



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Office of the Chief Minister
Office for Settler Communities

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Cotabato City, BARMM, Philippines



Memorandum Order No. 1
Series of 2024

**GUIDELINES ON THE CERTIFICATION OF SETTLER ORGANIZATIONS
FOR SECTORAL REPRESENTATIVE ELECTIONS
IN THE BANGSAMORO AUTONOMOUS REGION
IN MUSLIM MINDANAO (BARMM)**

**ARTICLE I
INTRODUCTORY PROVISIONS**

SECTION 1. Title. These *Guidelines* shall be known as the "*Guidelines on the Certification of Settler Organizations for Sectoral Representative Elections in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)*".

SECTION 2. Statutory Bases. The settler communities' representation in the Bangsamoro Parliament is mandated by *Republic Act No. 11054* or the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*. Subsequently, *Bangsamoro Autonomy Act (BAA) No. 35*, or the *Bangsamoro Electoral Code of 2023* was passed by the Bangsamoro Transition Authority on March 8, 2023 reiterating the mandate of *RA 11054*. *Section 15, Article IV-C* of *BAA 35* provides that at least ten percent (10%) of the seats for all the eighty (80) members of the Bangsamoro Parliament shall be reserved for sectoral representatives. This 10% shall include two (2) seats for the settler communities.

BAA No. 35 also provides that, in the first Parliamentary Election in 2025, the manner of selections of settler communities representatives shall be based on election during an assembly especially called for the purpose by registered sectoral organizations of settlers. Thereafter, the election of settler communities' representatives shall be synchronized with the national and local elections and automated in accordance with the automated election system (*Section 1, Article X-Transitory Provision, BAA 35*).

Under the *first paragraph* of *Section 18, Article IV-C, BAA 35*, settler organizations may participate in the election of the two settler communities' representatives after having been duly registered with the COMELEC through the Bangsamoro Registration and Accreditation Committee (BRAC). As a requirement for their registration, however, these settler organizations are also required to be certified by the Office for Settler Communities (OSC).

Along the task of facilitating the certification of settler organizations, and in accordance with the mandate under *BAA 35*, the OSC hereby issues these *Guidelines* to assist the Bangsamoro Government in providing the duly formed settler organizations, from the mainland and the island provinces and the Special Geographical Area (SGA), the opportunities to actively participate in the democratic processes in the BARMM and for them to be duly represented in the Bangsamoro Parliament.

SECTION 3. *Scope and Coverage.* These *Guidelines* shall govern the certification of settler organizations pursuant to *Section 18, Article IV-C of BAA 35*. It provides, among others, the qualifications for the certification of settler organizations, and the procedures to be undertaken towards this end.

SECTION 4. *Construction and Interpretation.* These *Guidelines* shall be liberally construed to promote the democratic participation of the settler communities and allow them to freely participate in the political processes in the BARMM.

SECTION 5. *Definition of Terms.* For purpose of these *Guidelines*, the following terms are defined as follows:

- a. **Applicant Organization** refers to a settler organization that has applied for certification with the Office for Settler Communities (OSC) for the purpose of participating in the election of sectoral representatives for settler communities in the Bangsamoro Parliament.
- b. **Certification** is the process of granting a certificate to a settler organization evaluated and found to have met the stated criteria or standards of the Office for Settler Communities.
- c. **Settler Communities** are those who are not native inhabitants of the Bangsamoro Autonomous Region, but who came to permanently reside therein as part of the Philippine Government's resettlement programs or who voluntarily opted to migrate thereto, as well as their descendants who continue to reside in the Bangsamoro (*Section 4, Introductory Provisions of BAA No. 13, or the Bangsamoro Administrative Code*).
- d. **Settler Organization (SO)** is any voluntary organization, association, and federation of associations, consortia, alliances, and coalitions whose members are from the settler communities in the Bangsamoro Autonomous Region.
- e. **Track record** refers to involvement and accomplishments in advancing the rights and welfare of settler communities in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) as supported by a list of relevant civic engagements.

