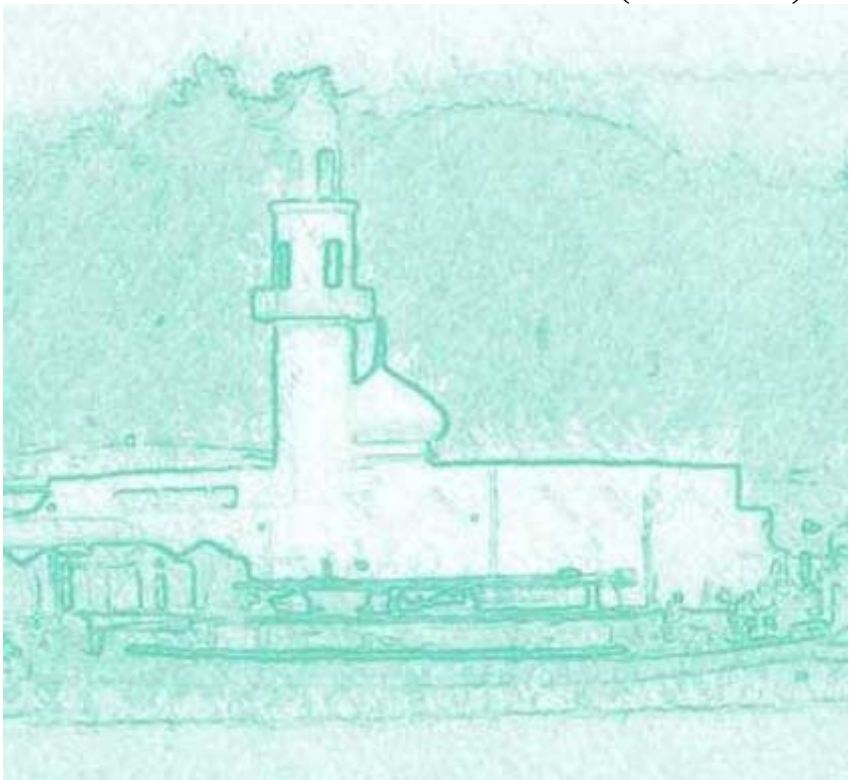


**QUESTIONS AND ANSWERS
ON NATURAL RESOURCES MANAGEMENT
AND OTHER PERTINENT PROVISIONS**

REPUBLIC ACT No. 9054

**Organic Act for the
Autonomous
Region in Muslim Mindanao
(ARMM)**



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Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

Message

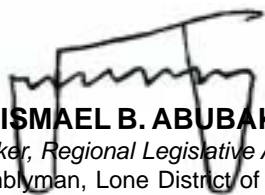
Assalamu Alaykum Warahmatullahi Wabarakatuh!

I would like to congratulate the RLA's Committee on Environment and Natural Resources and the Department of Environment and Natural Resources-Autonomous Region in Muslim Mindanao (DENR-ARMM) for the production of this pamphlet, *Questions and Answers on Natural Resources Management and Other Pertinent Provisions of the Republic act No. 9054*.

This will be an invaluable reading material to everyone who wants to know the roles and responsibilities of the people of the Autonomous Region with regards to the management of the natural resources. The Regional Legislative Assembly believes that the environment should be protected and managed for our future generation.

We also welcome the support initiated under the Philippine Environmental Governance Program of the DENR with technical assistance from the Philippine Environmental Governance Project.

Wassalam!



HON. ISMAEL B. ABUBAKAR, JR.
Speaker, Regional Legislative Assembly
Assemblyman, Lone District of Tawi-Tawi



Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

Message

Assalamu Alaykum Warahmatullahi Wabarakatuh!

This pamphlet is a good initial reading material for those who want to know about the legal mandate of the Regional Government in the management of our natural resources as defined in Republic Act No. 9054, otherwise known as the “Expanded Organic Act for the Autonomous Region in Muslim Mindanao.”

It presents specific provisions describing the powers of the Legislative, Executive and Judicial Departments, as well as sources and sharing of revenues and authority of the Regional Government over the natural resources located within the autonomous region’s jurisdiction.

