



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

PROVINCE OF SULU, duly G.R. No. 242255  
represented by its Governor,  
ABDUSAKUR A. TAN II,  
Petitioner,

PHILIPPINE ASSOCIATION OF  
ISLAMIC ACCOUNTANTS  
[PAIA], Inc., represented by its  
president, AMANODING D.  
ESMAIL, CPA, et al.; GOVERNOR  
ESMAEL G. MANGUDADATU, et  
al.; and ALGAMAR A. LATIPH, et  
al.,  
Petitioners-in-Intervention;

-versus-

HON. SALVADOR C.  
MEDIALDEA, in his capacity as  
Executive Secretary;  
HONORABLE EDUARDO M.  
AÑO, in his capacity as Officer-in-  
Charge of the Department of  
Interior and Local Government;  
THE HONORABLE SENATE OF  
THE PHILIPPINES; THE  
HONORABLE HOUSE OF  
REPRESENTATIVES; THE  
HONORABLE COMMISSION ON  
ELECTIONS; HONORABLE  
JESUS G. DUREZA, in his capacity  
as Secretary of the Office of the  
Presidential Adviser on the Peace

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**Process; BANGSAMORO  
TRANSITION COMMISSION;  
and MORO ISLAMIC  
LIBERATION FRONT,**  
Respondents.

X-----X  
**PHILIPPINE CONSTITUTION  
ASSOCIATION [PHILCONSA],**  
Petitioner,

X-----X  
**G.R. No. 243246**

-versus-

**SENATE OF THE PHILIPPINES,**  
represented by **SENATE  
PRESIDENT HONORABLE  
VICENTE SOTTO III; HOUSE OF  
REPRESENTATIVES,** represented  
by **SPEAKER HONORABLE  
GLORIA MACAPAGAL  
ARROYO; and OFFICE OF THE  
PRESIDENT,** represented by  
**EXECUTIVE SECRETARY  
HONORABLE SALVADOR  
MEDIALDEA,**  
Respondents.

X-----X  
**CONG. ABDULLAH D.  
DIMAPORO and CONG.  
MOHAMAD KHALID Q.  
DIMAPORO,**  
Petitioners,

X-----X  
**G.R. No. 243693**

Present:

**GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO\*,  
LOPEZ, J.,  
DIMAAMPAO,  
MARQUEZ,  
KHO, JR., and**

-versus-

**COMMISSION ON ELECTIONS**

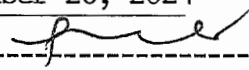
\* On official business.

[COMELEC], as represented by SINGH\*, JJ.  
HON. CHAIRPERSON SHERIFF  
ABAS,

Respondent.

Promulgated:

November 26, 2024



X-----X

**RESOLUTION**

**LEONEN, J.:**

The result of the plebiscite is clear. The people of Sulu voted against ratifying the Bangsamoro Organic Law. This Court cannot override the will of the people expressed through the votes cast. It cannot trivialize that reality.

The creation of an autonomous region must be based on the independent will of the people in each province or city, honoring their choice rather than imposing the collective decision of others. To treat the entire autonomous region as one geographic area not only overrides the right of each province and city for self-determination, but also undermines the distinct historical, cultural, and political characteristics that make them Bangsamoro.

This Court resolves the Motions for Partial Reconsideration seeking to reverse and set aside the September 9, 2024 *En Banc* Decision<sup>1</sup> in so far as it voids the inclusion of petitioner Province of Sulu in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) created by Republic Act No. 11054, also known as the Bangsamoro Organic Law.

In the September 9, 2024 Decision, this Court denied the consolidated Petitions seeking to declare as unconstitutional the Bangsamoro Organic Law and prevent the conduct of a plebiscite to ratify it. Unanimously declaring the inclusion of the Province of Sulu in BARMM as unconstitutional, this Court upheld the validity of the remaining provisions of the statute.

The dispositive portion of the assailed Decision reads:

**ACCORDINGLY**, the application for the issuance of a temporary restraining order and/or writ of preliminary injunction in G.R. Nos. 242255 and 243246, and the Motion for Inhibition in G.R. No. 243246 are **DENIED** for lack of merit.

The Petition in G.R. No. 242255 is **PARTIALLY GRANTED**. Republic Act No. 11054, in so far as it includes petitioner Province of Sulu

<sup>1</sup> *Province of Sulu v. Medialdea*, G.R. No. 242255, G.R. No. 243246, and G.R. No. 243693, September 9, 2024 [Per J. Leonen, *En Banc*].



in the Bangsamoro Autonomous Region, is declared **VOID** for being **UNCONSTITUTIONAL**. The Province of Sulu shall not be part of the Bangsamoro Autonomous Region.

The remaining provisions of Republic Act No. 11054, otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, based on the challenges raised in these petitions, are **NOT UNCONSTITUTIONAL**.

This Decision is immediately executory.

