

Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**LANANG T. ALI, JR., SAMSODIN C. AMELLA, AND DATUAN M. MAGON, JR.,**

Petitioners,

-versus-

**BANGSAMORO TRANSITION  
AUTHORITY PARLIAMENT,  
ABDULRAOF A. MACACUA, in his  
capacity as the INTERIM CHIEF  
MINISTER OF THE  
BANGSAMORO AUTONOMOUS  
REGION IN MUSLIM MINDANAO,  
and COMMISSION ON  
ELECTIONS,**

Respondents.

X-----X

**ABDULLAH G. MACAPAAR, also  
known as "COMMANDER BRAVO,"  
MANGONTAWAR M. MACACUNA,  
SULTAN ALIM SAAD I. AMATE,  
NAJER D. EPPIE, NASIF G.  
MARANGIT, and MAULANA L.  
MAMUTUK,**

Petitioners,

-versus-

**COMMISSION ON ELECTIONS**

G.R. No. E-02235

Present:

**GESMUNDO, C.J.,\*  
LEONEN, Acting C.J.,\*\*  
CAGUIOA,\*\*\*  
HERNANDO,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
GAERLAN,  
ROSARIO,**

\* On official leave.

\*\* Acting Chief Justice per Special Order No. 3223 dated September 15, 2025.

\*\*\* On official business but left a vote.

and BANGSAMORO TRANSITION  
AUTHORITY,

Respondents.

LOPEZ,  
DIMAAMPAO,  
MARQUEZ,  
KHO, JR.,  
SINGH, and  
VILLANUEVA, JJ.

Promulgated:

September 30, 2025

X ----- X

DECISION

ZALAMEDA, J.:

*In truth, whatever is worth doing at all,  
is worth doing well; and nothing can  
be done well without attention.<sup>1</sup>*

As the nation stands on the brink of a momentous occasion in its history, We are reminded that the conduct of the first elections for the Bangsamoro Government carries tremendous weight and significance. It should be characterized with thoroughness and dignity befitting its importance. Despite the understandable excitement and enthusiasm in having an elected Bangsamoro Parliament, our emotions should not be allowed to run roughshod over having a properly constituted Bangsamoro Government. Should the Commission on Elections (COMELEC) conduct the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) Parliamentary Elections on October 13, 2025 based on an infirm law?

Our disposition covers two petitions assailing Bangsamoro Autonomy Act No. (BAA) 77, or the "Bangsamoro Redistricting Act of 2025."

The first Petition, docketed as G.R. No. E-02219, is a Petition for *Certiorari* and Prohibition with Prayer for Issuance of Temporary Restraining Order, Writ of Preliminary Injunction, and/or *Status Quo Ante* Order and Extremely Urgent Motion to Conduct a Special Raffle<sup>2</sup> filed by petitioners Lanang T. Ali, Jr. (Ali), Samsodin C. Amella, and Datuan M. Magon, Jr., (collectively, Ali et al.). Named respondents are the Bangsamoro Transition

<sup>1</sup> Chesterfield, Philip Dormer Stanhope, *Letters to His Son, Complete*, October 12, 2004, available at <https://www.gutenberg.org/cache/epub/3361/pg3361.txt> (last accessed on September 29, 2025). This text is attributed to Philip Stanhope, 4<sup>th</sup> Earl of Chesterfield, who wrote it in a letter to his son in the 18<sup>th</sup> century.

<sup>2</sup> *Rollo* (G.R. No. E-02219), pp. 4–130.

*[Handwritten signature]*

Authority Parliament (BTA Parliament), Abdulraof A. Macacua<sup>3</sup> (Interim Chief Minister Macacua), and the COMELEC.

Docketed as G.R. No. E-02235, the second is a Petition for *Certiorari* and Prohibition under Rule 65 with Urgent Motion for the Issuance of *Status Quo Ante* and Preliminary Injunction Order under Rule 65, Section 7 in relation to Rule 58 of the Rules of Court,<sup>4</sup> filed by petitioners Abdullah G. Macapaar (Macapaar), Mangontawar M. Macacuna, Sultan Alim Saad I. Amate (Amate), Najer D. Eppie, Nasif G. Marangit, and Maulana L. Mamutuk (collectively, Macapaar et al.), against COMELEC and the Bangsamoro Transition Authority (BTA). Macapaar et al. also pray for the conduct of a special raffle for the present Petition.

### *Antecedents*

#### *Context: Timeline of relevant events*

On July 26, 2018, former President Rodrigo Duterte signed into law Republic Act No. (RA) 11054, or the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao” (Bangsamoro Organic Law).

The Bangsamoro Organic Law came into fruition over four years after the Comprehensive Agreement on the Bangsamoro was signed on March 2, 2014. Senate Bill Nos. (SB) 2408 and 2894 and House Bill No. (HB) 5811 were filed during the 16<sup>th</sup> Congress to provide for the Bangsamoro Basic Law.<sup>5</sup> However, the Bangsamoro Basic Law was not passed before the 16<sup>th</sup> Congress adjourned in February 2016.<sup>6</sup> The subject matter was revived during the 17<sup>th</sup> Congress<sup>7</sup> with the filing of the following bills: SB 1608, 1646, 1652, 1661, and 1717, and HB 92, 6121, 6263, and 6475. The Bangsamoro Organic Law is a consolidation of HB 6475 and SB 1717.

The transition period was to commence upon the ratification of the Bangsamoro Organic Law.<sup>8</sup> During this period, the interim government of the

<sup>3</sup> Impleaded in his capacity as the Interim Chief Minister of the BARMM.


<sup>4</sup> *Rollo* (G.R. No. E-02235), pp. 3–82.

<sup>5</sup> Senate Committee Report No. 200 (2015), 16<sup>th</sup> Congress, 3<sup>rd</sup> Session, Committees on Local Government; Peace, Unification and Reconciliation; Constitutional Amendments and Revision of Codes. House of Representatives Committee Report No. 747 (2015), 16<sup>th</sup> Congress, Ad Hoc Committee on the Bangsamoro Basic Law.

<sup>6</sup> *Historical Development of the Bangsamoro Transition Authority – Parliament*, available at <https://parliament.bangsamoro.gov.ph/historical-development-of-the-bangsamoro-transition-authority-parliament/> (last accessed on September 29, 2025).

<sup>7</sup> Senate Committee Report No. 255 (2018), 17<sup>th</sup> Congress, 2<sup>nd</sup> Session, Committees on Local Government; Finance; Constitutional Amendments and Revision of Codes; Ways and Means. House of Representatives Committee Report No. 758 (2018), 17<sup>th</sup> Congress, 2<sup>nd</sup> Session, Committees on Local Government; Muslim Affairs; Peace, Reconciliation and Unity; Appropriations; Ways and Means.

<sup>8</sup> Republic Act No. 11054 (2018), art. XVI, sec. 1, Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (Bangsamoro Organic Law).



BARMM was to be the BTA,<sup>9</sup> which shall be deemed dissolved immediately upon the election and qualification of the chief minister under the first Bangsamoro Parliament.<sup>10</sup> The enactment of the Bangsamoro Electoral Code and the determination of parliamentary districts for the first regular election of the members of the Bangsamoro Parliament were among the legislated priorities of the BTA.<sup>11</sup>

The first regular election for the Bangsamoro Government was initially set to be synchronized with the 2022 national elections.<sup>12</sup> However, pursuant to RA 11593, which was approved on October 28, 2021, the first regular election for the Bangsamoro Government under the Bangsamoro Organic Law was postponed and reset to synchronize with the 2025 national elections.<sup>13</sup>

In the meantime, two plebiscites were conducted within the BARMM to determine the coverage of its geographical area and the corresponding local government units. The plebiscite held on January 21, 2019 covered the geographical areas of then ARMM, Isabela City in Basilan, and Cotabato City, while the plebiscite on February 6, 2019 involved the Province of Lanao del Norte, various municipalities in North Cotabato, and all other areas that petitioned for voluntary inclusion.<sup>14</sup>

Pursuant to the Bangsamoro Organic Law, the BTA promulgated Bangsamoro Autonomy Act No. (BAA) 58 (BAA 58), or the Bangsamoro Parliamentary Districts Act of 2024. BAA 58 apportioned the 32

<sup>9</sup> Bangsamoro Organic Law, art. XVI, sec. 1.

<sup>10</sup> Bangsamoro Organic Law, art. XVI, sec. 12.

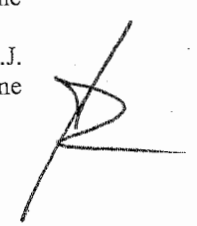
<sup>11</sup> Bangsamoro Organic Law, art. XVI, sec. 4. The pertinent portions of Section 4 read:  
SECTION 4. *Functions and Priorities.* — The Bangsamoro Transition Authority shall ensure the accomplishment of the following priorities during the transition period:  
(a) Enactment of priority legislations such as the . . . Bangsamoro Electoral Code . . . consistent with powers and prerogatives vested in the Bangsamoro Government by this Organic Law: *Provided, That* until the abovementioned laws are enacted, the Muslim Mindanao Autonomy Act No. 25, otherwise known as the “Autonomous Region in Muslim Mindanao Local Government Code,” and subsisting laws on elections and other electoral matters shall apply in the Bangsamoro Autonomous Region.

....  
(b) Determination of parliamentary districts for the first regular election for the members of the Parliament subject to the standards set in Section 10, Article VII of this Organic Law[.]

<sup>12</sup> Bangsamoro Organic Law, art. XVI, sec. 13. The provision reads:  
SECTION 13. *First Regular Election.* — The first regular election for the Bangsamoro Government under this Organic Law shall be held and synchronized with the 2022 national elections. The Commission on Elections, through the Bangsamoro Electoral Office, shall promulgate rules and regulations for the conduct of the elections, enforce and administer them pursuant to national laws, this Organic Law and the Bangsamoro Electoral Code.

<sup>13</sup> Bangsamoro Organic Law, art. XVI, sec. 13, as amended by Republic Act No. 11593 (2021), sec. 1, reads:  
SECTION 1. Section 13, Article XVI of Republic Act No. 11054, otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao,” is hereby amended to read as follows:  
“SEC. 13. *First Regular Election.* — The first regular election for the Bangsamoro Government under this Organic Law shall be held and synchronized with the 2025 national elections. The Commission on Elections, through the Bangsamoro Electoral Office, shall promulgate rules and regulations for the conduct of the elections, enforce and administer them pursuant to national laws, this Organic Law and the Bangsamoro Electoral Code.”

<sup>14</sup> *Province of Sulu v. Medialdea*, G.R. Nos. 242255, 243246, and 243693, September 9, 2024 [Per S.A.J. Leonen, *En Banc*] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.



parliamentary districts among the provinces of Basilan, Lanao del Sur, Maguindanao del Norte, Maguindanao del Sur, Sulu, Tawi-Tawi, the City of Cotabato, and other special geographical areas in the BARMM on February 28, 2024, or almost six years after the promulgation of the Bangsamoro Organic Law.

A little over six months from after BAA 58's enactment, or on September 9, 2024, the Court promulgated *Province of Sulu v. Medialdea (Province of Sulu)*,<sup>15</sup> which upheld the constitutionality of the Bangsamoro Organic Law, except in so far as it included the Province of Sulu in the BARMM, which was declared void for being unconstitutional. This ruling resulted in the need to reallocate the seven parliamentary district seats initially allocated to the Province of Sulu under BAA 58. The motions for partial reconsideration were denied with finality on November 26, 2024.

With its promulgation on February 19, 2025, RA 12123 resulted in yet another postponement of the BARMM parliamentary elections. The BARMM parliamentary elections were moved from May 12, 2025 to October 13, 2025.<sup>16</sup> The COMELEC, on June 3, 2025, prescribed the calendar of activities and periods of certain prohibited acts in connection with the October 13, 2025 BARMM Parliamentary Elections through Resolution No. 11149. It set the start of the election period to August 14, 2025.<sup>17</sup>

On August 19, 2025, despite the commencement of the election period, the BTA passed the assailed BAA 77.<sup>18</sup> Interim Chief Minister Macacua signed it into law on August 23, 2025.

