



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao



**BANGSAMORO COMMISSION
FOR THE PRESERVATION OF CULTURAL HERITAGE**

Don Teodoro V. Juliano Avenue, Rosary Heights XII, Cotabato City

COMMISSION PROPER

RESOLUTION NO. 008

Series of 2024

**RESOLUTION ADOPTING THE GUIDELINES ON THE
CERTIFICATION PROCESS FOR TRADITIONAL LEADERS'
ORGANIZATION FOR SECTORAL REPRESENTATIVE ELECTIONS
IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM
MINDANAO (BARMM)**

WHEREAS, the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH) is created by virtue of Bangsamoro Autonomy Act No. 13 otherwise known as "An Act Providing for the Bangsamoro Administrative Code and Other Related Purposes" as enacted by Bangsamoro Transition Authority Parliament;

WHEREAS, Section 24, Article IX of Republic Act No. 11054, otherwise known as the "Organic Law of the Bangsamoro Autonomous Region in Muslim Mindanao (Bangsamoro Organic Law)," states that the Bangsamoro Government shall preserve the history, culture, arts, traditions, and the rich cultural heritage of the Bangsamoro people and their Sultanates, such as those of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal House of Lanao and of the Iranun, and the non-Moro Indigenous peoples of the Bangsamoro Autonomous Region;

WHEREAS, Article VII, Section 7(c) of Republic Act No. 11054 and Section 15, Article IV-C of the Bangsamoro Autonomy Act No. 35, otherwise known as "An Act Providing for the Bangsamoro Electoral Code of the Bangsamoro Autonomous Region in Muslim Mindanao," provides that the reserved seats and sectoral representatives shall constitute at least ten percent (10%) of the members of the Parliament, which shall include two (2) reserved seats each for non-Moro indigenous peoples and settler communities. Women, youth, traditional leaders, and the Ulama shall have one sectoral seat each: Provided, That the reserved seats and sectoral representatives shall in no case be less than eight (8) seats;

WHEREAS, Section 16, Article IV-C of the same law provides that a sectoral representative shall be a bona fide member of the sector he/she seeks to represent and a member of either a regional political party or sectoral organization duly registered and accredited by the Commission on Elections through the Bangsamoro Electoral Office;

WHEREAS, Section 18, Article IV-C of the same law provides for the registration requirement for sectoral organizations wherein sectoral organizations duly registered with the COMELEC through the BRAC, may participate in the sectoral representative elections: Provided, That sectoral organizations of traditional leaders shall be certified by the Bangsamoro Commission for the Preservation of Cultural Heritage;



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WHEREAS, Section 3, Rule I, Article IV of the Implementing Rules of Regulations of the Bangsamoro Electoral Code of 2023 (BEC IRR) provides that the BCPCH, together with other assigned ministries, offices, and agencies, shall establish and publish their own specific guidelines and procedures to make an objective assessment for the Traditional Leaders sectoral representatives;

WHEREAS, it is essential to approve and adopt the Guidelines on the Certification Process for Traditional Leaders' Organization for Sectoral Representative Elections in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in furtherance of ensuring that the BCPCH has the capacity and competency to perform the duties and responsibilities mandated by law and to ensure the democratic process of certifying the sectoral organizations of traditional leaders as the first step for their qualification to the Parliamentary seat;

WHEREAS, for the BCPCH to be guided in its certification process of Traditional Leaders' Organization, guidelines must be established. These guidelines shall serve as a beacon to ensure collaborative engagement by pursuing genuine and dynamic engagement with the traditional leaders, or their representatives, in the performance of its duties and responsibilities as an office tasked with certifying the sectoral organizations of traditional leaders;

WHEREAS, in order to have an effective and efficient certification process of the sectoral organizations of traditional leaders, the final guidelines as approved by the COMELEC must be adopted and promulgated;

NOW, THEREFORE, on motion of Commissioner Robert Alonto, duly seconded by Commissioner Elmasia Madjilon, **BE IT RESOLVED**, as it is hereby resolved to **ADOPT THE GUIDELINES ON THE CERTIFICATION PROCESS FOR TRADITIONAL LEADERS' ORGANIZATION FOR SECTORAL REPRESENTATIVE ELECTIONS IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM)**;

RESOLVED, FINALLY, that the implementation of the guidelines be carried out as specified;

APPROVED AND ADOPTED this 5th day of Dhu'l-Qi'dah 1445 AH / 13th day of May 2024 in the City of Cotabato, Bangsamoro Autonomous Region in Muslim Mindanao.