**SO ORDERED.**<sup>2</sup>

On October 1, 2024, on behalf of the BARMM government, Chief Minister Ahod B. Ebrahim, through the Bangsamoro Attorney General's Office, filed a Motion for Leave to Intervene<sup>3</sup> and a Motion for Partial Reconsideration,<sup>4</sup> praying for this Court to partially reconsider its Decision in excluding the Province of Sulu from BARMM.

In its Motion for Partial Consideration, BARMM argues that: (1) the treatment of the former Autonomous Region in Muslim Mindanao (ARMM) provinces and cities as one "geographic area" for purposes of the approval of the Bangsamoro Organic Law in the plebiscite is a valid exercise of the Legislature's constitutional prerogatives, consistent with the provisions of Article X, Section 18 of the 1987 Constitution;<sup>5</sup> (2) there is neither a violation of the Province of Sulu's local autonomy nor of the People of Sulu's right to suffrage in the Bangsamoro Organic Law's plebiscite;<sup>6</sup> and (3) this Court's September 9, 2024 Decision must be partially revisited so that the operative facts during the operation of BARMM in the Province of Sulu can be declared and recognized as a matter of equity and justice.<sup>7</sup>

BARMM claims that excluding Sulu undermines the deeply rooted historical and cultural ties the province has to the Bangsamoro identity and effectively denies the Bangsamoro people the autonomy they have long fought to achieve.<sup>8</sup>

On the same day, the Office of the Solicitor General, representing respondents Executive Secretary Salvador Medialdea, Department of Interior and Local Government (DILG) Officer-in-Charge Eduardo Año, Senate President Vicente Sotto III, House Speaker Gloria Macapagal Arroyo, the Commission on Elections, Office of the Presidential Adviser on the Peace

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<sup>2</sup> *Id.* at 98. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>3</sup> Motion for Leave to Intervene of BARMM.

<sup>4</sup> Motion for Partial Reconsideration of BARMM.

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Motion for Leave to Intervene with Attached Motion for Partial Reconsideration of BARMM, p. 4.

Process Secretary Jesus G. Dureza, and the Bangsamoro Transition Commission, also filed a Motion for Partial Reconsideration.<sup>9</sup>

Respondents assert that: (1) this Court erred by treating every member of the former ARMM as a separate voting unit, as both Article X, Section 18 of the Constitution and the organic law of ARMM consider “geographic areas” of the ARMM as a single voting unit;<sup>10</sup> (2) the aggregate votes of the ARMM as one unit should have been what was counted;<sup>11</sup> (3) the power to determine the territory of the autonomous region in Muslim Mindanao rests exclusively with the Legislature, which acted within its authority when it designated the former ARMM as a single geographical unit for voting purposes;<sup>12</sup> (4) the exclusion of the Province of Sulu from BARMM would deprive it of funding and fiscal management which severely impairs its ability to provide essential services to its constituents;<sup>13</sup> and (5) this Court should apply the doctrine of operative fact in order to safeguard the continuity of ongoing projects and the equitable distribution of budgetary allocations in the province.<sup>14</sup>

Respondents enumerate the consequences of excluding the Province of Sulu from BARMM. They pray that: (1) the September 9, 2024 Decision be reversed and set aside; (2) the Petition in G.R. No. 242255 be denied in its entirety; and (3) the Province of Sulu be included in BARMM.<sup>15</sup>

Petitioner-intervenor Atty. Algamar A. Latiph (Latiph) likewise moved for partial reconsideration on the same day,<sup>16</sup> echoing the prayer to set aside the ruling to exclude the Province of Sulu from BARMM.<sup>17</sup> Additionally, he prays for this Court to suspend the execution of its September 9, 2024 Decision until after the 2025 National and Local Elections.<sup>18</sup>

Latiph posits that: (1) the inclusion of the Province of Sulu in BARMM is consistent with Article X, Section 18 of the 1987 Constitution;<sup>19</sup> (2) the Province of Sulu is an “integral and constitutive part of the ARMM geographic area” and is not separate from the ARMM;<sup>20</sup> (3) the ARMM votes as one unit, not in parts, during its post-creation and incorporation;<sup>21</sup> (4) the express repeal of Republic Act No. 6734 or the ARMM Organic Act,

<sup>9</sup> Motion for Partial Reconsideration of the Office of the Solicitor General.

<sup>10</sup> *Id.* at 4.

<sup>11</sup> *Id.* at 5.

<sup>12</sup> *Id.* at 5–6.

<sup>13</sup> *Id.* at 7–9.

<sup>14</sup> *Id.* at 9–10.

<sup>15</sup> *Id.* at 11.

<sup>16</sup> Motion for Partial Reconsideration of Atty. Latiph.

<sup>17</sup> *Id.* at 3.

<sup>18</sup> *Id.* at 15.

<sup>19</sup> *Id.* at 3.

<sup>20</sup> *Id.* at 5.