On August 28, 2025, BTA Speaker Pangalian M. Balindong released a Notice to the Public stating that BAA 77 was signed without his authority. He declared: “[f]or the record, I have neither signed nor authorized any person to sign on my behalf with respect to the said measure. The signature appearing as ‘for’ is unauthorized, void, and without legal effect, constituting a violation of law. Accordingly, [BAA 77] cannot be deemed signed or enacted. . . . The act done is manifestly inconsistent with [Rule IV, Section 4(k) of Resolution No. 268, otherwise known as the ‘Parliamentary Rules, Procedures, and Practices of the Bangsamoro Transition Authority’] and is highly unprocedural.”<sup>19</sup>

The COMELEC postponed the scheduled printing of official ballots for the 2025 BARMM Parliamentary Elections on August 20, 2025.<sup>20</sup> It nonetheless resumed the printing of official ballots on August 28, 2025 “due

<sup>15</sup> *Id.* at 98.

<sup>16</sup> Bangsamoro Organic Law, art. XVI, sec. 13, as amended by Republic Act No. 12123 (2025), sec. 1.

<sup>17</sup> COMELEC Resolution No. 11149 (2025).

<sup>18</sup> Bangsamoro Autonomy Act No. 77 (2025), sec. 1.

<sup>19</sup> *Rollo* (G.R. No. E-02219), p. 96.

<sup>20</sup> *Id.* at 97.

to the impractical application of the redistricting measure under the [October 13, 2025 BARMM Parliamentary Elections'] timelines considering the time-bound milestone preparatory activities, onset of Election and Campaign Periods, and to avoid voter confusion and disenfranchisement."<sup>21</sup>

Ali et al. filed their Petition on August 28, 2025 while Macapaar et al. filed theirs on September 2, 2025. The Petitions were consolidated in Our Resolution<sup>22</sup> dated September 15, 2025. Respondents were given a non-extendible period of five days to file their respective comments. The Court also issued a temporary restraining order<sup>23</sup> (TRO) on the implementation and enforcement of BAA 77 on the same day.

In compliance with the TRO, the COMELEC, through Minute Resolution No. 25-1015, suspended all preparations for district, sectoral, and party representative elections in the BARMM as of September 17, 2025.<sup>24</sup> The suspension was to last "until the TRO is lifted, or the validity of BAA 77 is resolved."<sup>25</sup>

Macapaar et al. filed a Very Urgent Motion, with leave, For Clarification of the Temporary Restraining Order and Reiteration of Status Quo and Mandatory Injunction dated September 19, 2025 (Motion for Clarification).<sup>26</sup> They also filed an Addendum<sup>27</sup> dated September 22, 2025.

The COMELEC, through the Office of the Solicitor General (OSG), filed their Comment with Manifestation<sup>28</sup> dated September 23, 2025. Minute Resolution No. 25-1034, which addresses the implications of the TRO on the conduct of the October 13, 2025 BARMM Parliamentary Elections in relation to the implementation of BAA 77, was issued by the COMELEC on September 27, 2025. The COMELEC informed this Court about its action in a Manifestation (With leave of Court)<sup>29</sup> dated September 29, 2025.

On September 29, 2025, Macapaar et al. filed a Manifestation and Urgent Motion for Reiteration of Reliefs,<sup>30</sup> bringing to this Court's attention COMELEC Minute Resolution Nos. 25-1015 and 25-1034. They claim that the COMELEC's acts render their petition an exercise in futility and ineffectual.

As of the date of promulgation, and despite the non-extendible period to file a Comment, this Court has yet to receive one from the BTA.

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<sup>21</sup> *Id.* at 98.

<sup>22</sup> *Id.* at 133–134.

<sup>23</sup> *Rollo* (G.R. No. E-02219), pp. 135–137.

<sup>24</sup> *Rollo* (G.R. No. E-02235), p. 113.

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

<sup>26</sup> *Rollo* (G.R. No. E-02219), pp. 90–104.

<sup>27</sup> *Id.* at 115–125.

<sup>28</sup> *Id.* at 157–171.

<sup>29</sup> *Id.* at 137–141.

<sup>30</sup> *Id.* at 126–136.

*The Assailed Law: BAA 77*

Promulgated to amend BAA 58, BAA 77 originated from Parliamentary Bill Nos. 347<sup>31</sup> and 351,<sup>32</sup> which were respectively filed on February 18, 2025 and April 8, 2025.

Section 2 of BAA 77 amended Section 4 of BAA 58. It redistricted the remaining constituent provinces, cities, municipalities, and barangays within the BARMM and reallocated to them the seven seats previously assigned to the Province of Sulu.

The change in number of parliamentary districts in BAA 58 and BAA 77 is shown in the table below:

Local Government Unit	Number of Parliamentary Districts
Province of Basilan	Increased from 3 to 4
Province of Lanao del Sur	Increased from 8 to 9
Province of Maguindanao del Norte	Increased from 4 to 5
Province of Maguindanao del Sur	Increased from 4 to 5
Province of Sulu <sup>33</sup>	Decreased from 7 to 0
Province of Tawi-Tawi	Increased from 3 to 4
Cotabato City	Increased from 2 to 3
Special Geographic Areas	Increased from 1 to 2

For convenient reference, a comparison of districting of provinces, cities, municipalities, and geographical areas in BARMM in BAA 58 and BAA 77 is provided:

	BAA 58, sec. 4	BAA 77, sec. 2
Province of Basilan		

<sup>31</sup> An Act Reapportioning the Seven Vacant Parliamentary Seats in the Bangsamoro Parliament Following the Exclusion of Sulu Province from the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) Amending for the Purpose Section 4 of the Bangsamoro Autonomy Act No. 58, An Act Providing for the Creation of Parliamentary Districts in the BARMM, Appropriating Funds Therefor, and for Other Purposes, *available at* <https://parliament.bangsamoro.gov.ph/bta-bills-22/an-act-reapportioning-the-seven-7-vacant-parliamentary-seats-in-the-bangsamoro-parliament-following-the-exclusion-of-sulu-province-from-the-bangsamoro-autonomous-region-in-muslim-mindanao-barmm-a/> (last accessed on September 29, 2025).

<sup>32</sup> An Act Reconstituting the Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao, Amending for the Purpose Bangsamoro Autonomy Act No. 58, Entitled “An Act Providing for the Creation of the Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao,” *available at* <https://parliament.bangsamoro.gov.ph/bta-bills-22/an-act-reconstituting-the-parliamentary-districts-in-the-bangsamoro-autonomous-region-in-muslim-mindanao-amending-for-the-purpose-bangsamoro-autonomy-act-no-58-entitled-an-act-providing-fo/> (last accessed on September 29, 2025).

<sup>33</sup> The Province of Sulu was no longer included in Section 2 of BAA 77.

<b>First District</b>	City of Lamitan (Capital) Akbar	Lamitan City
<b>Second District</b>	Tuburan Tipo-Tipo Al-Barka Hadji Mohammad Ajul Ungkaya Pukan	Tuburan Hadji Mohammad Ajul Akbar Al-Barka Tipo-Tipo
<b>Third District</b>	Tabuan-Lasa Lantawan Maluso Hadji Muhtamad Sumisip	Ungkaya Pukan Sumisip Tabuan Lasa
<b>Fourth District</b>	Not applicable	Maluso Lantawan Hadji Muhtamad
<b>Province of Lanao del Sur</b>		
<b>First District</b>	City of Marawi (Capital)	Marawi City
<b>Second District</b>	Kapai Marantao Piagapo Saguiaran Tagoloan II	Saguiaran Piagapo Tagoloan II Marantao
<b>Third District</b>	Bubong Amai Manabilang (Bumbaran) Buadipuso-Buntong Maguing Ditsaan-Ramain Wao	Ditsaan Ramain Kapai Bubong Buadipuso Buntong Maguing
<b>Fourth District</b>	Masiu Lumba Bayabao (Maguing) Poona Bayabao (Gata) Tamparan Taraka Mulundo	Masiu Poona Bayabao Tamparan Taraka Mulundo
<b>Fifth District</b>	Butig Sultan Dumalondong Lumbaca-Unayan Marogong Lumbayanague Lumbatan	Butig Lumbayanague Lumbatan Sultan Dumalondong Lumbaca Unayan Marogong Tubaran
<b>Sixth District</b>	Bayang Binidayan Ganassi Pagayawan (Tatarikan) Tubaran	Pagayawan Ganassi Binidayan Bayang Pualas
<b>Seventh District</b>	Balindong (Watu) Bacolod-Kalawi (Bacolod Grande) Tugaya Madamba Madalum Pualas	Madamba Madalum Bacolod Kalawi Tugaya Balindong



<b>Eighth District</b>	Calanogas Picong (Sultan Gumander) Malabang Balabagan Kapatagan	Calanogas Malabang Picong Balabagan Kapatagan
<b>Ninth District</b>	Not applicable	Wao Amai Manabilang Lumba Bayabao
<b>Province of Maguindanao del Norte</b>		
<b>First District</b>	Matanog Barira Buldon	Matanog Barira Buldon
<b>Second District</b>	Parang Sultan Mastura	Parang
<b>Third District</b>	Sultan Kudarat (Nuling) Northern Kabuntalan Kabuntalan (Tumbao) Talitay	Northern Kabuntalan Kabuntalan Sultan Mastura Talitay
<b>Fourth District</b>	Datu Odin Sinsuat (Dinaig) Upi Datu Blah T. Sinsuat	Datu Odin Sinsuat Upi Datu Blah T. Sinsuat
<b>Fifth District</b>	Not applicable	Sultan Kudarat
<b>Province of Maguindanao del Sur</b>		
<b>First District</b>	South Upi Talayan Datu Anggal Midtimbang Guindulungan Datu Hoffer Ampatuan	Datu Anggal Midtimbang Talayan Guindulungan Datu Hoffer Ampatuan South Upi
<b>Second District</b>	Datu Saudi Ampatuan Datu Salibo Datu Piang Shariff Saydona Mustapha Mamasapano Shariff Aguak (Maganoy) Ampatuan Datu Unsay	Datu Piang Datu Salibo Datu Saudi Ampatuan Datu Unsay Shariff Saydona Mustapha
<b>Third District</b>	Datu Abdullah Sangki Rajah Buayan Sultan sa Barongis (Lambayong) Datu Montawal (Pagagawan) Pagalungan G. S.K. Pendatun	Ampatuan Datu Abdullah Sangki Mamasapano Shariff Aguak
<b>Fourth District</b>	Paglat Pandag Buluan Datu Paglas Mangudadatu	Buluan Datu Paglas Mangudadatu Pandag
<b>Fifth District</b>	Not applicable	Datu Montawal G.S.K. Pendatun Pagalungan

		Rajah Buayan Sultan Sa Barongis Paglat
<b>Province of Sulu</b>		
<b>First District</b>	Jolo (Capital)	Not applicable
<b>Second District</b>	Maimbung Talipao	Not applicable
<b>Third District</b>	Patikul Hadji Panglima Tahil (Marunggas) Pangutaran	Not applicable
<b>Fourth District</b>	Indanan Parang	Not applicable
<b>Fifth District</b>	Pata Banguingui (Tongkil) Kalingalan Caluang Panglima Estino (New Panamao)	Not applicable
<b>Sixth District</b>	Old Panamao Luuk Omar	Not applicable
<b>Seventh District</b>	Siasi Pandami Lugus Tapul	Not applicable
<b>Province of Tawi-Tawi</b>		
<b>First District</b>	Bongao (Capital) Mapun (Cagayan de Tawi- Tawi) Turtle Islands	Bongao
<b>Second District</b>	Languyan Panglima Sugala (Balimbing) South Ubian Tandubas	Languyan South Ubian Panglima Sugala
<b>Third District</b>	Sitangkai Sibutu Simunul Sapa-Sapa	Tandubas Sapa-Sapa Simunul
<b>Fourth District</b>	Not applicable	Mapun Sitangkai Sibutu Turtle Islands
<b>Special Geographic Areas</b>		
<b>First District</b>	Kadayangan Kapalawan Ligawasan Malidegao Nabalawag Old Kaabakan Pahamuddin	Kadayangan Nabalawag Pahamuddin Tugunan

