



MALACAÑAN PALACE
MANILA

EXECUTIVE ORDER NO. 91

FURTHER ENSURING THE CONTINUITY OF GOVERNMENTAL OPERATIONS AND UNINTERRUPTED DELIVERY OF CRITICAL PUBLIC SERVICES IN THE PROVINCE OF SULU, DECLARING THE PROVINCE OF SULU AS PART OF REGION IX (ZAMBOANGA PENINSULA), AND FOR OTHER PURPOSES

WHEREAS, Section 15, Article X of the Constitution provides that there shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of the Constitution and the national sovereignty as well as the territorial integrity of the Republic of the Philippines;

WHEREAS, Republic Act (RA) No. 11054 or the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)," ("Bangsamoro Organic Law") established a political entity known as the BARMM along with its basic structure of government, in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in BARMM to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty, as well as territorial integrity of the Republic of the Philippines;

WHEREAS, under Section 3(a), Article XV of RA No. 11054, the component provinces and cities of the then Autonomous Region in Muslim Mindanao (ARMM), including the Province of Sulu, shall vote as one geographical area in the plebiscite for the ratification of the Bangsamoro Organic Law;

WHEREAS, while majority of the component local government units of the then ARMM voted in favor of RA No. 11054 during the plebiscite in 2019, the Province of Sulu voted against the ratification of the Bangsamoro Organic Law;

WHEREAS, in the Consolidated Cases entitled, *Province of Sulu v. the Executive Secretary, et al.* (G.R. Nos. 242255, 243246 and 243693 dated 09 September 2024) and Resolution dated 26 November 2024, the Supreme Court affirmed with finality the exclusion of the Province of Sulu from BARMM in accordance with Section 18, Article X of the Constitution, which provides that only those provinces, cities, and geographic areas that voted in favor of inclusion in the autonomous region during the plebiscite may be included therein;

WHEREAS, in *Province of Sulu v. the Executive Secretary, et al.*, the Supreme Court also ruled that all decisions, policies, and actions taken in reliance on the Province of Sulu's status as part of BARMM during this period shall not be summarily nullified by its ruling; instead, they shall be addressed in a manner that respects their established impacts on governance, financial allocation, and the administrative framework within the Province of Sulu; and appropriate mechanisms must be applied to validate, adapt, or conclude these projects and programs in a way that minimizes disruptions to the public interest, maintains stability, and protects the welfare of the people of Sulu;

WHEREAS, there exists an urgent need to effectively implement and address the impacts of the Supreme Court Decision and Resolution in *Province of Sulu v. the Executive Secretary, et al.*, including the regional affiliation of the Province of Sulu, while continuing to ensure the uninterrupted governmental operations and delivery of essential government projects, programs, and activities within Sulu;

WHEREAS, under Section 16, Article X of the Constitution, the President shall exercise general supervision over autonomous regions to ensure that the laws are faithfully executed;

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all executive departments, bureaus and offices, and the mandate to ensure the faithful execution of laws; and

WHEREAS, under Section 1, Article V of the Bangsamoro Organic Law, all powers, functions, and responsibilities not granted by the Constitution or by national law to the Bangsamoro Government shall be vested in the National Government;

NOW, THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Coverage. This Order shall apply to the Province of Sulu and its component Local Government Units (LGUs), all departments, agencies and instrumentalities of the Executive Branch, their respective counterparts located within the Province of Sulu, and other relevant government entities.

Section 2. Transition. During the interim period, which covers Fiscal Year (FY) 2025, the Provincial Government of Sulu, along with its component LGUs, and relevant National Government Agencies (NGAs), shall make all reasonable efforts to facilitate a phased and seamless transition. Further, the Bangsamoro Government, the Provincial Government of Sulu and its component LGUs, may, in accordance with relevant laws, rules and regulations, enter into appropriate institutional arrangements or mechanisms aimed at sustaining the implementation and financing of PAPs, thereby ensuring the continuity and uninterrupted delivery of government services to their respective constituents.

Effective FY 2026, all Programs, Activities, and Projects (PAPs) in Sulu shall be fully implemented by the NGAs concerned, the Provincial Government of Sulu and its respective LGUs, in accordance with their respective mandates pursuant to RA No. 7160 or the "Local Government Code," as amended, and other relevant laws, rules and regulations.

Section 3. Administrative Region. In view of the Supreme Court Decision and Resolution in *Province of Sulu v. the Executive Secretary, et al.*, the Province of Sulu is hereby declared a part of Region IX (Zamboanga Peninsula). Accordingly, all relevant

NGAs are directed to include the Province of Sulu under Region IX (Zamboanga Peninsula) for regional administration, development planning, investment programming and budgeting, and other relevant purposes under applicable laws, rules and regulations.