<sup>21</sup> *Id.*

in Article XVIII, Section 4 of the Bangsamoro Organic Law did not abolish the ARMM or create a new and separate autonomous region such as BARMM;<sup>22</sup> (5) BARMM and the ARMM are “one and the same” regional government, which was never abolished;<sup>23</sup> (6) the question of the inclusion or exclusion of the Province of Sulu in BARMM was never put to a plebiscite—only the ratification of the Bangsamoro Organic Law was put to a vote;<sup>24</sup> and (7) the governor of Sulu did not have the power to represent the interest of individual registered voters questioning the results of the plebiscite.<sup>25</sup>

In its October 8, 2024 Resolution,<sup>26</sup> this Court noted the Solicitor General’s Manifestation and Motion for Partial Reconsideration and the Manifestation and Notice of Appearance of Atty. Alberto Agra as Latiph’s counsel. It also directed the parties to file a comment within a non-extendible period of 10 days from notice. However, the parties did not file any comment.

On October 8, 2024, Atty. Laisa Masuhud Alamia (Alamia), in her capacity as Member of the Parliament, Deputy Speaker of the Bangsamoro Transition Authority Parliament, and the Chairperson of the Government of the Philippines Task Force for Decommissioned Combatants and their Communities, filed a Motion for Leave to Intervene, attaching with it a Motion for Partial Reconsideration.<sup>27</sup> She contends that the exclusion of Sulu from BARMM undermines the historical and legal foundations of Bangsamoro self-determination and autonomy.<sup>28</sup>

Alamia theorizes that the Province of Sulu’s “No” vote in the 2019 plebiscite only reflected a preference to retain the ARMM.<sup>29</sup> She asserts that the province’s vote during the plebiscite on the Bangsamoro Organic Law was in no way a call for its exclusion from BARMM, but an expression of its preference to retain the status quo, which was the then ARMM.<sup>30</sup>

Further, she alleges that: (1) this Court’s ruling disregards distinctions in the Bangsamoro Organic Law upheld in a prior case, *Sula v. COMELEC*,<sup>31</sup> where the regions in the ARMM voted as one geographic unit, while new areas voted separately;<sup>32</sup> (2) this Court’s September 9, 2024 Decision voided critical provisions of the Bangsamoro Organic Law instead of addressing procedural issues, causing disruption to governance and service delivery for

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 7–8.

<sup>25</sup> *Id.* at 10.

<sup>26</sup> Temporary *rollo*.

<sup>27</sup> Motion for Partial Reconsideration of Atty. Alamia.

<sup>28</sup> *Id.* at 5.

<sup>29</sup> *Id.* at 48–49.

<sup>30</sup> *Id.*

<sup>31</sup> G.R. No. 244587, January 10, 2023 [Per J. Leonen, *En Banc*].

<sup>32</sup> Motion for Partial Reconsideration of Atty. Alamia, pp. 46–47.

the residents of the Province of Sulu;<sup>33</sup> (3) the plebiscite results for the ratification of the Bangsamoro Organic Law reflect the people's approval or rejection of the law and do not amend the law's provisions;<sup>34</sup> (4) BARMM's actions and services in the Province of Sulu, carried out in good faith, should remain valid to prevent administrative and legal instability, pursuant to the doctrine of operative fact;<sup>35</sup> and (5) excluding Sulu would severely disrupt essential BARMM services, hindering education, social welfare, and transitional justice mechanisms in the region.<sup>36</sup>

On October 18, 2024, Don Mustapha Arbison Loong, Nazir Hatab Ynawat, Adzfar H. Usman, Nasser Arbison Loong, and Mhavejekamar L. Marrack (Loong et al.) filed a Motion for Leave of Court to Intervene and a Motion to Admit their Motion for Partial Reconsideration.<sup>37</sup> They pray for the reversal of this Court's order to exclude the Province of Sulu from BARMM and a stay on the execution of this Court's Decision, pending resolution of the Motions for Reconsideration, "to prevent any irreparable harm to the Province of Sulu and its people."<sup>38</sup> This supposedly includes "the potential loss of government services, budget allocations, and political representation, which are critical for the continued governance and development of the region."<sup>39</sup>

Loong et al. claim that Article X, Section 18 of the Constitution should be interpreted to align with the legislative intent of the Bangsamoro Organic Law, which aimed for a unified Bangsamoro region that includes all areas of the ARMM, including the Province of Sulu.<sup>40</sup> They contend that the total votes across ARMM provinces, rather than individual provincial results, reflect the collective will for autonomy.<sup>41</sup> They also argue that the exclusion of Sulu from BARMM would severely disrupt governance, essential services, and programs.<sup>42</sup> Thus, they pray for the application of the operative fact doctrine for the continuity of governance structures under the Bangsamoro Organic Law, and to prevent legal uncertainty and service interruption.<sup>43</sup>

This Court resolves to deny the Motions for Partial Reconsideration with finality.

In the Motions before us, this Court is asked to reconsider its ruling on the issue of whether petitioner Province of Sulu should be included in

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<sup>33</sup> *Id.* at 54.

<sup>34</sup> *Id.* at 54–55.

<sup>35</sup> *Id.* at 59–61.

<sup>36</sup> *Id.* at 70–77.

<sup>37</sup> Motion for Partial Reconsideration of Loong et al.

<sup>38</sup> *Id.* at 14.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 4–5.