	Tugunan	
<b>Second District</b>	Not applicable	Malidegao Ligawasan Old Kaabakan Kapalawan
<b>Cotabato City</b>		
<b>First District</b>	Poblacion I Poblacion II Poblacion III Poblacion IV Poblacion VIII Poblacion IX Rosary Heights II Rosary Heights III Rosary Heights IV Rosary Heights V Rosary Heights VI Rosary Heights VII Rosary Heights VIII Rosary Heights IX Tamontaka I Tamontaka II Tamontaka III Tamontaka IV Tamontaka V	Rosary Heights Mother Rosary Heights I Rosary Heights II Rosary Heights III Rosary Heights IV Rosary Heights V Rosary Heights VI Rosary Heights VII Poblacion VII Poblacion VIII
<b>Second District</b>	Poblacion V Poblacion VI Poblacion VII Bagua Bagua I Bagua II Bagua III Kalanganan Kalanganan I Kalanganan II Rosary Heights Rosary Heights I Rosary Heights X Rosary Heights XI Rosary Heights XII Rosary Heights XIII Tamontaka	Bagua Mother Bagua I Bagua II Bagua III Poblacion V Poblacion VI Kalanganan Mother Kalanganan I Kalanganan II Rosary Heights X Rosary Heights XI Rosary Heights XII Rosary Heights XIII
<b>Third District</b>	Not applicable	Tamontaka Mother Tamontaka I Tamontaka II Tamontaka III Tamontaka IV Tamontaka V Rosary Heights VIII Rosary Heights IX Poblacion Mother Poblacion I Poblacion II

		Poblacion III Poblacion IV Poblacion IX
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The seven districts that were “orphaned” due to the departure of the Province of Sulu from the BARMM were reallocated by BAA 77, thus: (1) Fourth District, Province of Basilan; (2) Ninth District, Province of Lanao del Sur; (3) Fifth District, Province of Maguindanao del Norte; (4) Fifth District, Province of Maguindanao del Sur; (5) Fourth District, Province of Tawi-Tawi; (6) Second District, Special Geographic Areas; and (7) Third District, Cotabato City.

Aside from the reallocated districts, BAA 77 also either removed or added cities, municipalities, and other geographical areas in these districts: First, Second, and Third Districts, Province of Basilan; Second, Third, Fourth, Fifth, Sixth, and Seventh Districts, Province of Lanao del Sur; Second and Third Districts, Province of Maguindanao del Norte; Second, Third, and Fourth Districts, Province of Maguindanao del Sur; First, Second, and Third Districts, Province of Tawi-Tawi; First District, Special Geographic Areas; and First and Second Districts, Cotabato City.

BAA 77 did not change the composition of the following districts: First and Eighth Districts, Province of Lanao del Sur; First and Fourth Districts, Province of Maguindanao del Norte; and First District, Province of Maguindanao del Sur.

Section 3 of BAA 77, in recognition of the possibility that the Province of Sulu rejoins the BARMM, declared that Congress may allocate at least seven parliamentary district seats corresponding to the population and other equitable requirements of the law.

Under Section 4 of BAA 77, the president is authorized to appoint an interim parliamentary district representative, who shall serve until a representative is duly elected and qualified. This authority arises only in the event that BAA 77 results in the creation of a new parliamentary district after the deadline for the filing of Certificates of Candidacy (COCs) for the immediately forthcoming parliamentary elections, and such newly created district is left without a duly elected parliamentary district representative.

Section 5 of BAA 77 provides the effect of redistricting for purposes of the 2025 BARMM Parliamentary Elections, i.e., that “aspirants who have filed their COC will retain their candidacy in the district where they originally filed, notwithstanding that their barangay or municipality where they are registered has been reassigned to a different district.”

The separability clause of BAA 77 dictates that the provisions not affected by a declaration of unconstitutionality or inconsistency with the

Bangsamoro Organic Law shall remain valid and effective.<sup>34</sup> Its repealing clause states that “[a]ll other regional laws, executive orders, memoranda and other issuances or even parts thereof that are inconsistent with BAA 77 are repealed or amended accordingly.”<sup>35</sup> Finally, BAA 77’s effectivity clause declares that it takes effect immediately upon its publication in the Bangsamoro Gazette or on its official website.<sup>36</sup> A copy of the full text of BAA 77 was uploaded to the official website of the Bangsamoro Official Gazette on August 28, 2025.<sup>37</sup>

### *Issues*

Petitioners raise the following substantive arguments in their Petitions:

*G.R. No. E-02219*

- I. [BAA 77] altered and/or created new precincts during the election period in violation of the Voter’s Registration Act.
- II. [BAA 77] unlawfully expands the president’s appointment powers beyond what the Bangsamoro Organic Law permits.
- III. [BAA 77] is void for being in violation of the Bangsamoro Organic Law’s express prohibition against gerrymandering.
- IV. [BAA 77] is a maneuver designed to confuse the electorate and frustrate the timely conduct of the first regular BARMM elections.<sup>38</sup>

*G.R. No. E-02235*

1. Whether BAA 77 is:
  - a. Unconstitutional for it violated the constitutional provisions on ensuring free, orderly, honest, peaceful and credible elections during election period under Sections 2(4) and 4, Article IX-C of the Constitution.
  - b. Invalid because BAA 77 embraces more than one subject in violation of Section 25, Article VII of RA 11054.
  - c. Ineffective for it was not published in violation of Article 2 of the Civil Code.
2. Whether Section 2 of BAA 77 is:
  - a. Unconstitutional for violation of the right to suffrage under Section 1, Article V of the Constitution.
  - b. Invalid as it violated Section 10, Article VII of RA 11054 requiring

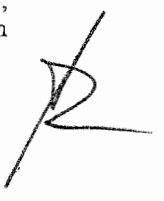
<sup>34</sup> BAA 77, sec. 6.

<sup>35</sup> BAA 77, sec. 7.

<sup>36</sup> BAA 77, sec. 8.

<sup>37</sup> Bangsamoro Government Facebook Post, announcing the signing of BAA 77 dated August 28, 2025, available at <https://www.facebook.com/thebangsamorogovt/posts/ptbid02ZNxHKyHSVoWomvDtGmju6U6it8a3TyG8srCW4f3oXhmPgEfUSxPV8h5HH3jFn3Vpl> (last accessed on September 29, 2025).

<sup>38</sup> *Rollo* (G.R. No. E-02219), p. 22.



that “each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction.”

- c. Invalid as it massively altered and transferred the territory comprising precincts from one district to another district in violation of Section 5, RA 8189.
3. Whether Section 3 of BAA 77 is:
  - a. Unconstitutional for violation as the Congress cannot be the subject of legislation legislative power of the BTA [sic] under Section 1, Article VI and Section 20, Article X of the Constitution.
  - b. Invalid because the BTA has no legislative power to amend Section 10, Article VI, RA 11054.
4. Whether Section 4 of the BAA 77 is:
  - a. Unconstitutional because the President cannot be the subject of the legislative power of the BTA under Section 16 and Section 20, Article X of the Constitution.
  - b. Unconstitutional because the Bangsamoro Parliament “shall be elective and representative of the constituent political units” under Section 18, Article X of the Constitution.
  - c. Invalid inasmuch as [a] vacancy in the Parliament shall not be filled by the President, by the Chief Minister, or by special election under Section 20, Article VII, RA 11054.
5. Whether Section 5 of the BAA 77 is unconstitutional for it violated the guarantee to equal access to opportunities [under] Section 24, Article II of the Constitution.<sup>39</sup>

Ali et al. filed a Motion seeking clarification on the scope of the TRO, specifically, whether it precludes the COMELEC from continuing with preparations for the October 13, 2025 BARMM Parliamentary Elections.<sup>40</sup>

Macapaar et al. also filed a Motion for Clarification<sup>41</sup> praying, among others, that this Court issue an order directing the COMELEC to resume its preparations for the October 13, 2025 BARMM Parliamentary Elections. They submit that the COMELEC’s suspension of its preparations will result in the massive disenfranchisement of 2.3 million voters. More specifically, petitioner Macapaar, as a nominee of the United Bangsamoro Justice Party, is confused about his status: He does not know whether he will continue his campaign, and he does not understand how a TRO granted in favor of petitioners led to the COMELEC’s suspension of its preparations for the election and prejudiced his nomination.

In their Addendum<sup>42</sup> dated September 22, 2025, Macapaar et al. prayed for the issuance of a *status quo ante* order to restore the parties’ status prior to the enactment of BAA 77 on August 28, 2025 and resume the implementation of BAA 35, or the Bangsamoro Electoral Code, and BAA 58 as the governing laws for the October 13, 2025 BARMM Parliamentary Elections.

<sup>39</sup> *Rollo* (G.R. No. E-02235), pp. 19–20.

<sup>40</sup> *Rollo* (G.R. No. E-02219), pp. 170–177.

<sup>41</sup> *Rollo* (G.R. No. E-02235), pp. 106–112.

<sup>42</sup> *Id.* at 184–194.

Macapaar et al. filed a Manifestation and Urgent Motion for Reiteration of Reliefs<sup>43</sup> dated September 29, 2025, which declared that the COMELEC's recent acts and pronouncements render their Petition an exercise in futility and ineffectual. They urge that this Court ensure and guarantee that their fundamental right to vote is protected and given full effect.

In their Comment with Manifestation, the COMELEC pointed out that "neither the Resolution nor the TRO states whether the parties are restored to their last uncontested state prior to the controversy, i.e., prior to the enactment and effectivity of BAA 77."<sup>44</sup> There is no basis to support the contention that the TRO on BAA 77 automatically revived BAA 58, as the TRO and the Resolution are silent on the matter.<sup>45</sup> Thus, the COMELEC finds itself "without a definitive statutory or judicial anchor"<sup>46</sup> to secure the validity of its preparations for the 2025 Bangsamoro Parliamentary Elections. It prayed for the resolution of "the consolidated cases with reasonable dispatch, to remove any uncertainty in the conduct of the first-ever [BARMM] Parliamentary Elections, and to allow the [COMELEC] to fulfill its constitutional and legal mandate under the [Bangsamoro Organic Law] and the [Bangsamoro Electoral Code]."<sup>47</sup>

The COMELEC again submitted a Manifestation (With leave of Court)<sup>48</sup> to inform and update this Court about its issuance of Minute Resolution No. 25-1034. Relevant stakeholders were asked to submit their comments on whether the issuance of the TRO and the attendant uncertainty as to which law governs the conduct of the 2025 Bangsamoro Parliamentary Elections may constitute *force majeure* within the contemplation of Section 5<sup>49</sup> of Batas Pambansa Blg. 881, or the Omnibus Election Code.

### *Ruling of the Court*

We grant the Petitions. BAA 77 is unconstitutional. The TRO in our Resolution dated September 15, 2025 is thus made permanent.

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<sup>43</sup> *Id.* at 126–135.

<sup>44</sup> *Id.* at 158.


<sup>45</sup> *Id.*

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

<sup>47</sup> *Id.* at 168.

<sup>48</sup> *Id.* at 137–141.

<sup>49</sup> Section 5. *Postponement of election.* — When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision, the Commission, motu proprio or upon a verified petition by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause for such postponement or suspension of the election or failure to elect.



After much deliberation, the Court finds that the present circumstances do not allow the conduct of the October 13, 2025 BARMM Parliamentary Elections under either BAA 77 or BAA 58.

*The petitions satisfy the requisites for judicial review*

The Constitution grants the Court the power of judicial review. It is not only an authority but a duty 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>50</sup>

However, to unlock the Court’s power of judicial review, the following requisites must be satisfied:

- (1) [A]ctual case or controversy calling for the exercise of judicial power;
- (2) [T]he person challenging the act must have ‘standing’ to challenge; he or she must have a personal and substantial interest in the case such that he or she has sustained, or will sustain, direct injury as a result of its enforcement;
- (3) [T]he question of constitutionality must be raised at the earliest possible opportunity; and
- (4) [T]he issue of constitutionality is the very *lis mota* of the case.<sup>51</sup>

Petitioners argue in parallel that the foregoing requisites have been fulfilled: (1) the enactment of BAA 77, in light of the scheduled parliamentary elections, presents an actual case or controversy;<sup>52</sup> (2) petitioners have standing to challenge BAA 77 as registered voters in the BARMM, in general, and the affected districts under BAA 77, in particular, and as concerned citizens and taxpayers;<sup>53</sup> (3) petitioners immediately questioned BAA 77’s constitutionality as soon as it was enacted;<sup>54</sup> and (4) addressing BAA 77’s constitutionality is inescapably necessary in resolving these cases.<sup>55</sup> Thus, petitioners submit that the Court can and must exercise its power of judicial review to nullify BAA 77.

