efforts to campaign against loose firearms, licensing and registering process, granting of amnesty for surrendering unlicensed firearms. There is however a need for extensive information dissemination on this.

A number of local initiatives among LGUs, CSOs, and private sector operate in the region. This includes activities that build a culture of peace, organizing the Peace and Order Councils, rehabilitation activities, undertaking livelihood projects, and provision for basic services especially in post-conflict areas.

k.) Development Initiatives

Various development programs and projects are implemented in the region and are carried out by and/channeled through national line agencies, LGUs, CSOs, Non-Government Organizations, private sector, Diocese, Project Management Offices (PMOs) of donor countries, etc.

Focus of these initiatives may be along social services delivery, economic and livelihood, environment management, public service improvement, infrastructure, agriculture, development administration, and peace building.

Among others, prominent donors include UN, USAID, CIDA, JICA, European Union, AusAID, Asian Development Bank, World Bank. The Information indicates that there will be a continuing flow of donor resources in ARMM for the next five years. Exact amount of these investments for ARMM though cannot be ascertained as figures include assistance for other regions.

Issues, Challenges Confronting ARMM

As ARMM pursues its development agenda, it is necessary that the following concerns be dealt with:

- On Development Plans - REA need to be disseminated and understood at all levels of the bureaucracy and the public. Feedback indicated the low level of awareness of/appreciation for the directions.

At the level of the LGUs, updating of Provincial Physical Framework Plan, completion/updating of the Comprehensive Plan need to be undertaken. Among others, both have to consider the REA thrusts.

A complementary Legislative Agenda supportive of development thrusts need to be in place and corresponding policies, ordinances, resolutions passed.

- Delivery of Basic Services – Ensuring that basic services reach poor and far-flung areas is a major concern. The lack of resources, facilities and unstable peace and order situation affect the delivery of services. Optimizing Convergence Strategy to deliver services will be advantageous.
- Revenue Generation and Resources Mobilization – Veering away from dependency on IRA requires other options for raising revenues. Among others, building internal capacities, mobilizing communities, strong linkages and partnering with other institutions, improving fiscal management will help enable ARMM achieve better standing along this.
- Budget and Budget Flows – Reviewing policies on the processes, ceilings, allocations (which are skewed towards Personal Services) on both GAA and Local Funds need to be done.
- Organizational Structures and Staffing Patterns – Options for streamlining or restructuring bureaucracy while ensuring services/functions are responsive and done in a cost-effective manner have to be looked on carefully.
- Operating Systems and Procedures – Compliance to systems and consistent implementation has to be tracked especially in Human Resource Management, audit,

and control, administrative. Updating and upgrading facilities to ensure systems relevance and using monitoring results to improve performance is needed. Clamor for enactment of Administrative Code as well as formulation of the Region's Code of Ethical Standards.

- Human Resource Development – Ensuring a pool of competent staff is a major task. There is also a need to build managerial and technical capacities, work ethics, personal and organizational values.
- Inter and Intra-Governmental Relations – The tasks of organizing agencies and ascertaining teamwork exist in each agency and among institutions (including with the CSOs) as well as building relationships must be done to ensure concerted delivery of services. Similarly important is the need to develop “sincere trust and relationship” between national government departments and ARMM.
- Devolution – Enabling devolved agencies perform their functions effectively, ensuring right competencies, required resources, relevant programs and projects are available. Studying options for devolving services to LGUs is important. Completing devolution requirements of other agencies.
- Administration of Justice - Structures, systems, people need to be put in place so that performance of this function is done.
- Peace and Unity –Building an environment of peace and continuously instilling among its constituency a culture of peace. There is also a need to manage perceptions that people in the region are non-peace advocates.

Recommended Interventions

“Governance refers to the manner power is exercised in the management of social and economic resources.” Following this thought, it is important that critical dimensions be addressed to effect good governance, namely, a) accountability for the performance of functions conferred upon, b) transparency of decisions and basis as well as corresponding costs, and c) participation of beneficiaries to ensure sustainability of the service.

Considering the governance parameters and issues faced by ARMM, the recommended package of interventions are - Regional Administrative Reforms, Regional Fiscal

Management Reforms, Technical Assistance to Devolution and Institutionalization of Services, Support to Information, Communication and Technology, Regional Legislative Improvement Program, Regional Policy Development and Advocacy, Support to the Shari's Courts Operations and Facility Development, Support to Peace Building.

Specific interventions may include capability building, confidence building, systems review, enhancement and/or installation, manualizing/documenting systems and processes, and equipment upgrading and facility provision.

Within these interventions, Good Governance functions have to be promoted and facilitated. These are: a) Policy Making and Monitoring and Evaluation: formulation and tracking of impact of policies, b) Resource Management: Raising revenues and mobilizing resources to implement policies, c) Delivery and Regulatory: implementation of policies, provision of goods and services, and d) Enabling; fostering an environment for CSOs participation and private sector's growth.

On the overall, these and other development undertakings must be focused in addressing primary concerns in the region – poverty reduction and a peaceful environment among its diverse culture.

CHAPTER 1
INTRODUCTION

1. INTRODUCTION

The governance component is one of the six (6) areas covered by the Study for the Comprehensive Basic Survey on the Autonomous Region in Muslim Mindanao (ARMM).

This sector aims to present the development trends, issues/gaps, and challenges in governance. It also intends to provide recommended interventions.

A comprehensive database on governance in ARMM is expected as an output of this Study.

1.1 Methodology, Coverage and Schedule of Activities Undertaken.

The governance sector of the Study employed several approaches in the generation of data. Table 1-1 shows the Methodology, Coverage and the Schedule of Activities Undertaken.

1.2 Sources of Information

This sector heavily relied on the following information:

- ◆ Generated secondary data and completed studies (refer to the list of references);
- ◆ Results of structured interviews at the regional and provincial levels undertaken by the principal investigators;
- ◆ Results of the structured interviews at the municipal level by enumerators;
- ◆ Results of the Regional Consultation Workshops held for the Office of the Regional Governor (ORG) and the Regional Development Administration Committee (RDAC) on September 24 and 25, 2003, respectively;
- ◆ Results of the unstructured interviews with selected officials of key agencies at the National level.

1.3 Difficulties Encountered

- ◆ Difficulty in setting of appointments with key persons responsible for the information; More often, the principal investigators and enumerators had to go back to the offices at least twice in order to get most of information required;

Table 1-1 Methodology, Coverage and Schedule of Activities Undertaken on the Governance Sector

Administrative Level and Methodology Used	Coverage	Schedule of Activities Undertaken	Remarks
<p>A. <u>National level</u></p> <p>1. Generation of secondary data</p> <p>2. Conduct of unstructured interviews with key officials and staff</p>	<p>Office of the Presidential Adviser on the Peace Process (OPAPP), National Economic and Development Authority (NEDA), Supreme Court (SC), Philippine National Police (PNP) and the United Nations Development Program (UNDP)</p>	<p>September 29-October 2, 2003</p>	<p>Unstructured interviews were used to gather secondary data, validate what data were obtained and generate the perspective and views of national officials</p>
<p>C. <u>Regional level</u></p> <p>1. Generation of secondary data</p> <p>2. Conduct of interviews</p> <p>a) Structured Interviews</p> <p>Different questionnaires were used in interviewing the respondents. These questionnaires were intended for the Office of the Regional</p>	<p>Institutions and individuals covered by the structured interviews at the regional level were: ORG, RLA, RPDO, DOH, DAF, DPWH, DILG, DSWD, HLURB, CSC and NAPOLCOM</p>	<p>Last week of August-September 2003</p>	<p>For the structured interviews, several key persons of every agency/institution had to be interviewed because of the nature of questions being asked. Persons involved were: management officials, administrative/finance officers and to great extent even the supply or logistic officer. As such, it took about half a day to cover one agency/institution</p>

Administrative Level and Methodology Used	Coverage	Schedule of Activities Undertaken	Remarks
<p>Governor, the Regional Legislative Assembly, Devolved Agencies and National Government with Field Offices in ARMM</p> <p>b) Unstructured Interviews</p>	<p>Institutions and individuals covered by the unstructured interviews were: Shari'a District and Circuit Courts, 6th Infantry Division, PNP Regional Office in ARMM and a Shari'a Counselor</p>		
<p>3. Conduct of a 2-day Regional Consultation Workshop</p> <p>Guide questions were also prepared that were used during the Regional Consultations. These questions were:</p> <ul style="list-style-type: none"> ▪ What are the emerging trends in the following areas since the implementation of the Organic Act for the Autonomous Region in Muslim Mindanao (RA 6754) and as amended by RA 9054 	<p>The 2-day Regional Consultation Workshops include the following groups:</p> <ul style="list-style-type: none"> ▪ Office of the Regional Governor and locally-created Offices ▪ Regional Development Administration Committee (RDAC) and selected agencies of other Sub-Committees of the Regional Economic Development and Planning Board (REDPB) 	<p>September 24, 2003</p> <p>September 25, 2003</p>	<p>Participants in the Regional Consultation had a broader representation. The list of attendees is shown in Annexes 1-2 and 1-3</p>

Administrative Level and Methodology Used	Coverage	Schedule of Activities Undertaken	Remarks
<ul style="list-style-type: none"> ▪ What are the constraints and strategic interventions on Governance and Development Administration? 			
<p>D. <u>Provincial, City and Municipal levels</u></p> <ol style="list-style-type: none"> 1. Generation of secondary data 2. Conduct of structured interviews <p>Two (2) sets of questionnaires were used for the structured interviews: for the devolved agencies and for the Local Government Units (LGUs)</p> <p>The enumerators conducted the structured interviews at the municipal level</p> <ol style="list-style-type: none"> 3. Conduct of unstructured interviews 	<p>Institutions covered by the enumerators among the devolved agencies were: DPWH, DTI, DILG, IPHO, PSWDO, PENRO, PAO and DepEd</p> <p>Forty (40) LGUs were covered: 5 provinces, 1 city, and 34 municipalities.</p> <p>A sample Shari'a Circuit Court judge was interviewed in one of the island provinces.</p>	<p>Whole month of September 2003</p>	<p>The list of respondents interviewed from among the Devolved Agencies at the Provincial level is shown in Annex 1-4.</p> <p>The list of Municipalities and the Respondents of the Study is shown in Annexes 1-5a to 5c.</p>

Administrative Level and Methodology Used	Coverage	Schedule of Activities Undertaken	Remarks
4. Conduct of Provincial/City Consultation Workshops	Five (5) Provincial Consultations were conducted for the following provinces: <ul style="list-style-type: none"> ▪ Tawi-Tawi ▪ Basilan ▪ Sulu ▪ Lanao Province and the City of Marawi ▪ Maguidanao 	September 8, 2003 September 10, 2003 September 11, 2003 September 17, 2003 September 24, 2003	

- ◆ “Off the record” was a common phrase that the principal investigators had to settle with;
- ◆ Information particularly relating to financial matters was most difficult to generate;
- ◆ There was limited time to generate the most ideal set of information.

1.4 Organization of the Report

The Government Sector Report is presented in nine (9) parts. This is reflected in Table 1-2.

Table 1-2 Organization of the Report

Chapters	Description
Chapter One	This chapter presents the objective, methodology, coverage, schedule of activities, difficulties encountered and the Organization of the Sector Study;
Chapter Two	This chapter presents the ARMM Government comprising the Executive Department, the Regional Legislative Assembly and its Administration of Justice. It contains a discussion of the Organizational Structures, Functions and Roles, Personnel Complement and Relationship with each other;
Chapter Three	This chapter presents the Local Government Units (LGUs) within ARMM. It contains a brief profile of the Provinces, City and Municipalities. It also discusses the LGUs' roles and the services these units provide;
Chapter Four	This chapter presents the profile of the Civil Society Organizations (CSOs). It discusses the CSOs' role in governance, relationships and types of institutions;
Chapter Five	This chapter presents the different Organizational Dimensions such as Development Planning and Financing of the ARMM. It also contains discussions on policies, relationships, systems and processes, advocacy and communication, program strategies and devolution;
Chapter Six	This chapter presents the Peace-Building Initiatives covering the Peace Agreement between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF), on-going Peace Talks between GRP and the Moro Islamic

Chapters	Description
	Liberation Front (MILF) and Other Government Initiatives.
Chapter Seven	This chapter presents the Development Initiatives at the National, Mindanao and externally funded programs and projects;
Chapter Eight	This chapter presents the different Trends and Challenges in Governance in ARMM; and
Chapter Nine	This chapter presents the Issues and Recommended Interventions.

CHAPTER 2
THE ARMM REGIONAL GOVERNMENT

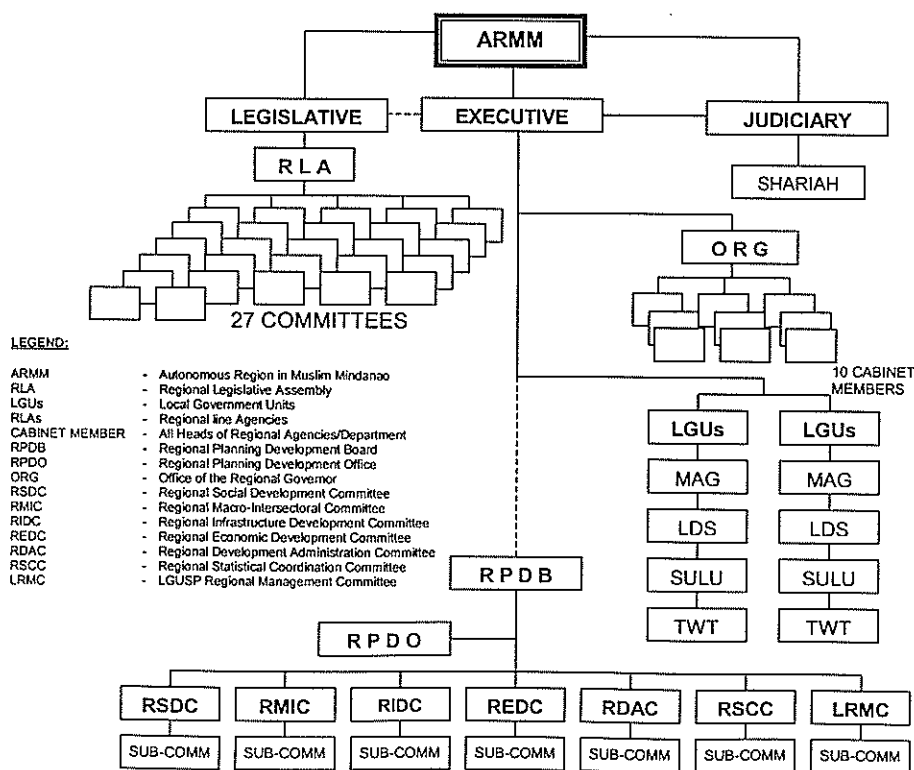
2. THE ARMM REGIONAL GOVERNMENT

The creation of the Autonomous Region evolved through a series of steps taken by the national leadership to resolve what was commonly shown as the “Mindanao Problem”, a simmering unrest caused by decades of neglect and discrimination which resulted to tragic period of fratricidal conflict. A Historical Flashback of the ARMM is shown in Annex 2-1.

President Corazon C. Aquino signed the first Organic Act for the Autonomous Region in Muslim Mindanao into law as Republic Act 6754 on August 1, 1989. This was then amended by RA 9054 “ An Act to Strengthen and Expand the Organic Act for ARMM, passed in February 7, 2001 and became a law on March 31, 2001 in accordance with Article VI, Section 27 (i) of the Philippine Constitution.

Republic Act 6734 and as amended by Republic Act 9054 provides for the establishment of the Executive Department (Article VII) and the Legislative Department (Article VI) in the ARMM Regional Government. These enactments also provide for its administration of Justice (Article VIII). The over-all organizational structure and the relationship with each other are shown in Figure 2-1.

Figure 2-1 ARMM Organizational Structure



Source: Regional Planning and Development Office (RPDO)-ARMM

The Regional Government exercises its powers and functions necessary for or incidental to the proper governance and development of all the constituent units within the autonomous region. Specifically mentioned in the Organic Act are:

- ◆ Creation of its own sources of revenues and to levy taxes, fees and charges, subject to the provisions of the Constitution and the Republic Act (Article IX);
- ◆ Protection of the ancestral domain, ancestral lands and agrarian reform (Article X);
- ◆ Promotion of urban and rural planning and development (Article XI);
- ◆ Promotion of regional economy and patrimony consistent with the Constitution and existing laws (Article XII);
- ◆ Maintenance and preservation of law and order (Article XIII);
- ◆ Establish, maintain and support education, science and technology, arts and sports (Article XIV);
- ◆ Promotion of social justice, services, institutions and other concerns (Article XV).

The Executive and Legislative Departments carry out these powers and functions with the administration of justice provided by the Regular Trial and Shari'a courts, directly supervised by the Supreme Court of the Philippines. The President of the Republic of the Philippines provides general supervision over the Autonomous Regional Government (ARG) through the Regional Governor.

The Regional Legislative and Executive Development and Advisory Committee (RLEDAC) was recently created to provide the venue for both Departments to inter-act on development matters affecting the ARG.

2.1 The Executive Department of ARMM

The Executive power in ARMM is vested in the Regional Governor, who is elected by the qualified voters of the Autonomous Region (Article VII, Section 1).

2.1.1 Composition of the Executive Department

The Regional Governor, the Vice Governor, the three Deputy Regional Governors, the Cabinet Secretaries and the Local Chief Executives of the Provinces, City and Municipalities covered by the ARMM Region represent the Executive Department.