The Regional Legislative Assembly’s Committee on Environmental and Natural Resources would also like to extend its thanks to the DENR of the Autonomous Region in Muslim Mindanao (DENR-ARMM) and the Philippine Environmental Governance Project for their assistance in the production of this document.

A handwritten signature in black ink, appearing to read "Suharto S. Midtimbang", is written over a light blue background.

SUHARTO S. MIDTIMBANG
Assemblyman, 2nd District of
Maguindanao
Speaker Pro-Tempore
Chair, Committee on Environment and
Natural Resources



Republic of the Philippines
Autonomous Region in Muslim Mindanao
Department of Environment and Natural Resources
Office of the Regional Secretary
ARMM Compound, Cotabato City



Message

Assalamu Alaykum Warahmatullahi Wabarakatuh!

This primer presents some important provisions of Republic Act No. 9054 in a question-and-answer form pertaining to the management of the Autonomous Region's environment and natural resources.

Also included are a number of information regarding the powers, authority and responsibilities of the Executive Legislative and Judicial branches of the Autonomous Regional Government.

With this primer, we hope the readers will better appreciate the role of the Regional Government in the protection and rehabilitation of the patrimony of the region.

Mabuhay ang Autonomous Region.

Wassalam.

KABUNTALAN P. EMBLAWA, AI-Haj
Regional Secretary

1. General Provisions

Q

What is Republic Act (RA) No. 9054?

A

It is the strengthened and expanded Organic Act for the Autonomous Region in Muslim Mindanao (ARMM). It amended Republic Act No. 6734, entitled “An Act Providing for the Autonomous Region in Muslim Mindanao.”

Q

Is the ARMM part of the Republic of the Philippines?

A

Yes. The ARMM remains an integral and inseparable part of the national territory of the Republic of the Philippines. (Art. III, Sec. 1)

Q

How shall the ARMM be governed and administered?

A

The ARMM shall be governed and administered in accordance with:

1. The laws enacted by the Regional Legislative Assembly; and
2. Republic Act No. 9054. (Art. III, Sec 1)

Q *What are the powers and functions of the Regional Government?*

A The Regional Government shall exercise those powers and functions expressly granted to it by Republic Act No. 9054, or necessary for or incidental to the proper governance and development of all the constituent units within the autonomous region. (Art. IV, Sec. 1)

Q *What are the limitations on the exercise of the powers and functions of the Regional Government?*

A The exercise of the powers and functions of the Regional Government shall be:

1. Subject to the provisions of the Constitution; and
2. Consistent with the policy on regional and local autonomy and decentralization. (Art. IV, Sec. 1)

2. Legislative Department

Q *Where is the legislative power of the autonomous government vested?*

A The legislative power of the autonomous government is vested in the Regional Legislative Assembly except to the extent that it is reserved to the people by provisions on initiative and referendum as provided by law. (Art. VI, Sec. 1)

Q *May the Regional Government enact its own regional administrative code and regional local government code?*

A Yes. However, RA 9054 provides that:

1. These codes shall be consistent with the Constitution; and
2. The powers and functions already vested upon and the shares of the national taxes provided by RA 7160, also known as the Local Government Code of 1991, to provinces, cities, municipalities and barangays in the autonomous region shall not be reduced. (Art. IV, Sec. 1)

Q *What is the scope of the legislative power of the Regional Legislative Assembly?*

A In general, the Regional Legislative Assembly may exercise legislative power in the autonomous region for the benefit of the people and for the development of the region. (Art. IV, Sec. 3)

Q *What are the limitations on the legislative power of the Regional Legislative Assembly?*

A The Regional Legislative Assembly cannot exercise its legislative power on the following matters:

1. Foreign affairs;
2. National defense and security;
3. Postal service;
4. Coinage and fiscal and monetary policies;
5. Administration of justice; it may, however legislate on matters covered by the Shari'ah. The Shari'ah shall apply only to Muslims. Its application shall be limited by pertinent constitutional provisions, particularly by the prohibition against cruel and unusual punishment and by pertinent national legislation that promotes human rights and the universally accepted legal principles and precepts.
6. Quarantine;
7. Customs and tariff;
8. Citizenship;
9. Naturalization, immigration and deportation;
10. General auditing;
11. National elections;
12. Maritime, land and air transportation, and communications. The autonomous government shall, however, have the power to grant franchises, licenses and permits to land, sea and air transportation plying routes in the provinces or cities within the region, and communications facilities whose frequencies are confined to and whose main offices are located within the autonomous region;
13. Patents, trademarks, trade names, and copyrights; and
14. Foreign trade. (Art. IV, Sec. 3)

Q

May the Regional Legislative Assembly exercise its legislative power on matters involving the environment and natural resources in the autonomous region?