Notably, the COMELEC did not traverse petitioners’ procedural arguments in its Comment with Manifestation.

<sup>50</sup> CONST., art. VIII, Sec. 7.

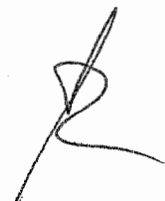
<sup>51</sup> *Sinsuat v. Ebrahim*, G.R. No. 271741, August 20, 2024 [Per J. Zalameda, *En Banc*] at 14–15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, citing *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 923–924 (2003) [Per J. Carpio-Morales, *En Banc*].

<sup>52</sup> *Rollo* (G.R. No. E-02219), pp. 7–9; *Rollo* (G.R. No. E-02235), p. 8.

<sup>53</sup> *Rollo* (G.R. No. E-02219), p. 9; *Rollo* (G.R. No. E-02235), pp. 9–10.

<sup>54</sup> *Rollo* (G.R. No. E-02219), p. 10; *Rollo* (G.R. No. E-02235), p. 10.

<sup>55</sup> *Rollo* (G.R. No. E-02219), p. 10; *Rollo* (G.R. No. E-02235), p. 10.





We agree with petitioners.

*First*, the enactment of BAA 77 presents an actual case or controversy that is ripe for adjudication. In *Province of Sulu*,<sup>56</sup> the Court explained that an actual case or controversy exists when “the act being challenged has had a direct adverse effect on the individual challenging it” or that “the petitioner has ‘sustained or is immediately in danger of sustaining some direct injury as a result of the act complained of.’”

As will be discussed, the redistricting under BAA 77 affects petitioners’ right to suffrage since it could potentially disenfranchise them as registered voters in the affected legislative districts.

*Second*, petitioners have standing to challenge the constitutionality of BAA 77. In *Sinsuat v. Ebrahim*,<sup>57</sup> the Court recognized the standing of the registered voters in the affected municipalities to assail BAA 53, 54, and 55, which created new municipalities in Maguindanao del Norte.

Similarly, it is undisputed that petitioners are registered voters in the affected legislative districts under BAA 77.<sup>58</sup> As such, they are directly affected by the redistricting under BAA 77.

The Court also notes that some of the petitioners are nominees of regional parliamentary political parties in the October 13, 2025 BARMM Parliamentary Elections: Ali and Macapaar are nominees of United Bangsamoro Justice Party, and Amate is a nominee of Progresibong Bangsamoro Party.<sup>59</sup> As nominees, these petitioners are directly affected by this Court’s ruling on whether the October 13, 2025 BARMM Parliamentary Elections could proceed pursuant to BAA 77.

*Third*, petitioners challenged the constitutionality of BAA 77 at the earliest opportunity. The Court explained in *Province of Sulu* that “[i]t is not the date of filing of the petition that determines whether the constitutional issue was raised at the earliest opportunity. The earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same.”<sup>60</sup>

Here, the constitutional questions were raised at the earliest opportunity as petitioners timely filed these Petitions challenging BAA 77’s constitutionality before this Court—which is undoubtedly competent to rule on the constitutional issues raised—as soon as BAA 77 took effect. To recall,

<sup>56</sup> G.R. No. 242255, September 9, 2024 [Per S.A.J. Leonen, *En Banc*].

<sup>57</sup> G.R. No. 271741, August 20, 2024 [Per J. Zalameda, *En Banc*].

<sup>58</sup> *Rollo* (G.R. No. E-02219), p. 12; *Rollo* (G.R. No. E-02235), p. 9.

<sup>59</sup> COMELEC Resolution No. 11090 (2024).

<sup>60</sup> G.R. No. 242255, September 9, 2024 [Per J. Leonen, *En Banc*] at 62. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, citing *Matibag v. Benipayo*, 429 Phil. 554, 578 (2002) [Per J. Carpio, *En Banc*].

BAA 77 was signed into law on August 28, 2025.<sup>61</sup> The Petition in G.R. No. E-02219 was filed on August 29, 2025,<sup>62</sup> while the Petition in G.R. No. E-02235 was filed on September 1, 2025.<sup>63</sup>

*Fourth*, the constitutionality of BAA 77 is the very *lis mota* of these cases. Petitioners are directly challenging BAA 77's constitutionality, and, as will be demonstrated, the Court cannot resolve these cases without passing upon this constitutional issue.

*Direct resort to this Court is justified*

Applying the doctrine of hierarchy of courts, we explained in *Gios-Samar, Inc. v. Department of Transportation and Communication*<sup>64</sup> that litigants cannot directly resort to this Court. Nevertheless, we have recognized the following instances when parties may be allowed to directly seek relief from this Court:

- (1) when there are genuine issues of constitutionality that must be addressed the most immediate time;
- (2) when the issues involved are of transcendental importance;
- (3) cases of first impression;
- (4) the constitutional issues are better decided by the Court;
- (5) exigency in certain situations;
- (6) the filed petition reviews the act of a constitutional organ;
- (7) when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; [and]
- (8) the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."<sup>65</sup>

We clarified in *Gios-Samar* that the presence of any of the foregoing instances is not enough to invoke this Court's original jurisdiction. The questions raised before us must not involve any factual questions that require

<sup>61</sup> *Rollo* (G.R. No. E-02219), p. 7.

<sup>62</sup> *Id.* at 4.

<sup>63</sup> *Rollo* (G.R. No. E-02235), p. 3.

<sup>64</sup> 849 Phil. 120 (2019) [Per J. Jardeleza, *En Banc*].

<sup>65</sup> *Id.* at 173, citing *Diocese of Bacolod v. COMELEC*, 751 Phil. 301 (2015) [Per J. Leonen, *En Banc*].

the reception of evidence.<sup>66</sup>

Ali et al. argue that their direct resort to this Court is justified because (1) their petition squarely challenges BAA 77's constitutionality; (2) the issues raised are of transcendental importance; (3) their Petition is the first challenge to a redistricting measure in the BARMM; (4) the Petition must be resolved immediately before the October 13, 2025 BARMM Parliamentary Elections; (5) petitioners have no other legal remedy that would not delay the resolution of BAA 77's constitutionality in time for the October 13, 2025 BARMM Parliamentary Elections; and (6) BAA 77's nullity is apparent on its face.<sup>67</sup>

Meanwhile, Macapaar et al. justify direct resort to this Court by citing the extreme urgency and necessity in resolving BAA 77's serious constitutional infirmities before the October 13, 2025 BARMM Parliamentary Elections, which is only 40 days away from the date they filed their Petition.<sup>68</sup>

In its Comment with Manifestation, the COMELEC did not refute the abovementioned arguments of petitioners. Notably, COMELEC even prays for the immediate resolution of these cases to remove any uncertainty in the first-ever BARMM Parliamentary Elections.<sup>69</sup>

We agree with the parties that BAA 77's constitutionality must be resolved immediately before the October 13, 2025 BARMM Parliamentary Elections.

As will be shown below, the constitutional issues hounding BAA 77 are genuine and warrant serious consideration—especially since this is the first case involving a redistricting measure under the Bangsamoro Organic Law. Resolving the constitutional issues here does not require us to settle any factual questions. Moreover, these cases provide the Court the opportunity to identify matters for the consideration of the Bangsamoro Government in the exercise of its redistricting powers pursuant to the Constitution, Bangsamoro Organic Law, and other national laws.

*BAA 77 does not violate Article VII,  
Section 25(a) of the Bangsamoro  
Organic Law*

Macapaar et al. argue that BAA 77 is invalid because it embraces more than one subject, in violation of Article VII, Section 25 of the Bangsamoro Organic Law.<sup>70</sup> They insist that the express title of BAA 77 indicates that its

<sup>66</sup> *Id.* at 175.

<sup>67</sup> *Rollo* (G.R. No. E-02219), p. 11.

<sup>68</sup> *Rollo* (G.R. No. E-02235), p. 7.

<sup>69</sup> *Id.* at 168.

<sup>70</sup> *Id.* at 26.

singular subject is the reconstitution of the parliamentary districts in the BARMM. BAA 77 is claimed to have exceeded its scope as Sections 3, 4, and 5 thereof are not germane and related to the parliamentary redistricting of the constituent units.<sup>71</sup>

BAA 77 is titled “An Act Reconstituting the Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao, Amending for the Purpose Bangsamoro Autonomy Act No. 58, Entitled ‘An Act Providing for the Creation of the Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao.’”

Meanwhile, Section 3 of BAA 77 empowers the Congress to allocate at least seven parliamentary district seats corresponding to the requirements under the law in case the Province of Sulu rejoins the BARMM. Section 4 grants limited authority to the president of the Philippines to appoint an interim parliamentary district representative for the newly created parliamentary district under the circumstances stated in the provision. Section 5 provides the effects of the redistricting to aspirants for purposes of the 2025 BARMM Parliamentary Elections.

On its face, we find no violation of Article VII, Section 25(a) of the Bangsamoro Organic Law because Sections 3, 4, and 5 relate to the reconstitution of the parliamentary districts in the BARMM.

Article VII, Section 25(a) of the Bangsamoro Organic Law states:

Section 25. *Rules of the Parliament.* —...

(a) Every bill passed by the Parliament shall embrace only one subject which shall be expressed in the title thereof.

As held by the Court in *Sinsuat*,<sup>72</sup> the “one subject-one title” requirement, which is consistent with Article VI, Section 26(1) of the 1987 Constitution, is intended to prevent surprise upon the members of Congress, and to inform the people of pending legislations so that their concerns may be heard. Furthermore, this requirement should be given reasonable interpretation, thus:

The requirement of Article VI, Section 26(1) of the 1987 Constitution must be given a meaning which is reasonable and not unduly technical. In *Alalayan v. National Power Corporation*, the Court ruled that it is sufficient for a title to be comprehensive enough to reasonably include the general object of the statute:

*[I]t must be deemed sufficient that the title be comprehensive enough reasonably to include the general object which the statute seeks to effect without expressing each and every end and means necessary for its*

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<sup>71</sup> *Id.* at 27.

<sup>72</sup> G.R. Nos. 271741 & 271972, August 20, 2024 [Per J. Zalameda, *En Banc*].



*accomplishment*. Thus, mere details need not be set forth. The legislature is not required to make the title of the act a complete index of its contents. The provision merely calls for all parts of an act relating to its subject finding expression in its title.<sup>73</sup> (Emphasis in the original)

This is consistent with the ruling of the Court in *People v. Ferrer*,<sup>74</sup> which states that the “one subject-one title” requirement should not be given a narrow or technical construction.

While there is no violation of Article VII, Section 25 of the Bangsamoro Organic Law since Sections 3, 4, and 5 of BAA 77 relate to the reconstitution of the parliamentary districts in the BARMM, the intrinsic validity of the said provisions is a different matter, as will be discussed below.

*BAA 77 cannot be declared to have  
contravened the requirement of  
publication of laws*

Macapaar et al. also argue that BAA 77 is ineffective because it was published in violation of Article 2 of the Civil Code.<sup>75</sup> They aver that BAA 77 did not require publication in a newspaper, as it shall “take effect immediately upon its publication in the Bangsamoro Gazette or on its official website.”<sup>76</sup> Moreover, Macapaar et al. aver that the Civil Code provided for the publication of laws in the Official Gazette, and not the Bangsamoro Gazette. They add that uploading the law to the official website is not a recognized form of publication.<sup>77</sup>

Article 2 of the Civil Code, as amended by Executive Order No. 200,<sup>78</sup> states that “laws shall take effect after [15] days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless it is otherwise provided.”