Section 4. Technical Working Group. A Technical Working Group (TWG) is hereby created to be composed of the following:

- Chair : Secretary, Department of Budget and Management (DBM)
Co-Chair : Minister, Ministry of the Interior and Local Government
Vice-Chair : Secretary, Department of the Interior and Local Government (DILG)
- Members : National Government Agencies
Secretary, Department of Finance
Secretary, Department of Education;
Secretary, Department of Health (DOH)
Secretary, Department of Justice;
Secretary, Office of the Presidential Adviser on Peace, Reconciliation and Unity (OPAPRU);
- Bangsamoro Government
Assistant Senior Minister, Office of the Assistant Senior Minister
Minister, Ministry of Finance, and Budget and Management;
Assistant Regional Secretary, Ministry of Basic, Higher and Technical Education;
Minister, Ministry of Social Services and Development;
Minister, Ministry of Transportation and Communications;
Bangsamoro Attorney General, Bangsamoro Attorney General's Office;
and
- Local Government
Governor, Province of Sulu

The Chair, Co-Chair, and Members of the TWG shall designate, within fifteen (15) days from the effectivity of this Order, their respective alternates who shall be the officials next in rank to them and are fully authorized to decide for or on their behalf.

In the performance of its functions, the TWG may invite the Commission on Audit, Civil Service Commission (CSC), other NGAs and other ministries/offices of the Bangsamoro Government as resource institutions.

The OPAPRU shall provide secretariat services to the TWG.

Section 5. Functions. The TWG shall perform the following, taking into account Sections 1 (Powers of the National Government) and 2 (Powers of the Bangsamoro Government), Article VI of the Bangsamoro Organic Law, RA No. 7160, as amended, and other relevant laws, rules and regulations:

- a. Oversee and monitor the implementation of the Supreme Court Decision and Resolution in *Province of Sulu v. the Executive Secretary, et al.*, as well as this Order. To this end, the TWG, in coordination with the Bangsamoro Government and the LGUs in the

Province of Sulu, shall facilitate the transfer of functions, programs and projects, including properties and assets to the proper authorities or appropriate levels of government, consistent with Section 2 hereof, the said Supreme Court Decision and Resolution, Bangsamoro Organic Law, and RA No. 7160, as amended;

- b. In coordination with the Bangsamoro Government and the LGUs in the Province of Sulu, prepare and issue a Transition Plan in accordance with Section 2 hereof within sixty (60) days from the effectivity of this Order, and thereafter, such other supplemental guidelines as may be appropriate;
- c. Resolve issues and concerns arising from the implementation of the Supreme Court Decision and Resolution, as well as this Order, without prejudice to the respective mandates of the member agencies to address these matters independently as needed;
- d. Call on relevant NGAs, government agencies of the Bangsamoro Government, including their bureaus or offices, for the fulfillment of its functions and to assist in the effective implementation of this Order;
- e. As may be appropriate, form subcommittees from among relevant NGAs, government agencies of the Bangsamoro Government, and LGUs in the Province of Sulu, to address specific concerns in the implementation of the said Supreme Court Decision and Resolution and this Order; and
- f. Perform other functions, as the President or the Executive Secretary may direct.

Section 6. Personnel Options. To the extent authorized by civil service laws rules and regulations, personnel hired on a permanent basis who may be affected by the transition, shall have the option to:

- a. Apply for transfer to positions in ministries/offices/agencies under the BARMM government which is of equivalent of rank, level or salary;
- b. Apply for transfer to positions in other departments/agencies/government-owned or –controlled corporations in the Executive Branch which is of equivalent rank, level or salary;
- c. Apply for transfer to positions in LGUs which is of equivalent rank, level or salary; or
- d. Avail the retirement benefits and separation incentives as provided under this Order.

Personnel occupying positions in the Provincial, City, and Municipal Health Offices should remain as LGU-hired and LGU-managed personnel, in accordance with the devolved nature of health service delivery under RA No. 7160, as amended.

The DBM and DILG, in coordination with the CSC and with prior consultation with the LGUs and the Bangsamoro Government, shall develop and issue the guidelines, as may be necessary, to ensure the fair, orderly, and transparent implementation of this provision, including cases wherein the foregoing options are deemed inapplicable: Provided, that the NGAs are authorized to institute their respective internal operationalization guidelines, subject to existing CSC and DBM rules and regulations.

Section 7. Retirement/Separation Benefits. Affected personnel with permanent appointments, as attested by the CSC, who would opt to retire or be separated from the service shall be given the option to avail any of the corresponding retirement benefits and/or separation incentives under existing laws, if qualified:

- a. Retirement gratuity provided under RA No. 1616, as amended;
- b. Retirement benefit under RA No. 660; or
- c. Retirement, separation or unemployment benefit provided under R.A. No. 8291 or the "The Government Service Insurance System Act of 1997."