<sup>41</sup> *Id.* at 7.

<sup>42</sup> *Id.* at 10.

<sup>43</sup> *Id.* at 9.

BARMM. Movants invoke the alleged grave consequences of the province's supposed exclusion from government services and pray for this tribunal to reflect on Sulu's significance in the history of Bangsamoro self-determination and autonomy.

Under the Constitution, “[j]udicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.”<sup>44</sup> As the designated arbiter, its power of judicial review does entail considering the consequences that arise when courts perform their duty and interpret the Constitution. Law lives within its current social context.

To recall, movants insist that the assailed Decision deprives the Bangsamoro of the autonomy that they have long fought for by removing Sulu, an integral part of Bangsamoro territory and history.

This Court, especially the *ponente*, is no stranger to the shared history of the Province of Sulu and the rest of the Bangsamoro. However, the issue rightfully brought before this tribunal was not a question of pure history, but one of constitutionality in the lived present. This decision is not a ruling on the Bangsamoro identity of the people of Sulu but its preference not to join the current political arrangement called the BARMM. Identity is not solely defined by inclusion within a territory. The Tausug can choose to ascribe themselves as Bangsamoro but who choose not to join the BARMM.

Contrary to movants' claims, this Court fully respects the autonomy of the constituents of Sulu, as citizens of the Philippines, a democratic country, to chart their own destiny. We are duty-bound to defer to the people's will, expressed through their votes.

This is the framework within which this Court resolves the Motions.

## I

The issues raised in the Motions were already passed upon by this Court in its September 9, 2024 Decision.

“[E]very territory, i.e., every province, city, and geographic area, must favorably vote for its inclusion in BARMM in a plebiscite called for this

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<sup>44</sup> CONST., art. VIII, sec. 1.



purpose.”<sup>45</sup> The inclusion of the Province of Sulu in BARMM was erroneous as its people unequivocally voted against the ratification of the Bangsamoro Organic Law.<sup>46</sup> As previously explained:

Jurisdiction of the Bangsamoro government is conferred upon the ratification of the Bangsamoro Organic Law through a majority vote in the designated area. Additionally, affected political units must affirmatively vote in the plebiscite as detailed in Article XV, Section 3 of the Bangsamoro Organic Law.

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In the assailed plebiscite to ratify the organic law, while all the political units directly affected must favorably vote for its inclusion in the Bangsamoro Autonomous Region by a majority, the provinces and cities of the present ARMM voted as one geographical area.

In the votes cast in the entire ARMM, 1,540,017 voted “yes” which overwhelmingly won in the region, as opposed to the 198,750 “no” votes.

The Province of Sulu rejected the measure, as the “yes” votes narrowly lost at 137,630 against the 163,526 “no” votes. This created the absurd situation where petitioner’s constituents did not ratify the organic law, but it was nonetheless made part of the newly created Bangsamoro Autonomous Region.

Petitioner Province of Sulu argues that the clause directing the provinces and cities of the ARMM to vote as one geographical unit violates Article X, Section 18 of the Constitution. It partly states that “only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.”

***Petitioner is correct. The inclusion of Sulu in BARMM, despite its constituents’ rejection in the plebiscite, is therefore unconstitutional.***

In considering the ARMM as one geographical area, the Bangsamoro Organic Law transgressed the Constitution and disregarded the autonomy of each constituent unit of what used to comprise the ARMM. ***The Province of Sulu, as a political subdivision under the ARMM, did not lose its character as such and as a unit that was granted local autonomy. The Constitution and the Local Government Code provide for how political entities may be abolished. The Province of Sulu cannot be deemed abolished upon its rejection of the Bangsamoro Organic Law.*** Thus, it was illegally included in the autonomous region, and the Organic Law explicitly violated the constitutional provision that “only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.”

Fortunately for the region, only petitioner Province of Sulu appears to have not ratified the statute in the plebiscite. In effect, the Bangsamoro

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<sup>45</sup> *Province of Sulu v. Medialdea*, G.R. No. 242255, G.R. No. 243246, and G.R. No. 243693, September 9, 2024 [Per J. Leonen, *En Banc*] at 86. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>46</sup> *Id.*

Organic Law deprived the constituent units of their local autonomy, which ironically is what the legislation champions.

Despite the people of Sulu exercising their right to vote during the plebiscite, their constitutionally guaranteed right of suffrage was cast aside, as majority of their votes were overwhelmed by the rest of the population of the entire ARMM. The plebiscite could not be interpreted as castrating the constituents of the Province of Sulu their power to join or to not join the region.

There is merit in petitioner's assertion that, unlike Republic Act No. 9054, which merely expanded the then four provinces composing the ARMM, the Bangsamoro Organic Law abolishes the current ARMM and paves the way for the establishment of a new autonomous region.