A

Yes.

3. Executive Department

Q *Where is the executive power of the autonomous government vested?*

A The executive power is vested in the Regional Governor. He shall be elected by the qualified voters of the autonomous region. (Art. VII, Sec. 1)

Q *Who is the chief executive of the Regional Government?*

A The Regional Governor is the chief executive of the Regional Government. He/she shall be assisted by a cabinet not exceeding ten members, at least six of whom shall come from indigenous cultural communities. (Art. VII, Sec. 2)

Q *Does RA 9054 provide for the appointment of Deputy Regional Governors?*

A Yes. The Regional Governor shall appoint three deputies, each representing the Christians, indigenous cultural communities and the Muslims in the region. (Art. VII, Sec. 6)

Q *Does RA 9054 provide for the creation of an executive council for ARMM?*

A Yes. (Art. VII, Sec. 6)

Q *Who compose the executive council?*

A The Regional Governor, the Regional Vice-Governor, and the three Deputy Regional Governors compose the executive council of the autonomous government. (Art VII, Sec. 6)

Q *What are the powers and functions of the executive council?*

A The executive council shall advise the Regional Governor on matters of governance of the autonomous region. The Regional Governor may assign powers and functions to the executive council to promote the general welfare of the people of the autonomous region subject to the laws enacted by the Regional Legislative Assembly. (Art. VII, Sec. 6)

Q *What inter-governmental relation exists between the President of the Republic of the Philippines and the Regional Governor?*

A Consistent with the Constitution and basic policy on local autonomy, the President of the Republic of the Philippines shall exercise general supervision over the Regional Governor to ensure that his or her acts are within the scope of his or her powers and functions. (Art. V, Sec.1)

4. Administration of Justice

Q

Where are the judicial powers vested?

A

The judicial powers are vested in the Supreme Court of the Philippines and in such lower courts as may be established by law, including the Shari'ah Courts. (Art. 8, Sec. 1)

Q

How shall the Shari'ah Courts be established?

A

The Regional Legislative Assembly of the autonomous region shall provide for the establishment of Shari'ah Courts. Shari'ah Courts existing as of the date of the approval of RA 9054 shall continue to discharge their duties. (Art. VIII, Sec. 5)

Q

Who shall formulate the Shari'ah legal system?

A

The Regional Legislative Assembly, in consultation with the Supreme Court and consistent with the Constitution, may formulate a Shari'ah legal system, including the criminal cases. (Article III, Sec. 5)

Q

Where will the Shari'ah legal system apply?

A

The Shari'ah legal system shall be applicable in the ARMM. (Art. III, Sec. 5)

Q

To whom will the Shari'ah legal system apply?

A

The Shari'ah legal system shall be applicable only to Muslims or those who profess the Islamic faith. (Art. III, Sec. 5)

Q

What is the jurisdiction of the Shari'ah courts?

A

The Shari'ah courts shall have jurisdiction over cases involving personal, family and property relations, and commercial transactions, in addition to their jurisdiction over criminal cases involving Muslims. The Regional Legislative Assembly shall, in consultation with the Supreme Court, determine the number and specify the details of the jurisdiction of these courts. (Art. III, Sec. 5)

Q

Does RA 9054 provide for the creation of a Shari'ah Public Assistance Office?

A

Yes, the law creates the Shari'ah Public Assistance Office. In addition, the law provides for the establishment of this office in each of the Shari'ah judicial districts. (Art. VIII, Sec. 6)

Q

What is the function of the Shari'ah Public Assistance Office?

A

Its function is to provide free legal assistance to poor or indigent party litigants. (Art. VIII, Sec. 6)

Q

Does RA 9054 create a Shari'ah Appellate Court?