**Table 2-1 Composition of the ARMM Executive Department
(As of October 2003)**

Provisions of RA 9054 with respect to composition of the Executive Department	Status of Implementation
<p>1. The Regional Governor is the Chief Executive of the ARMM Regional Government (Article VII, Section 2)</p> <p>The term of office of the Regional Governor is for a period of three (3) years, which will begin at noon on the 30th day of September next following the day of the election and will end at noon of the same date three (3) years thereafter. (Article VII, Section 7)</p>	<p>1.1 The incumbent Regional Governor assumed office after the first elections for the expanded autonomous region under RA 9054 in 2002. He is also the concurrent Regional Secretary of Department of Public Works and Highways (DPWH)-ARMM.</p> <p>1.2 He heads the Office of the Regional Governor (ORG) with an Executive Secretary and with 4 support services.</p>
<p>2. The Regional Vice Governor takes over the position of the Regional Governor in case of permanent vacancy (Article VII, Section 11) and temporary vacancy (Article VII, Section 12).</p> <p>The Regional Vice-Governor may be appointed by the Regional Governor as a member of the Regional Cabinet without need of confirmation by the Regional Legislative Assembly (RLA).</p> <p>The term of office of the Vice Regional Governor is for a period of three (3) years, which will begin at noon on the 30th day of September next following the day of the election and will end at noon of the same date three (3) years thereafter. (Article VII, Section 7)</p>	<p>2.1 The incumbent Regional Vice-Governor also assumed office together with the Regional Governor in 2002. He is also the Department of Education (DepED)-ARMM Regional Secretary in a concurrent capacity.</p> <p>2.2 He heads the Office of the Regional Vice-Governor (ORVG).</p>
<p>3. Deputy Regional Governors: Executive Council</p>	<p>3.1 Three (3) Deputy Regional Governors representing the Christians, the</p>

Provisions of RA 9054 with respect to composition of the Executive Department	Status of Implementation
<p>This Council shall advise the Regional Governor on matters of governance of the Autonomous Region; The 3 Deputy Governors shall be Ex-Officio members of the Regional Cabinet with or without portfolio (Article VII, Section 6).</p>	<p>Indigenous Cultural Communities and the Muslims in the Region were appointed. These officials are:</p> <ul style="list-style-type: none"> ▪ Honorable Gumbalia Gunki representing the Lumads or the Indigenous Cultural Communities ▪ Honorable Abdul Sahrin, an MNLF member representing the Muslims ▪ Honorable Luis Olano representing the Christians <p>3.2 The ARMM Regional Government is requesting for the budgetary requirements of the 3 positions, their staff and operating budget from the Department of Budget and Management (DBM).</p>
<p>4. Cabinet Members</p> <p>The Regional Governor shall be assisted by a Cabinet not exceeding ten (10) members (Article VII, Section 2)</p>	<p>4.1 There are twenty (20) Cabinet Secretaries /Directors representing the Devolved Agencies under the direct supervision of the Regional Governor. The List of Cabinet Officials of these agencies is shown in Annex 2-2.</p> <p>4.2 In addition to the Cabinet Secretaries of the Devolved Agencies, its own locally created offices also assist the Regional Governor. These offices are represented by the following officials:</p> <ul style="list-style-type: none"> ▪ The Executive Secretary under the Office of the Regional Governor ▪ The Acting Executive Director of the Bureau of Cultural Heritage (BCH-ARMM) ▪ The Executive Director of the Regional Planning and Development Office (RPDO-ARMM) ▪ The Regional Manager of the Regional Ports and Management Authority (RPMA)

Provisions of RA 9054 with respect to composition of the Executive Department	Status of Implementation
	<p>4.3 National Government with field offices in ARMM are also tapped by the Regional Governor to participate in Cabinet meetings. These agencies are represented by the following officials:</p> <ul style="list-style-type: none"> ▪ The Director of the National Police Commission (NAPOLCOM) ▪ The Executive Director of the National Statistics Office (NSO) ▪ The Director of the Civil Service Commission (CSC) ▪ The Regional Manager of the Philippine Coconut Authority (PCA) ▪ The Administrator of the Southern Philippines Development Authority (SPDA) <p>A complete list of National Government with Field Offices in ARMM is shown in Annex 2-3.</p>
<p>4. Local Chief Executives of the Provinces, City, Municipalities and Barangays</p> <p>The term limits in Republic Act No. 7160, the Local Government Code of 1991, will apply to the Governors of Provinces and Mayors of Cities, Municipalities and Punong Barangay in the Autonomous Region.</p>	<p>4.1 There are now five (5) provinces, one (1) city, 98 municipalities and 4,445 barangays in the Autonomous Region. The five provinces are: Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. The lone city is Marawi.</p> <p>4.2 Specific discussions on the Local Government Units are contained in Chapter III.</p>

Sources: RA 9054 and various documents obtained from the Regional Planning and Development Office (RPDO)-ARMM

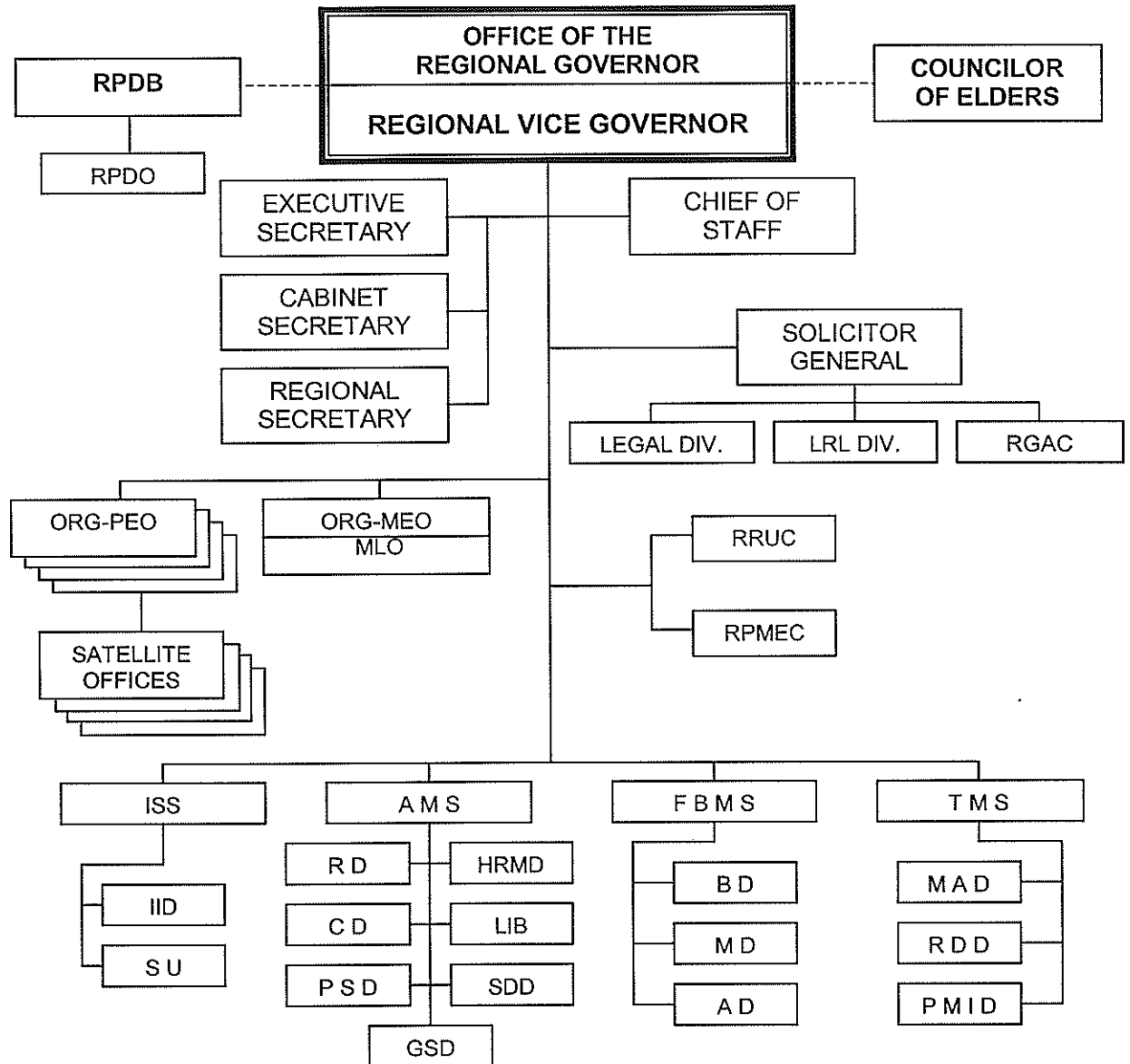
2.1.2 The Office of the Regional Governor (ORG) and its locally created offices

As mentioned earlier, Offices of the Regional and Vice Governor were established, together with other locally created officers.

a) OFFICE OF THE REGIONAL GOVERNOR (ORG)

The Organizational Structure of the Office of the Regional Governor is illustrated below:

Figure 2-2 Office of the Regional Governor Organizational Structure



LEGEND:

- RPDB - Regional Planning and Development Board
- RPDO - Regional Planning and Development Office
- LRLD - Legislative Research and Liaison Division
- RGAC - Regional Governor Assistance Center
- ORG-PEO - ORG Provincial Extension Office
- ORG-MEO - ORG Manila Extension Office
- RRUC - Regional Reconciliation and Unification Council
- RPMEC - Regional Project Monitoring and Evaluation Committee
- ISS - Intelligence and Security Service
- IID - Intelligence and Investigation Division
- SU - Security Units
- AMS - Administrative Management Service

- RD - Record Division
- HRMP - Human Resource Management Division
- CD - Cash Division
- LIB - Library
- PSD - Property and Supply Division
- SDD - Sport Development Division
- GSD - General Service Division
- FBMS - Finance and Budget Management Service
- BD - Budget Division
- MD - Management Division
- AD - Accounting Division
- TMS - Technical and Management Service
- MAD - Media Affair Division
- RDD - Research Development Division
- PMID - Planning and Management Information Division

The Office of the Regional Governor is tasked to pursue programs and projects geared towards the proper governance and total development of all constituents within the 5 provinces and 1 city. This office provides for the supervision, implementation and execution of the Regional Development Plans, Policies and Programs.

In addition to its support services, there are three (3) Councils, Boards and Committees within the ORG, namely:

- ◆ Regional Economic Development and Planning Board (REDPB)
- ◆ Regional Reconciliation and Unification Council (RRUC)
- ◆ Regional Project Monitoring and Evaluation Committee (RPMEC)

The Manila Extension Office plays an active role as a liaison office in dealing with the National Government, Congress and ODA donors.

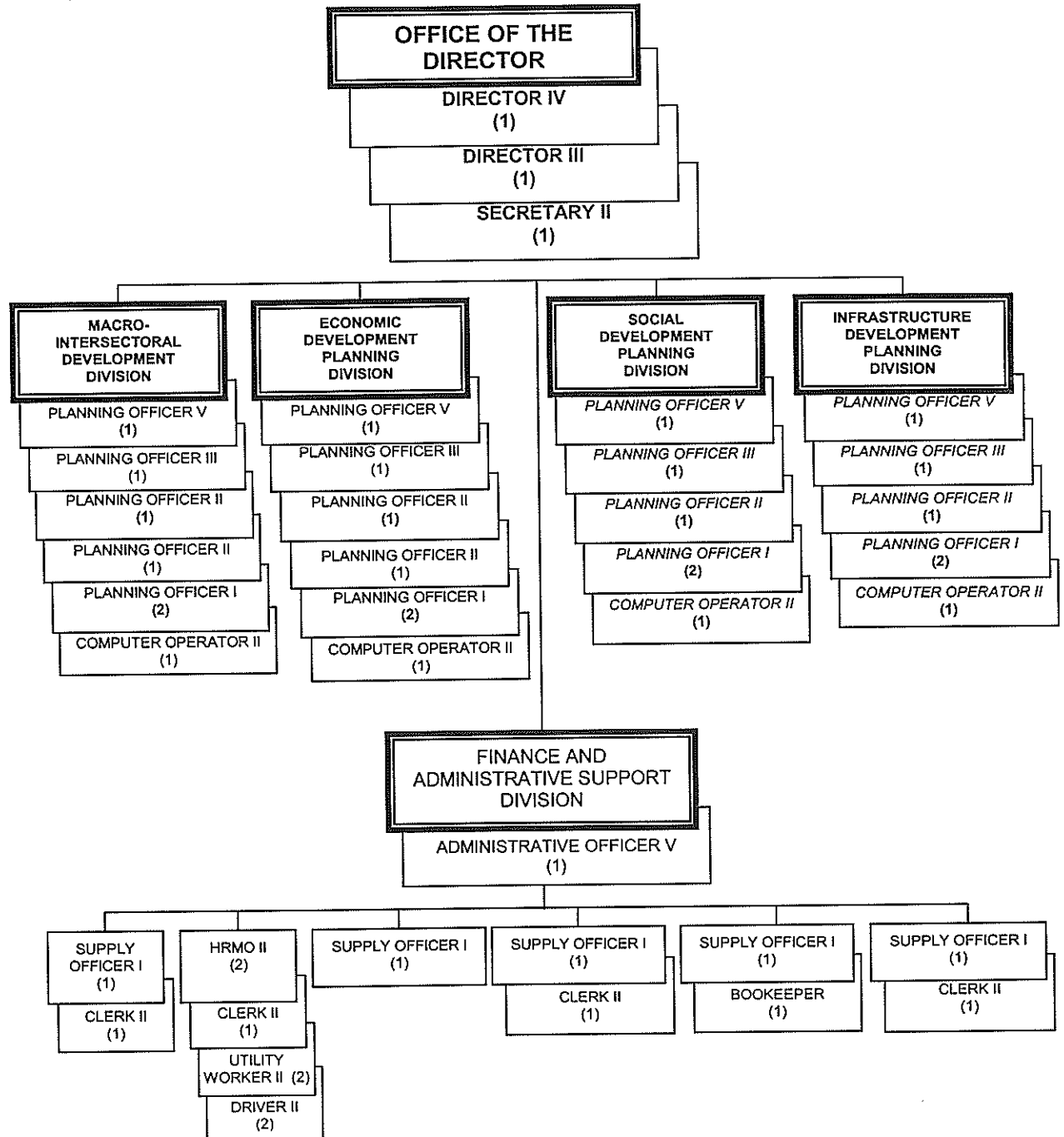
b) REGIONAL PLANNING AND DEVELOPMENT OFFICE (RPDO)

Providing secretariat support to the REDPB, the highest planning body of the Region is the Regional Planning and Development Office (RPDO). Five (5) Divisions support the RPDO, as shown in Figure 2-3.

Functions of the RPDO are similar to the National Economic and Development Authority Regional Offices (NROs) in the other Administrative Regions. These functions are:

- ◆ Evaluate and review proposed programs and projects for consideration by the regional planning and development board;
- ◆ Monitor and assess the programs and projects' implementation in the ARMM;
- ◆ Serve as the technical staff of the regional planning and development board in the ARMM;
- ◆ Provide technical assistance to implementing agencies in the autonomous region in identifying and developing regional programs and projects;

Figure 2-3 Regional Planning and Development Office (RPDO) Organizational Structures



Source: Regional Planning and Development Office (RPDO)-ARMM

- ◆ Coordinate with the regional offices, other departments and agencies, and assist the local government units in the ARMM in the performance of their assigned tasks;
- ◆ Coordinate the implementation of foreign-assisted projects in the new autonomous region;
- ◆ Coordinate both foreign and local scholarship grants in the region; and

With the creation of the Official Development Assistance (ODA) unit, the RPDO will need to work closely with said unit in the coordination of foreign-assisted projects.

c) OTHER LOCALLY CREATED OFFICES

Listed below are other locally created offices with their respective functions.

Table 2-2 Functions and Responsibilities of Other Locally Created Offices

Other Locally Created Offices	Functions and Responsibilities
1. Office of the Regional Treasurer (ORT)	1.1 To evolve a system of sound and efficient management of ARMM financial resources and to ensure that said resources are generated and managed in accordance with the Regional Law and applicable existing national policies;
2. ARMM Development Academy (ADA)	2.1 It shall be the training institute to conduct training programs, seminars, workshops; it shall also establish rules and regulations and priorities for human resource development training programs' implementation;
3. Bureau of Cultural Heritage (BCH) as provided for in Article XIV, Section 27 of RA 9054	3.1 Plans, initiates, implement and monitor cultural programs, projects and activities that preserve and enhance the positive elements of the indigenous culture of the inhabitants of the Autonomous Region;
4. BangsaMoro Youth Office (BMYO) as provided for in Article XV, Section 7 of RA 9054	4.1 Coordinates the affairs of the youth as the ARMM Government recognizes the youth's role in nation building;
5. Regional Commission on BangsaMoro Women (RCBW) as provided for in Article XV, Section 6 of RA 9054	5.1 Coordinates the affairs of the women, as the ARMM Government recognizes the women's role in nation building.

Source: Office of the Regional Governor-ARMM

d) PERSONNEL COMPLEMENT WITHIN THE OFFICE OF THE REGIONAL GOVERNOR AND ITS LOCALLY CREATED OFFICES

Shown in the Table 2-3 is the Summary of Positions from FY 2000 to FY 2003 for the ORG and its Locally created Offices.

Table 2-3 Summary of Positions for the Office of the Regional Governor and Selected Locally Created Offices FY 2000-FY 2003

OFFICES	2000			2001			2002			2003		
	RP	NI	Total	RP	NI	Total	RP	NI	Total	RP	NI	Total
ORG	246	219	465	246	219	465	246	219	465	260	219	479
ORVG	8	8	16	8	8	16	8	13	21	8	13	21
RPDO	43	0	43	43	0	43	43	0	43	43	0	43
ORT	13	0	13	13	0	13	13	0	13	13	0	13
TOTAL	310	227	537	310	227	537	310	232	542	324	232	556
Percentage to Total	57.70%	42.30%	100%	57.70%	42.30%	100%	57.20%	42.80%	100%	58.30%	41.70%	100%
Percentage Increase			0			0			0.92%			2.52%

Source: FY 2004 Proposal of ARMM

Legend: RP-Regular Personnel; NI-Non-Itemized Positions

As of 2003, the total number of positions in the ORG and selected locally created offices is five hundred fifty-six (556), for both regular and non-itemized positions. Of this number, 58.60% (324) are regular positions while the remaining 41.70% (232) are non-itemized positions. The greater bulk of these positions are located in the Office of the Regional Governor (ORG). No increase in positions was registered for the years 2000 to 2001. Less than 1% increase was made from 2001 to 2002 and up to 2.52% from 2002 to 2003. This information however, only refers to positions funded under the General Appropriations Act (GAA) and does not reflect the positions created and funded for under the local funds.

2.1.3 The Devolved Agencies

There are twenty (20) Devolved Agencies in ARMM. Samples of the Organizational Structures obtained from selected agencies covered in the study showed variations in terms of structures. These are reflected in Annex 2-4.

General observations obtained from the review of organizational structures and staffing patterns of these devolved agencies are:

- ◆ The number of Assistant Regional Secretaries varies from 1 to 3 positions in a given agency. Examples generated that for the Department of Public Works and Highways (DPWH), the Department of Health (DOH) and the Department of Interior and Local Government (DILG), all these agencies have one Assistant Regional Secretary while the Department of Agriculture and Fisheries (DAF) has 3 Assistant Regional Secretaries;
- ◆ All devolved agencies have operations and administrative services;
- ◆ Departments and Bureaus vary depending on the nature of the program/project/services being implemented. For instance:
 - Unique to DPWH-ARMM under the current administration is the creation of designated positions such as: a Department caretaker in the absence of the Regional Secretary, another positions for an Assistant Regional Secretary, a Director for Finance and Special Task Force for the Jolo Island Circumferential Road Project (JICRP);
 - DILG established a sub-regional office based in Zamboanga city, headed by a Director III with 4 sections replicating those of the main Regional Office;
 - DAF has other offices reporting directly to the Regional Secretary. These are: Planning and Monitoring, Regional Agriculture and Fishery Information Division (RAFID), ARMM Integrated Agricultural Research Center (ARMMIARC), Foreign-assisted projects; and Manila Coordinating Office;
- ◆ Common to all regional devolved offices is the establishment of two Lanao Offices (Lanao Sur A and Lanao Sur B)
- ◆ Among the Devolved Agencies covered, the Housing and Land Use Regulatory Board (HLURB) is one agency still in a skeletal force.

a) PERSONNEL COMPLEMENT AMONG THE DEVOLVED AGENCIES

A total of 21, 297 positions is funded for the total of 20 devolved agencies in the GAA of 2003. 99.4% (21,162) are regular positions with only .60% (135) non-itemized positions. The greatest

bulk of work force is with the DepED-ARMM with 74.9% (15,943) followed by the DOH with 7.5% (1,590). Table 2-4 reflects the Summary of Positions for Devolved Agencies.

Increases in positions are negligible with less than 1% in 2002 and 2003. The increases went to the DepEd for both regular and non-itemized positions.

Based on the results of the interviews with Devolved Agencies, personnel complement is not enough to be able to provide for basic services to the entire region. Positions that are difficult to fill up are mostly those involving legal services (positions for lawyers) and medical services (positions for doctors) because there are no takers due to low salaries and qualification standards required of the positions.

Due to the limitation in creation or filling up of positions, hiring of casuals was resorted to with funding coming from Maintenance, Operating and Other Expenses (MOOE).