SALEM Y. LINGASA, Ph.D.

Chairperson/Commissioner for Maguindanao


ROBERT M. ALONTO

Commissioner for Lanao del Sur



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ELMASIA L. MADJILON
Commissioner for Tawi-Tawi

MERFA A. AMPAO
Commissioner for Basilan

(Vacant)

Commissioner for Sulu

Certified By:

AKMAD D. MAMA
Secretariat of the Commission





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Whereas, the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH) is mandated to establish and sustain the cultural institutions in the Bangsamoro Autonomous Region and to conserve and promote the Bangsamoro's historical and cultural heritage;

Whereas, Section 7 (c), Article VII of Republic Act No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao provides that sectoral representatives will comprise at least ten percent (10%) of the members of the Bangsamoro Parliament and that traditional leaders shall have one sectoral seat;

Whereas, Section 16, Article IV-C of Bangsamoro Autonomy Act No. 35 provides that a sectoral representative shall be a *bona fide* member of the sector he/she seeks to represent and a member of either a regional political party or sectoral organization duly registered and accredited by the Commission on Elections through the Bangsamoro Electoral Office;

Whereas, Section 18, Article IV-C of the same law directs the BCPCH to formulate guidelines for the process of certification of sectoral organizations for traditional leaders within one hundred twenty (120) days from the promulgation of BAA No. 35;

NOW, THEREFORE, the BCPCH, by virtue of the power and authority vested in it by the BAA No. 13 or the Bangsamoro Administrative Code and the Bangsamoro Electoral Code of 2023 has **RESOLVED**, as it hereby **RESOLVES**, to promulgate the following Guidelines:

GUIDELINES ON THE CERTIFICATION PROCESS FOR TRADITIONAL LEADERS ORGANIZATION FOR SECTORAL REPRESENTATIVE ELECTIONS IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM)

ARTICLE I INTRODUCTORY PROVISIONS

SEC. 1. Title. These Guidelines shall be known as the "*Guidelines on the Certification Process for Traditional Leaders Organization in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)*."

SEC. 2. Statutory Bases. The legal bases cited for these Guidelines are as follows:

a. **Section 7, Article VII of Republic Act No. 11054** (Bangsamoro Organic Law), provides for the representation of the "Traditional Leaders sector in the Bangsamoro Parliament;



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b. **Section 15, Article IV-C of the Bangsamoro Autonomous Act No. 35 (BAA No. 35) or the Bangsamoro Electoral Code** states that the reserved seats for sectoral representatives shall constitute at least ten percent (10%) of the Members of the Parliament, which shall include two (2) seats each for Non-Moro Indigenous Peoples and settler communities. Women, youth, traditional leaders, and the 'Ulama shall have one seat each: Provided, That the sectoral representatives shall in no case be less than eight (8) seats;

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c. **Section 18 of Article IV of BAA No. 35** on the registration requirement for sectoral organizations, or political parties fielding candidates for sectoral representation elections, states that sectoral organizations duly registered with the COMELEC through the BRAC, may participate in the sectoral representative elections: Provided, That sectoral organizations for indigenous peoples, including their indigenous political structures (IPS), shall be certified by the Ministry of Indigenous Peoples' Affairs; sectoral organizations for women shall be certified by the Bangsamoro Women Commission; sectoral organizations for the youth shall be certified by the Bangsamoro Youth Commission; sectoral organizations for the Ulama shall be certified by the Bangsamoro Darul Ifta'; sectoral organizations by the settler communities shall be certified by the Office of Settler Communities; and the sectoral organizations of traditional leaders shall be certified by the Bangsamoro Commission for the Preservation of Cultural Heritage. Within one hundred twenty (120) days from promulgation of this Code, the appropriate certifying ministries and offices shall issue corresponding guidelines for the process of certification, copies of which shall be furnished to the Parliament.

