

The Sun Rises Anew in Mindanao: Towards Recognizing the Bangsamoro Nation Within the Context of the Philippine Republic

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The Mindanao conflict is a deep-rooted problem with strong underpinnings that can be traced as far back as the colonial era. This Article seeks to explore the reasons why peace remains elusive despite numerous peace agreements that the national government has embarked on and despite the creation of an autonomous region in Muslim Mindanao. It provides a historical account on the origins of the conflict, identifies the reasons for the continuing demand for self-determination, compares the situation of the Autonomous Region of Muslim Mindanao (ARMM) with the proposed new autonomous political entity, and identifies the difference between the Philippine situation vis-à-vis those of Tibet and India.

The key provisions of the Framework Agreement on the Bangsamoro and its accompanying annexes recognize the *Bangsamoro* within the Philippine state. It may be remembered, however, that the decision of the Supreme Court of the Philippines in the case of *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP)* nullified the Memorandum of Agreement on Ancestral Domain between the national government and the Moro Islamic Liberation Front because the instrument contemplated the existence of another state within the Philippines. This Article seeks to establish that, despite the ruling in *Province of North Cotabato*, the Philippine Constitution recognizes the existence of minority nationalities within the state and mandates that they be allowed to exercise their right to self-determination.

This Article posits that the Philippines adopted customary international law by impliedly but reluctantly recognizing the Bangsamoro. Not only has the national government created the ARMM, it has also steadfastly held on to its peace efforts with the Muslim Mindanao. Moreover, this Article posits that while peace remains elusive in the southern Philippines, the ARMM is a

work-in-progress. In doing so, it also criticizes the attitude of the both the national government and Muslim secessionist groups towards autonomy and self-determination and endeavors to recommend means to improve or promote a more participative peace process.