**Table 2-4 Summary of Positions for Devolved Agencies
FY 2000-2002**

DEVOLVED AGENCIES	2000			2001			2002			2003		
	RP	NI	Total	RP	NI	Total	RP	NI	Total	RP	NI	Total
01. HLURB	15	7	22	15	7	22	15	5	20	15	5	20
02. BSCC	43	0	43	43	0	43	43	0	43	43	0	43
03. DAF	756	4	760	756	4	760	756	4	760	756	4	760
04. DAR	232	0	232	232	0	232	232	0	232	232	0	232
05. DepED	15,089	60	15,149	15,149	60	15,149	15,440	83	15,523	15,860	83	15,943
06. DOST	33	4	37	33	4	37	33	4	37	33	4	37
07. CHED	415	0	415	415	0	415	415	0	415	415	27	442
08. TESDA	34	0	34	34	0	34	34	0	34	34	0	34
09. DENR	793	0	793	793	0	793	793	0	793	793	0	793
10. DOH	1,551	6	1,557	1,551	6	1,557	1,590	0	1,590	1,590	0	1,590
11. DILG	272	0	272	272	0	272	272	0	272	272	0	272
12. DTI	112	1	113	113	1	113	112	1	113	112	0	113
13. DOT	29	0	29	29	0	29	29	0	29	29	0	29
14. RBOI	20	0	20	20	0	20	20	0	20	20	0	20
15. DOLE	64	0	64	64	0	64	64	0	64	64	0	64
16. RTWB	0	0	0	0	0	0	5	1	6	5	0	6
17. DPWH	560	0	560	560	0	560	560	0	560	560	0	560
18. DSWD	240	0	240	240	0	240	240	0	240	240	0	240
19. CDA	23	0	23	23	0	23	23	0	23	23	0	23
20. DOTC	0	0	0	0	0	0	66	0	66	66	0	66
TOTAL	20,281	82	20,363	20,281	82	20,363	20,742	98	20,840	21,162	135	21,297
Percentage (%)	99.60%	0.40%	100%	99.60%	0.40%	100%	99.50%	0.50%	100%	99.40%	0.60%	100%
Percentage Increase									0.50%			0.60%

Source: FY 2004 Proposal of ARMM

Legend: RP-Regular Positions; NI-Non-Itemized Positions

b) STATUS OF DEVOLUTION

Article XVIII, Section 4 of the transitory provision of RA 9054 specifies that line agencies and offices of the National Government dealing with local government, social services, science and technology, labor, natural resources, and tourism, including their personnel, equipment, properties and budgets, shall be immediately placed under the control and supervision of the Regional Governor. The status of devolution is shown in Table 2-5.

**Table 2-5 Status of Devolution
(As of September 2003)**

Devolution Activities	Current Situation and Developments
<p>1. Signed Executive Orders (E.O.) by the President</p>	<p>1.1 Four (4) Executive Orders were signed by the President that will be in compliance with the above-mentioned provisions of the RA 9054.</p> <ul style="list-style-type: none"> ▪ EO No. 178 which provides further devolving to the Autonomous Regional Government of the ARMM certain powers and functions of the Department of Science and Technology (DOST) amending for this purpose EO No. 426, series of 1991 (Annex 2-5); ▪ EO No. 180 which provides for devolving to the Autonomous Regional Government of ARMM certain powers and functions of the Department of Trade and Industry (DTI), amending for the purpose, EO No. 481, and for other purposes (Annex 2-6); ▪ EO No. 181 which provides for devolving to the ARMM certain powers and functions of the Technical Education and Skills Development Authority (TESDA) in the province of Basilan and in Marawi City, including the control and supervision over its programs and projects, and for other purposes (Annex 2-7); ▪ EO No. 125 “further enhancing the Devolution of Powers and Functions, Programs and Projects of National Government Agencies to the ARMM, and for other purposes” as amended by EO No. 125-A issued in September 16, 2002 (Annexes 2-8,2-9a &2-9b) <p>This specific EO provides the devolution of locally funded programs/projects being undertaken and those programmed to be implemented in the ARMM to the Autonomous Regional Government (ARG), except when Congress provides in the</p>

GAA or special law which government agency shall implement a particular program or when in the judgment of the ARMM Regional Governor, the ARG does not have the capacity to implement the program. Likewise, programs and projects funded by ODA intended only for the ARMM are to be implemented by the ARG. Programs/projects funded by ODA implemented on a nation-wide basis, but with an ARMM component are to be implemented by the concerned national agency, with the ARG implementing the component within the ARMM. Meantime, on-going programs/projects in the ARMM funded by ODA and covered by loan agreements are devolved to and implemented by the ARG, subject to re-negotiation and amendment of the loan agreements. An ODA Office under the Office of the Regional Governor has been created to handle all matters relating to the accessing of ODA for ARMM programs and projects. Said ARMM-ODA Office shall closely coordinate with the National Economic and Development Authority (NEDA). The EO also provides the transfer of national agencies devolved to the ARG in Isabela City to an appropriate government center in Lamitan, Basilan.

Latest developments on the ODA Office

The ODA Office was already established within the Office of the Regional Governor. Engr. Nasser G. Sinarimbo, the Officer-In-Charge, heads the Office with one technical staff detailed from the DPWH-ARMM. The Office is provided with a minimal support for operational expenses out of the local funds for the remaining months of 2003;

The ODA Office also submitted a proposal for its organizational structure and staffing pattern for CY 2004 (Annex 2-12)

- EO 207 provides for the representation of the ARMM in the formulation of social and economic plans and programs and for other purposes, dated 17th May 2003 (Annex 2-10);
- EO 212, which provides for the Organization of the ARMM Unified Command, Southern Command, Armed Forces of the Philippines (AFP) for the ARMM, dated 28th May 2003. Said EO provided for the creation of the Unified Command under the direct supervision and control of the Commander, Southern AFP; and as such the DND and the AFP shall determine the command relationship between Southern Command, AFP, the ARMM United Command and AFP-wide support units of the major services operating in Southern Philippines (Annex 2-11).

<p>2. On-going review of Executive Orders of other departments and agencies</p>	<p>2.1 The Technical Working Group (TWG) is reviewing the draft Executive Orders on devolution of several departments and agencies.</p>
<p>3. Organization of the Technical Working Group (TWG) on Devolution</p>	<p>3.1 The TWG on Devolution was created with the Director of the Technical Management Services (TMS) heading the Committee. As of July 9, 2003, the TWG met 9 times to discuss and work out the executive issuances on Devolution of several government agencies.</p> <p>3.2 The Oversight Committee was created in accordance with the provision of Article XVIII, Section 3. It is headed by the Executive Secretary of the Office of the President. The Committee met three times to make recommendations on the Executive Orders that need to be signed by the President.</p>

Source: *Technical Management Services (TMS)-ARMM September 2003*

While there is continuing devolution of powers from the National Government to the ARMM, the provision of RA 9054 Section 3 which provides that the Regional Government shall adopt a policy on local autonomy whereby regional powers shall also be devolved to local government units particularly in areas of education, health, human resources, science and technology and people empowerment, has not taken into effect.

This is possibly due to Muslim Mindanao Authority (MMA) 25, its own Local Government Code, which has not specifically devolved such powers to the LGUs. This inconsistency will greatly affect the transfer of devolved functions on health, agriculture, social services in the Province of Basilan and the city of Marawi. There is apprehension of the transfer of powers, funds and personnel from the LGUs to the Regional Government of ARMM.

c) FUNCTIONS AND ROLES OF DEVOLVED AGENCIES

One of the guiding principles and policies embodied in RA 9054 is the provision, maintenance and assurance of the delivery of, among other things basic and responsive health programs, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects and water resource development (Article III, Section 11). In view of this provision, the different devolved agencies were created to implement the basic services required of the law.

Reflected in Table 2-6 are the Functions and Roles of Devolved Agencies covered in the Study. Based on the generated reports from the Regional and Provincial level devolved agencies, there seems to be clarity of roles/functions for each of the agency.

Regional Offices provide the policy directions while the Provincial/Municipal Offices provide direct services to their clients.

Roles and responsibilities of individuals and operating units are clear at all levels. There is recognition of complementation between administrative and technical units at the regional and provincial levels. However, there is a need for continuing orientation of office policies, programs and projects, particularly for new entries into the government bureaucracy.

Highlighted below are some of these devolved agencies.

Table 2-6 Functions and Roles of Agencies Covered in the Study

Devolved Agencies	Functions and Roles
1. Department of Interior and Local Government (DILG)	1.1 Assist the Regional Governor in the exercise of general supervision over the LGUs; develop and strengthen local government capability to promote local autonomy, decentralization, community empowerment through technical assistance and capability-building programs.
2. Department of Social Welfare and Development (DSWD)	2.1 Lead role in the rehabilitation and relief in armed conflict areas and natural disasters.
3. Department of Agriculture and Fisheries (DAF)	3.1 Lead role in helping and empowering the farming and fishing communities and the private sector to produce enough, accessible and affordable food in the ARMM Region; improvement of the agriculture sector.
4. Department of Public Works and Highways)	4.1 Lead role in the provision and maintenance of highways, flood control and water resource development systems, and other public works within the ARMM.
5. Department of Health (DOH)	5.1 Lead role in the provision and maintenance of health, nutrition and sanitation services to the people.

Devolved Agencies	Functions and Roles
6. Department of Education (DepEd)	6.1 Upgrade the quality of education in the ARMM.
7. Department of Trade and Industry (DTI)	7.1 Lead role in trade, investment, industry promotion and development in the Region particularly with the Small and Medium Enterprises (SMEs); undertake institutional coordination and linkages with other agencies and Local Government Units (LGUs)
8. Department of Environment and Natural Resources (DENR)	8.1 Lead role in the conservation, protection and rehabilitation of the natural resources of the Region (forests, lands, environment, and other related services)

*Source: Documents obtained from various Devolved Agencies
Results of the Interview Questionnaires*

2.1.4 The National Government with Field Offices in ARMM

Article XVIII, Section 4 of RA 9054 provides for the transfer of agencies and offices to the ARMM. Except for the exclusions made in Article IV, Section 3 (foreign affairs, national defense and security, postal services, coinage/fiscal/monitoring policies, administration of justice except Shari'a, customs and tariff, citizenship, naturalization, immigration and deportation, general auditing, national elections, maritime, land and air transportation and communication, patents, trademarks, trade names and copyrights and foreign trade), other national government offices and agencies in the ARMM shall be placed under the control and supervision of the Regional Governor pursuant to a schedule prescribed by the Oversight Committee.

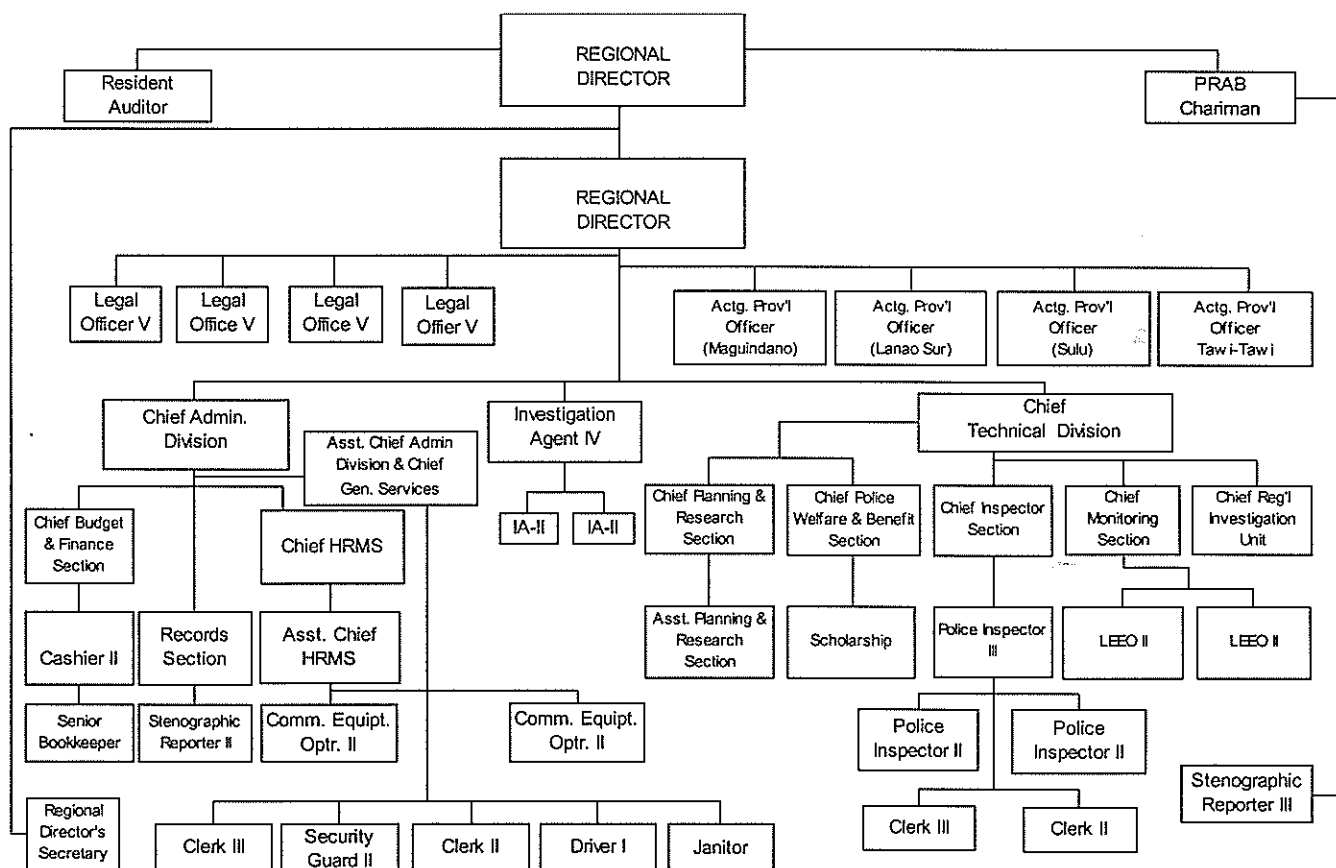
The transfer of these offices and agencies and their personnel, equipment, properties and budgets shall be accomplished within 6 years from the re-organization of the Regional Government.

Shown in Annex 2-3 is the List of National Government with Field Offices in ARMM. Those agencies without physical presence in ARMM are either represented by other Administrative Regions such as Regions IX and XII. Examples are Department of Budget and Management (DBM), Department of Finance (DOF).

a) ORGANIZATIONAL STRUCTURE OF NATIONAL GOVERNMENT WITH FIELD OFFICES IN ARMM COVERED IN THE STUDY

There were only two National Governments with Field Offices covered in the Study. These were the Civil Service Commission (CSC) and the National Police Commission (NAPOLCOM). In the case of the latter, the NAPOLCOM-ARMM follows an organization just like any administrative region in the country. Illustration of its organizational structure is shown below:

Figure 2-4 Organizational Structure of NAPOLCOM-ARMM



Source: NAPOLCOM-ARMM

A Regional Director heads the office with 46 personnel complement. There are Technical and Administrative Divisions. Sixteen (16) of these positions are vacant because of the absence of qualified applicants (mostly lawyers) and the delayed processing of papers from Central Office.

There is a proposal for the devolution of NAPOLCOM-ARMM to be under the direct supervision of the Regional Governor. Sentiments of the personnel are that devolution should

only be restricted to the technical supervision and control while the administrative supervision should still be maintained by the National Government.

In the case of the Civil Service Commission-ARMM, the Regional Office has already existed for almost 5 years but with no separate funding of its own. DBM Central office continues to withhold the recognition of CSC-ARMM as a legitimate region. As such, CSC-ARMM does not have an official duly constituted organization structure with legal approval by DBM. The funding support for CSC-ARMM operations come from personal services and operating expenses of the CSC Central Office (Extracted from the CSC Regional Office-16 Midyear Report, January to June, 2003).

As of September 2003, there are 37 personnel serving the entire region. Existing personnel in the field offices are not sufficient. For a small organization with an ideal number of personnel of 5, there are only 2 existing in the field offices. Likewise, this is the only administrative region without an Assistant Regional Director (ARD) considering the geographical difficulties in reaching out the different provinces and city in the region.

b) FUNCTIONS AND ROLES OF NATIONAL GOVERNMENT WITH FIELD OFFICES IN ARMM

There is no difference in terms of functions and roles of National Government Offices in the ARMM and with those of the other administrative regions, as these offices are basically supervised and controlled by their respective Central Offices. For instance, the Civil Service Commission (CSC)-ARMM takes the lead role in managing people resource in the civil service, assuming a primordial role in strengthening bureaucracy's own integrity by:

- Advocating new paradigms, perspectives, values and behavior that support good governance;
- Guiding clients towards compliance or adoption of rules instead of imposing rigid regulation;
- Addressing critical gaps and weaknesses of priority sector through focused strategic interventions for better performance and ethical behavior; and
- Established a new service culture and heightened sense of accountability that places 'service to the people' as the core values of every civil servant.

These agencies relate to the Regional Governor when asked to participate or be involved in the development planning activities of the Regional Economic Development and Planning Board (REDPB) and its Sub-committees, in Cabinet Meetings and in reporting of major and significant accomplishments affecting ARMM, on a case-to-case basis. However, there are loose arrangements anchoring on the harmonious relationship of personalities involved in the process of coordination.

2.2 Regional Legislative Assembly (RLA)

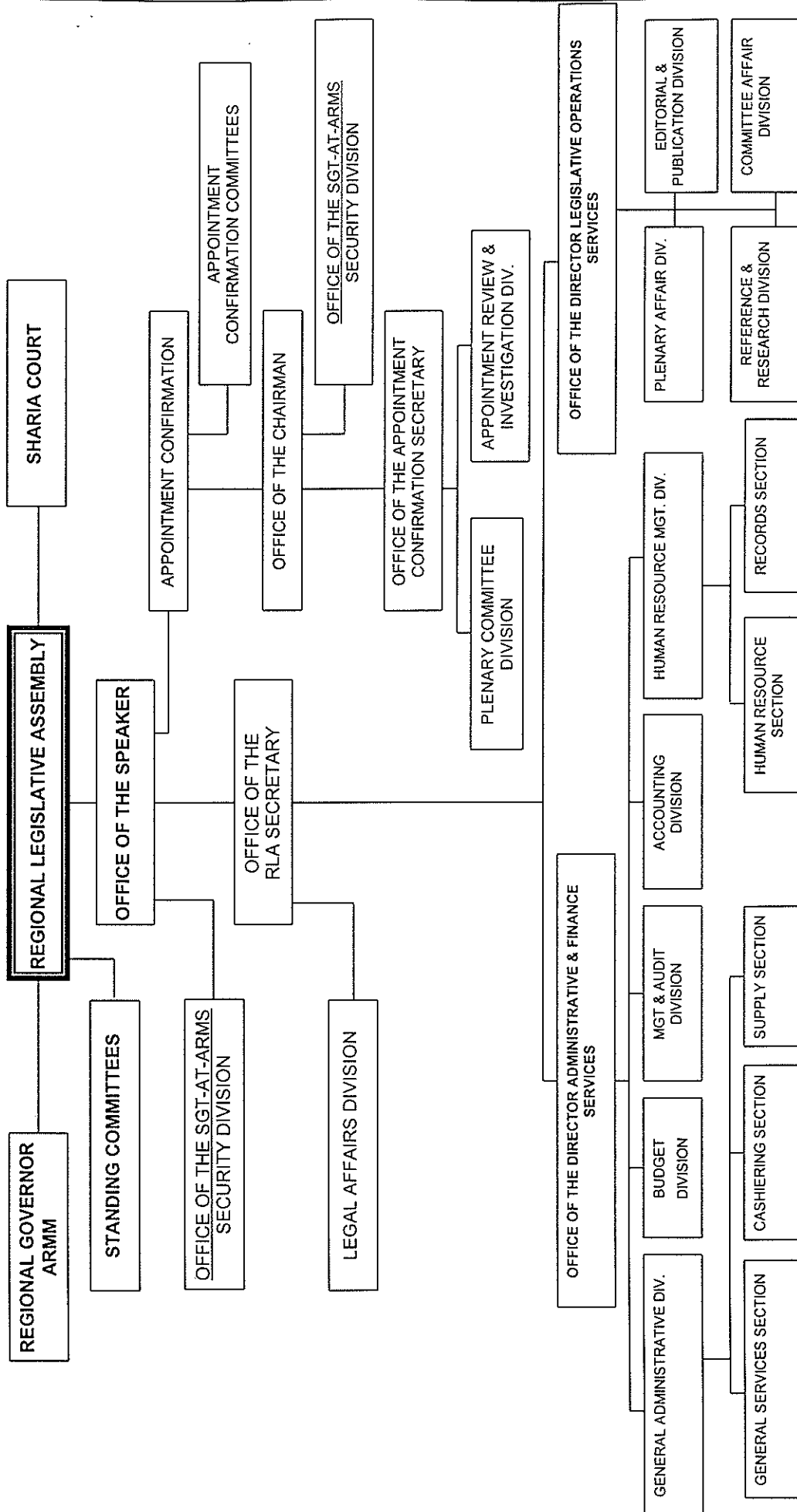
The Legislative power of the autonomous government is vested in the Regional Assembly, except to the extent that it reserved to the people by provisions on initiative and referendum as provided by law (article VI, Section 1). Shown in Figure 2-5 is the Organizational Structure of the Regional Legislative Assembly.