In sum, the right of suffrage of petitioner's constituents should not have been trampled upon. By granting the petition of the Province of Sulu, we uphold the sacrosanct sovereign power of its constituents in the context of the plebiscite.<sup>47</sup> (Emphasis in the original, citations omitted)

This Court did not err in considering the provinces and cities of the ARMM as separate voting units, as they were each granted autonomy within their spheres, long before the creation of an autonomous region. In the assailed Decision, we underscored that as a political subdivision within the ARMM, the Province of Sulu retained its local autonomy.<sup>48</sup> We reiterate that the Province of Sulu cannot be deemed abolished upon its rejection of the Bangsamoro Organic Law,<sup>49</sup> as this rejection was an expression of its right to self-determination.

Contrary to the assertions in the Motions for Partial Reconsideration,<sup>50</sup> nowhere in the Constitution does it state that the ARMM must be treated as a single voting unit. Article X, Section 18 of the Constitution is clear that only provinces, cities, and geographical areas voting favorably shall be included in the autonomous region:

SECTION 18. . . .

The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.

Movants urge this Court to interpret "geographic areas" to refer to the ARMM. Citing *Chavez v. Judicial and Bar Council*,<sup>51</sup> the Solicitor General

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<sup>47</sup> *Id.* at 85, 89–90.

<sup>48</sup> *Id.* at 89.

<sup>49</sup> *Id.*

<sup>50</sup> Motion for Partial Reconsideration of the Office of the Solicitor General, p. 4.

<sup>51</sup> 691 Phil. 173 (2012) [Per J. Mendoza, *En Banc*].

argues that all the words in the statute must be taken into consideration to ascertain its meaning. On this narrow point, they are correct.<sup>52</sup>

Under the rules on statutory construction, “where a particular word or phrase is ambiguous in itself or is equally susceptible of various meanings, its correct construction may be made clear and specific by considering the company of words in which it is found with or with which it is associated.”<sup>53</sup>

The discernable logical intent of Article X, Section 18 of the Constitution is to allow provinces, cities, and geographic areas to exercise the people’s right to suffrage in the specific areas.

There is no need to look further than the Constitution to determine the proper interpretation of “geographic areas.” Article X, Section 15 provides:

SECTION 15. 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 this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines. (Emphasis supplied)

Section 15 provides that the autonomous regions shall consist of provinces, cities, municipalities, and geographical areas, while Section 18 provides that the autonomous region shall only consist of provinces, cities, and geographic areas *voting favorably in the plebiscite*. Both provisions list the political units, demonstrating the intent to treat them separately for purposes of voting and inclusion in the autonomous region.

By association with Section 15 and the words preceding “geographical areas,” it is clear that the geographic areas referred to in Section 18 is not the ARMM, but a smaller geographic unit that is not classified as a province, city, or municipality. These geographic areas are not the ARMM, as the movants argue. Rather, these are units that share common and distinctive characteristics with the Muslim Mindanao, such as the several barangays that favorably voted in the plebiscite.

In the drafting of the 1987 Constitution, Commissioner Jose Bengzon underscored the need for provinces to express their desire to be part of the autonomous region and, conversely, their intent to be excluded:

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<sup>52</sup> Motion for Partial Reconsideration of the Office of the Solicitor General, p. 4.

<sup>53</sup> *Peralta v. Philippine Postal Corporation*, 844 Phil. 603, 638 (2018) [Per J. Tijam, *En Banc*].

It may be true that historically there are a lot of our brothers in these areas who have wanted to become autonomous. Precisely, for that very reason, we should not deprive them of the right to express categorically their desire to be a part of the autonomous region.

. . . If they do agree to become part of the autonomous region, well and good, and, therefore, we should give them that rare opportunity in this history of our country to express affirmatively their desire. *In the same manner, those who may not wish to become part of this autonomous region should also be given this opportunity to express in black and white their desire not to join the autonomous region.*

. . . In this manner we cannot be said to have rammed autonomy down the throats of our brothers in these areas just because a majority of them have said that they want to be autonomous.

. . . The only purpose in my amendment is to find out which among those provinces would wish to become part of the autonomous region. We have several provinces that will be involved. So, let us find out from those provinces if all of them are willing to be part of the autonomous region.<sup>54</sup> (Emphasis supplied)

Like any local government unit, petitioner Province of Sulu enjoys local autonomy,<sup>55</sup> allowing it to self-govern and make independent decisions about its political position. While the Constitution grants the creation of autonomous regions from “provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics,”<sup>56</sup> it does not allow local government units to be included in the autonomous region against their will. Each unit must independently and affirmatively vote for its inclusion, and no geographic unit may impose its will on another. This reading safeguards autonomy and the right to self-determination.

Another mistaken assertion lies in respondents’ association of “geographic areas” under Article X, Section 18 of the Constitution<sup>57</sup> with Article XV, Section 3(a) of the Bangsamoro Organic Law, which states that the provinces and cities within the existing ARMM should vote as a single geographical unit in ratifying the Organic Law. They maintain that the power to determine the territory of the autonomous region rests exclusively with the Legislative branch.<sup>58</sup>

Indeed, the Legislature may enact laws defining territories, but legislative power is not without limits. When brought before this tribunal, the

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<sup>54</sup> III Record, Constitutional Commission (August 19, 1986).