For the purpose of complying with the required number of years of service under RA No. 8291, the portability scheme under RA No. 7699 (Portability Law) may be applied, subject to existing policies and guidelines.

Section 8. Additional Separation Incentives. In addition to the retirement/separation benefits under Section 7 hereof, the affected personnel who would opt to retire or separate from the service shall be entitled to the following separation incentives:

Length of Service	Rate
Less than eleven (11) years of service	1/2 of the actual monthly basic salary for every year of government service, computed starting from the 1st year
Eleven (11) years to less than twenty-one (21) years of service	3/4 of the actual monthly basic salary for every year of government service, computed starting from the 1st year
Twenty-one (21) years to less than thirty-one (31) years of service	Actual monthly basic salary for every year of government service, computed starting from the 1st year
Thirty-one (31) years of service and above	1 and 1/4 of the actual monthly basic salary for every year of government service, computed starting from the 1st year

A minimum of five (5) years of government service is required in order for affected personnel to be entitled to avail of the separation incentives: Provided, that for the purpose of computing the total amount of separation incentives that affected personnel shall receive, only the government service up to the age of fifty-nine (59) and a fraction thereof shall be counted. Government service starting at the age of sixty (60) shall no longer be subject to the separation incentives provided herein.

Section 9. Other Benefits of Retired/Separated Personnel. Subject to relevant laws rules and regulations, affected personnel who retired or separated from the service shall receive, in addition to applicable statutory benefits: (i) a refund of their Pag-IBIG contributions (both personal and government shares) consistent with existing rules and regulations of the Home Development Mutual Fund regulations; and (ii) commutation of unused vacation and sick leave credits in accordance with civil service rules and regulations.

Section 10. Prohibition on the Rehiring of Personnel. Affected personnel with permanent appointments who retired or separated from the service are prohibited from reemployment in any agency or instrumentality of the Executive Branch for five (5) years, except as teaching or medical staff in educational institutions and hospitals. If they are reemployed within this period, they shall refund their retirement/separation benefits and additional separation incentives under Sections 7 and 8 of this Order on a pro-rated basis.

This prohibition does not extend to other branches of the Government or in local governments: Provided, that in case of reemployment in local governments, the compensation system in the LGU concerned shall apply.

The engagement of consultancy services of government personnel who retired or separated from the service shall be governed by Section 7 of RA No. 6713 or the "Code of Conduct and Ethical Standards for Public Officials and Employees," and other pertinent laws, rules and regulations.

Section 11. Agency Support. All NGAs are hereby directed, and all LGUs are encouraged, to cooperate with the TWG and provide the necessary assistance to effectively implement this Order.

Section 12. Report. The TWG shall submit to the Office of the President, through the Office of the Executive Secretary, an annual report on the implementation of this Order.

Section 13. Funding. The amounts necessary for PAPs transferred to the NGAs during the first year of implementation of this Order shall be sourced from available appropriations of the NGAs concerned, subject to existing budgeting, accounting, and auditing laws, rules and regulations. The amounts necessary for subsequent years shall be included in the budget proposals of the agencies concerned, subject to the usual budgetary process and Section 2 of this Order.

All PAPs funded for the Province of Sulu under the FY 2024 General Appropriations Act of the Bangsamoro (GAAB) shall continue to be implemented up to the validity of the appropriations, which remain available until 31 December 2025, or until fully released, obligated, and disbursed, in accordance with Section 49 of the General Provisions of the GAAB.

It is understood that the PAPs that remain in the BARMM Government shall be charged against the appropriations of BARMM ministries, offices or agencies concerned, subject to existing budgeting, accounting and auditing laws, rules and regulations.

On the other hand, the retirement/separation benefits and additional separation incentives pursuant to Sections 7 and 8 of this Order, shall have priority of payment out of the available funds of the BARMM ministry, office, or agency concerned.

Section 14. Non-interruption of Government Service. This Order, or any guidelines, rules or regulations issued in pursuance thereof, shall not operate to suspend or exempt any government office or personnel from compliance with the provisions of RA No. 11032 or the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018."


Section 15. Construction and Interpretation. Any conflict between and among the provisions of this Order, or any guidelines, rules or regulations issued in pursuance thereof, shall be resolved or construed liberally in favor of the interpretation that would prevent any impediment in the delivery of public services by the NGAs and the LGUs.

Section 16. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Section 17. Repeal. All orders, rules and regulations, and other issuances or parts thereof inconsistent with the provisions of this Order, are hereby repealed or modified accordingly.

Section 18. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 30th day of July, in the year of our Lord, Two Thousand and Twenty Five.


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By the President:


LUCAS P. BERSAMIN
Executive Secretary