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SEC. 3. **Scope and Coverage.** These Guidelines shall govern the certification of sectoral organizations for Traditional Leaders pursuant to Section 18, Article IV-C of Bangsamoro Autonomy Act (BAA) No. 35 or the Bangsamoro Electoral Code of 2023.

SEC. 4. **Purpose.** These guidelines are promulgated to prescribe the procedure for the issuance of certification of the sectoral organizations of traditional leaders from the Sultanates of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal Houses of Lanao, and of the Iranun, pursuant to Section 18, Article IV-C of the Bangsamoro Electoral Code of 2023.

SEC. 5. **Construction and Interpretation.** These guidelines shall be liberally construed to promote the democratic participation of the Traditional Leaders sector and allow them to freely participate in the political processes in the BARMM.

SEC. 6. **Definition of Terms.** The terms used in these guidelines shall have the following meaning:

a. **Applicant Organization** refers to a Traditional Leaders' Organization that has applied for certification with the BCPCH for the purpose of participating in the selection of the sectoral representative for Traditional Leaders in the Bangsamoro Parliament.



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- b. **Commission** refers to the Bangsamoro Commission for the Preservation of Cultural Heritage (BCPCH).
- c. **Commission En Banc** refers to the BCPCH En Banc.
- d. **Traditional Leaders** refer to the Royal Sultanates in the Bangsamoro Autonomous Region in Muslim Mindanao. These shall include the Sultanates of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal Houses of Lanao and of the Iranun;
- e. **Traditional Leaders Organizations (TLO)** refers to a sectoral organization that is composed of members belonging to Traditional Leaders and organized for the purpose of participating in the election of the Traditional Leaders' sectoral representative in the Bangsamoro Parliament and in advancing the role of Traditional Leaders in leadership and governance, conflict resolution, religious and spiritual guidance, social welfare, and community development in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).
- f. **Track record** refers to relevant involvement and accomplishments advancing the rights and welfare of the Traditional Leaders sector in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) as supported by a list of relevant civic engagements.

ARTICLE II REQUIREMENTS

SEC. 7. Requirements. Applicant Organization must submit the following requirements:

- a. A duly accomplished and notarized Application Form, containing the following:
1. Full name of the Traditional Leaders organization;
 2. Principal place of business and postal address for election purposes;
 3. Official e-mail address and mobile number;
 4. Names and addresses of its officers;
 5. The total number of its members, which must be at least fifty (50);
- b. Constitution and by-laws;
- c. Organizational structure;
- d. Notarized list of its members;
- e. Proof of its track record or the individual track record of at least three (3) of its members as demonstrated through a minimum of three (3) verifiable projects, activities, or initiatives promoting the role of traditional leaders in leadership and governance, conflict resolution, religious and spiritual guidance, social welfare, and community development in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM);
- f. Platform of government, which must be anchored on its advocacies for the Traditional Leaders.



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ARTICLE III CERTIFICATION PROCESS

SEC. 8. Manner of Submission. Certification application can be made through any of the following:

- a. Personal submission with any BCPCH office;
- b. Via registered mail or accredited courier, with return receipt requested, addressed to: *Don Teodoro V. Juliano Avenue, Rosary Heights XII, Cotabato City, Philippines, 9600;*
- c. Via official e-mail of the Commission: *tlo@bcpch.bangsamoro.gov.ph*

A copy of the application and its supporting documents shall also be sent to the Office of the Chief Minister via email at *cos@bangsamoro.gov.ph*

Submission via e-mail shall observe the following format:

To: *tlo@bcpch.bangsamoro.gov.ph*
Cc: *cos@bangsamoro.gov.ph*

From: [Applicant Organization's official e-mail address]
Subject: Application for Certification [Full name of the Applicant Organization]

Example:

To: *tlo@bcpch.bangsamoro.gov.ph*
Cc: *cos@bangsamoro.gov.ph*

From: *xyztraditionalleaders@gmail.com*
Subject: Application for Certification XYZ Traditional Leaders Organization

An e-mail shall contain only electronic documents pertaining to one Applicant Organization and its application for certification. All the necessary requirements must be sent in the same e-mail.