However, prior to the amendment of Article 2 of the Civil Code, only publication in the Official Gazette was recognized. The amendment of Article 2 of the Civil Code, which added a newspaper of general circulation as a modality for publication, came after the landmark ruling of the Court in *Tañada v. Tuvera*.<sup>79</sup>

*Tañada* declared that all statutes, including those of local application and private laws, shall be published as a condition of their effectivity, which

<sup>73</sup> *Id.* at 18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>74</sup> 150-C Phil. 551 (1972) [Per J. Castro, First Division].

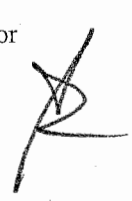
<sup>75</sup> *Rollo* (G.R. No. E-02235), p. 29.

<sup>76</sup> BAA 77, sec. 8.

<sup>77</sup> *Rollo* (G.R. No. E-02235), p. 30.

<sup>78</sup> Executive Order No. 200 (1987), Providing for the Publication of Laws Either in the Official Gazette or in a Newspaper of General Circulation in the Philippines as a Requirement for their Effectivity.

<sup>79</sup> 230 Phil. 528 (1986) [Per J. Cruz, *En Banc*].



shall begin 15 days after publication, unless a different effectivity date is fixed by the legislature, thus:

Accordingly, even the charter of a city must be published notwithstanding that it applies to only a portion of the national territory and directly affects only the inhabitants of that place. All presidential decrees must be published, including even, say, those naming a public place after a favored individual or exempting him from certain prohibitions or requirements. The circulars issued by the Monetary Board must be published if they are meant not merely to interpret but to "fill in the details" of the Central Bank Act which that body is supposed to enforce.

....

We agree that the publication must be in full or it is no publication at all since its purpose is to inform the public of the contents of the laws...

There is much to be said of the view that the publication need not be made in the Official Gazette, considering its erratic releases and limited readership. Undoubtedly, newspapers of general circulation could better perform the function of communicating the laws to the people as such periodicals are more easily available, have a wider readership, and come out regularly. The trouble, though, is that this kind of publication is not the one required or authorized by existing law. As far as we know, no amendment has been made of Article 2 of the Civil Code. The Solicitor General has not pointed to such a law, and we have no information that it exists. If it does, it obviously has not yet been published.

At any rate, this Court is not called upon to rule upon the wisdom of a law or to repeal or modify it if we find it impractical. That is not our function. That function belongs to the legislature. Our task is merely to interpret and apply the law as conceived and approved by the political departments of the government in accordance with the prescribed procedure. Consequently, we have no choice but to pronounce that under Article 2 of the Civil Code, the publication of laws must be made in the Official Gazette, and not elsewhere, as a requirement for their effectivity after fifteen days from such publication or after a different period provided by the legislature.<sup>80</sup>

Clearly, publication is indispensable. As to the modality of the publication, *Tañada* recognized that a law is necessary to determine the proper modes of publication.

In this case, it is necessary to consider the validity of the creation of the Bangsamoro Gazette, and whether the publication on the official website of the Bangsamoro Gazette is an acceptable mode of publication for purposes of determining the effectivity of the regional laws in the BARMM.

The Bangsamoro Gazette was created pursuant to Book I, Chapter 3, Section 14 of BAA 13, or the Bangsamoro Administrative Code:

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<sup>80</sup> *Id.* at 535–537.

SECTION 14. *Bangsamoro Gazette*. — The Bangsamoro Gazette shall be the official gazette of the Bangsamoro Government which will publish all legislative acts and resolutions of a public nature, all executive and administrative issuances of general application, decisions or abstracts of decisions of the *Shari'ah* Courts of sufficient importance to be published, documents or classes of documents as may be required to be published by law and such documents or classes of documents of general application.

The Bangsamoro Gazette shall be published by the Bangsamoro Information Office (BIO) in the English language and whenever applicable, in Filipino and Arabic. It shall be made available to all national and local agencies upon subscription. The Bangsamoro Library and Archives shall serve as the official custodian and repository thereof.

Ministries and all offices and agencies shall submit copies of their issuances and similar documents to the Bangsamoro Information Office for publication.

Upon written request, the Bangsamoro Information Office shall translate the relevant documents in Arabic in coordination with the Bangsamoro *Darul Ifta'*.

Article X, Section 20 of the Constitution provides that the legislative powers of autonomous regions are limited to their territorial jurisdiction and must comply with the Constitution and national laws.


The creation of the Bangsamoro Gazette does not contravene the Constitution or any national law. If at all, it is a special law establishing a mode of publication.

The Bangsamoro Government was empowered to create the Bangsamoro Gazette. Under Article V, Section 2 of the Bangsamoro Organic Law, the Bangsamoro Government has authority over the administration of justice. The creation of the Bangsamoro Gazette is in line with this overarching power. The creation of an office specifically catering to the publication of BARMM-related issuances is a valid act. In other words, for purposes of the BARMM, the Bangsamoro Gazette takes the function of the Official Gazette.

It is notable, however, that there was no mention of any coordination between the Bangsamoro Gazette and the Official Gazette, which may be necessary to streamline processes. In this regard, it bears pointing out that the Bangsamoro Organic Law provides for an Intergovernmental Relations Body as a possible mechanism to coordinate this matter.<sup>81</sup>

Apart from Article 2 of the Civil Code, there is no law which expressly governs the publication of Bangsamoro regional laws. There is, however, a

<sup>81</sup> Bangsamoro Organic Law, art. V, sec. 2.



provision under the Bangsamoro Organic Law that provides for the publication of the rules of the Bangsamoro Parliament, thus:

SECTION 25. *Rules of the Parliament.* — ....

.....

(e) The rules of the Parliament or any amendment thereto shall be effective [15] days following its complete publication in a regional newspaper of general circulation.

Also, as to the effectivity of executive issuances in the BARMM, Book I, Chapter 3, Section 12 of BAA 13 provides the following publication requirement:

SECTION 12. *Effectivity of Executive Issuances.* — Executive issuances shall take effect after [15] days following the completion of their publication in the Bangsamoro Gazette or in a newspaper of regional circulation, unless otherwise provided.

Based on the foregoing, publication in the Bangsamoro Gazette or a regional newspaper of general circulation is allowed for equally important BARMM issuances such as regional laws. This is similar to the requirement under Article 2 of the Civil Code, albeit the Bangsamoro Gazette taking the place of the Official Gazette.

There is, however, no law expressly stating that publication in the official website of either the Official Gazette or the Bangsamoro Gazette is an acceptable modality for publication.

While it is relevant to point out that publication in the official websites of the Official Gazette and the Bangsamoro Gazette is more attuned to the current availability and usage of technology in our daily lives, it is not for the Court to declare this pursuant to the *Tañada* ruling. Article 2 of the Civil Code still envisions traditional publication in either the Official Gazette or a newspaper of general circulation. This matter is best resolved by the appropriate legislative body.

It should nevertheless be noted that the official website of the Official Gazette states the following representation: “The Official Gazette is the official journal of the Republic of the Philippines. This website is the online version of the print edition of the Official Gazette, which was created by decree of Act No. 453 and Commonwealth Act No. 638.”<sup>82</sup>

The same representation does not appear on the website of the Bangsamoro Gazette.<sup>83</sup> As such, until it is shown that BAA 77 was printed in

<sup>82</sup> The Official Gazette of the Republic of the Philippines, available at <https://www.officialgazette.gov.ph/> (last accessed on September 29, 2025).

<sup>83</sup> The Official Gazette of the Republic of the Philippines - Bangsamoro Autonomous Region in Muslim Mindanao, available at <https://officialgazette.bangsamoro.gov.ph/> (last accessed on September 29, 2025).



the Bangsamoro Gazette, the Court cannot definitely determine the validity of the publication of BAA 77. In this regard, it is incumbent upon petitioners to prove that BAA 77 was not printed in the Bangsamoro Gazette.

At any rate, BAA 77 may be invalidated on some other grounds, as will be discussed.

*All parties agree that there is insufficient time to prepare for the BARMM Parliamentary Elections pursuant to BAA 77 as of date*

Ali et al. question the timing of the redistricting effort. They assert that “instead of acting with reasonable urgency, respondent BTA Parliament permitted nearly a year to pass from the *Province of Sulu* decision”<sup>84</sup> before enacting BAA 77 on August 19, 2025. They underscore that BAA 77 was passed less than two months before the BARMM election day.<sup>85</sup> As a result, the COMELEC cannot reasonably accomplish the realignment of precincts, recalibration of automated election systems, revision of the ballots, and re-education of field personnel without jeopardizing the accuracy, integrity, and security of the elections.<sup>86</sup>

On the other hand, Macapaar et al. recognize that the COMELEC already launched voter education initiatives and ran mock polls based on BAA 58’s apportionment of parliamentary district representatives.<sup>87</sup>

The COMELEC affirms the claims of petitioners, to wit:

21. The preparations include several trainings for the poll workers, which usually takes [four] weeks to complete. These trainings comprise those for the Electoral Board Members, Technical Support Personnel, Vulnerable Sectors Support Staff, Board of Canvassers, and the Special Electoral Board. Based on respondent COMELEC’s timeline, the month of September is the [sic] designated as the training month.

22. These trainings are invaluable for the proper deployment of the Philippine Coast Guard to the BARMM as Special Electoral Board Members. The training will likewise aid in the appropriate installation of Starlink, and in the final preparation of voting centers.

23. Incidentally, the deployment of Starlink takes at least a period of [two] weeks, provided that the cargoes are already pre-positioned at the ports of entry by September 30, 2025 (*i.e.*, Zamboanga for Tawi-Tawi and Basilan, Davao for Maguindanao Sur/Norte and SGA, Cagayan de Oro

<sup>84</sup> *Rollo* (G.R. No. E-02219), p. 55.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 64.

<sup>87</sup> *Rollo* (G.R. No. E-02235), p. 25.

for Lanao del Sur). In turn, the installation of Starlink requires also at least [two] weeks to complete, which means that the deployment and installation should be starting already at this time.

24. It must be emphasized that the BPE is not limited to district representatives, but also includes sectoral and party representatives. Relatedly, respondent COMELEC still needs to conduct sectoral assemblies and a lot of pre-assembly activities such as filing of the candidacy, in order to proceed with BPE. The conduct of these assemblies, including all pre-assembly activities will require approximately [three] weeks to complete across all [six] sectors. Under the Bangsamoro Electoral Code, the sectoral assemblies must be concluded at least [one] week prior to the proclamation date on October 13, 2025, thus all sectoral assemblies should be completed by October 6, 2025. Under the facts of [these cases], this timeframe, when counted backwards, can no longer be met. Accordingly, respondent COMELEC cannot comply the [sic] Bangsamoro Electoral Code's requirement for sectoral assemblies in the time remaining.

25. More importantly, enforcing BAA 77 with less than a month before the BPE would cause massive confusion among the more than 2.25 million registered voters across BARMM's 105 municipalities and three cities, as the redistricting will heavily impact precinct assignments....

26. Short of sufficient time, respondent COMELEC cannot be reasonably expected to fulfill its purpose to ensure a free, orderly, peaceful and credible elections.

....

30. With more or less 20 days before the scheduled BPE, taken together with the suspension of all elections activities in compliance with the TRO, respondent COMELEC, unfortunately, has its hands tied. As discussed, given the vacuum created by the repeal of BAA 58, and the TRO against the enforcement of BAA 77, respondent COMELEC cannot proceed with BPE preparations without clear legal basis.


....

33. Thus, under the facts, except as is already provided under existing laws as discussed above, respondent COMELEC cannot postpone the BPE, without the corresponding legislation, as such power falls within the domain of the legislature.<sup>88</sup>

Prior to the promulgation of BAA 77 on August 28, 2025, the COMELEC made preparations for the conduct of the October 13, 2025 BARMM Parliamentary Elections under the presumption of BAA 58's validity. COMELEC Resolution No. 11149, promulgated on June 3, 2025, prescribed the following calendar of activities in connection with the October 13, 2025 BARMM Parliamentary Elections:

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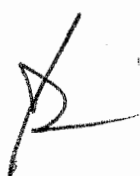
<sup>88</sup> *Id.* at 162-166.