<sup>55</sup> CONST., art. X, sec. 2.

<sup>56</sup> CONST., art. X, sec. 15.

<sup>57</sup> CONST., art. X, sec. 18 provides:

The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.

<sup>58</sup> Motion for Partial Reconsideration of the Office of the Solicitor General, pp. 5–6.

exercise of legislative power cannot be left unchecked. Courts are enjoined to determine whether the Legislature acted within its authority, in keeping with the Constitution. As this Court unanimously ruled and repeatedly belabored here, in treating the local government units comprising the ARMM as a single geographic entity, the Bangsamoro Organic Law violated the Constitution.<sup>59</sup> This is our pronouncement.

We stress that the Constitution allows provinces, cities, and geographical areas to decide on whether they wish to be included in the autonomous region. *Certainly, the constitutional provision does not contemplate a situation where the entire autonomous region shall vote as one, as this appears to be an absurd situation where the creation of a new autonomous region would require the ratification by another autonomous region.*

Intervenors' theory that the province's "No" vote in the 2019 plebiscite was an expression of its preference to retain the status quo, which was the then ARMM,<sup>60</sup> may be an overreach. Needless to say, interpretation of the law does not allow an illogical result.

The plebiscite would be rendered useless and perfunctory if the Province of Sulu were still included in BARMM regardless of their "No" vote. Incidentally, this was likewise clarified by Commissioner Bishop Teodoro Bacani, Jr. during the deliberations of the constitutional commission:

I think what is being asked by Commissioner Bengzon—and I would like to second him in that—is that the people would also be able to exercise self-determination as to whether they would themselves in a particular town or province be willing to be included in the autonomous region. I think that was basically answered by Commissioner Alonto at one time when we were asking him about the constitution of this autonomous region. He said that in cases where the places are inhabited not only by Muslims, then people can determine whether or not they want to join the autonomous region. But how are we going to find out whether the people want to join the autonomous region, if we do not do it by a plebiscite?<sup>61</sup>

Finally, that a province, city, municipality, or barangay can be created, divided, merged, abolished, or have its boundaries changed, following the criteria in the Local Government Code, and obtaining majority approval from affected voters in a plebiscite<sup>62</sup> stresses the need for consent from the people directly affected in any alteration to a local government unit's status or

<sup>59</sup> *Province of Sulu v. Medialdea*, G.R. No. 242255, G.R. No. 243246, and G.R. No. 243693, September 9, 2024 [Per J. Leonen, *En Banc*] at 89. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>60</sup> *Id.*

<sup>61</sup> III Record, Constitutional Commission (August 19, 1986).

<sup>62</sup> CONST., art. X, sec. 10.

boundaries. Including Sulu in BARMM despite its “No” vote altered Sulu’s political status without its consent.

Ultimately, Sulu’s “No” vote was its disapproval of the Bangsamoro Organic Law, a vote for its exclusion from BARMM.

## II

The assailed Decision is not inconsistent with *Sula*.

In Alamia’s Motion for Partial Reconsideration, she points out that in *Sula*, this Court treated the ARMM as one geographic unit for the purpose of voting in the plebiscite. Thus, this Court cannot now backtrack and treat the constituent provinces of the ARMM separately.<sup>63</sup>

*Sula* resolved the question regarding the conduct of the plebiscite, on the validity of the questions asked. The blanket inclusion of the ARMM in the new Bangsamoro Autonomous Region, even if one of its constituent provinces did not ratify the Bangsamoro Organic Law, was not put into question. In the consolidated Petitions before this Court, it is confronted with the results of the plebiscite.

In contrast, *Sula* supports the conclusion that the ratification of the Bangsamoro Organic Law and inclusion in BARMM are inseparable.

In upholding the validity of the question posed in the areas outside the ARMM, this Court in *Sula* discussed:

On the other hand, those contiguous areas, including Cotabato City, were not asked to ratify the Organic Law as it may create an absurd situation concerning the majority votes “YES” to the ratification of the Bangsamoro Organic Law but “NO” vote to its inclusion to the Bangsamoro Autonomous Region, thus abolishing the original Autonomous Region in Muslim Mindanao despite its noninclusion to it in the first place. Accordingly, those contiguous areas were only asked one question: whether they desired to be part of the Bangsamoro Autonomous Region in Muslim Mindanao.<sup>64</sup>

A political unit cannot ratify the Bangsamoro Organic Law and decide not to join BARMM. Similarly, a unit cannot refuse to ratify and still opt to join the region. There is no inconsistency between *Sula* and this case—they are two sides of the same coin.

<sup>63</sup> Motion for Partial Reconsideration of Atty. Alamia, pp. 43–50.

<sup>64</sup> G.R. No. 244587, January 10, 2023 [Per J. Leonen, *En Banc*].

Hence, even though the constituents of Sulu did not vote on the question of whether they should be included in BARMM, their rejection of the Bangsamoro Organic Law is tantamount to a rejection of their inclusion in BARMM. To rule otherwise would force them to join the creation of the very law that they supposedly rejected. It would also place the status of the Province of Sulu in limbo, leaving it neither part of any autonomous region nor a standalone province.