2.2.1 Composition of the Regional Legislative Assembly (RLA)

RA 9054 provides that there shall be members elected by popular vote, with three (3) members elected from each of the legislative districts (Article VI, Section 2). Likewise, there should also be sectoral representatives whose number shall not exceed fifteen percent (15%) of the total number of elected members of the RLA coming from the agriculture, labor, urban poor, disabled, indigenous cultural communities, youth and women sectors. The RLA may enact legislation to provide for the representation of other sectors. (Article VI, Section 3).

With the election held in 2001 under RA 9054, all twenty- four (24) Assembly members representing the eight Congressional Districts in the ARMM were chosen. Shown in Annex 2-13 is the List of Officers and Members of the RLA, as of August 24, 2002. To date, the RLA has not enacted legislation for the representation of other sectors. The members of the Regional Legislative Assembly follow the same term of office as the Regional and Vice Regional Governor provided for in Article 7, Section 7 of RA 9054.

Figure 2-5 REGIONAL LEGISLATIVE ASSEMBLY
AUTONOMOUS REGION IN MUSLIM MINDANAO



Source: Office of the RLA Secretary

2.2.2 Office of the RLA Secretary

The Office of the RLA Secretary provides the technical support and day-to-day operations to the legislative body. The Secretary General heads the Office. Directly reporting to him are the Directors for the Legislative Operations Services and the Administrative and Finance Services.

The Office of the Director for Legislative Operations Services provides the technical support to the RLA through its Secretary-General. There are 4 Divisions, namely: the Plenary Affairs Division, the Reference & Research Division, the Editorial and Publications Division and the Committee Affairs Division.

On the other hand, the Office of the Director for Administrative and Finance Services handles all the administrative and financial matters involving the RLA.

2.2.3 Personnel Complement of the RLA

Over all, there are 516 positions, with 273 as regular plantilla positions and 243 as non-itemized positions in 2003. From 474 positions in 2000, this was increased to 9.88% (516) in 2003.

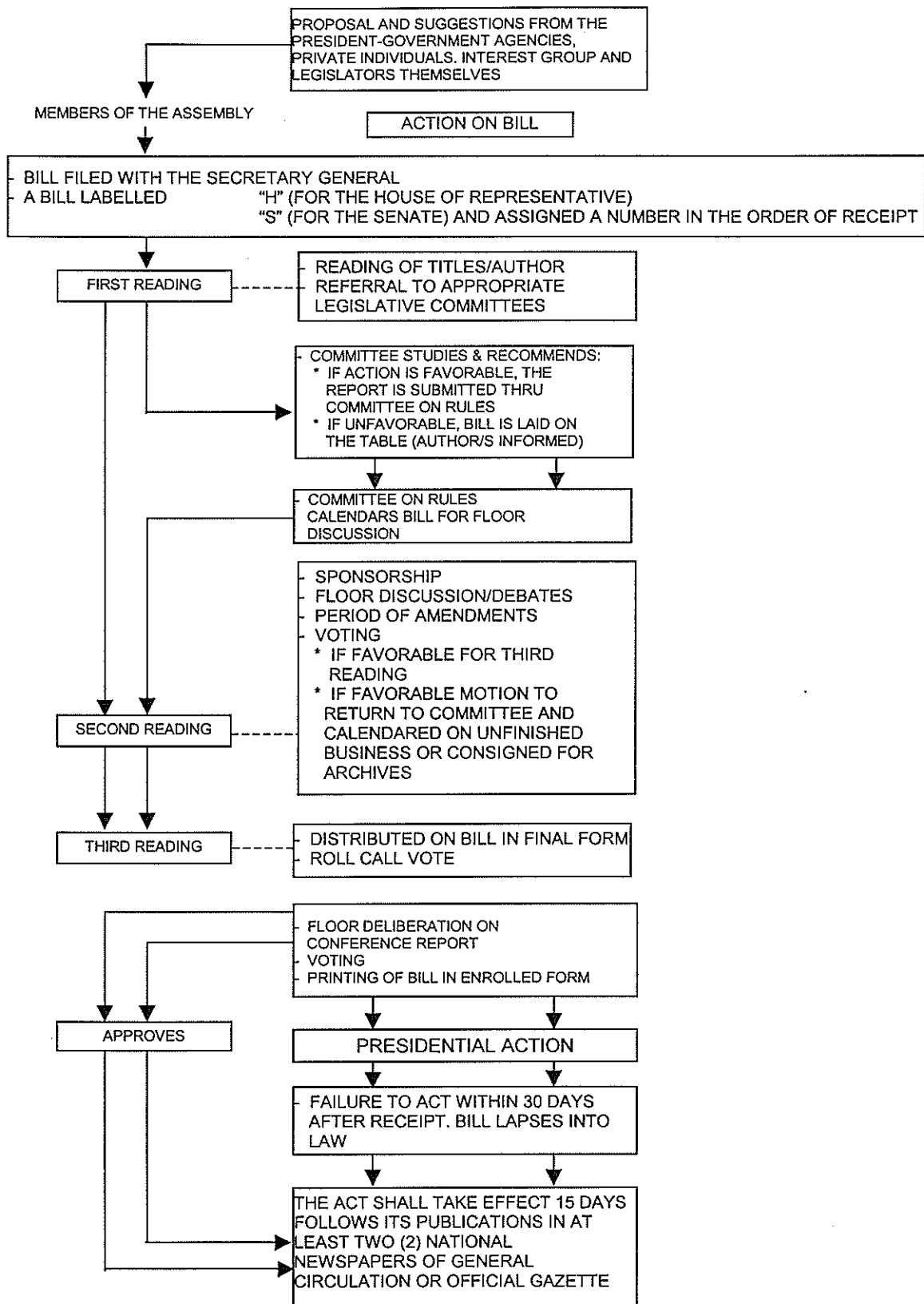
2.2.4 Legislative Process

The RLA generally follows the legislative process adopted by the Congress of the Philippines, except that it is a unicameral body and does not need to constitute a bicameral conference committee. Shown in Figure 2-6 is the Legislative process from the idea into becoming a Regional Law.

Specifically provided as mandatory provisions of RA 9054 on the Legislative Process are the following:

- ◆ No bills shall become a law of regional application unless it has passed 3 readings on separate days and printed copies in its final form have been distributed to its members 3 days before its passage, except when the Regional Governor certifies to the necessity of its immediate enactment to meet a public calamity or emergency (Article VI, Section 16);
- ◆ Provisions on the approval of bills and overriding of veto contained in Article VI, Section 17; and

Figure 2-6 Legislative Process in the Regional Legislative Assembly (RLA)



- ◆ Submission of bills to the President and Congress within 10 working days from their approval (Article VI, Section 18).

2.3 Administration of Justice

The judicial power is vested in the Supreme Court and in such lower courts as may be established by law including the Shari'a courts (Article VIII, Section 1 of RA 9054). As such, the Regional Legislative Assembly shall provide for the establishment of Shari'a courts. However, Shari'a courts already existing as of date of the approval of RA 9054 shall continue to discharge their duties.

RA 9054 sets several provisions in the administration of justice within the ARMM Region. These provisions and its current status are shown in Table 2-7.

Table 2-7 Provisions of RA 9054 on the Administration of Justice and its Current Status (as of September 2003)

Provisions of RA 9054	Current Status
<p>1. Consultant to the Judicial and Bar Council</p> <p>This consultant is to sit with the Judicial & Bar Council to advise and be consulted by the Council on matters of appointment to judicial positions in the autonomous region (Article VIII, Section 3).</p>	<p>1.1 This provision is not yet implemented. The Regional Governor in consultation with the concerned sectors of the region as confirmed by the Regional Legislative Assembly will recommend to the President.</p>
<p>2. Deputy Court Administrator for the ARMM (Article VIII, Section 3)</p>	<p>2.1 This provision is not yet implemented. The Regional Governor shall submit three (3) recommended persons upon confirmation by the RLA and after consultation with the concerned sectors of the autonomous region. The Chief Justice of the Supreme Court appoints from the submitted list of 3 names.</p>
<p>3. Shari'a Public Assistance Office (Article VIII, Section 6)</p>	<p>3.1 This provision is not yet implemented. The law provides that a Public Assistance Office is to be established in each of the Shari'a judicial districts to provide free legal assistance to poor or indigent party litigants.</p>
<p>4. Jurisconsult in Islamic Law (Article VIII, Section 20)</p>	<p>4.1 An office of Jurisconsult in Islamic Law was established in Zamboanga City under existing law and was provided with minimum facilities.</p>

Provisions of RA 9054	Current Status
	<p>However, the proper operations of this office are very much wanting in terms of efficiency and effectiveness.</p>
<p>5. Shari'a Appellate Courts (Article VIII, Section 7)</p>	<p>5.1 The Shari'a Appellate Court is not yet implemented. This Court is expected to:</p> <ul style="list-style-type: none"> ▪ Exercise original jurisdiction over petitions for certiorari, prohibition, mandamus, habeas corpus, and other auxiliary writs and processes only in aid of its appellate jurisdiction; and ▪ Exercise exclusive appellate jurisdiction over all cases tried in the Shari'a District Courts as established by law. <p>The Shari'a Appellate Court shall be composed of one (1) Presiding Justice and two (2) Associate Justices (Article VIII, Section 8).</p>
<p>6. Shari'a District Courts (Article VIII, Section 18)</p>	<p>6.1 There are five (5) Shari'a District Courts organized on the basis of Presidential Decree No. 1083 (PD 1083), a Decree to Ordain and Promulgate a Code Recognizing the System of Filipino Muslim Laws, Codifying Muslim Personal Laws, and Providing for its Administration and for other Purposes.</p> <p>The constituted Shari'a District Courts presided over by one (1) judge each are:</p> <ul style="list-style-type: none"> ▪ First Shari'a District – comprises the province of Sulu based in Jolo, Sulu; ▪ Second Shari'a District – comprises the Province of Tawi-Tawi based in Bongao, Tawi-Tawi; ▪ Third Shari'a District – comprises the Provinces of Basilan, Zamboanga del Norte and Sur, and the cities of Dipolog, Pagadian and Zamboanga, based in Zamboanga City; ▪ Fourth Shari'a District- comprises the Provinces of Lanao del Norte and Sur, and the cities of Iligan and Marawi with the base in Marawi City; ▪ Fifth Shari'a District-comprises the Provinces of Maguindanao, North Cotabato and Sultan

Provisions of RA 9054	Current Status
	<p>Kudarat and the City of Cotabato with the base in Cotabato City.</p> <p>These courts shall have exclusive original jurisdiction over the following (Chapter I, Article 143 of P.D. 1083):</p> <ul style="list-style-type: none"> ▪ All cases involving custody, guardianship, legitimacy, paternity and filiations, arising under the Code of Muslim Personal Laws in the Philippines (P.D. 1983); ▪ All cases involving disposition, distribution and settlement of the estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property; ▪ Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book 2 of the same Code; ▪ All actions arising from customary contracts in which the parties are Muslims, if they have not specified which law shall govern their relations, and ▪ All petitions for mandamus, prohibition, injunction certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction <p>Shari'a District Courts shall have appellate jurisdiction over all cases tried in the Shari'a Circuit Courts within their territorial jurisdiction.</p>
<p>7. Shari'a Circuit Courts (Article VIII, Section 18)</p>	<p>7.1 A total of fifty-one (51) Shari'a Circuit Courts is authorized for creation under the Code of Muslim Personal Laws in the Philippines (PD. 1083). Out of 51 Sharia' Circuit Courts, thirty-six (36) are organized with the remaining 15 still to be organized. Most of the courts, which are not yet organized, are found in the Second District (Tawi-Tawi area) and the Third District (Basilan and Zamboanga areas) Shown in Table 2-8 is the breakdown of these Courts. Also shown in Annex 2-14 are the specific places where these</p>

Provisions of RA 9054	Current Status
	<p>courts are organized and not yet organized.</p> <p>7.2 The Shari'a Circuit Courts shall have exclusive original jurisdiction over the following cases:</p> <ul style="list-style-type: none"> ▪ All cases involving offenses defined and punished under P.D. 1083; ▪ All civil actions and proceedings between parties who are Muslims or have been married in accordance with Article 13 involving disputes relating to: marriages; divorce recognized under this Code; betrothal or breach of contract to marry; customary dower (mahr); disposition and distribution of property upon divorce; maintenance and support, and consolatory gifts; and restitution of marital rights. (Chapter 1, Article 155 of PD. 1083)

Source: RA 9054, PD 1083

Office of the Presidential Advisor for Peace Process (OPAPP) Report as of September 2003

Data from the Supreme Court

**Table 2-8 Summary of Organized and Unorganized Shari'a Circuit Courts
(as of December 2002)**

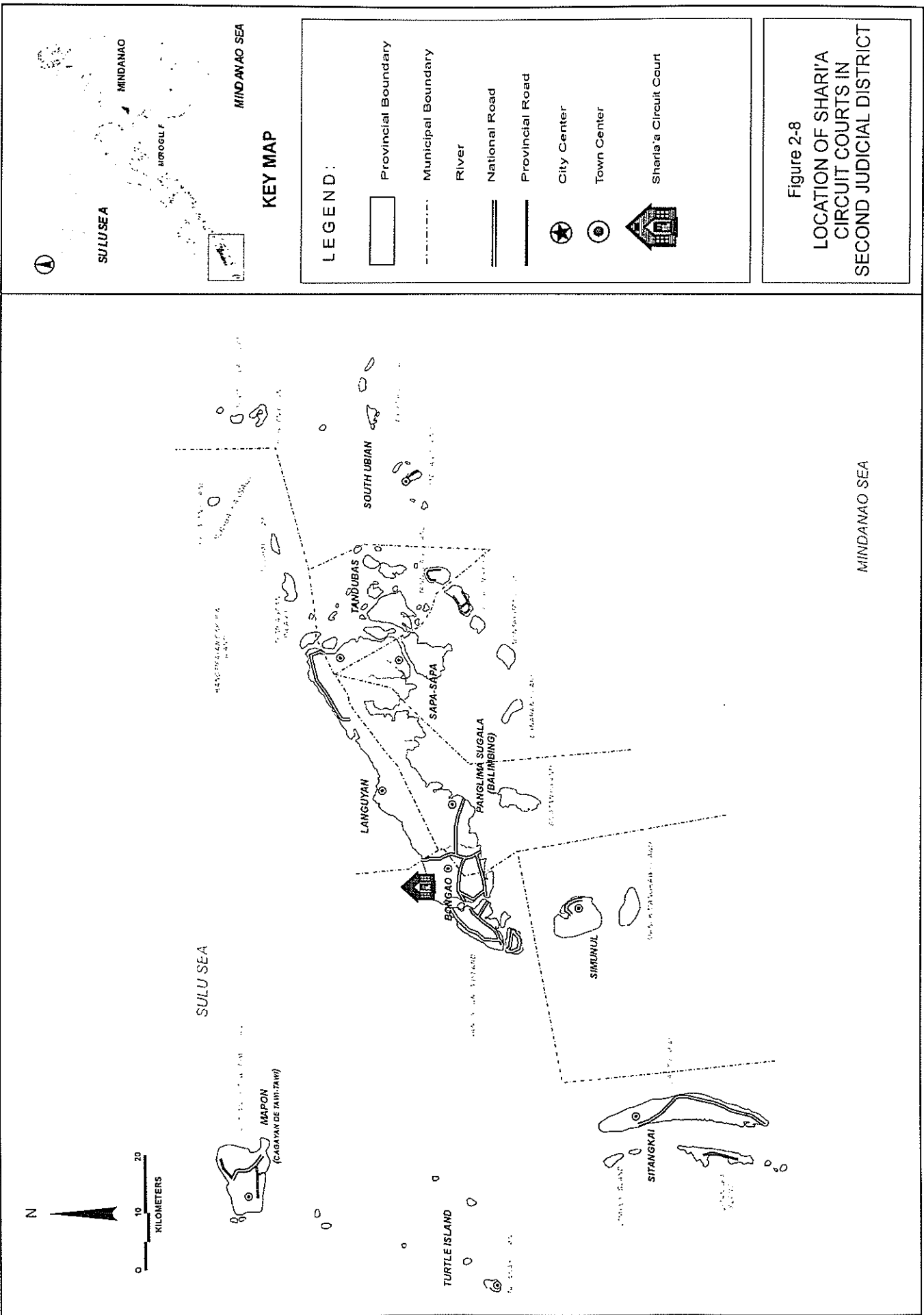
Shari'a Judicial Districts	Total Number of Courts	Organized No. of Courts	Unorganized No. of Courts	Percentage of Unorganized Courts over Total Number of Authorized Courts
First Shari'a District	6	6	0	-
Second Shari'a District	8	1	7	88%
Third Shari'a District	10	2	8	80%
Fourth Shari'a District	12	12	0	-
Fifth Shari'a District	15	15	0	-
TOTAL	51	36	15	29%

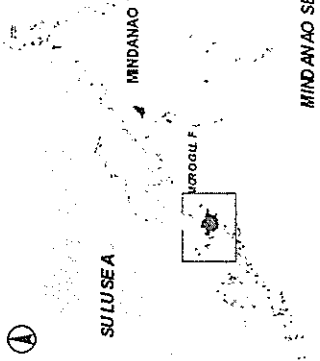
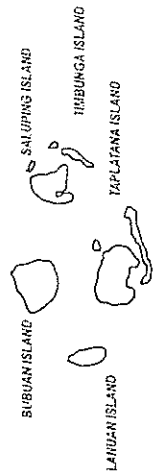
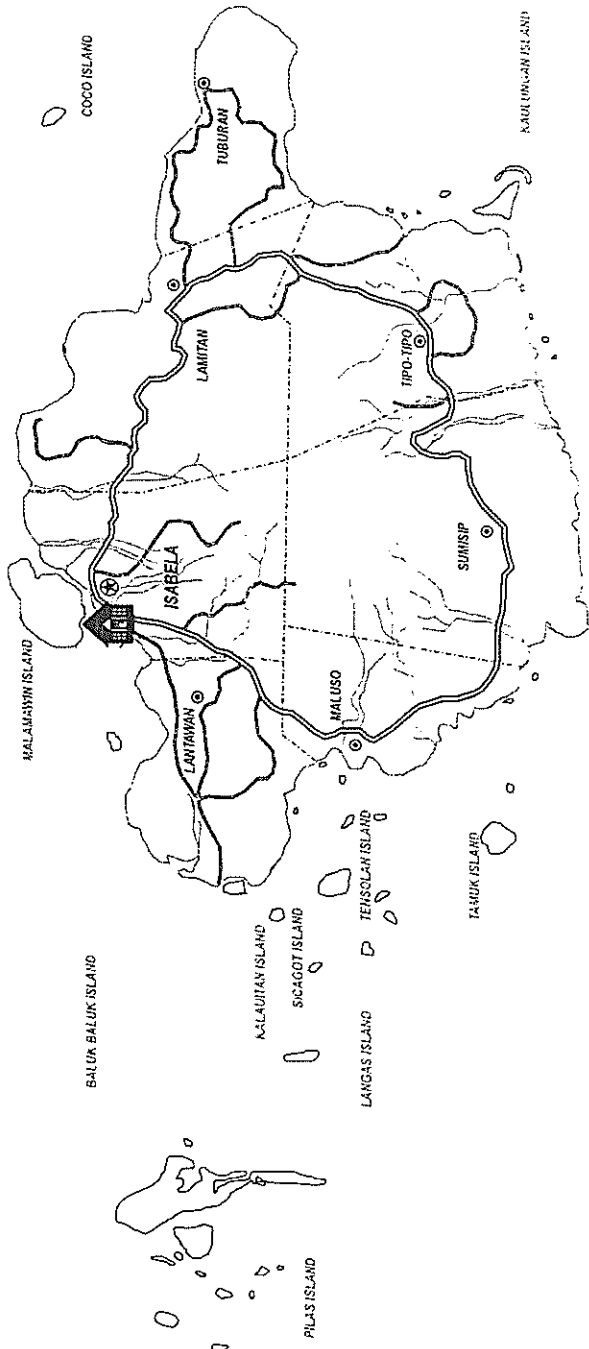
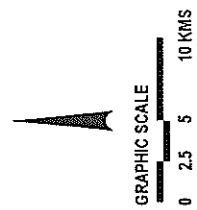
Source: OPAPP Report, as of September 2003

The location of the organized Shari'a Circuit Courts are given in Figures 2-7 to 2-11.