DATE/PERIOD	ACTIVITIES
January 6, 2025 (Monday) to February 14, 2025 (Friday) Resolution No. 10999	Period to conduct the first level of internal party elections for sectoral representatives in the Parliament by registered and accredited [Parliamentary Sectoral Organizations] PSOs: i. Tribal Assemblies for the Non-Moro Indigenous Peoples (NMIP); ii. Regional Convention of Sultans for Traditional Leaders; and iii. Provincial <i>'Ulama Assemblies for the 'Ulama</i>  (Sec. 1, Rule VIII, Art. VI, Resolution No. 10984)
February 15, 2025 (Saturday) to April 4, 2025 (Friday) Resolution No. 10999	Period to conduct assemblies of registered and accredited women, settler communities, and youth PSOs for elections of Women, Settler Communities, and Youth Sectoral Representatives in the Parliament
February 15, 2025 (Saturday) to April 4, 2025 (Friday) Resolution No. 10999	Period to conduct the second level of internal party elections for sectoral representatives in the Parliament by the duly-registered and accredited PSOs: i. Regional Internal-Tribal Convention for the NMIP; ii. Intra-Sultanate Assembly for Traditional Leaders; and iii. Regional <i>'Ulama Convention for 'Ulama</i>  (Sec. 1, Rule VIII, Art. VI, Resolution No. 10984)
May 5, 2025 (Monday) Resolution No. 10999	Last day to submit the names of the Sectoral Representatives for Women, Youth, Settler Communities, NMIP, Traditional Leaders, and <i>'Ulama</i> as determined during the assemblies and second level of internal party elections of PSOs.  (Sec. 6, Rule IV, Article VI; Sec. 4, Rule V, Article VI; Sec. 4, Rule VII, Article VI, Resolution No. 10984)
June 2, 2025 (Monday) to July 2, 2025 (Wednesday)	Updating of list of voters; Preparation of Project of Precincts; Submission of Project of Precincts and Database to [Election and Barangay Affairs Department] EBAD/ [Information Technology Department] ITD; Submission for <i>En Banc</i> Approval
July 1, 2025 (Tuesday) to July 15, 2025 (Tuesday)	Constitution of the [Electoral Boards] EBs, [Boards of Canvassers] BOCs, [Department of Education Supervisor Official] DESO and [Support Staff] SS and submission of the lists thereof

August 1, 2025 (Friday) to September 15, 2025 (Monday)	Roadshow and Training of EBs, [Special Electoral Boards] SEBs, DESO, DESO Tech, Hub Tech, DESO [Technical Support Staff] TSS, Support Staff, BOC
August 7, 2025 (Thursday)	Last day to post Computerized List of Voters
August 9, 2025 (Saturday)	Last day to post List of Candidates
August 14, 2025 (Thursday) to October 28, 2025 (Tuesday) (60 days before, 15 days after)	ELECTION PERIOD
August 28, 2025 (Thursday) to October 11, 2025 (Saturday)	CAMPAIGN PERIOD
August 29, 2025	Last day for the Election Registration Board (ERB) Meeting to certify the list of voters
	Last day for EB/ERB to certify [Election Day Computerized Voters' List] EDCVL/[Posted Computerized Voters' List] PCVL
October 6, 2025 (Monday)	Last day to post Notice of date and time of Final Testing and Sealing of [Automated Counting Machines] ACMs
October 8, 2025 (Wednesday)	Last day to post/serve Notice of Convening of BOCs
October 8, 2025 (Wednesday) to October 12, 2025 (Sunday)	Final Testing and Sealing
October 12, 2025 (Sunday)	EVE OF ELECTION DAY
October 13, 2025 (Monday)	<p>ELECTION DAY</p> <p>Casting, counting and consolidation of votes; printing of [Election Returns] ERs (9 copies); posting of ER outside polling place; transmission of results to Municipal Board of Canvassers (MBOC)/City Board of Canvassers (CBOC); and printing of remaining 21 ERs</p> <p>MBOC/CBOC: to Canvass precinct results; print Certificate of Canvass &amp; [Overseas Voting Statement of Votes of Precinct] SOVP; and transmit the same to the Provincial Board of Canvassers (PBOC) and District Board of Canvassers (DBOC)</p> <p>PBOC/District Board: to Canvass [Certificate of Canvass] COC; prepare Certificate of Canvass and Proclamation &amp; Statement of Votes by municipality/city to Regional Board of Canvassers (RBOC)</p> <p>RBOC: to canvass Certificate of Canvass by Province/District; Print Certificate of Canvass; Proclaim winning Regional Political Parties (RPPs)</p>

With the promulgation of BAA 77, the COMELEC is constrained by its



mandate to conduct the October 13, 2025 BARMM Parliamentary Elections pursuant to it. The COMELEC has no discretion to choose between BAA 58 and BAA 77. Neither does it have the power to cherry-pick provisions that are favorable to, and are aligned with, its preparations. The COMELEC's role is to enforce and administer the prevailing law. The presumption of constitutionality cloaked BAA 77 upon its enactment and publication. The COMELEC was bound to act upon that presumption. When We issued the TRO, the COMELEC found itself without a governing districting law. For the COMELEC to continue preparations pursuant to BAA 58 would have been to arrogate unto itself the power to determine which law subsisted, which is a role reserved to this Court.


In addition, the issuance of the TRO directed the COMELEC to suspend all acts related to BAA 77. It is correct in its understanding that the TRO did not supplant BAA 77 with BAA 58. The suspension, far from being dereliction, was fidelity to the constitutional limits of its mandate. It would have been grave abuse for COMELEC to immediately apply BAA 58 when the Court had not yet resolved the validity of BAA 77.

Being the constitutional body charged with the enforcement and administration of all laws and regulations relative to the conduct of an election, the COMELEC has indubitable expertise in the field of elections and is in the best position to determine what preparations are needed to ensure that elections would take place.<sup>89</sup> Even as We anticipate the holding of the elections, We have to accept the COMELEC's submissions demonstrating that, given the extent of activities involved, there is insufficient time to replicate their previous preparations under BAA 58 for the conduct of the October 13, 2025 BARMM Parliamentary Elections under BAA 77. It should be recognized that the holding of any election cannot be done with a flip of a switch. To conduct one without any legal authority for the sake of expediency not only wastes taxpayers' money but also disrespects the people's right to have credible elections.

On this note, the Court is mindful not to encroach upon the COMELEC's constitutional role as enforcer and administrator of elections in the country. We give due deference to the COMELEC's technical assessment of the impracticability of continuing with the October 13, 2025 BARMM Parliamentary Elections. Ultimately, it is the COMELEC that would be accountable to the people should the first-ever BARMM elections fail because of inadequate preparations caused by time constraints beyond its control—giving more reason for Us to defer to the COMELEC on this matter.

To be clear, conducting the first-ever BARMM Parliamentary Elections must remain a priority. To do otherwise betrays the Bangsamoro Organic Law's promise of meaningful self-governance through genuine representation. Indeed, We have emphasized that "the right to vote is among the most

<sup>89</sup> *Aggabao v. Commission on Elections*, 926 Phil. 526, 549 (2022) [Per J. Lazaro-Javier, *En Banc*].



important and sacred freedoms inherent in a democratic society and one which must be most vigilantly guarded[.]”<sup>90</sup>

Nevertheless, the conduct of elections is not solely based on the people’s right to suffrage but, practically speaking, on the COMELEC’s ability to hold one. An election held in haste defiles the people’s right to vote.

True, the Court has the power to order the COMELEC to proceed with the October 13, 2025 BARMM Parliamentary Elections, regardless of whether COMELEC is prepared or not. But, as Senior Associate Justice Marvic M.V.F. Leonen has pointed out in his Separate Concurring Opinion in *Macalintal v. COMELEC*, “[t]his Court, by the exercise of its judicial power, bears a special burden of exercising judicial power while ‘remaining concerned, realistic, and alert to the political and social and even economic significance of what it is doing’”<sup>91</sup> and that We “should not be blind to present realities.”<sup>92</sup>

While the repeated postponements of the BARMM Parliamentary Elections are indeed concerning, such should not justify conducting any election under conditions that guarantee confusion, disenfranchisement, and possible challenges of nullity. The people’s right of suffrage is not vindicated by elections that may be marked with legal infirmities. It is safeguarded only when the electoral process is carried out with certainty, order, and legitimacy.

Stability, not just expediency, must govern the Court’s hand in so momentous an undertaking as the first parliamentary elections of the Bangsamoro.

*BAA 77 altered and/or created new precincts during the election period in violation of the Voter’s Registration Act*

Petitioners assert that BAA 77 is invalid as it altered and created new precincts during the election period in violation of RA 8189, or The Voter’s Registration Act of 1996.<sup>93</sup>

While the authority of the BTA to redistrict parliamentary districts

<sup>90</sup> *Macalintal v. Commission on Elections*, 943 Phil. 212, 312 (2023) [Per J. Kho, *En Banc*].

<sup>91</sup> SAJ Leonen, Separate Concurring Opinion in *Macalintal v. Commission on Elections*, 943 Phil. 212 (2023) [Per J. Kho, *En Banc*], citing JOAQUIN G. BERNAS, S.J., *THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY* 996 (2009).

<sup>92</sup> *Id.*

<sup>93</sup> *Rollo* (G.R. No. E-02219), pp. 23–29; *Rollo* (G.R. No. E-02235), pp. 35–37.

under Article VII, Sections 7(b)<sup>94</sup> and 10<sup>95</sup> of the Bangsamoro Organic Law is undisputed, such authority is not unrestricted.

Article X, Section 20 of the Constitution provides that the legislative powers granted to the autonomous regions by their organic acts are “subject to the provisions of this Constitution and national laws.” This limitation is clear and categorical: while Congress may establish autonomous regions and grant them legislative authority, such authority must always operate within the bounds of the Constitution and national statutes.

This constitutional limitation on the BTA’s legislative authority is reiterated in Article IV, Section 4 of the Bangsamoro Organic Law, which expressly mandates that the electoral system of the Bangsamoro Government be consistent with national election laws. Thus:

SECTION 4. *Electoral System.* — The Bangsamoro Government shall adopt an electoral system which shall be consistent with national election laws, allow democratic participation, encourage the formation of genuinely principled political parties, and ensure accountability. (Emphasis supplied)

It is against this backdrop that the BAA 77 must be scrutinized.

To recall, BAA 77 was enacted just five days after the official start of the election period on August 14, 2025, as fixed by COMELEC Resolution No. 11149. By its terms, BAA 77 redistricted several municipalities, transferring them from their original parliamentary districts into new ones.

Municipal reapportionment is not merely a change on paper. When a municipality is moved from one district to another, all its barangays move with it. Precincts, being anchored in barangays, are the smallest units through which the right to vote is exercised.<sup>96</sup>

This municipal reapportionment sets off a cascade of electoral consequences and triggers operational consequences that the COMELEC cannot avoid. The Project of Precincts (POP)<sup>97</sup> must be updated to reflect new

<sup>94</sup> SECTION 7. (b) Parliament District Seats. . . The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.

<sup>95</sup> SECTION 10. *Redistricting for Parliamentary Membership.* — The Parliament shall have the power to reconstitute by law the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in Parliament. The redistricting, merging, or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographical areas, which shall become part of the Bangsamoro territorial jurisdiction. For the purpose of redistricting, parliamentary districts shall be apportioned based on the population and geographical area: *Provided*, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction: *Provided, further*, That each district shall have a population of at least [100,000].

<sup>96</sup> COMELEC Resolution No. 10965 (2024).

<sup>97</sup> COMELEC Resolution No. 10965 (2024), art. I, sec. 2 provides:  
[The] POP is a public document prepared by the Election [Officer] of a district/city/municipality, which contains data on the number of barangays, established precincts, clustered precincts, voting centers and

district alignments. Once this occurs, ballots for the affected precincts must be re-printed to carry the candidates of their new districts, canvassing flows must be rerouted to different Boards of Canvassers, and the Boards of Election Inspectors (BEIs) must be reorganized at the precinct level. These are operational necessities. As a result, the redistricting of municipalities under BAA 77 inevitably altered the configuration of barangays and precincts.