ARTICLE II QUALIFICATIONS

SECTION 6. *Qualifications for Certification.* A Settler Organization (SO) must meet the following qualifications:

- a. It is a legitimate organization composed of members belonging to the settler communities within the BARMM and duly organized for the purpose of advocating for the rights and welfare of the sector and representing it in the Bangsamoro Parliament;
- b. It has at least fifty (50) members;
- c. It must have track record of advocacy proven through a minimum of three (3) verifiable projects, activities, or initiatives addressing the rights and welfare of the *settler communities* sector in the BARMM, or at least three (3) of its members having individual track records of the same.

- d. Its platform of government, policies, and principles are dedicated mainly to the protection and advancement of the rights and welfare of the settler communities within the BARMM.

SECTION 7. *Requirements for Certification.* An Applicant Organization must submit the following:

- a. A duly accomplished and notarized application form, containing the following:
 - 1. Full name of the Settler Organization;
 - 2. Principal place of business and postal address for election purposes, including those of its provincial, city, and municipal chapters;
 - 3. Official e-mail address and mobile number;
 - 4. Names and addresses of its officers; and
 - 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. Track record of advocacy demonstrated through a minimum of three (3) verifiable projects, activities, or initiatives addressing the interests, rights and welfare of the settler communities sector in the BARMM, or at least three (3) of its members having individual track records of the same.
- f. Its platform of government, which must be anchored on its advocacies for the settler communities.

ARTICLE III CERTIFICATION PROCESS

SECTION 8. *Manner of Submission.* Applicant Organizations can submit two (2) original copies of a notarized application form and one original copy of each of the supporting documents through any of the following:

- a. Personally with the OSC Certification Secretariat at the OSC regional office located at 2nd Floor, Carumba Bldg., Jupiter St., Rosary Heights IX, Cotabato City, BARMM, Philippines
- b. Registered mail or any private courier addressed to:

Office for Settler Communities
2nd Floor, Carumba Bldg., Jupiter St., Rosary Heights IX
Cotabato City, BARMM, Philippines
- c. E-mail addressed to: osc@bangsamoro.gov.ph

A copy of the application form 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: osc@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: osc@bangsamoro.gov.ph
Cc: cos@bangsamoro.gov.ph
From: xyzsettlercommunity@gmail.com
Subject: Application for Certification XYZ Settler 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"

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 Office within forty-eight (48) hours from receipt of the Notice of Completeness of Documents.

Hard copies of the certification application forms and the checklists of supporting documents are available upon request at the OSC regional office.

Electronic copies of the application form and the checklist of supporting documents are also accessible through Google Drive, the link of which is posted at the OSC official website at <https://osc.bangsamoro.gov.ph> and at its official Facebook page "Office for Settler Communities-OCM."

The two-page application form must be printed back-to-back in one sheet of bond paper, retaining its formatted size of 13" x 8.5" (long size) and duly filled-out for submission to the OSC regional office.

All supporting documents may be printed on any size of white bond paper, single space with one-and-a-half space between paragraphs, using a font size and style that is easy to read.

SECTION 9. Notice of Receipt. The OSC 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.

SECTION 10. Notice of Completeness of Documents/Deficiency. The OSC 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 OSC shall issue a Notice of Deficiency.

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

- a. The basis for it, such as a discrepancy in the application form of the Applicant Organization 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.

SECTION 12. *Review and Verification.* Upon issuance of the Notice of Completeness of Documents, the OSC 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.

SECTION 13. *Certification* Applicant Organizations with approved certification application shall be issued a Settler Organization Certificate.

The Certificate shall contain the following:

- a. Certificate number;
- b. Name and principal address of the Settler Organization;
- c. Date of the certification and the period of its validity;
- d. Name and signature of the OSC executive director;
- e. OSC seal; and
- f. Terms of and conditions.

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

SECTION 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 OSC.