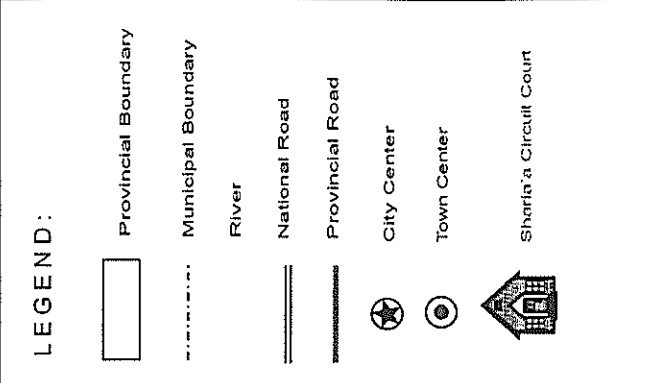
2.3.1 Status of Judicial Positions

The qualification requirements for judges in the Shari'a District and Circuit Courts shall be the same qualifications as the judges of the Regional Trial Courts, the Metropolitan Trial Courts or the Municipal Trial Courts as the case maybe. In addition, they must be learned in Islamic Law





KEY MAP



**Figure 2-9
LOCATION OF SHARIA
CIRCUIT COURTS IN
THIRD JUDICIAL DISTRICT**

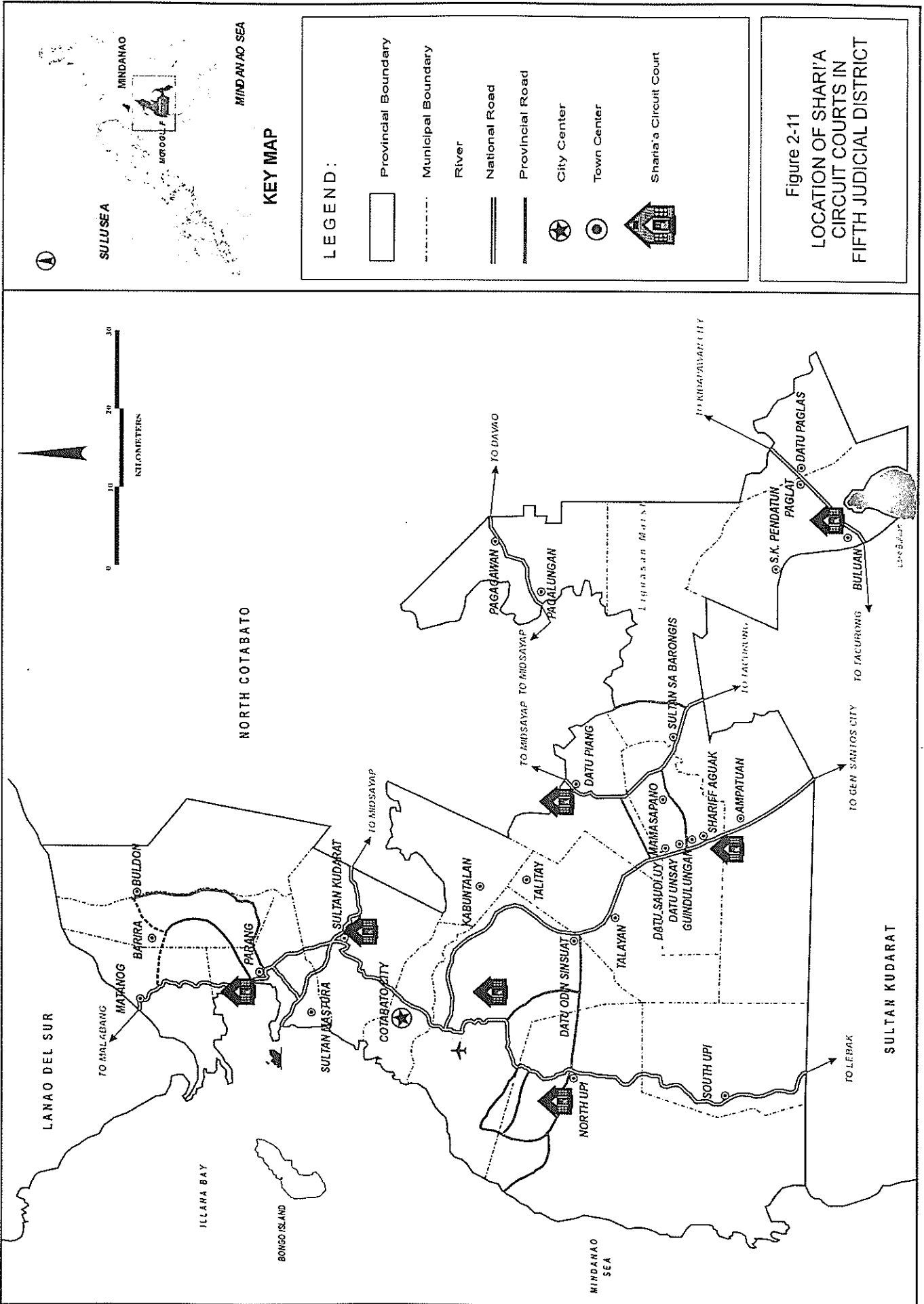


Figure 2-11

LOCATION OF SHARI'A
CIRCUIT COURTS IN
FIFTH JUDICIAL DISTRICT




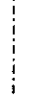






SULU SEA

MINDANAO

MINDANAO SEA

KEY MAP

LEGEND:

-  Provincial Boundary
-  Municipal Boundary
-  River
-  National Road
-  Provincial Road
-  City Center
-  Town Center
-  Shari'a Circuit Court

and jurisprudence (Article VIII, Section 18). They must have passed an examination in the Shari'a and Islamic Jurisprudence (fiqh) given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'a Courts (Chapter 1, Article 152 of PD 1083).

As of August 2003, all five (5) Shari'a District Courts are declared vacant. Honorable Judge Bensaudi Arabani used to be the Shari'a District Court Judge of the First District. He is now a Regional Trial Court Judge in the regular courts and concurrently designated to cover several Shari'a District Courts.

In the case of Shari'a Circuit Courts, out of 51 positions for judges authorized for filling up, there are only 27% or 19 judges positions filled up with 63% (32) still vacant. The disparity in distribution is much felt in the Second Judicial District (Tawi-Tawi area) with no judge at all and that of the Third Judicial District (Basilan and Zamboanga areas) with only 1 judge serving the said area. The breakdown of the existing judicial positions is reflected in Table 2-9. The List of judges is shown in Annexes 2-15a to 2-15f.

Shari'a Court vacancies are either due to the following reasons:

- ◆ High qualifications required of Shari'a lawyers;
- ◆ The location and area security of the courts;
- ◆ Few trainees and applicants for Shari'a courts;
- ◆ Few cases brought into the Shari'a courts;

**Table 2-9 Summary of Existing Judicial Positions in Shari'a Circuit Courts
(as of December 2002)**

Judicial Districts	Total Number of Positions authorized	No. of Filled up Judicial Positions	No. of Vacant Positions	Percentage of Vacant Positions over the Total Number of authorized Positions (%)
First Judicial District	6	3	3	50
Second Judicial District	8	0	8	100
Third Judicial District	10	1	9	90
Fourth Judicial District	12	8	4	33
Fifth Judicial District	15	7	8	53
TOTAL	51	19	32	63

Source: OPAPP Report, as of September 2003

2.3.2 Total Caseloads in the Shari'a Courts

For the six-year period (1997-2002), pending cases at the end of each year ranged from 150-180. An average of 38.8 new cases was filed. Very few cases were revived/reopened, as well as received from other courts. With respect to Case Outflows, an average of 34 cases were decided and resolved for the period of six years.

**Table 2-10 Summary of Case Inflows and Outflows
Shari'a District Courts
CY 1997-2002**

Categories	1997	1998	1999	2000	2001	2002
Pending Cases as of end of proceeding year	145	150	182	179	168	175
<u>Case Inflow</u> Cases newly filed	46	64	62	31	9	21
Cases Revived/Reopened	1	1	0	0	0	0
Cases Received from other salas/courts	6	4	3	0	5	7
<u>Cases Outflow</u> Cases Decided/Resolved	46	33	66	32	7	17
Cases Archived	0	0	0	0	0	0
Cases transferred to other salas/courts	0	0	0	1	0	0
Cases with Proc/suspects	2	4	2	9	0	3
Pending cases at the end of the year	150	182	179	168	175	183

*Source: Court Management Office
Statistics Reports Division
Supreme Court of the Philippines*

In the case of Shari'a Circuit Courts, the pending cases at the end of each year ranged from 200 to 280 for the years 1997 to 2002. An average of 304 new cases was filed. Very few cases were revived/reopened. With respect to Case Outflows, an average of 284 cases were decided and resolved for the period of six years.

**Table 2-11 Summary of Case Inflows and Outflows
Shari'a Circuit Courts
CY 1997-2002s**

Categories	1997	1998	1999	2000	2001	2002
Pending Cases as of end of proceeding year	218	236	227	222	239	246
<u>Case Inflow</u> Cases newly filed	281	298	342	303	287	313
Cases Revived/Reopened	2	1	0	1	5	3
Cases Received from other salas/courts	58	15	5	15	18	46
<u>Cases Outflow</u> Cases Decided/Resolved	232	292	331	272	282	292
Cases Archived	26	10	2	8	21	21
Cases transferred to other salas/courts	8	3	0	0	0	1
Cases with Proc/suspects	57	18	19	22	0	10
Pending cases at the end of the year	236	227	222	239	246	284

*Source: Court Management Office
Statistics Reports Division
Supreme Court of the Philippines*

2.3.3 Shari'a Training and Related Activities

Shari'a training centers were established in the cities of Jolo, Marawi, Cotabato and Zamboanga. Successful Shari'a bar examinees eventually join the pool of Shari'a Counselors from which the President appoints judges for Mindanao's District and Circuit Courts. Shown below is a Summary of Shari'a Training and Related Activities undertaken by the Bureau of Muslim Cultural Office of the Office of the Muslim Affairs (OMA) from 1982-1983 to 2000-2001.

Based on Table 2-12, out of the 973 examinees from 1982 to 2001, only 29.5% (287) passed the Shari'a examination. Of the 2,206 reviewees who took the review, only 44.1% (973) took the examination. This data explains the limited number of qualifiers for the position of Judges.

**Table 2-12 Shari'a Training and Related Activities
CY 1982-2001**

Series	Year	Trainees	Reviewees	Examinees	Passers
First	1982-1983	223	203	190 (1983)	14
Second	1985-1987	214	187	83 (1987)	13
Third	1989-1990	343	243	122 (1991)	63
Fourth	1991-1992	264	201	112 (1993)	32
Fifth	1993-1994	206	184	121 (1995)	48
Sixth	1996-1997	231	147	136 (1997)	44
Seventh	1998-1999	261	162	132 (1999)	43
Eighth	2000-2001	190	141	77 (2001)	30
Total		1,932	2,206	973	287

Source: OPAPP Report, as of September 2003

Passers as against Examinees – 29.5%

Examinees as against Reviewees – 44.1%

2.3.4 Major Findings of the Study on the Shari'a Courts in the Philippines

A Study about the Shari'a Courts and the Code of Muslim Personal Laws (CMPL) was done by the PILIPINA Legal Resource Center, Inc. (PLRC) sometime in 2002. Their project sites covered the 5 Shari'a District Courts and 5 Circuit Courts and the communities these courts are serving.

Extracted from the Study are some of the major findings, as shown below:

a) ON THE COURTS (page 16 of the Shari'a Study)

- ◆ There is a wide gap between the actual number of existing courts against the number of mandated by the law;
- ◆ Non-appointment of judges even in the existing courts. The study further quoted that *“some of the lawyers said that one of the reasons why the vacancies persist (since 1999) is that for every position, there must be 3 nominees. There are not enough nominees from the existing pool. The other requirement for a Shari'a District Court Judge is that one must also be a regular member of the Philippine Bar aside from being learned in Islamic Law and Jurisprudence. The Circuit Court judge in the lower courts who want to be promoted as judge in the higher Shari'a District Court are not members of the*

Philippine Bar and so there is no pool of lower court judges who can take over the higher courts” (page 48 of the Study);

- ◆ Undocketed cases (i.e. cases resolved by settlement) are more than double the number of docketed cases). *One of the clerk of courts interviewed mentioned that, aside from the 28 filed cases from 1995-2002 in the Shari’a Circuit Court of Bongao, Tawi-Tawi, 70 others were brought to Court. 66 cases were resolved through the Agama Arbitration Council. Only 3 cases were litigated. 4 cases are pending while 10 were dismissed”.* The Agama Arbitration Council is a body composed of the Chairman and a Representative of each of the parties to constitute a Council to take all necessary steps for resolving conflicts between them (Article 7 of Book I, PD 1083).

b) ON PHYSICAL INFRASTRUCTURE, FACILITIES AND PERSONNEL (page 16 of the Shari’a Study)

- ◆ Lack of physical court infrastructure and support facilities (e.g. no office space, no telephone line, staff paying for electricity, no computer, lack of tables and chairs and no comfort room);
- ◆ Lack of court personnel (e.g. most circuit courts do not have the services of court sheriffs). Examples were cited in the Study of specific conditions in the Courts of Marawi and Parang-Indanan, Sulu Shari’a Circuit Court. To quote page 51 of the Study:

In the Shari’a Circuit Court in Marawi City, the following conditions exist:

- ◆ The employee of this court share in the paying of the electric bills;
- ◆ This court has no telephone;
- ◆ This court holds office in the Integrated Bar of the Philippines (IBP) Bldg. in Marawi City for free;
- ◆ This Circuit Court does not have its own Court Sheriff. The Sheriff services have to be requested from the Shari’a District Court.

In the Parang-Indanan, Sulu Shari’a Circuit Court, the Court Office rent is paid for from the personal funds of the judge.

c) ON THE JUDGES (pages 16-17 of the Shari'a Study)

- ◆ Judges are working in various courts;
- ◆ Wide gender disparity (e.g. there is only one female judge in the entire Shari'a Court System);
- ◆ Judges' decisions are based on Qur'an, Sunnah, and the Code of Muslim Personal Laws (CMPL)

d) ON THE COMMUNITY (page 17 of the Shari'a Study)

- ◆ Low level of awareness on nature and functions of Shari'a Courts among the Muslim Community;
- ◆ More women sought the remedy of Courts compared to men;
- ◆ Local Government Units do not appropriate budgets for local courts.

e) ON THE KINDS OF CASES REACHING THE SHARI'A COURTS (page 28 of the Shari'a Study)

- ◆ Most cases that have reached the Shari'a Courts are petitions for divorce by faskh and support. The rest of the cases were on: mutual agreement to dissolve marriage, petition to resume marital relationship, applicants for registration of divorce by talaq and petition to contract subsequent marriage or polygamy;
- ◆ Majority of the litigants are women. Their complaints were related to desires to end the marriage, recovery of unpaid mahr, abandonment, lack of support or failure of the husband to support the wife and children, problems on the execution of decisions favorable to them;
- ◆ There were few men who accessed the services of the courts and these are the men who have sought registration for divorce by talaq with the Circuit Registrars of the courts;
- ◆ There are more dismissed cases than decided cases. Most cases dismissed were filed by women;
- ◆ Most women lacked the means to file the necessary cases; women could not afford the court docket fees and the lawyers.

Shown in Annexes 2-14a to 2-14f are Tables on the Nature and Distribution of Filed Cases in the various Circuit Courts covered by the Shari'a Study. The Study has also recommended proposals for legal reforms through the Revision of the Code of Muslim Personal Laws.

2.3.5 Action Program for Judicial Reform (APJR)

Considering that the Shari'a Courts form part of the entire country's Judicial System, it gets to be included in the Judicial Reforms initiated by the Chief Justice. The AJPR Reform Areas include the following:

- ◆ Judicial Systems and Procedures
- ◆ Institution Development
- ◆ Human Resource Development
- ◆ Integrity Infrastructure Development
- ◆ Access to Justice by the Poor
- ◆ Reform Support System

Currently in the pipeline under the GOP-UNDP Program 3 is the "*Institutional Strengthening of the Shari'a Justice System*". This project is intended to strengthen the institutional set-up of the Shari'a Justice system. More specifically, the project aims to:

- ◆ Undertake a caseload review, survey of performance and an in-depth diagnosis of the operations, human and other resources, and technology of the Shari'a Courts, identifying, understanding and analyzing the nature, causes and impacts of issues, dysfunctions, weaknesses, and constraints in the Shari'a justice system;
- ◆ Review and assess the external threats and opportunities that the Shari'a Courts face and their implications on the performance of these courts and the potential success of a reform initiative;
- ◆ Identify and define the reforms in the institutional framework, operations mechanisms, programs, human and other resources, technology and linkages that will achieve the vision of the Shari'a justice system within the context of development, peace efforts, indigenous governance, gender responsiveness, and human rights approaches; and

- ◆ Ensure the complementation and synchronization of the reform program on the Shari'a justice system, taking into consideration similar initiatives already undertaken, with reform efforts relating to the other pillars of justice.