A

Yes. (Art. VIII, Sec 7)

Q

What is the jurisdiction of the Shari'ah Appellate Court?

A

The Shari'ah Appellate Court shall:

1. 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
2. Exercise exclusive appellate jurisdiction over all cases tried in the Shari'ah district courts as established by law. (Art. VIII, Sec. 9)

Q

What is the nature of the decisions of the Shari'ah Appellate Courts?

A

The decisions of the Shari'ah Appellate Court shall be final and executory. However, this does not affect the original and appellate jurisdiction of the Supreme Court, as provided for in the Constitution. This means that the Supreme Court may still review and consequently affirm, revise, modify or reverse the decisions of the Shari'ah Appellate Court. (Art. VIII, Sec. 10)

Q

Does RA 9054 create tribal courts?

A

Yes. The law creates a system of tribal courts, which may include a Tribal Appellate Court. (Art. VIII, Sec 19)

Q

For whom were the tribal courts created?

A

The tribal courts were created for the indigenous cultural communities in the autonomous region. (Art. VIII, Sec 19)

Q

What is the jurisdiction of the tribal courts?

A

The tribal courts shall determine, settle and decide controversies and enforce decisions involving personal and family and property rights of members of the indigenous cultural community concerned in accordance with the tribal codes of these communities. (Art. VIII, Sec 19)

Q

Do the tribal courts have jurisdiction over criminal cases?

A

Yes. The tribal courts may also exercise exclusive jurisdiction over crimes committed by members of indigenous cultural communities. These include crimes whose imposable penalty does not exceed imprisonment of six years or a fine not exceeding ₱50,000.00 or both, and where the offended party or parties are also members of the indigenous cultural community concerned. (Art. VIII, Sec 19)

Q *Does RA 9054 provide for the codification of customary laws?*

A Yes. The Regional Legislative Assembly shall provide for the codification of indigenous laws and compilation of customary laws of the Muslims and the indigenous cultural communities in the autonomous region. (Art. VIII, Sec. 21)

Q *To whom shall the provisions of the Muslim code apply?*

A The provisions of the Muslim code shall be applicable only to Muslims. (Art. VIII, Sec. 22)

Q *To whom shall the provisions of the tribal code apply?*

A The provisions of the tribal code shall be applicable only to members of indigenous cultural communities. (Art. VIII, Sec. 22)

Q *In case of conflict between the Muslim code and the tribal code, what law shall apply?*

A The national law shall apply. (Art. VIII, Sec. 22)

Q *In case of conflict between the Muslim code or the tribal code on the one hand, and the national law on the other, what law shall prevail?*

A The national law shall prevail. (Art. VIII, Sec. 22)

5. Revenue Sources

Q *Does the Regional Government have the power to create its own sources of revenues and to levy taxes, fees and charges?*

A Yes. (Art. IX, Sec. 1)

Q *Are there limitations on this power?*

A Yes. This power shall be subject to the provisions of the Constitution and RA 9054. Thus, this power cannot be exercised where the Constitution and RA 9054 prohibit the same. (Art. IX, Sec. 1)

Q *What do the sources of revenues of the Regional Government include?*

A The sources of revenues of the Regional Government shall include, but are not limited to, the following:

1. Taxes, except income taxes, imposed by the Regional Government;

2. Fees and charges imposed by the Regional Government;
3. Taxes, fees, or charges for the registration of motor vehicles and for the issuance of all kinds of licenses or permits for the driving thereof, except tricycles which shall be registered with the city or municipality where they operate;
4. Shares and revenues generated from the operations of public utilities within the autonomous region;
5. Appropriations, shares in the internal revenue taxes, block grants and other budgetary allocations coming from the central government or national government; and
6. Block grants derived from economic agreements or conventions entered into or authorized by the Regional Legislative Assembly, donations, endowments, foreign assistance and other forms of aid subject to the pertinent provisions of the Constitution. (Art. IX, Sec. 8)



How shall the collections from national internal revenue taxes, fees and charges and taxes imposed on natural resources of a province or city that forms part of the ARMM be distributed?



The same shall be distributed as follows:

1. Thirty-five percent to the province or city;
2. Thirty-five percent to the regional government; and
3. Thirty percent to the national government. (Art. IX Sec. 9)

Q
A

How shall the share of the province be apportioned?