ARTICLE IV REPORTORIAL REQUIREMENT

SECTION 15. *Reportorial Requirement.* All certified Settler Organizations (SO) shall submit annual accomplishment report on their operations and activities pertaining to their respective advocacies for the settler communities. The OSC may likewise require them to submit such other reports as may be lawful and necessary.

ARTICLE V REVOCATION OF CERTIFICATION

SECTION 16. *Revocation of Certification.* The OSC may *motu proprio* or upon receipt of a verified complaint, initiate the revocation of a certification issued to a Settler Organization (SO).

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

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

SECTION 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 OSC shall issue an order to show cause to the SO, 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.
- b. Failure of the SO to file an Answer shall be considered as a waiver thereof, and the OSC, within fifteen (15) days, shall decide thereon based on available records.
- c. Upon receipt of the SO's Answer, the OSC 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.
- d. In no case may revocation proceedings be initiated against any certified SO twelve (12) months prior to a parliamentary election.

ARTICLE VI WITHDRAWAL OF CERTIFICATION

SECTION 19. *Voluntary withdrawal of certification.* Any certified SO may voluntarily withdraw its certification through a formal notice to the OSC.

ARTICLE VII MOTION FOR RECONSIDERATION

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

- a. Applicant Organization with disapproved certification application;
- b. A Settler Organization whose certification has been revoked; and

- c. An Applicant Organization whose certification application has not been acted upon by the OSC after the lapse of fifteen (15)) days from the issuance of the Notice of Completeness of Documents.

SECTION 21. *Period for Filing.* A motion for reconsideration must be filed within five (5) days from the SO'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.

SECTION 22. *Contents of the Motion.* The Motion for Reconsideration shall contain the following:

- a. Legal and/or factual ground/s relied upon by the SO;
- b. Copy of the Decision, Resolution or the Notice of Completeness of Documents;
- c. Contact information of the SO (landline, mobile, email address, etc.); and
- d. Such other supporting affidavits and documents necessary to support the ground/s relied upon in filing the motion.

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

If the motion is resolved in favor of the SO, the OSC 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 OSC fails to act on the same within the fifteen (15) day period.

ARTICLE VIII APPEAL

SECTION 24. *Appeal.* The decision of the OSC on a motion for reconsideration shall be final and executory unless the Applicant Organization make 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 OSC, appeal may be taken to the Office of the Chief Minister within five (5) days after the lapse of fifteen (15) days for the OSC to resolve the Motion for Reconsideration.

ARTICLE IX FINAL PROVISIONS

SECTION 25. *Database of Certified Settler Communities Organizations.* The OSC shall maintain a comprehensive database of certified SOs and submit a certified list of such to the Bangsamoro Electoral Office (BEO) and the Bangsamoro Parliament at least six (6) months prior to the next parliamentary election.

SECTION 26. *Data Privacy.* The OSC 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.

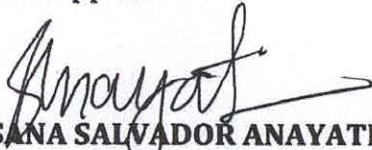
It shall take the appropriate measures to ensure that all collected and processed data are protected against accidental or unlawful destruction, alteration, disclosure, and any other unlawful processing.

SECTION 27. Separability Clause. If any provision of these *Guidelines* is declared invalid or inconsistent with the *BEC*, the other provisions shall remain valid and effective.

SECTION 28. Amendment. Any amendments hereof shall be submitted, deliberated, and approved by the Bangsamoro Parliament Committee on Rules.

SECTION 29. Effectivity. These *Guidelines* shall take effect immediately after the completion of its publication in the Bangsamoro Official Gazette or in any newspaper of regional circulation.

These *Guidelines* is issued by the Office for Settler Communities this 15th day of May, 2024, in Cotabato City, BARMM, Philippines.


 **DR. SUSANA SALVADOR ANAYATIN**
Executive Director, Office for Settler Communities
& Member of the Parliament, Bangsamoro Transition Authority