Within a 6-month time frame in 2004, the project will be carried out in two phases with the total amount of P1, 325,000.00. The two-phases of the project are:

Phase I – Diagnostic Study

The output of this phase shall be a Diagnostic Report containing the following:

- ◆ Analytical framework for the Study and the principles and parameters that will guide the identification and design of institutional improvements;
- ◆ Organization, staffing, programs and systems assessment, including a review of key operating interventions and procedures, agency resources (e.g. financial, human, physical) technologies capacity and internal and external linkages; caseload review; and survey of performance;
- ◆ Assessment of the reform implications of the findings of the Study and definition of the direction and focus of the reform program with a view to achieving the vision of the Shari'a justice system within the context of development, peace efforts, indigenous governance, gender responsiveness and human rights approaches;

Phase II- Reform Program Formulation

The following shall be the outputs of this phase of the project:

- ◆ Completed Validation workshop with key stakeholders on the diagnostics undertaken in Phase I;
- ◆ Refined Diagnostic Report based on the Validation Workshop;
- ◆ Reform Framework and program on the Strengthening of the Shari's Justice System based on the results of the diagnostics under Phase I, as validated;

- ◆ Proposed reform on the Code of Muslim Personal Law, taking into consideration the proposals of the PLRC under the Shari'a Court Watch Program, and other legislation affecting the administration of justice in the Shari'a Justice System.

The proposed reform proposals and strategies shall pave the way for the full design and implementation of the entire reform agenda, which may be considered in future.

CHAPTER 3
THE LOCAL GOVERNMENT UNITS

3. THE LOCAL GOVERNMENT UNITS

3.1 Political Units: Provinces, Cities, Municipalities and Barangay

The region is composed of five (5) provinces, one (1) city, and ninety-eight (98) municipalities and two thousand four hundred forty-five (4,445) barangays. ARMM is also divided into eight (8) congressional districts as illustrated in Figures 3-1 to 3-5. The province of Basilan (except Isabela City which opted not to part of ARMM) and the Islamic City of Marawi became part of ARMM through R.A. 9054, the Expanded Organic Act for the Autonomous Region in Muslim Mindanao. In the province of Maguindanao, four (4) municipalities were created this year, namely Sultan Mastura, Datu Unsay, Datu Saudi Ampatuan, and Guindulungan. These Local Government Units (LGUs) were carved out of existing municipalities. At present, files from the Province do not indicate land area, population, number of barangays of these new LGUs. A complete list of ARMM LGUs is found in Annex 3-1.

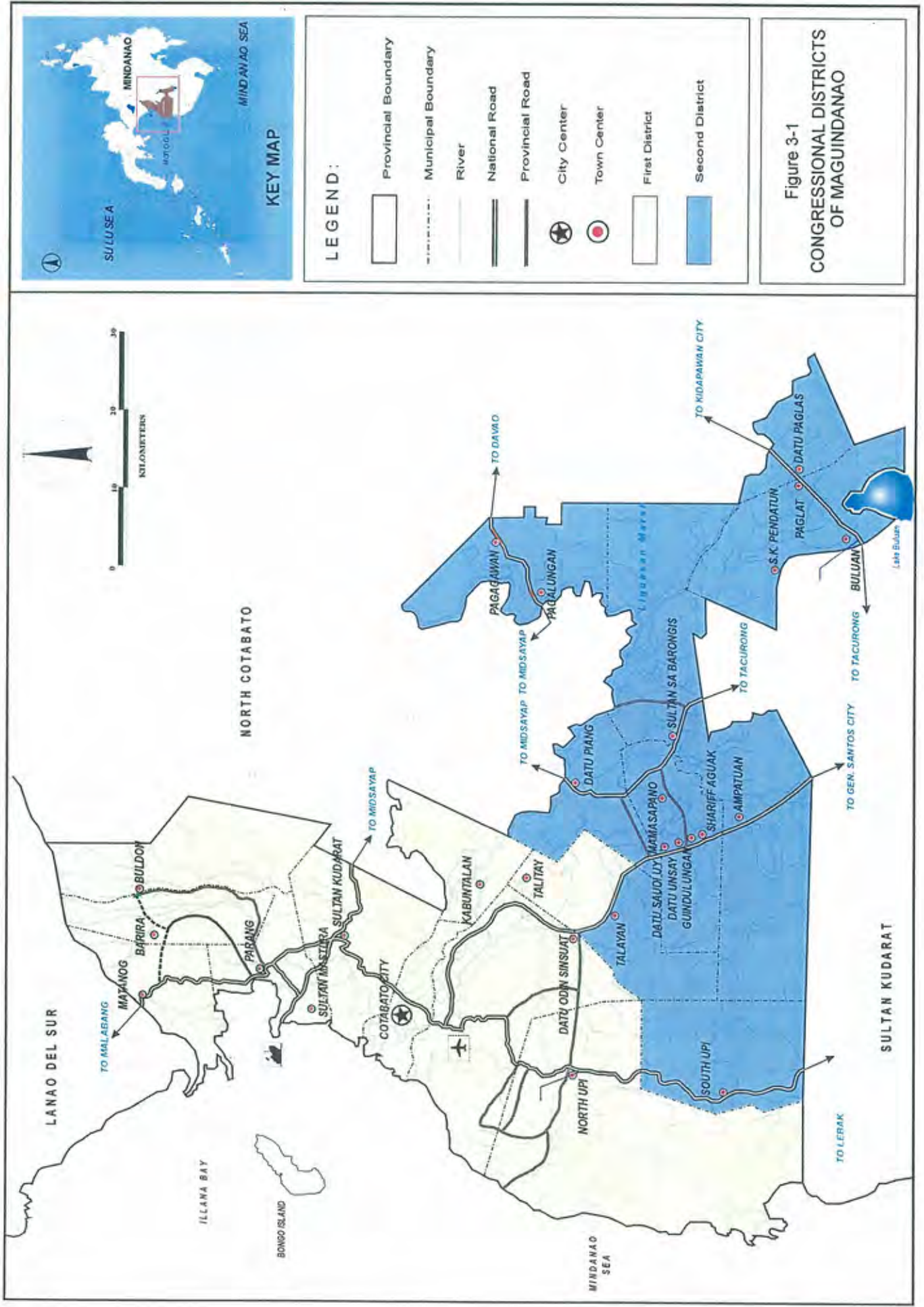
Table below shows list of LGUs, income classification per province:

Table 3-1 Breakdown of LGUs per Province

Province	Income Classification	Number of Municipalities	Number of Barangays
Maguindanao	2nd	26	467
Lanao del Sur	4th	38	1,059
Basilan	4 th	6	210
Sulu	3rd	18	410
Tawi Tawi	4th	10	203
Marawi City	3rd	-	96
Total		98	2,445

Source: DILG-ARMM Report, August 2003

Of the 98 municipalities in ARMM, only Sultan Kudarat in Maguindanao has a first class income status. Majority or 85% are 6th and 5th class while 13% are classified 2nd to 3rd income class. Municipalities in Basilan Province which used to belong to Region IX (Western Mindanao) are classified between 3rd and 5th classes. These income classifications are determined by the Department of Finance through the Bureau of Local Government Finance (BLGF) based on average annual income of the LGU for four consecutive years as certified by the Commission on Audit. LGUs that aspire to be upgraded applies with the BLGF.



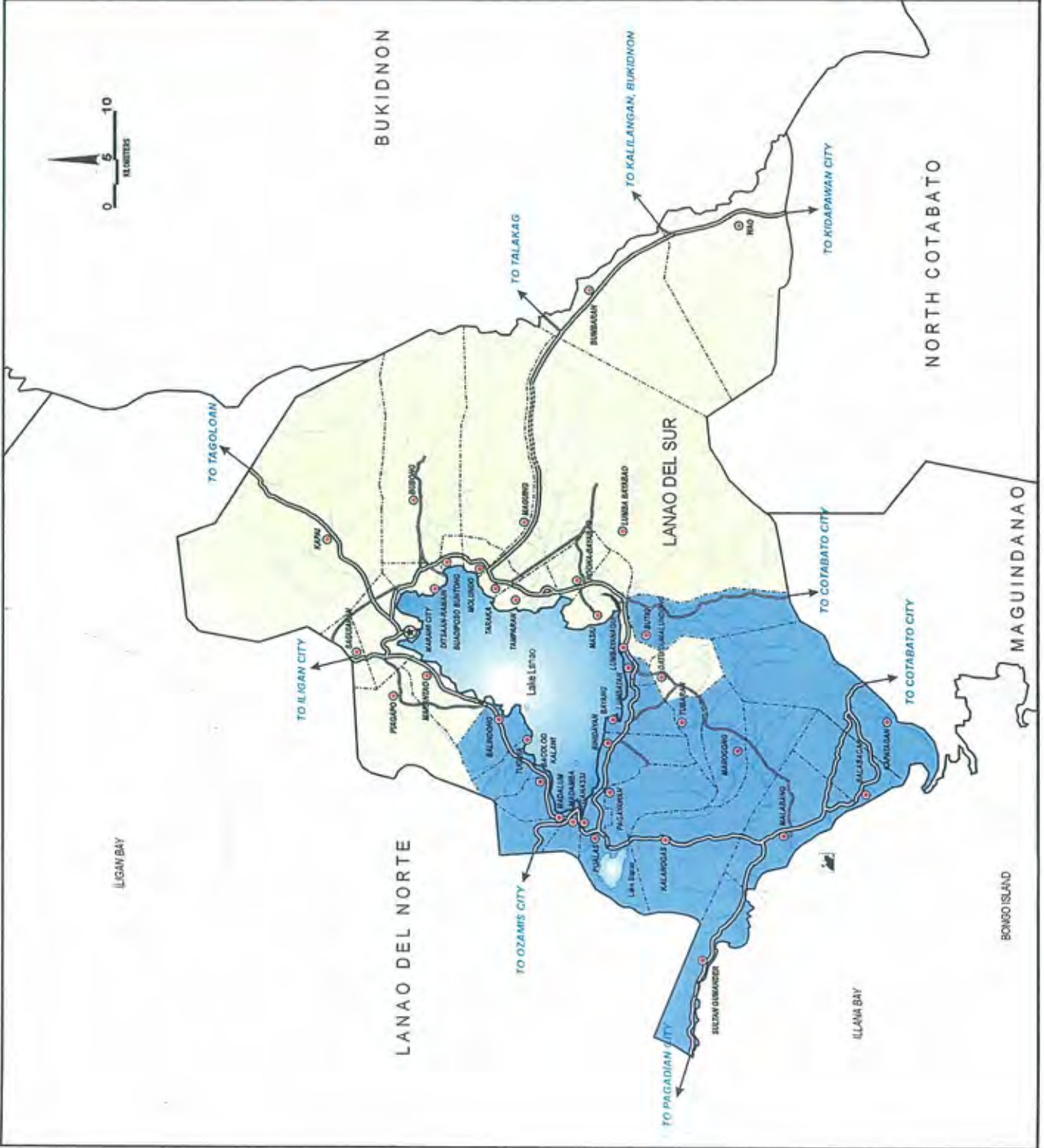


KEY MAP

LEGEND:

- Provincial Boundary
- Municipal Boundary
- River
- National Road
- Non-Passable National Road
- Provincial Road
- City Center
- Town Center
- First District
- Second District

Figure 3-2
CONGRESSIONAL DISTRICTS
OF LANA DEL SUR



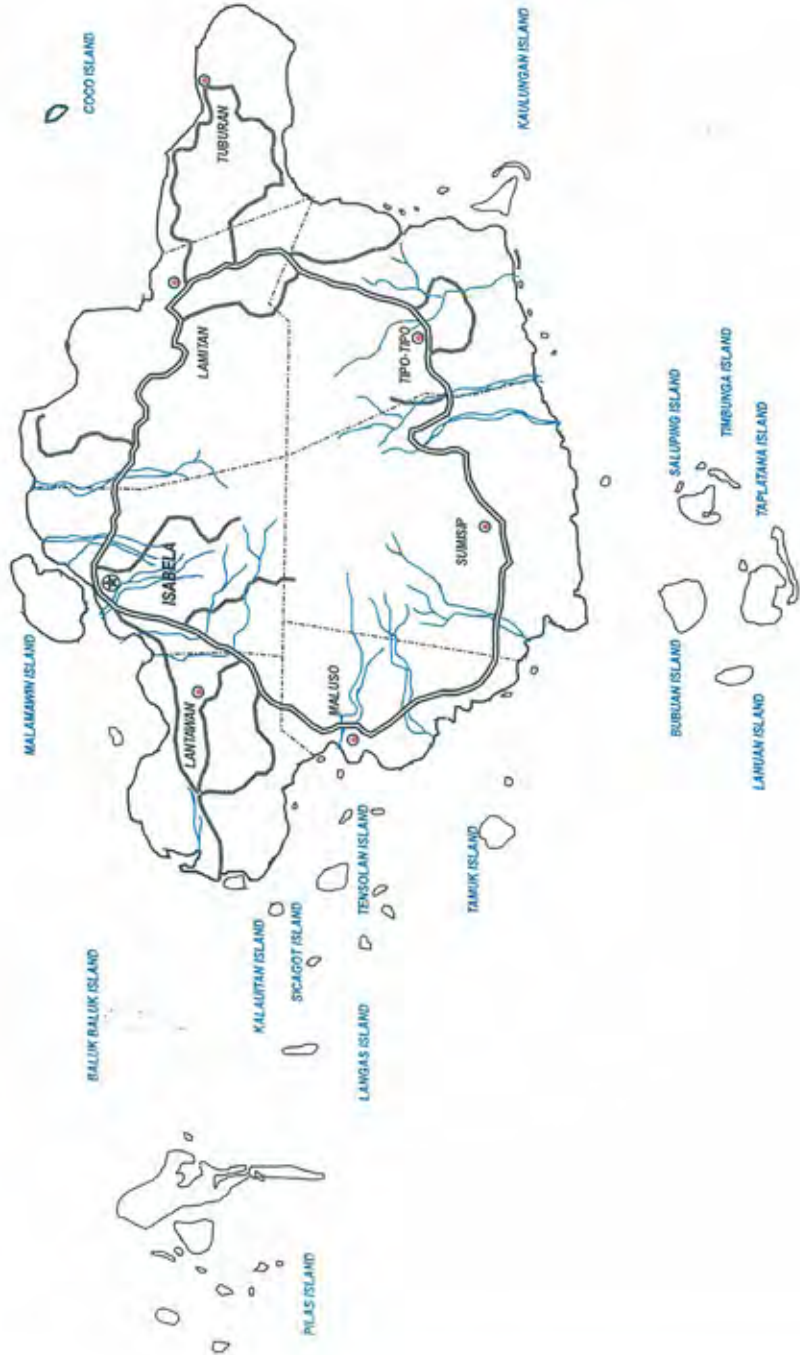


LEGEND:

- Provincial Boundary
- Municipal Boundary
- River
- National Road
- Provincial Road
- City Center
- Town Center

NOTE: Basilan is a lone district province.