The Bangsamoro Organic Law effectively abolished the ARMM by repealing ARMM's Organic Act, or Republic Act No. 6734, as amended by Republic Act No. 9054. Article XVIII, Section 4 of the Bangsamoro Organic Law provides:

Upon ratification of this Organic Act, Republic Act No. 6734, otherwise known as the "Organic Act for the Autonomous Region in Muslim Mindanao," as amended by Republic Act No. 9054 is hereby repealed accordingly.

Since BARMM is a new entity, a voting unit must first ratify the Bangsamoro Organic Law to join the region it creates. Aside from being the constitutionally sound conclusion, it is logical to consider Sulu as a separate voting unit in the first place, which, by itself, may opt to join or not join BARMM by ratifying the Bangsamoro Organic Law. This, the constituents of Sulu clearly refused in the voting precinct.

### III

The doctrine of operative fact applies here.

The Bangsamoro Organic Law was presumed to be valid until this Court voided certain provisions regarding the ARMM voting as one geographic unit. While this Court's declaration on the exclusion of the Province of Sulu from the jurisdiction of BARMM is immediately executory, acts had been performed in good faith that the entire law is constitutional. It had practical and legal effects which cannot justifiably be reversed or summarily disregarded at this point.

In *CIR v. San Roque Power Corporation*,<sup>65</sup> this Court explained that, as a general rule, a void law cannot be the source of legal rights or duties. As an exception, the doctrine of operative fact recognizes that "a judicial declaration of invalidity may not necessarily obliterate all the effects and consequences of a void act prior to such declaration."<sup>66</sup> It acknowledges that there is a period

<sup>65</sup> 719 Phil. 137 (2013) [Per J. Carpio, *En Banc*].

<sup>66</sup> *Id.* at 157.

between the operation of the law and the declaration of its nullity where parties may have acted pursuant to the law in good faith. Thus, the doctrine may be applied in situations where the “nullification of the effects of what used to be a valid law would result in inequity and injustice[.]”<sup>67</sup>

This Court acknowledges far-reaching effects of the Province of Sulu’s previous inclusion in the BARMM under the Bangsamoro Organic Law. These include the strategic allocation of BARMM resources earmarked for Sulu’s development, the generation of employment opportunities linked to its integration within BARMM’s administrative and political framework, and the rollout of policies and programs crafted under the premise that Sulu was formally part of BARMM. This reflects the layered consequences of Sulu’s inclusion, impacting budget allocation, resource management, and governance policies tailored for Sulu during that period.

Thus, 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 our ruling. Instead, they shall be addressed in a manner that respects their established impacts on governance, financial allocation, and administrative framework within the Province of Sulu. Appropriate mechanisms must be applied to validate, adapt, or conclude these projects and programs in a way that minimizes potential disruptions to the public interest, maintains stability, and protects the welfare of the people of Sulu.

#### A FINAL NOTE

The Court was not confronted with the proper interpretation of history. Rather, it was confronted with the results of a plebiscite that was a product of that history. It was a plebiscite that also made history.

In arriving at its conclusions, nowhere did this Court denigrate, diminish nor marginalize the contribution of the Tausug of Sulu. Rather, it recognizes their collective voice of self-determination expressed through the plebiscite.

Every revolution must eventually contend with being able to convince all its people of the political arrangements it wins. After all, the essence of every democratic uprising is to empower its people. Even revolutionaries must eventually respect the results of a free, fair, and honest plebiscite or election.

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<sup>67</sup> *Araullo v. Aquino*, 737 Phil. 457, 625 (2015) [Per J. Bersamin, *En Banc*].



The claim that BARMM is not BARMM without Sulu oversimplifies the Bangsamoro identity to a single thread, overlooking the many voices that collectively define the region. The Bangsamoro Autonomous Region is a vibrant tapestry of diverse ethnic communities and indigenous peoples, each contributing to its unique identity. While the Province of Sulu has its place in the history of the Bangsamoro struggle, BARMM also represents the interests of other groups in the region. The exclusion of the Province of Sulu, based on its own people's vote, does not erase the Bangsamoro identity, but rather, reinforces the need for an autonomous region that respects the democratic choices of its diverse constituencies.

Not being part of the Bangsamoro Autonomous Region does not reduce the identity of the Tausug as Bangsamoro as much as a Filipino's choice to reside abroad does not diminish their Filipino identity. It simply is a choice not to join the *current* political arrangement. Should the Tausugs in Sulu wish to rejoin, there are peaceful, legal processes allowed by the Constitution for them to do so.

As to claims that the Court decided without understanding the context of the people of Mindanao, we remind them:

It is this Supreme Court that has sought ways and means to recognize Shari'ah. It is this Supreme Court that visited the Province of Tawi-Tawi and paid respects to the first mosque established in our country, the Sheikh Karimul Makhdum Mosque in Tubig Indangan, Simunul. It is this Supreme Court that entered ground zero in the Islamic City of Marawi during the pandemic. It is also this Supreme Court that has taken over the special Shari'ah bar examinations, introducing reforms to start integrating Shari'ah practice into the legal profession. It is this Supreme Court that included Shari'ah and inclusivity of all in its goal to achieve access to justice as articulated in the Strategic Plan for Judicial Innovations 2022-2027.