Documents submitted via e-mail must be in PDF format and saved separately, and separately attached to the e-mail. The filename must correspond to the document title.

Example:

Application Form must have a file name "Application Form.pdf"

Organization Structure must have a file name "Organization Structure.pdf"



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The Applicant Organization must submit the hard copies, which must be the exact copy of its electronic submission, via registered mail or accredited courier to the BCPCH within forty-eight (48) hours from receipt of the Notice of Completeness of Documents.

SEC. 9. Notice of Receipt. The Commission shall issue a Notice of Receipt upon receipt of the application form and documentary requirements. If the application is filed personally, it shall be stamped received by the officer in charge. If the application is filed through registered mail, accredited courier or e-mail, a Notice of Receipt shall be sent through e-mail and text message to the applicant immediately upon receipt.

SEC. 10. Notice of Completeness of Documents/Deficiency. The Commission shall review the application form and its accompanying documentary requirements within three (3) working days from the date of receipt.

If the documents are complete and duly executed, the applicant shall be issued a Notice of Completeness of Documents through e-mail and text message.

In case of deficiency in the application and other documentary requirements, the Commission shall issue a Notice of Deficiency.

SEC. 11. Content of the Notice of Deficiency. The notice shall state:

- a. the basis for it, such as a discrepancy in the Application for Certification of the applicant or the lacking requirement in its application, and
- b. the period within which the applicant must comply. Failure of the applicant to comply within the given period shall result in the cancellation of its application for certification.

SEC. 12. Review and Verification. Upon issuance of the Notice of Completeness of Documents, the Commission shall review the certification application. It may adopt reasonable means to ascertain the authenticity and veracity of the Applicant Organization's application for certification and the other documentary requirements it submitted.

The Commission may either issue the Certification or deny the application within fifteen (15) days from the issuance of the Notice of Completeness of Documents.

If the Commission fails to act within a period of fifteen (15) days from the receipt of the Notice of Completeness of Documents, the application is deemed denied.

In case of denial of the application or the application is deemed denied, the TLO may file a Motion for Reconsideration as provided under Article VII of this Guidelines.



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SEC. 13. Certification. Applicant Organizations with approved certification application shall be issued a Traditional Leaders' Organization Certificate.

The certificate shall contain the following:

- a. Certificate number;
- b. Name and principal address of the Traditional Leaders Organization;
- c. Date of the certification and the period of its validity;
- d. Name and signature of the BCPCH chairperson;
- e. BCPCH seal; and
- f. Terms of use.

Applicant Organizations with disapproved application shall be issued a Notice of Disapproval, which shall be signed by the BCPCH Executive Director and shall indicate all the necessary information or the grounds for the disapproval.

SEC. 14. Grounds for Disapproval. Certification applications may be denied or disapproved based on any of the following grounds:

- a. Any material misrepresentation in the Application Form;
- b. Failure of the Applicant Organization to substantiate its track record;
- c. Submission of any falsified or fabricated documents; and
- d. Such other justifiable grounds that may be determined by the Commission.

ARTICLE IV REPORTORIAL REQUIREMENT

SEC. 15. Reportorial Requirement. The Commission may require certified Traditional Leaders' Organization to submit annual accomplishment report and such other reports as may be lawful and necessary.

ARTICLE V REVOCATION OF CERTIFICATION

SEC. 16. Revocation of Certification. The Commission may *motu proprio* or upon receipt of a verified complaint, initiate the revocation of a certification issued to a TLO.

The certification of the concerned TLO shall be deemed suspended pending the resolution of the revocation proceedings.

SEC. 17. Grounds for Revocation of Certification. The following shall be grounds for the revocation of a certification:

- a. Failure to comply with any of the reportorial requirements as provided in this Guidelines.
- b. Violation of the terms and conditions of the Certification.



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- c. Subsequent discovery of any of the grounds for disqualification or disapproval of certification.

SEC. 18. *Procedure for Revocation of Certification.*

The following procedure shall be observed in cases of revocation of certification:

- a. Within three (3) days upon receipt of a verified complaint or when it initiates revocation proceedings *motu proprio*, the Commission shall issue an order to show cause to the TLO, directing it to explain within a non-extendible period of five (5) days from receipt of such order why its certification shall not be revoked.