This legislative act falls squarely within the prohibition of Section 5 of the Voter's Registration Act. The provision reads:

*Section 5. Precincts and their Establishment.* — In preparation for the general registration in 1997, the Commission shall draw updated maps of all the precincts nationwide. Upon completion of the new precinct maps, all the precincts established in the preceding elections shall be deemed abolished. For the purpose of the general registration, the Commission shall create original precincts only. Spin-off precinct may be created after the regular elections of 1998 to accommodate additional voters residing within the territorial jurisdiction of the original precincts.

The Commission shall introduce a permanent numbering of all precincts which shall be indicated by Arabic numerals and a letter of the English alphabet. Original or mother precincts shall be indicated by the Arabic numeral and letter "A" of the English alphabet. Spin-off or daughter precincts shall be indicated by the Arabic numeral and letter of the English alphabet starting with letter B and so on.

*No territory comprising an election precinct shall be altered or a new precinct be established at the start of the election period.*

*Splitting of an original precinct or merger of two or more original precincts shall not be allowed without redrawing the precinct map/s [120] days before election day. (Emphasis supplied)*


Section 5 of the Voter's Registration Act prohibits any alteration of precincts or the creation of new ones once the election period has begun. By mandating municipal redistricting within the election period, BAA 77 compelled precinct reassignments and thereby transgressed this prohibition.

The COMELEC, in its Comment, confirms the gravity of these consequences. It explains that the redistricting under BAA 77 not only necessitated reconfiguration of precincts but also disrupted the legal and administrative framework under which elections are conducted. Ballots had already been printed under BAA 58's configuration, albeit without the seven seats originally allocated to the Province of Sulu.<sup>98</sup> With the enactment of BAA 77, these ballots became inconsistent with the new district scheme.

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voters. The names of barangays and voting centers and the latter's addresses are also provided in the POP. The clustering of established precincts shall depend on the clustering scheme approved by the Commission *En Banc* for a particular election.

<sup>98</sup> Rollo (G.R. No. E-02235), p. 161.





Beyond the legal dilemma caused by BAA 77, the COMELEC also emphasizes the immense logistical burden. As discussed above, the enforcement of BAA 77 would have required, within less than a month, the reprinting of ballots, reconfiguration of vote-counting machines, retraining of electoral boards, and redeployment of support infrastructure such as Starlink systems in remote areas.<sup>99</sup> These tasks are operationally impossible to complete in time for the October 13, 2025 BARMM Parliamentary Elections.

To be sure, the extent to which these operational consequences amount to an “alteration” within the meaning of Section 5 of the Voter’s Registration Act is a matter well within the COMELEC’s expertise that is accorded weight by the Court. As the constitutional body tasked with administering elections, the COMELEC’s explanation highlights that redistricting is inseparable from precinct alterations and systemic adjustments. These are not mere incidental difficulties but are direct and unavoidable consequences of BAA 77’s enactment during the election period.

Taken together, these circumstances establish a definitive finding of invalidity. Far from being a mere technical irregularity, the timing and substance of BAA 77 directly contravene the plain text of a national election law and violate the constitutional mandate that the enactments of autonomous regions must conform to statutes of general application. The COMELEC’s own account underscores that BAA 77 has not only altered precincts in violation of Section 5 of the Voter’s Registration Act, but has also created an operational impossibility that imperils the credibility of the Bangsamoro elections.

Accordingly, BAA 77 is void for being enacted in excess of the BTA’s legislative authority. Its enactment during the election period, with inevitable alteration of precincts and disruption of the electoral system, is inconsistent with the Constitution and national laws.

*BAA 77 is void for being in violation of the Bangsamoro Organic Law’s express requirement that each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction*

Ali et al. argue that BAA 77 failed to comply with the requirement that the parliamentary district must comprise contiguous, compact, and adjacent territory.<sup>100</sup> In particular, they maintain that the enactment of BAA 77 resulted in the isolation of (a) Municipality of Tagoloan II from the rest of the

<sup>99</sup> *Id.* at 162–163.

<sup>100</sup> *Rollo* (G.R. No. E-02219), p. 37.

municipalities in the Second District of Lanao del Sur,<sup>101</sup> (b) the Municipality of Sultan Mastura from the rest of the municipalities in the Third District of Maguindanao del Norte,<sup>102</sup> and (c) Barangay Poblacion VII from the rest of the barangays in the First District of Cotabato City.<sup>103</sup>

Macapaar et al. raise the same argument, highlighting that the enactment of BAA 77 resulted in the isolation of the Municipality of Tagoloan II from the rest of the municipalities in the Second District of Lanao del Sur.<sup>104</sup>

The arguments are meritorious.

Article VI, Section 5(3) of the Constitution provides that “[e]ach legislative district shall comprise, as far as practicable, contiguous, compact, and adjacent territory. Each city with a population of at least two hundred fifty thousand, or each province, shall have at least one representative.” This requirement forbids the practice of gerrymandering.

In *Navarro v. Ermita*,<sup>105</sup> “gerrymandering” is defined in two ways, to wit:

“Gerrymandering” is a term employed to describe an apportionment of representative districts so contrived as to give an unfair advantage to the party in power. Fr. Joaquin G. Bernas, a member of the 1986 Constitutional Commission, defined “gerrymandering” as the formation of one legislative district out of separate territories for the purpose of favoring a candidate or a party. The Constitution proscribes gerrymandering, as it mandates each legislative district to comprise, as far as practicable, a contiguous, compact and adjacent territory.<sup>106</sup> (Citations omitted)

As regards the first definition, it is difficult to prove if the apportionment is so “contrived to give unfair advantage to the party in power” since this would require factual examination. However, as to Fr. Bernas’s definition in relation to the constitutional requirements for a legislative district, there is basis to rule that the redistricting through Section 2 of BAA 77 violates the same requirements for parliamentary districts of the BARMM under Article VII, Section 10 of the Bangsamoro Organic Law. The said provision states:

Section 10. *Redistricting for Parliamentary Membership.* — The Parliament shall have the power to reconstitute by law the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in the Parliament. The redistricting, merging, or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and

<sup>101</sup> *Id.* at 34–37.

<sup>102</sup> *Id.* at 37–44.

<sup>103</sup> *Id.* at 44–50.

<sup>104</sup> *Rollo* (G.R. No. E-02235), pp. 33–34.

<sup>105</sup> 626 Phil. 23 (2010) [Per J. Peralta, *En Banc*].

<sup>106</sup> *Id.* at 61.

geographical areas, which shall become part of the Bangsamoro territorial jurisdiction.

For the purpose of redistricting, parliamentary districts shall be apportioned based on population and geographical area: *Provided*, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction: *Provided, further*, That each district shall have a population of at least [100,000]. (Emphasis supplied)

The foregoing provision on the requirements for redistricting of parliamentary membership was also adopted in Article IV, Section 14<sup>107</sup> of BAA 35.

In the context of legislative districts, the Court, in *Herrera v. COMELEC*,<sup>108</sup> defined “contiguous” and/or “adjacent” as “adjoining, nearby, abutting, having a common border, connected, and/or touching along boundaries often for considerable distances.”<sup>109</sup>

Applying the foregoing definition as regards parliamentary districts in the BARMM, the redistricting under BAA 77 shows that some local government units in Lanao del Sur, Maguindanao del Norte, and Cotabato City, which were transferred from one district to another, were not contiguous and adjacent to one another, and hence, violative of this fundamental redistricting requirement. The increase in the number of parliamentary districts for each of the aforesaid local government units was achieved by transferring certain municipalities/cities to create an additional parliamentary district.

*a. Lanao del Sur*

Under BAA 58, Lanao del Sur has eight parliamentary districts with a total population of 1,195,518. Pursuant to BAA 77, Lanao del Sur increased to nine parliamentary districts with a total population of 1,368,137.

BAA 77’s removal of the municipality of Kapai from the Second District resulted in the isolation of the municipality of Tagoloan II from the rest of the municipalities of the Second District.

Second District	BAA 58	BAA 77
Municipality	Population	Population
Kapai	20,581	Transferred to the 3 <sup>rd</sup>

<sup>107</sup> Section. 14. *Redistricting for Parliamentary Membership*. — The Parliament shall have the power to reconstitute by law the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in the Parliament. The redistricting, merging, or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographical areas, which shall become part of the Bangsamoro territorial jurisdiction. For the purpose of redistricting, parliamentary districts shall be apportioned based on population and geographical area: *Provided*, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction: *Provided, further*, That each district shall have a population of at least [100,000].

<sup>108</sup> 376 Phil. 443 (1999) [J. Purisima, *En Banc*].

<sup>109</sup> *Id.* at 452.

		District
Marantao	37,763	46,233
Piagapo	30,132	40,558
Saguiaran	26,712	28,807
Tagoloan II	12,602	12,843
<b>Total</b>	<b>127,790</b>	<b>128,441</b>

Third District	BAA 58	BAA 77
Municipality	Population	Population
Bubong	26,514	28,733
Amai Manabilang (Bumbaran)	12,124	Transferred to 9 <sup>th</sup> District
Buadiposo-Buntong	18,046	23,283
Maguing	30,436	37,292
Ditsaan-Ramain	24,406	26,918
Wao	50,366	Transferred to 9 <sup>th</sup> District
Kapai		21,630
<b>Total</b>	<b>161,892</b>	<b>137,856</b>


*b. Maguindanao del Norte*

Under BAA 58, Maguindanao del Norte has four parliamentary districts with a total population of 618,421. Pursuant to BAA 77, Maguindanao del Norte has five parliamentary districts with a total population of 741,428.

Pursuant to BAA 77, the municipality of Sultan Kudarat was removed from the Third District and reassigned to the newly created Fifth District. Moreover, the municipality of Sultan Mastura was removed from the Second District and transferred to the Third District. This resulted in the physical separation of the municipality of Sultan Mastura from the other municipalities in the Third District.

Second District	BAA 58	BAA 77
Municipality	Population	Population
Parang	102,914	123,209
Sultan Mastura	25,331	Transferred to 3 <sup>rd</sup> District
<b>Total</b>	<b>128,245</b>	<b>123,209</b>

Third District	BAA 58	BAA 77
Municipality	Population	Population
Sultan Kudarat (Nuling)	105,121	Transferred to 5 <sup>th</sup> District
Northern Kabuntalan	26,277	30,332
Kabuntalan (Tumbao)	25,439	31,863
Talitay	17,463	19,750
Sultan Mastura		30,828
<b>Total</b>	<b>174,300</b>	<b>112,773</b>



<b>Fifth District</b>	<b>BAA 58</b>	<b>BAA 77</b>
<b>Municipality</b>	<b>Population</b>	<b>Population</b>
Sultan Kudarat (Nuling)		124,965
<b>Total</b>		<b>124,965</b>

*c. Cotabato City*

Under BAA 58, Cotabato City has two parliamentary districts with a total population of 325,079. Pursuant to BAA 77, Cotabato City has three parliamentary districts with a total population of 383,383.

Due to BAA 77, Barangay Poblacion VII does not share any borders with any of the Rosary Heights barangays or with Barangay Poblacion VIII, showing that it is geographically detached from the rest of the barangays in the First District of Cotabato City.