The unanimous decision of this Court is a challenge to the leaders of the Bangsamoro. It is a challenge as well to those who insist in a dogmatic reading of what identity means for all peoples. Reforms must occur while accepting the dynamism of the Constitution. Lobbying for better laws, better administration in the autonomous region, better institutions, and further integration of Shari'ah into our legal system may cause a lot of debate but they can be done patiently and peacefully.

Insisting on a static interpretation of history is not the clear path to a just and lasting peace. Accepting the self-determined will of a people in a plebiscite required by the Constitution will.



**ACCORDINGLY**, the Motions for Partial Reconsideration of the following are **DENIED with FINALITY** for lack of merit:

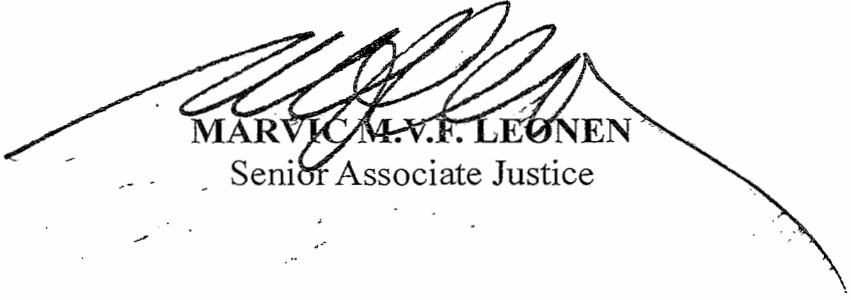
1. The Office of the Solicitor General, BARMM Chief Minister Ahod B. Ebrahim, through the Bangsamoro Attorney General's Office, and Atty. Algamar A. Latiph, filed on October 1, 2024;
2. Atty. Laisa Masuhud Alamia, filed on October 8, 2024; and
3. Don Mustapha Arbison Loong, Atty. Nazir Hatab Ynawat, Adzfar H. Usman, Nasser Arbison Loong ang Mhavejekamar L. Marrack, filed on October 18, 2024.

The Decision dated September 9, 2024 of this Court is **AFFIRMED**.

In the interest of justice and equity, this Court applies the doctrine of operative fact to recognize and give legal effect to all acts performed prior to the declaration of unconstitutionality of the inclusion of the Province of Sulu in the Bangsamoro Autonomous Region.

This Decision is **FINAL AND IMMEDIATELY EXECUTORY**.  
No further pleadings will be entertained.


**SO ORDERED.**

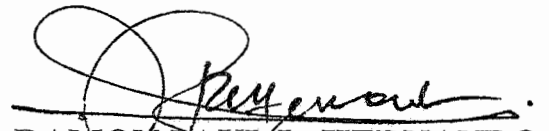


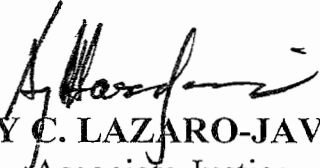
MARVIC M. V. F. LEONEN  
Senior Associate Justice


WE CONCUR:

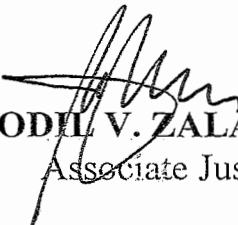
  
**ALEXANDER G. GESMUNDO**  
Chief Justice

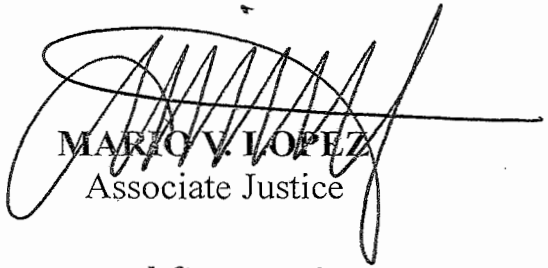
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice


  
**RAMON PAUL L. HERNANDO**  
Associate Justice

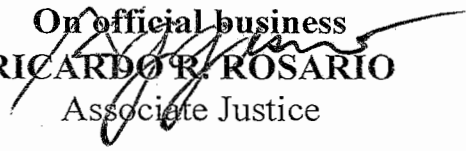
  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice


  
**RODIL V. ZALAMEDA**  
Associate Justice

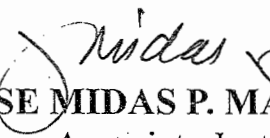
  
**MARIO V. LOPEZ**  
Associate Justice


  
**SAMUEL H. GAERLAN**  
Associate Justice

left a vote of concurrence  
On official business  
  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice


  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO JR.**  
Associate Justice

On official business  
**MARIA FILOMENA D. SINGH**  
Associate Justice

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the court.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice