

Testing Constitutional Waters V: The Proposed Bangsamoro Basic Law and the Primacy of the Sovereign Power of the State

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On 27 March 2014, the Comprehensive Agreement on the Bangsamoro between the Government of the Republic of the Philippines and the Moro Islamic Liberation Front was signed. With the aim of ending the decades-long armed conflict in Mindanao, it provided for the creation of a new political entity that will replace the Autonomous Region in Muslim Mindanao — the Bangsamoro. In light of this, the Bangsamoro Transition Commission drafted and submitted the proposed Bangsamoro Basic Law (BBL) to Congress for the latter's deliberation.

This Article studies the implications of enacting the proposed BBL under municipal and international law. Being described as an attempt to correct the past injustices committed against the Muslims, the BBL should be read within the context of the ongoing conflict in Mindanao. In assessing the BBL, the historical roots of the struggle should first be examined. Second, bearing in mind that the proposed BBL was written as a result of the Supreme Court's ruling on the constitutionality of the Memorandum of Agreement on Ancestral Domain, this Article looked at the standards set in the case of *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP)* in order to have a deeper and better evaluation of the proposed BBL. Lastly, this Article closely examined and analyzed the contentious provisions of the BBL vis-à-vis the Constitution, local statutes, and international law.