The share of the province shall be apportioned as follows:

1. Forty-five percent to the province;
2. Thirty-five percent to the municipality; and
3. Twenty percent to the barangay. (Art. IX Sec. 9)

Q
A

How shall the share of the city be distributed?

The share of the city shall be distributed as follows:

1. Fifty percent to the city; and
2. Fifty percent to the barangay concerned. (Art. IX Sec. 9)

6. Provisions on Natural Resources Management

Q

Does the Regional Government have authority over natural resources?

A

Yes, the Regional Government has the authority, power and right over natural resources in the autonomous region. (Art. III, Sec. 8)



What does the authority of the Regional Government over natural resources cover?



The authority, power and right of the Regional Government cover:

1. Exploration;
2. Development; and
3. Utilization. (Art. III, Sec. 8)



What do these natural resources include?



They include the following:

1. Surface and sub-surface rights;
2. In-land and coastal waters; and
3. Renewable and non-renewable resources. (Art. III, Sec. 8)



What are the limitations on the authority of the Regional Government over natural resources in the ARMM?



The authority, power and right of the Regional Government are subject to the provisions of the Constitution and RA 9054. This means that the exercise of the authority, power and right of the Regional Government over natural resources in the ARMM should be consistent with and not in violation of the provisions of the Constitution and RA 9054. (Art. III, Sec. 8)

Q *Who have priority rights over natural resources in ancestral domains that are within the ARMM?*

A Muslims and other indigenous cultural communities have priority rights to explore, develop and utilize natural resources in areas designated as parts of their ancestral domains. (Art. III, Sec. 8)

Q *Is the right of the people of the autonomous region to be consulted on matters that affect their environment recognized?*

A Yes. (Art. III, Sec. 14)

Q *How are environmental protection and sustainable development treated under RA 9054?*

A RA 9054 provides that the protection, rehabilitation and the sustainable development of forests, coastal and marine resources, including the adoption of programs and projects to ensure the maintenance of ecological balance shall be given priority. (Art. III, Sec. 17)

Q *Is the Regional Government mandated to protect the ancestral domain and ancestral lands of indigenous cultural communities?*

A Yes. Subject to the Constitution and existing laws, the Regional Government shall undertake measures to protect the ancestral domain and ancestral lands of indigenous cultural communities. Thus, based on this provision, the measures to be undertaken shall be in consonance with and not in violation of the Constitution and existing laws on the matter. (Art. X, Sec. 1)

Q *What constitute the ancestral domain of indigenous cultural communities?*

A All lands and natural resources in the autonomous region that have been possessed or occupied by indigenous cultural communities since time immemorial, except when prevented by war, force majeure, or other forms of forcible usurpation, shall form part of the ancestral domain. Such ancestral domain shall include pasture lands, worship areas, burial grounds, forests and fields and mineral resources. (Art. X, Sec. 1)

Q *What resources are not included in the ancestral domain of indigenous cultural communities?*

A The following resources do not form part of the ancestral domain of indigenous cultural communities:

1. Strategic minerals such as uranium, coal and petroleum;
2. Other fossil fuels, mineral oils and all sources of potential energy;
3. Lakes, rivers and lagoons;
4. National reserves and marine parks; and
5. Forest and watershed reservations. (Art. X, Sec. 1)

Q *May forest reserves within the autonomous region be subjected to logging operations?*

A No. The proclamations issued by the National Government declaring old growth or natural forests and all watersheds within the autonomous region as forest reserves are reiterated in RA 9054. The forest reserves shall not be subjected to logging operations of any kind or nature. (Art. X, Sec. 5)

Q *What is the effect of RA 9054 on forest concessions, timber licenses, contracts, or agreements of any kind or nature, over forest reserves in the autonomous region granted by the National Government or by the Regional Government as of the date of approval of the law?*

A The same are cancelled, nullified and voided and shall not be renewed until 30 years after the date of approval of RA 9054. (Art. X, Sec. 5)

Q *What sanctions may be imposed on the Regional Government if these forest reserves are logged over or mined by authority or neglect of the Regional Government?*

A The funds provided by the National Government including the internal revenue shares of the Regional Government may be withheld, reduced, cancelled, or forfeited by order of the President. (Art. X, Sec. 5)

Q *Does RA 9054 require the setting aside of funds to be devoted to reforestation projects and other environmental activities?*

A Yes. Ten percent of the shares of the internal revenue taxes of the Regional Government, the provinces, cities, municipalities and barangays of the autonomous region as well as all allocations for the development of the region by the National Government shall be devoted to reforestation projects and other environmental activities to enhance the protection and development of the region's environment. (Art. X, Sec. 5)

Q *What actions must the Regional Government take with regard to corporations, companies and other entities within the ancestral domain whose operations adversely affect the ecological balance?*

A The Regional Government shall require these entities to take necessary preventive measures and safeguards to restore, enhance and maintain such a balance. (Art. X, Sec. 5)

Q *May the Regional Legislative Assembly of the autonomous region enact laws on the regional economy and patrimony?*

A Yes. (Art. XII, Sec. 1)

Q *What are the limitations on this power to enact laws on the regional economy and patrimony?*

A The enacted laws shall be:

1. Consistent with the Constitution of the Philippines and existing laws;
2. Responsive to the needs of the autonomous region. (Art. XII, Sec. 1)

Q *May the Regional Government lower the standards required by the National Government for the protection, conservation and enhancement of the natural resources in the autonomous region?*

A No. (Art. XII, Sec. 1)

Q *Where is the control and supervision over the exploration, utilization, development and protection of the mines and minerals and other natural resources within the autonomous region vested?*

A Such control and supervision is vested in the Regional Government in accordance with the Constitution and the pertinent provisions of RA 9054. (Art. XII, Sec. 5)

Q *What are not covered by the control and supervision of the Regional Government?*

A

1. Strategic minerals such as uranium and petroleum;
2. Other fossil fuels, mineral oils and all sources of potential energy;
3. National reserves and aquatic parks;
4. Forest and watershed reservations already delimited by authority of the National Government. (Art. XII, Sec. 5)

Q *What is the share of the Regional Government in the revenues, taxes or fees derived from the use and development of the strategic minerals?*

A Fifty percent of such revenues, taxes or fees shall belong to the Regional Government; the other 50 percent shall belong to the National Government. (Art. XII, Sec. 5)

Q *When shall such share be remitted to the Regional Government?*

A Such share shall be remitted to the Regional Government within thirty days from the end of every quarter of every year. (Art. XII, Sec. 5)

Q *How shall the share of the Regional Government in such revenues, taxes or fees be apportioned?*

A The share of the Regional Government shall be apportioned as follows:

- a) Thirty percent to the Regional Government;
- b) Twenty percent to all the provinces;
- c) Fifteen percent to all the cities;
- d) Twenty percent to all the municipalities;
- e) Fifteen percent to all the barangays. (Art. XII, Sec. 5)

Q *Who has the authority to grant franchises and concessions over agricultural, forest, or mineral lands?*

A The Regional Legislative Assembly shall have the authority to grant franchises and concessions over agricultural, forest, or mineral lands. (Art. XII, Sec. 5)

Q *Does the Regional Governor have the power to grant leases, permits and licenses over agricultural, forest or mineral lands?*

A No, unless he is so empowered by Regional Law. (Art. XII, Sec. 5)

Q *What are the limitations on the issuance of such leases, permits, franchises or concessions?*

A The same shall cover areas not exceeding the limits allowed by the Constitution and shall subsist for a period not exceeding 25 years. (Art. XII, Sec. 5)

Q *What additional requirement is needed for the issuance of permits, licenses, franchises, or concessions over natural resources located within the boundaries of an ancestral domain?*

A Such permits, licenses, franchises, or concessions shall be issued by the Regional Legislative Assembly only after consultations are conducted with the cultural community concerned. (Art. XII, Sec. 5)

Q *Who are allowed to use and develop natural resources in the autonomous region?*

A The exploration, development and utilization of such natural resources, except the strategic minerals and the like mentioned in Sec. 5 of Art. XII, shall be allowed to all citizens and to private enterprises, including corporations, associations, cooperatives and such other similar collective organizations with at least 60 percent of their capital investment or capital stocks directly controlled or owned by citizens. (Art. XII, Sec. 6)

However, citizens who are inhabitants of the autonomous region shall have preferential rights, subject to the exceptions provided for in RA 9054. (Art. XII, Sec. 7)

Q *What is the right and responsibility of the Regional Legislative Assembly with regard to the exploration, utilization, development and protection of the natural resources, including the mines and minerals, except the strategic minerals specified in RA 9054?*

A RA 9054 mandates the Regional Legislative Assembly to regulate by law such exploration, utilization, development and protection. (Art. XII, Sec. 8)

Q *What is the responsibility of the Regional Government with regard to such exploration, utilization, development and protection?*

A Upon the enactment by the Regional Legislative Assembly of the law regulating such exploration, utilization, development and protection, the Regional Government shall, pursuant to the law, prescribe the rules and regulations and impose regulatory fees in connection therewith. (Art. XII, Sec 8)

Q *What is the effect of the law enacted by the Regional Legislative Assembly and the rules and regulations prescribed by the Regional Government on the fees imposed by the National Government on the exploration, utilization, development and protection of natural resources including mines and minerals in the autonomous region?*

A The fees imposed by the Regional Government in accordance with the law and rules and regulations shall replace the fees that had been imposed by the National Government. (Art. XII, Sec. 8)

Q *Who has the authority to regulate small-scale mining in the autonomous region?*

A Small-scale mining shall be regulated by the Regional Government to the end that the ecological balance, safety and health, and the interests of the indigenous cultural communities, the miners and the people of the place where such operations are conducted are duly protected and safeguarded. (Art. XII, Sec.9)

Q *What is the mandate of the Regional Legislative Assembly with regard to inhabitants injured, harmed or adversely affected by the harnessing of natural and mineral resources in the autonomous region?*

A The Regional Legislative Assembly shall enact laws for the benefit and welfare of such inhabitants. (Art. XII, Sec.13)

Q *What provisions may such laws include?*

A Such laws may include payment of just compensation to and relocation of the people and rehabilitation of the areas adversely affected by the harnessing of natural and mineral resources. The Regional Legislative Assembly may also require the persons, natural or juridical, responsible for causing the harm or injury mentioned to bear the costs of compensation, relocation and rehabilitation, wholly or partially. (Art. XII, Sec.13)

Q *What is the responsibility of the Regional Government with regard to reforestation?*

A The Regional Government shall actively and immediately pursue reforestation measures to ensure that at least 50 percent of the land surface of the autonomous region shall be covered with trees, giving priority to watershed areas, strips of land along the edges of rivers and streams and shorelines of lakes and seas within or bordering on the autonomous region. (Art. XII, Sec.14)

Q *What is the mandate of the Regional Government with regard to toxic or hazardous substances?*

A The Regional Government shall prohibit the use, importation, deposit, disposal and dumping of toxic or hazardous substances within the autonomous region. (Art. XII, Sec.15)

Q *May the Regional Legislative Assembly enact an aquatic and fisheries code for the autonomous region?*

A Yes. The Regional Legislative Assembly may enact an aquatic and fisheries code which shall enhance, develop, conserve and protect marine and aquatic resources, and shall protect the rights of subsistence fisher folk to the preferential use of communal marine and fishing resources, including seaweeds. This protection shall extend to offshore fishing grounds up to and including all waters 15 kilometers from the coastline of the autonomous region but within the territorial waters of the Philippines. (Art. XII, Sec.24)

Q *Who has priority rights to the utilization, development, conservation and protection of the offshore fishing grounds?*

A The provinces and cities within the autonomous region shall have priority rights. (Art. XII, Sec.24)

Q *What other laws is the Regional Legislative Assembly required to enact in relation to aquatic and fisheries resources?*

A The Regional Legislative Assembly shall enact the following:

- a) Priority legislation to ensure that fish-workers shall receive a just share from their labor in the utilization, production and development of marine and fishing resources;
- b) Priority legislation to develop science, technology and other disciplines for the protection and maintenance of aquatic and marine ecology; and
- c) Law creating a Bureau on Agriculture and Fisheries for the autonomous region and defining its composition, powers and functions.



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