Figure 3-3
CONGRESSIONAL DISTRICT
OF BASILAN



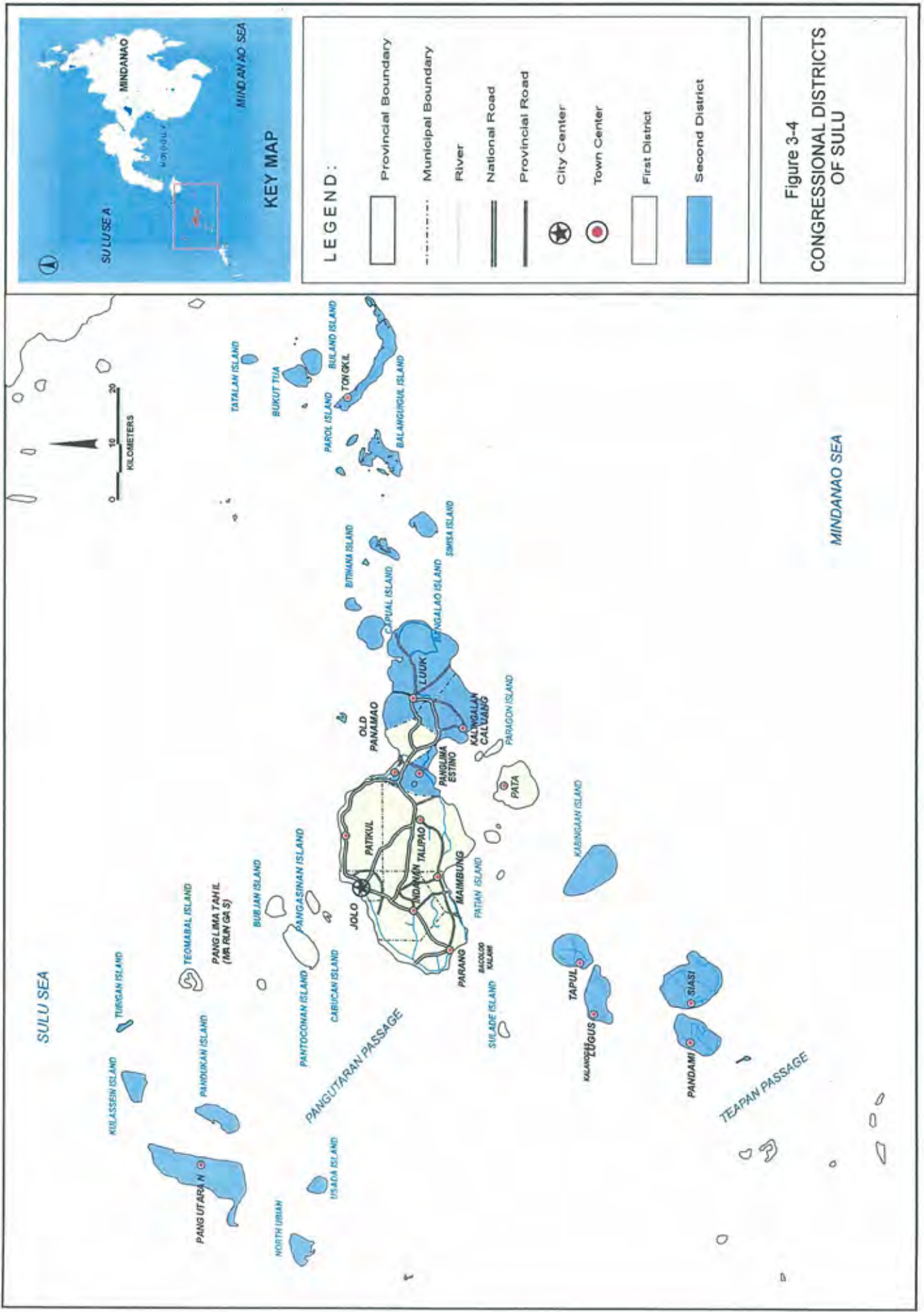


Figure 3-4
CONGRESSIONAL DISTRICTS
OF SULU

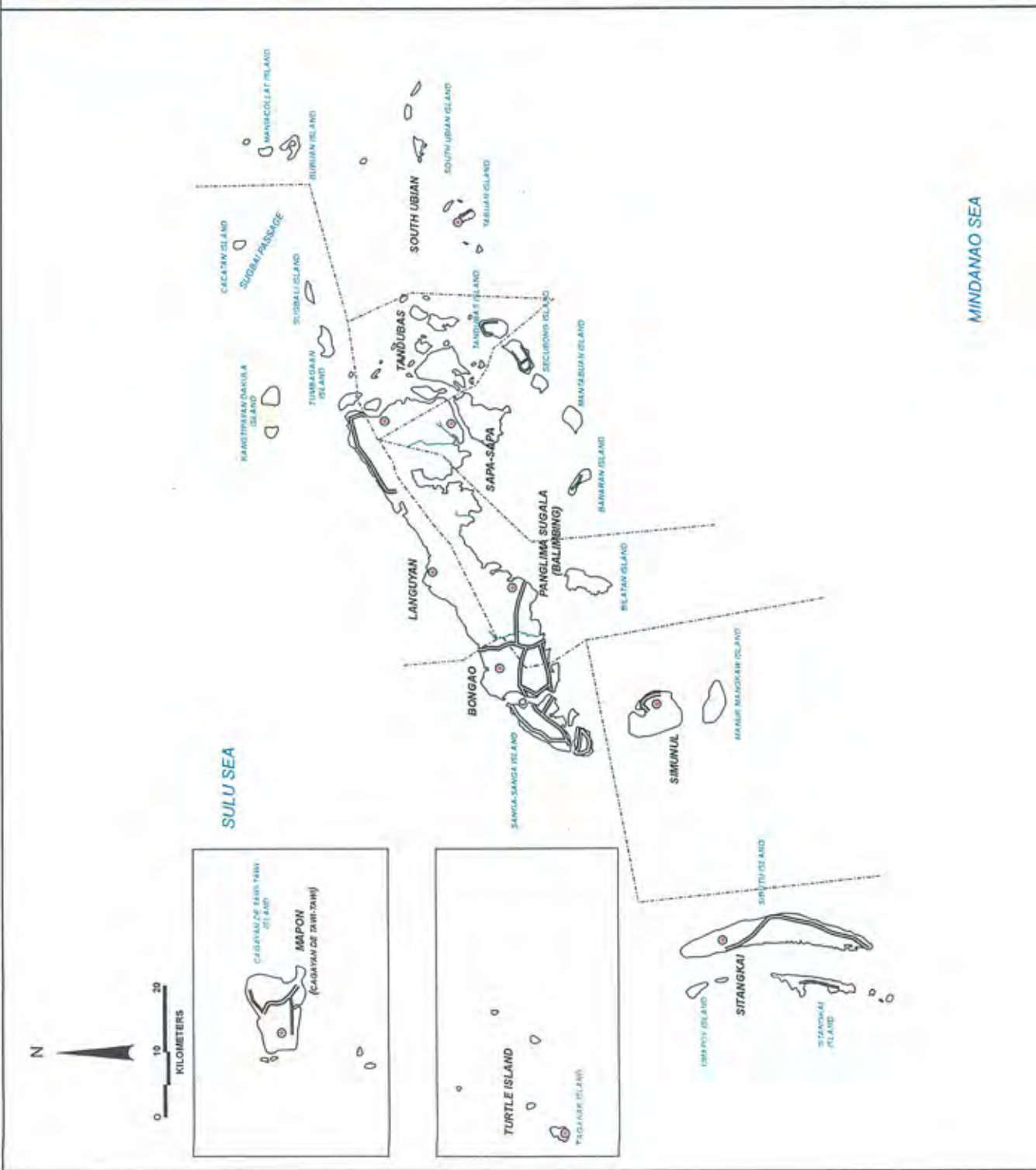


LEGEND:

- Provincial Boundary
- Municipal Boundary
- River
- National Road
- Provincial Road
- City Center
- Town Center

NOTE: Tawi-tawi is a lone district province.

Figure 3-5
CONGRESSIONAL DISTRICT
OF TAWI-TAWI



BLGF classifies the LGUs according to income brackets exhibited in Table 3-2:

Table 3-2 Income Brackets for LGU Classification

Class	Province Average Annual Income	City Average Annual Income	Municipality Average Annual Income
First	P255M or more	P205M or more	P 35M or more
Second	P170M or more but less than P255M	P155M or more but less than P205M	P 27 or more but less than P 35M
Third	P120M or more but less than P170M	P100M or more but less than P155M	P 21M or more but less than P 27M
Fourth	P 70M or more but less than P120	P 70M or more but less than P100M	P 13M or more but less than P 21
Fifth	P 35M or more but less than P 70M	P 35M or more but less than P 70M	P 7M or more but less than P13M
Sixth	Below P 35M	Below P 35M	Below P 7M

Source: *BLGF Memorandum Circulars, January 28, 2002*

3.2 Roles of LGU

The Local Government Code of ARMM, Mindanao Muslim Autonomy # 25 Book III stipulates the roles of LGUs. These are presented in the following table:

Table 3-3 Roles of LGUs

Political Unit	Role
Barangay	...the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective view of the people may be expressed, crystallized and considered and where disputes may be amicably settled.
Municipality	...consisting of a group of barangays, serves primarily as a general purpose government for a coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction.
City	... consisting of more urbanized and developed barangays, serves as a general-purpose government for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction.
Province	... composed of a cluster of municipalities, or municipalities and component cities, and as a political and corporate unit of government, serves as a dynamic mechanism for the development processes and effective governance of local government units within its territorial jurisdiction.

Source: *Mindanao Muslim Act # 25*

3.3 Organizational Arrangements

3.3.1 Structure

Provinces, city and municipalities are headed by a Local Chief Executive - Governor, Mayor, respectively while the basic political unit, Barangay, has a Punong Barangay (Barangay Captain). The Vice Governor, Vice-Mayor and Punong Barangay preside over the Provincial Board and legislative council of the LGUs.

The figures below show organizational charts of a province, city, municipality and barangays. (Figures 3-6 to 3-9). The structure of other LGUs are found in Annex 3-2.

**Figure 3-6 Organizational Chart
Provincial Government of Maguindanao**

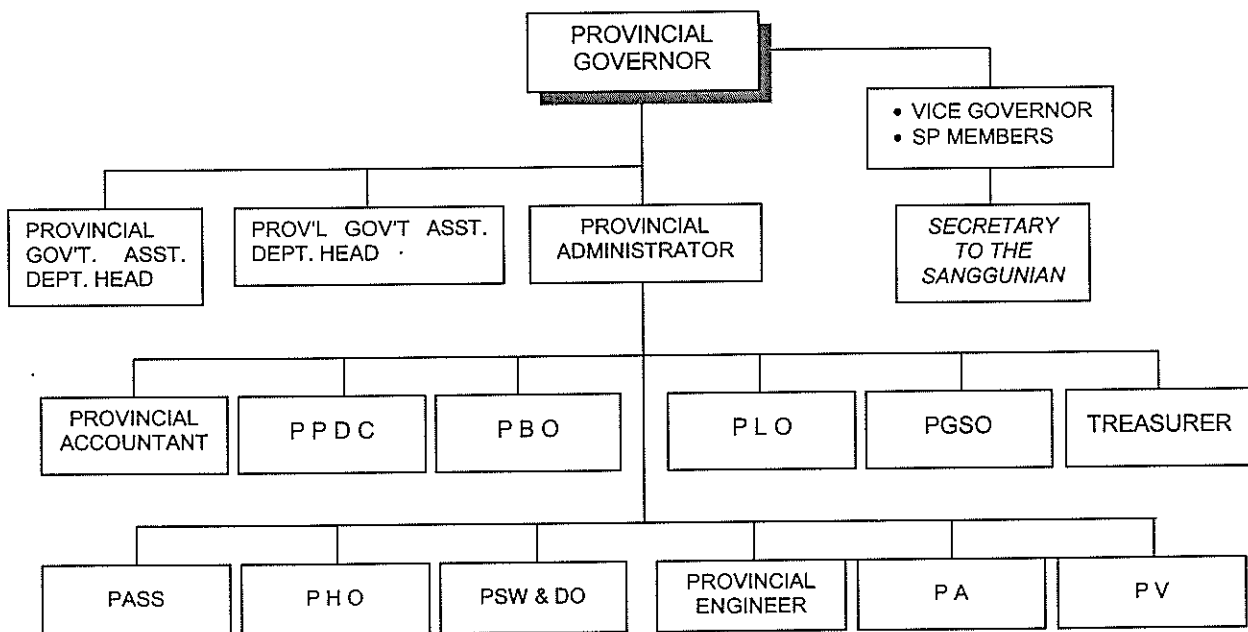


Figure 3-7 Organizational Chart of H. Panglima Tabil, Sulu

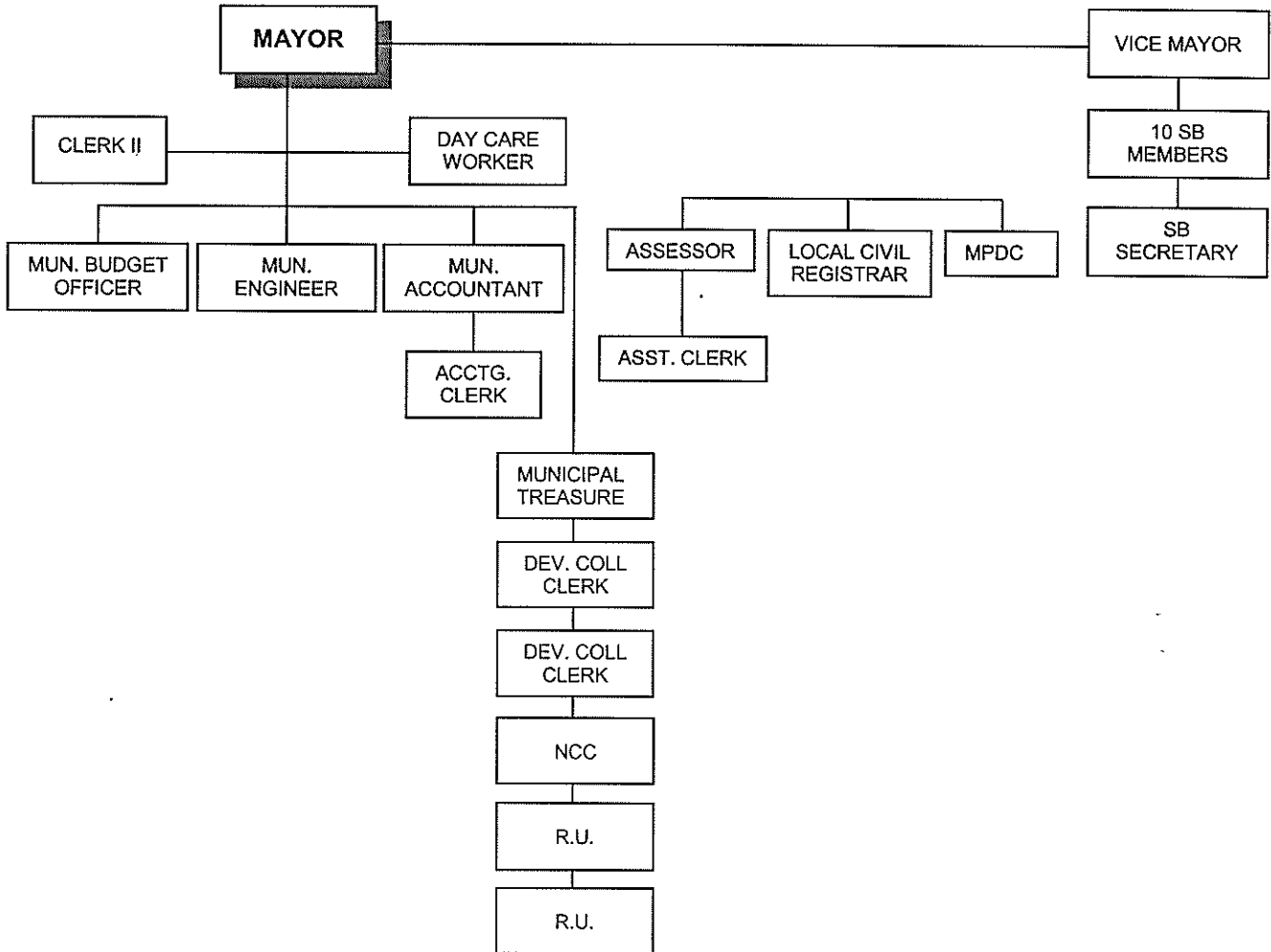


Figure 3-8 Organizational Chart of Marawi City

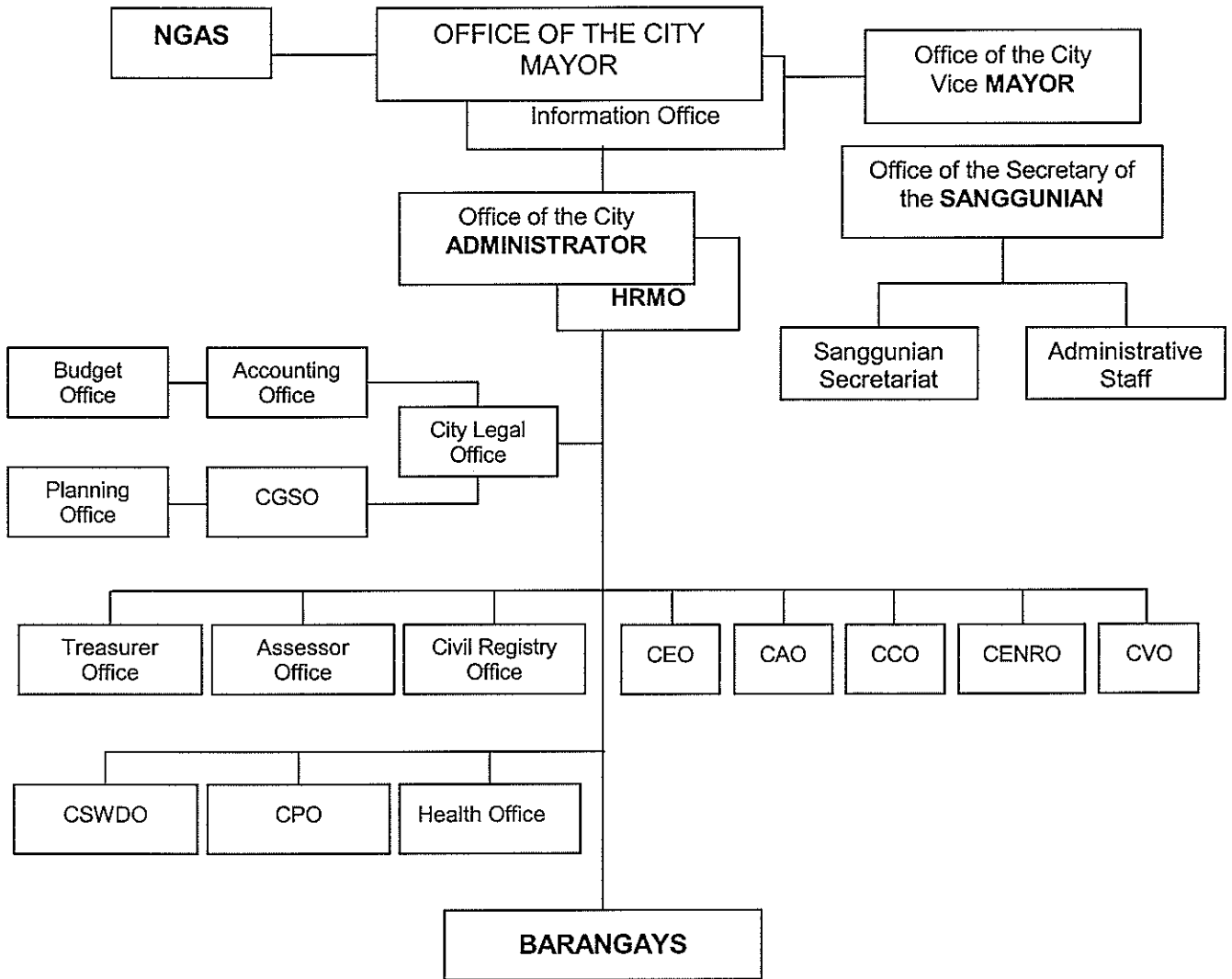
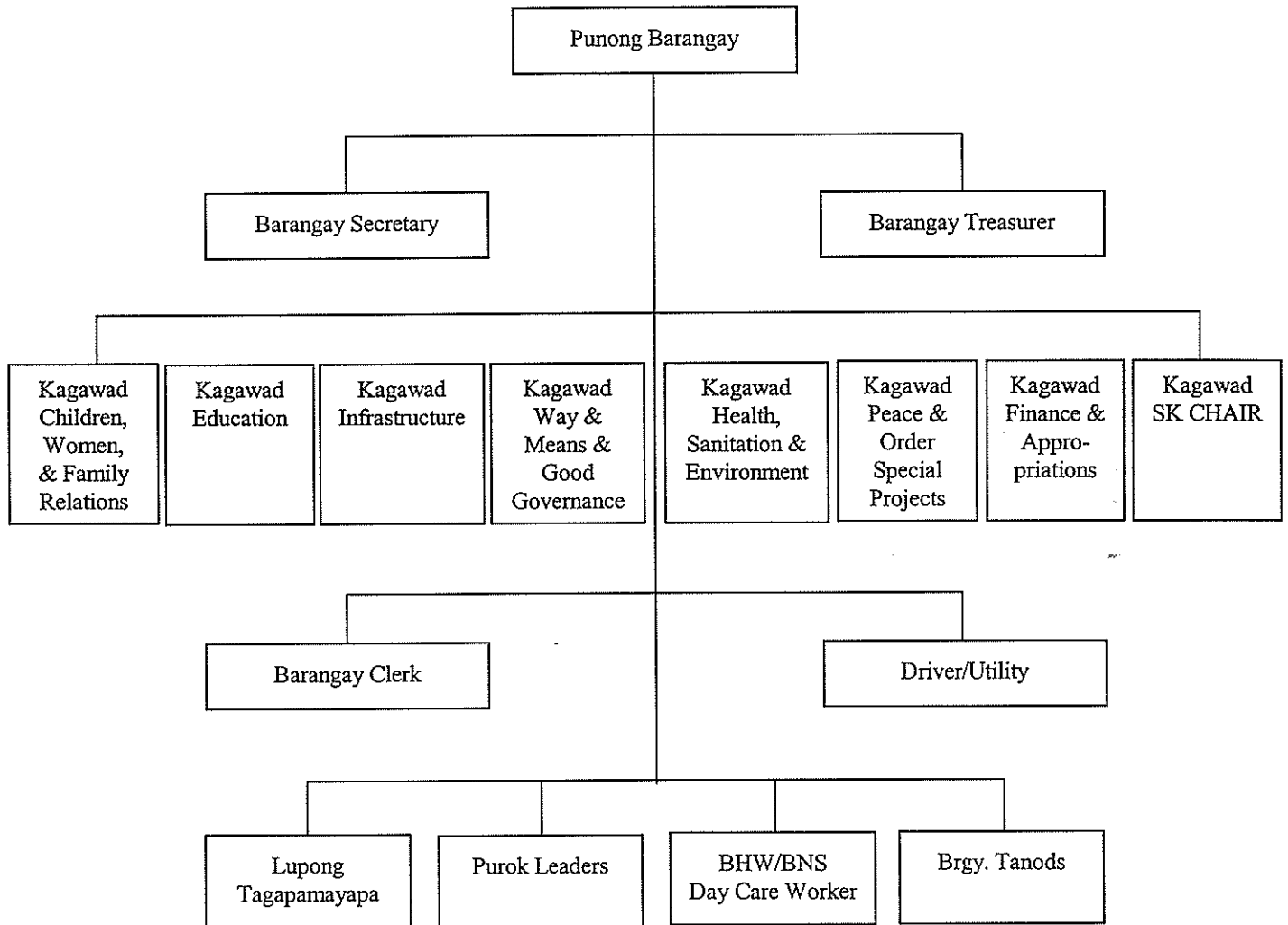


Figure 3-9 Organizational Chart of a Barangay



3.3.2 Offices, Officials and Functions

The following Table 3-3 enumerates the offices/officials existing in the LGU as well as inherent functions, this is provided for in the Local Government Code of ARMM. The officials are deemed as persons in authority in their respective jurisdiction.