Failure of the TLO to file an Answer shall be considered as a waiver thereof, and the Commission, within fifteen (15) days, shall decide thereon based on available records.

- b. Upon receipt of the TLO's Answer, the Commission shall review the facts as presented and evidence provided. It shall decide in a Resolution within thirty (30) days whether to revoke the certification. The Resolution shall state the grounds for revocation.

- c. In no case may revocation proceedings be initiated against any certified TLOs twelve (12) months prior to a parliamentary election.

ARTICLE VI WITHDRAWAL OF CERTIFICATION

SEC. 19. *Voluntary Withdrawal of Certification.* Any certified Traditional Leaders Organization may voluntarily withdraw its certification through a formal notice to the Commission.

ARTICLE VII MOTION FOR RECONSIDERATION

SEC. 20. *Who may file.* The following may file a motion for reconsideration within the prescribed period:

- a. Applicant TLO with disapproved certification application;
- b. A TLO whose certification has been revoked; and
- c. An Applicant TLO whose certification application has not been acted upon by the BCPCH after the lapse of fifteen (15) days from the issuance of the Notice of Completeness of Documents.

SEC. 21. *Period for Filing.* A motion for reconsideration must be filed within five (5) days from the TLO's receipt of the notice of disapproval of its certification application or the resolution revoking its certification or from the lapse of the 15-day period after the issuance of the Notice of Completeness of Documents.



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SEC. 22. Contents of the Motion. The Motion for Reconsideration must be in writing which shall contain the following:

- Legal and/or factual ground/s relied upon by the TLO;
- Relief prayed for by the TLO;
- Name and contact information of the TLO (mobile number and email address, etc.); and
- Copy of the Decision or the Notice of Completeness of Documents, if applicable, and such other supporting affidavits and documents necessary to support the ground/s relied upon in filing the motion.

SEC. 23. Resolution of the Motion. The BCPCH shall resolve the motion for reconsideration within fifteen (15) days from receipt thereof.

If the motion is resolved in favor of the TLO, the BCPCH shall issue the corresponding Certificate to the applicant and nullify the order of disapproval or revocation of certification.

A resolution denying the motion shall be final and executory. The motion for reconsideration is deemed to have been denied if the BCPCH fails to resolve the same within the fifteen (15) day period.

ARTICLE VIII APPEAL

SEC. 24. Appeal. The decision of the BCPCH on a motion for reconsideration shall be final and executory unless the Applicant TLO makes a timely appeal with the Office of the Chief Minister within five (5) working days upon receipt of such decision.

In case of inaction by the BCPCH, appeal may be taken to the Office of the Chief Minister within five (5) days after the lapse of fifteen (15) days for the BCPCH to resolve the Motion for Reconsideration.

SEC. 25. Appeal, how taken. The appeal shall be taken by filing a Notice of Appeal with the Office of the Chief Minister, with proof of service of a copy thereof to the BCPCH and the affected parties.

ARTICLE IX FINAL PROVISIONS

SEC. 26. Database of Certified Traditional Leaders Organizations. The Commission shall maintain a comprehensive database of certified TLOs. It shall submit a certified list of certified Traditional Leaders organizations to the Bangsamoro Election Office (BEO) and the Bangsamoro Parliament at least ten (10) months prior to the next parliamentary election.



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SEC. 27. Data Privacy. The Commission shall ensure that all submitted documents and the information contained therein are processed according to their specified and legitimate purpose, and in a manner that is transparent, adequate, relevant, suitable, and necessary.

It shall take the appropriate measures to ensure that all collected and processed data are protected against accidental or unlawful destruction, alteration, disclosure, and any other unlawful processing.

SEC. 28. Separability Clause. If any part or provision of this Guidelines is declared invalid or contradicts the Bangsamoro Electoral Code, the other provisions shall remain valid and effective.

SEC. 29. Amendment. Any amendments hereof shall be made through a resolution by the BCPCH En Banc submitted, deliberated, and approved by the Bangsamoro Parliament Committee on Rules.

SEC. 30. Effectivity. These Guidelines shall take effect immediately after its publication in the Bangsamoro Official Gazette or in any newspaper of regional circulation.