Table 3-4 Offices, Officials, Functions of LGUs

LGU	Offices/Officials	Functions
Province	<p>Executive Officer – Governor; Sangguniang Panglalawigan – Vice-Governor as Presiding Officer, Members of the Sangguniang Panglalawigan, Secretary to the Sangguniang Panglalawigan; Provincial Treasures, Assessor, Accountant, Engineer, Budget Officer, Provincial Planning and Development Coordinator, Provincial legal Officer, Provincial Administrator, Provincial Health Officer, Provincial Social Welfare and Development Officer, General Services Officer, Provincial Agriculturist, Provincial Veterinarian.</p> <p>Optional Positions/the Governor may appoint: Provincial Population Officer, Provincial Natural Resources Officer, Provincial Cooperative Officer, Provincial Architect, Provincial Information Officer</p>	<p>Formulation and implementation of Provincial Physical Framework Plan (PPFP) as assisted by the Provincial Development Council and approved by the Sangguniang Panglalawigan; approve ordinances enact resolutions; formulate peace and order plan of the province (in coordination with the mayors and the Regional Police Commission); ensure acts of components cities and municipalities of the province are within scope of their prescribed powers and functions; coordinate with line agencies to ensure delivery of services.</p>
City	<p>Executive Office-Mayor; Sangguniang Panglungsod (SP) – Vice Mayor as Presiding Officer, Sanggunian Members, Secretary to the Sangguniang Panglungsod; City Treasurer, City Assessor, City Accountant, City Engineer, City Health Officer, City Civil Registrar, City Administrator, City Legal Officer, City Veterinarian, City Social Welfare and Development Officer, City General Services Officer</p> <p>The Mayor may appoint: City Architect, City Environment and Natural</p>	<p>Enactment & enforcement of all laws and ordinances at the city level; Formulation and adoption of a City Development Plan with the City Development Council's assistance and approval of Sangguniang Panglungsod; Administrative supervision of the City affairs; Ensure collection of taxes and other revenues; issue permits, maintain peace and order; negotiate/enter into contracts.</p>

LGU	Offices/Officials	Functions
	Resources Officer, City Agriculturist, City Population Officer, City Cooperatives Officer	
Municipality	<p>Executive Office- Mayor; Sanggunian Bayan (SB) – Vice Mayor (Presiding Officer), Sanggunian members, Secretary to the SB; Municipal Treasurer, Municipal Assessor, Municipal Accountant, Municipal Budget Officer, Municipal Planning & Development Coordinator, Engineer/building official, Municipal Health Officer</p> <p>The Mayor may appoint: Municipal Administrator, Legal Officer, Agriculturist, Environment and Natural Resources officer, Social Welfare and Development Officer, Municipal Architect, and Municipal Information Officer</p>	Enactment and enforcement of all laws and ordinances at the municipal level; formulation, adoption, modification and pursuance of Comprehensive Development Plan in coordination with the approved Provincial Physical Framework Plan; ensure delivery of basic services; initiate generation of resources and revenues; negotiate/enter into contracts.
Barangay	<p>Executive Office –Punong Barangay; Sanggunian Barangay (Legislative Body) – Punong Barangay as Presiding Officer, 7 regular Sanggunian Members, Sanggunian Kabataan Chair as members; Lupong Tagapamayapa; Barangay Assembly;</p> <p>Other Appointive Officials – Barangay Secretary, Barangay Treasurer, Baranagy planning & Development Coordinator</p>	Enactment and enforcement of laws and ordinances at the Barangay level; provide for delivery of basic services; Maintain Public order; protection and security of life and property, promotion of cooperative enterprises; assist municipality in civil registration – birth, death, marriage; record of all inhabitants in the barangay;

Source :Local Government Code for ARMM, Book III

In addition to mandated offices, the LGUs through the Sanggunian may create other offices which may be necessary to carry out purposes of local government or consolidate functions for efficiency and economy purposes.

3.3.3 Services Provided

The Organic Act provides for the devolution of services – health, education, agriculture, social services, public works, environment, tourism to the region. Being so, regional line agencies are tasked to perform delivery of such functions. Despite this, LGUs are accountable for providing the environment that facilitates the availability of these services in their areas. Among others, these enabling conditions include:

- ◆ the adoption of an Executive Agenda which spells development priorities of the LGU;
- ◆ a complementary Legislative Agenda which provides for ordinances and laws supportive of such priorities as well as allocates resources to pursue them;
- ◆ establishing partnerships among service delivery agencies (Line agencies, private sector, Civil Society Organizations (CSOs), other LGUs) hence optimizing available resources;
- ◆ assisting CSOs operate and ensuring their active participation in governance processes;
- ◆ conducting orientation activities, pulong pulong, dialogue among communities on services provision and corresponding responsibilities;
- ◆ exercising regulatory functions – issuances of permits, titles, inspections, fees, charges as well as proprietary functions such as registering births, deaths, marriages;
- ◆ providing for basic services from their 20% development fund;
- ◆ maintaining peace and order in their localities.

Aside from creating these abovementioned conditions, LGUs are tasked to provide critical development information regarding their areas. This information can be found in their updated plans and documents made available to stakeholders and other key partners. Samples of these are Socio-Economic Profile, Comprehensive Land Use Plan, Investment Plan, Revenue Code, Sustainable Shelter Plan, Waste management Plan, Gender and Development Plan Local Poverty Reduction Action Plan.

3.3.4 Structures Supportive of Local Governance

LGUs organized their units by setting up structures that facilitate performance of their mandated functions and mainstream participation of other sectors (i.e., NGOs, POs, Private sector. From the survey, results point that all Provinces and the City have complied with the required reconstitution of Local Special Bodies (LSBs), namely, Local Development Council, Local Health Board, Local School Board, Local Peace and Order Council, Pre-Qualifications, Bids and Award Committee. Likewise, provinces have set up/identified Gender Focal Unit/Person and their Disaster Coordinating Committee. On the other hand, most municipalities averred that their Local Development Council and Local Peace and Order Council are in existing. The rest of the mandated LSBs received 50% positive response.

Among the structures and councils, the least available are – Local Shelter Board, Poverty Reduction Action Council, Barangay Health Emergency Response Team, Council for the Protection of Children.

Availability of these structures is presented in the table below:

Table 3-5 Structures and Councils in Place in Sample LGUs

Positive Response Province	Structures and Councils	Positive Response Municipalities & City
100%	Local Development Council	64%
100%	Local School Board	53%
60%	Local Health Board	50%
100%	Pre-Qualifications, Bids and Awards Committee	50%
100%	Local Peace and Order Council	65%
40%	Local Shelter/Housing Board	12%
60%	Local Water District	17%
80%	Disaster Coordinating Committee	32%
100%	Gender Focal Person/Unit	47%
60%	Council for the Protection of Children	20%
20%	Barangay Health Emergency Response Team	6%
40%	Fisheries and Aquatic Resources Management Council	32%
-	Local Poverty Reduction Action Council	26%
80%	Association of Barangay Council	53%
40%	Local Small & Medium Enterprise Development Council	29%
40%	Anti Drug Action Center	-

Source: Collated Results of Interviews and Questionnaires, September 2003

As regards status of operations, provinces' most operational structures are Pre-Qualification, Bids & Awards, Local Development Council, Local Peace and Order Council, Local Water District. Only one province stated that their Gender Focal Unit and Local Small and Medium Enterprise Development Council functional.

From among the City and municipalities, more LGUs stated that Local Development Council, Local Peace and Order Council, Local School and Health Boards, and Association of Barangay Councils operate. There were more LGUs (between 47% to 58%) that did not provide responses on status of structures, namely, Shelter Board, Disaster Coordinating Committee, Gender Focal Unit/Person, Council for the Protection of Children, Barangay Health Emergency Response Team.

To pursue operations of these structures, some LGUs put up Operations Plans for the LSB, capacity building activities for members are conducted and allocate resources for its activities.. Other councils or committees set up by the LGUs respond to particular services on agriculture, livelihood, enterprise, and environment. Some have organized their Council of Elders to assist in settling family or community-based conflicts or in effecting decisions that affect its constituency.

LGUs likewise enter into partnerships/alliances or forge clusters with other LGUs to respond to specific development concerns and optimize resources for services delivery. Some of these are – the Lake Lanao Area Management Alliance (LLAMA) for the conservation and protection of Lake Lanao; the Matanog-Barira-Buldon for building and promotion of peace and development; the Metro Kotawato Development authority; and the Metro Jolo Alliance for services delivery and pursue development undertakings.

CHAPTER 4
THE CIVIL SOCIETY ORGANIZATIONS

4. THE CIVIL SOCIETY ORGANIZATIONS (CSOS)

The ARMM Regional Government has recognized the role of the Civil Society Organizations (CSOs). It shall protect and promote the rights of people's organizations (Article XV, Section 8). Likewise, Muslim Mindanao Act No. 25 on the Local Government Code also recognizes the role of CSO in its partnership towards development.

The Regional Economic Agenda for Peace and Development identifies as a strategy for the transformation of the Autonomous Regional Government (ARG) into a pro-active transparent and responsive government, a strengthened inter and intra-government relationships and partnership building.

4.1 Role of the Civil Society Organizations (CSOs) in Governance

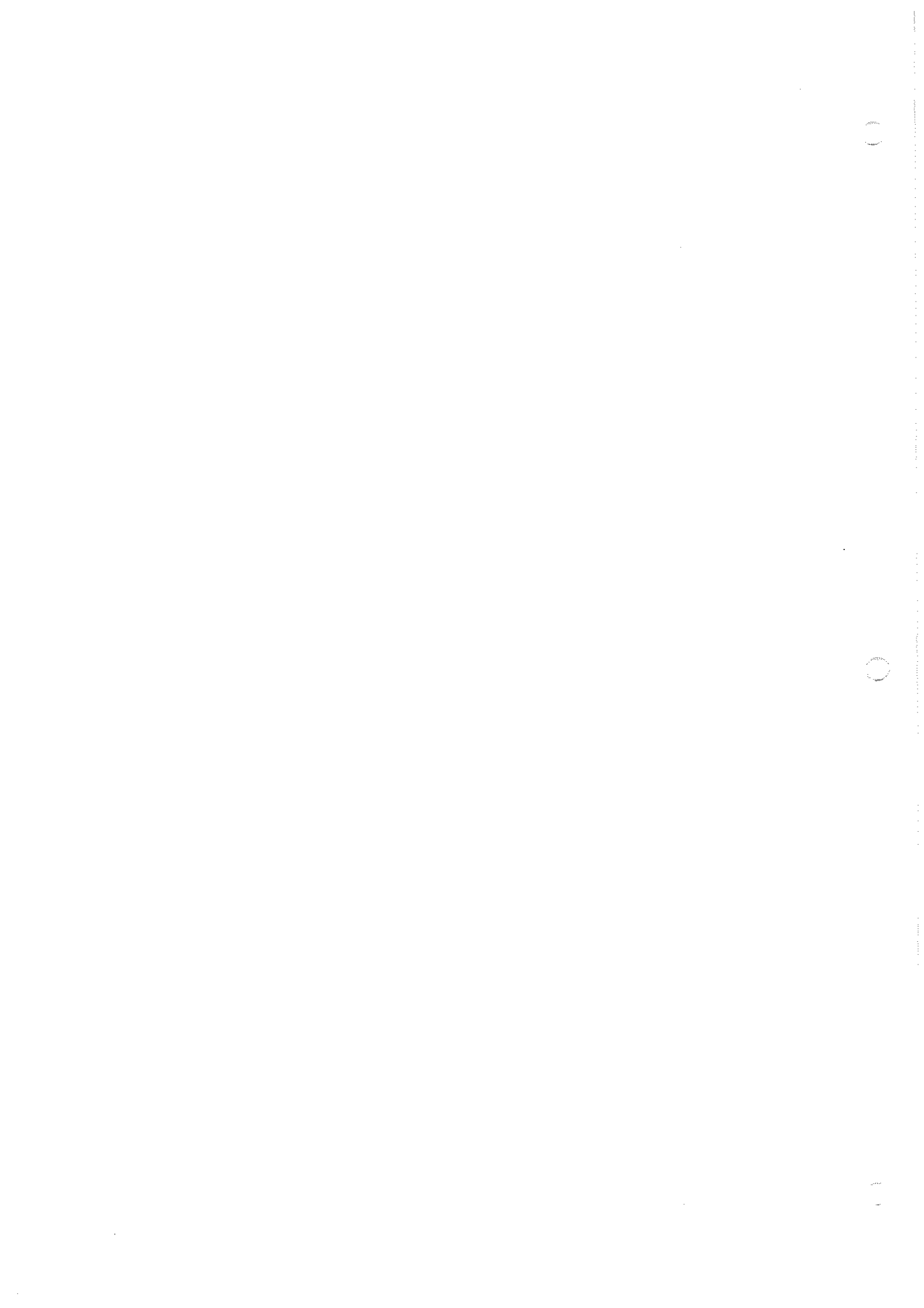
The Civil Society Organizations (CSOs) play various roles in governance at the regional and local levels. These organizations serve as a third force that represents the views of those who are not in the government bureaucracy as well as articulate the sentiments of the communities.

They get involve in the following activities:

- ◆ Participation in government-initiated committees such as the Regional Economic Development and Planning Board (REDPB) and its Sub-Committees at the regional Level and Local Special Bodies (LSBs) at the local level. Some CSOs participate in other Inter-Agency Committees;
- ◆ Provide direct service delivery at the community level;
- ◆ Advocacy and Information Dissemination Activities at various levels;
- ◆ Planning, Implementation, Monitoring and Evaluation Activities.

These organizations also experience difficulties in dealing with the government for several reasons: limited information and understanding of government's programs and projects, budgetary constraints, and time availability.

At the LGU level, CSOs find it difficult to have their organizations accredited because of the stiff requirements, and some LGUs' preference for certain groups.



4.2 Consortium of BangsaMoro Non-Government Organizations (NGOs) and People's Organizations (POs) in ARMM and Mindanao

A Consortium of BangsaMoro Non-Government Organizations (NGOs) and People's Organizations (POs) exists with 31 groups covering 13 provinces all over Mindanao.

This consortium of BangsaMoro NGOs and POs in Mindanao agreed to bond themselves to advance the social, cultural, economic and political agenda of the BangsaMoro; to free themselves from the bondage of all forms of deception, deprivation, oppression and aggression; and to uphold their rights to live in a just, progressive and peaceful society.

The Consortium has the following objectives:

- ◆ to incessantly assert the BangsaMoro rights to self-determination;
- ◆ to develop a viable alternative development framework that would protect the interests and truly benefit the BangsaMoro;
- ◆ to conduct massive education campaigns that would elevate the social, cultural, economic, and political consciousness of the BangsaMoro;
- ◆ to launch campaigns to oppose all forms and types of aggression and oppression against the BangsaMoro;
- ◆ to actively but critically support all efforts to attain peace in Mindanao;
- ◆ to advocate and promote unity, cooperation and coordination among the Tri-people of Mindanao;
- ◆ to promote and uphold gender consciousness and to encourage the participation of women in nation-building;
- ◆ to protect and uphold human rights including the rights of children;
- ◆ to promote environmental awareness and participate in programs that would protect and preserve the environment;
- ◆ to push for the efficient and sufficient delivery of basic social services and economic support due all the other constituents of Mindanao;

Shown in Table 4-1 is the list of program strategies that the Consortium implements.

**Table 4-1 List of Program Strategies
Consortium of BangsaMoro NGOs and POs in Mindanao**

Program Strategies	Description
1. Policy Research and Advocacy	1.1 To call the attention of concerned entities and enlighten them on recognizing and responding to the clamors of the BangsaMoro. Through this program, it is also envisioned that issues and concerns that persist to plague the BangsaMoro could be propagated if only to be able to elicit valuable support.
2. Networking	2.1 To establish and maintain a wide network of contacts among international organizations, and to nurture good working relations with them.
3. Campaigns	3.1 To resist and oppose all forms and types of oppression and aggression waged against the BangsaMoro. In this program, however, massive educational campaigns and other relevant campaigns that would help the BangsaMoro deepen their understanding of their social, cultural, economic and political situation will likewise be undertaken in.
4. Capacity- Building	4.1 To develop the necessary expertise and degree of professionalism of member organizations will be able to refurbish their competence and proficiency that would allow them to contribute more effectively in the overall struggle of the BangsaMoro.
5. Technical Assistance	5.1 To provide member organizations with skilled services that could assist them in the conduct of their activities. Through this program, a pool of dependable and competent consultants and resource persons who are committed to share their knowledge and talents with the BangsaMoro shall be organized.
6. Program Development	6.1 To assist and support member organizations in enhancing and cultivating the programs and projects they are currently implementing in order to guarantee its continued relevance and

Program Strategies	Description
	productiveness. In this program, the identification, conceptualization, and formulation of new programs that would address new challenges to the BangsaMoro will likewise be facilitated.
7. Resource Generation	7.1 To help member organizations gain access to all possible sources and forms of support. Through this program, member organizations with pertinent trainings would eventually develop their capabilities to become self-reliant.

Source: Consortium of BangsaMoro NGOs and POs in Mindanao website.

4.3 Other Civil Society Organizations (CSOs) in ARMM

Another venue for which other members of the society can work very closely with in the development of the Region is through the Supreme Council of ULAMA and the Catholic Bishops' Conference. While these may be religious groups, it can be harnessed to initiate inter-faith dialogues for building and sustaining intercultural understanding and solidarity among Christians, Muslims and Lumads in ARMM and the entire Mindanao.

The Supreme Council of Ulama can also be the venue for which basic services particularly along Madaris Education can be implemented.

Other Civil Society Organizations identified by the Local Government Units actively visible in the locality, among others are:

- ◆ BangsaMoro Women Foundation for Peace and Development
- ◆ Federation of Lanao del Sur Farmers' Multi-Purpose Cooperatives
- ◆ Muslim Christian Agency for Rural Development (MUCARD)
- ◆ Tawi-Tawi Outreach Development Foundation
- ◆ Alternative Center for Organizational Reform and Development (ACORD, Inc.)
- ◆ PILIPINA Legal Resource Center (PLRC)
- ◆ Philippine Business for Social Progress (PBSP)
- ◆ Tabang Mindanao (Help for Mindanao)
- ◆ Maguindanao Development Foundation Inc. (MDFI)

- ◆ Mindanao Emergency Response Network with Save the Children Foundation;
- ◆ Child Friendly Movement

Profile of the member organizations of the said Consortium and other Non-Government Organizations is shown in Annexes 4-1a to 4-1e.

Annex 4-2a and 4-2b show sample lists of accredited CSOs by an LGU.