<b>First District</b>	<b>BAA 58</b>	<b>BAA 77</b>
<b>Barangay/Area</b>	<b>Population</b>	<b>Population</b>
Poblacion Mother	21,579	Transferred to 3 <sup>rd</sup> District
Poblacion I	6,074	Transferred to 3 <sup>rd</sup> District
Poblacion II	6,788	Transferred to 3 <sup>rd</sup> District
Poblacion III	3,445	Transferred to 3 <sup>rd</sup> District
Poblacion IV	6,947	Transferred to 3 <sup>rd</sup> District
Poblacion VIII	9,077	10,703
Poblacion IX	7,062	Transferred to 3 <sup>rd</sup> District
Rosary Heights II	4,400	5,321
Rosary Heights III	12,127	13,411
Rosary Heights IV	4,627	5,428
Rosary Heights V	6,073	6,383
Rosary Heights VI	7,539	10,765
Rosary Heights VII	10,146	11,742
Rosary Heights VIII	9,947	Transferred to 3 <sup>rd</sup> District
Rosary Heights IX	8,462	Transferred to 3 <sup>rd</sup> District
Tamontaka I	4,848	Transferred to 3 <sup>rd</sup> District
Tamontaka II	5,980	Transferred to 3 <sup>rd</sup> District
Tamontaka III	3,191	Transferred to 3 <sup>rd</sup> District
Tamontaka IV	4,210	Transferred to 3 <sup>rd</sup> District
Tamontaka V	1,595	Transferred to 3 <sup>rd</sup> District

		District
Rosary Heights Mother		16,769
Rosary Heights I		6,832
Poblacion VII		16,773
<b>Total</b>	<b>144,117</b>	<b>104,127</b>

<b>Second District</b>	<b>BAA 58</b>	<b>BAA 77</b>
<b>Barangay/Area</b>	<b>Population</b>	<b>Population</b>
Poblacion V	3,375	3,235
Poblacion VI	5,288	5,806
Poblacion VII	16,293	Transferred to 1 <sup>st</sup> District
Bagua Mother	19,987	23,439
Bagua I	10,050	15,582
Bagua II	19,998	22,966
Bagua III	7,006	6,770
Kalanganan Mother	16,366	18,960
Kalanganan I	6,546	7,616
Kalanganan II	6,578	7,930
Rosary Heights Mother	15,107	Transferred to 1 <sup>st</sup> District
Rosary Heights I	4,353	Transferred to 1 <sup>st</sup> District
Rosary Heights X	16,597	18,807
Rosary Heights XI	8,613	10,454
Rosary Height XII	5,092	6,420
Rosary Heights XIII	5,614	6,898
Tamontaka Mother	14,099	Transferred to 3 <sup>rd</sup> District
<b>Total</b>	<b>180,962</b>	<b>154,883</b>

<b>Third District</b>	<b>BAA 58</b>	<b>BAA 77</b>
<b>Barangay/Area</b>	<b>Population</b>	<b>Population</b>
Tamontaka Mother		19,025
Tamontaka I		8,043
Tamontaka II		7,482
Tamontaka III		4,442
Tamontaka IV		4,847
Tamontaka V		1,781
Rosary Heights VIII		9,830
Rosary Heights IX		9,477
Poblacion Mother		25,293
Poblacion I		6,666
Poblacion II		8,126
Poblacion III		3,877
Poblacion IV		7,052
Poblacion IX		8,432
<b>Total</b>		<b>124,373</b>

From the foregoing, it is clear that BAA 77 violates the express requirement that each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction under the Bangsamoro Organic Law. While specific districts were mentioned, the redistricting was the result of the transfer of certain municipalities and barangays, which led to the parliamentary districts as provided under BAA 77.

*BAA 77 improperly vests in Congress a power that the Bangsamoro Organic Law assigns to the Bangsamoro Parliament while simultaneously constraining that same Parliament by imposing a fixed minimum of seven seats*

Macapaar et al. assail the constitutionality of Section 3 of BAA 77 because (1) it purports to make Congress the subject of legislation by the BTA, contrary to Article VI, Section 1 of the Constitution, which vests exclusive legislative power in Congress; and (2) it unlawfully amends the Bangsamoro Organic Law by transferring to Congress the power of apportionment, which the Bangsamoro Organic Law expressly vests in the Bangsamoro Parliament. They contend that Section 3, in directing that Congress “may allocate at least seven Parliamentary District Seats”<sup>110</sup> for the Province of Sulu should it rejoin the BARMM, is invalid both for encroaching upon national legislative prerogatives and for contradicting the express allocation of powers under the Bangsamoro Organic Law.<sup>111</sup>

Section 3 of BAA 77 reads:

Section. 3. *Transitory Provision.* — In the event that the province of Sulu rejoins the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), Congress may allocate at least [seven] Parliamentary District Seats corresponding to the population and other equitable requirements of the law.

Read in isolation, this provision appears to authorize Congress to allocate parliamentary district seats in the event of the Province of Sulu’s reintegration into the BARMM. However, when placed within the framework of the Bangsamoro Organic Law, the infirmities of the provision become apparent.

Under Article VII, Section 7(b)<sup>112</sup> of the Bangsamoro Organic Law,

<sup>110</sup> *Rollo* (G.R. No. E-02335), pp. 37–40.

<sup>111</sup> *Id.*

<sup>112</sup> (b) *Parliament District Seats.* — Not more than [40%] of the members of the Parliament shall be elected

“parliamentary district seats” are those seats in Bangsamoro Parliament filled by representatives from single-member districts, with the explicit rule that not more than 40% of the entire Bangsamoro Parliament shall come from such districts.

On the other hand, Article VII, Section 10<sup>113</sup> of the same law further provides that the Bangsamoro Parliament has the power to reconstitute by law the parliamentary districts within BARMM to ensure equitable representation, guided by standards such as population, and compact, contiguous, and adjacent territory. Thus, while Congress retains the national power to create legislative districts, the Bangsamoro Organic Law clearly assigns the allocation and reconstitution of parliamentary district seats within BARMM to the Bangsamoro Parliament.

In this light, Section 3 of BAA 77 creates two constitutional defects.

*First*, it wrongly vests Congress with the authority to allocate parliamentary seats, because the Bangsamoro Organic Law vests that task in the Bangsamoro Parliament. This is a direct conflict, as a regional statute (BAA 77) cannot take away power expressly granted by a national law (Bangsamoro Organic Law).

*Second*, the phrase “at least seven” operates as a mandatory floor that limits the discretion of the legislative body entrusted with apportionment. The number of district seats must be determined in accordance with objective standards such as population size and territorial considerations. By setting a minimum in advance, Section 3 unduly constrains the Bangsamoro Parliament’s discretion, reducing apportionment to a predetermined outcome.

The use of the word “may” does not cure these defects. If “may” is understood as merely advisory, then Section 3 amounts to surplusage and

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from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. For the first parliamentary election following the ratification of this Organic Law, the allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in Section 4, Article XVI of this Organic Law. In the allocation of district seats, the Bangsamoro Transition Authority shall adhere to the standards set in Article VII, Section 10 of this Organic Law.

The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.

The district representatives shall be elected through direct plurality vote by the registered voters in the parliamentary districts.

<sup>113</sup> Section 10. *Redistricting for Parliamentary Membership*. — The Parliament shall have the power to reconstitute by law the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in Parliament. The redistricting, merging, or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographical areas, which shall become part of the Bangsamoro territorial jurisdiction.

For the purpose of redistricting, parliamentary districts shall be apportioned based on the population and geographical area: *Provided*, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction: *Provided, further*, That each district shall have a population of at least [100,000].





nothing more than a statement of policy without binding force. If, on the other hand, it is read as operative and mandatory, the provision becomes problematic as it improperly vests in Congress a power that the Bangsamoro Organic Law assigns to the Bangsamoro Parliament while simultaneously constraining that same Parliament by imposing a fixed minimum of seven seats. Either interpretation highlights its unconstitutionality.

Accordingly, Section 3 of BAA 77 cannot withstand constitutional and statutory scrutiny. It violates the Constitution by purporting to legislate on Congress' authority, and it unlawfully amends the Bangsamoro Organic Law by divesting the Bangsamoro Parliament of its express power to apportion parliamentary district seats. By imposing a mandatory minimum allocation of seven seats, it further intrudes upon the discretion that the Bangsamoro Organic Law preserves for the Bangsamoro Parliament. The provision is therefore void for being repugnant to the constitutional and statutory framework governing the BAFMM.

*BAA 77 unlawfully expands the president's appointment powers beyond what the Bangsamoro Organic Law permits*

Petitioners likewise assail Section 4 of BAA 77, which authorizes the president to appoint "Interim Parliamentary District Representatives" in districts created after the deadline for filing of COCs.<sup>114</sup> They argue that parliamentary district representatives must be elected, not appointed, and that this requirement has no exception.<sup>115</sup>


Section 4 of BAA 77 reads:

Section 4. *Interim Representation for Newly Created Districts.* — In the event that this Act results in the creation of a new Parliamentary District after the deadline for the filing of Certificates of Candidacy (COC) for the immediately forthcoming parliamentary elections, and such newly created district is left without a duly elected Parliamentary District Representative, the President of the Philippines shall appoint an Interim Parliamentary District Representative, the President of the Philippines shall appoint an Interim Parliamentary District Representative to serve until a representative is duly elected and qualified.

The interim appointee shall have the same rights, duties, and privileges as an elected District Representative, but the term shall automatically end upon the assumption into office of the duly elected representative of the district following the next regular or special elections.

<sup>114</sup> Rollo (G.R. No. E-02219), pp. 29–33; Rollo (G.R. No. E-02235), pp. 41–44.

<sup>115</sup> Rollo (G.R. No. E-02219), pp. 29–30; Rollo (G.R. No. E-02235), p. 43.



Petitioners' argument is meritorious. The Bangsamoro Organic Law expressly provides that parliamentary district representatives must be elected through a direct plurality vote. Article VII, Section 7(b) of the Bangsamoro Organic Law reads:

Section 7. *Classification and Allocation of Seats.* — The seats in the Parliament shall be classified and allocated as follows:

....

(b) *Parliament District Seats.* — Not more than [40%] of the members of the Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. For the first parliamentary election following the ratification of this Organic Law, the allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in [Article XVI, Section 4] of this Organic Law. In the allocation of district seats, the Bangsamoro Transition Authority shall adhere to the standards set in [Article VII, Section 10] of this Organic Law.

The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.

*The district representatives shall be elected through direct plurality of vote by the registered voters in the parliamentary districts.* (Emphasis supplied)

This requirement is unequivocal. District representatives in the Bangsamoro Parliament must derive their mandate directly from the electorate. The guarantee is central to the representative character of the Bangsamoro Parliament. It reflects the broader constitutional principle that sovereignty resides in the people and that all government authority emanates from them.<sup>116</sup>

Section 4 of BAA 77 departs from this constitutional and statutory design. By allowing the president to appoint "Interim Parliamentary District Representatives" with full rights, duties, and privileges of elected members, the law creates a class of unelected legislators whose mandate does not come from the people of the affected districts. In effect, the provision vests in the president the power to confer legislative representation—an authority which the Constitution does not recognize and which the Bangsamoro Organic Law itself does not grant.

The Bangsamoro Organic Law acknowledges presidential appointment only in a narrow and time-bound context. Article XVI, Section 2 of the Bangsamoro Organic Law authorizes the president to select the initial 80 members of the BTA during the interim period following the ratification of the Bangsamoro Organic Law. This authority was exceptional and transitional, intended to bridge the ARMM to BARMM. The president's role was limited

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<sup>116</sup> CONST., art. II, sec. 1.



to this interim phase. Once the regular parliamentary system is commenced, legislative seats are to be filled solely through democratic election.

Section 4 of BAA 77, therefore, represents an impermissible enlargement of presidential power. It allows the executive to encroach upon the legislative domain by designating unelected representatives, contrary to both the Bangsamoro Organic Law and the Constitution's design of representative democracy. The insertion of unelected members into the Bangsamoro Parliament undermines the principle of direct representation and distorts the will of the electorate.

Fundamentally, Section 4 violates Article X, Section 18 of the Constitution, which provides that an organic act of an autonomous region must establish a government with an executive department and a legislative assembly, both of which shall be elective and representative of the constituent political units.<sup>117</sup> This constitutional mandate makes it clear that members of the Bangsamoro Parliament must obtain their mandate directly from the people of their districts, not through presidential appointment. Genuine representation is rooted in suffrage exercised by the electorate, not on executive discretion.


Furthermore, as previously cited, Article X, Section 20 of the Constitution limits the scope of legislative authority that autonomous regions may exercise to specific subject matters such as administrative organization, revenue, ancestral domain, and other matters related to the general welfare of the people. The appointment of interim legislators—especially by the president—does not fall under these enumerated powers. It concerns the fundamental structure and composition of the Bangsamoro Parliament itself, which the Constitution requires to be elective and representative. By vesting in the president the power to appoint members of the Bangsamoro Parliament, Section 4 of BAA 77 exceeds the delegated legislative authority granted by the Bangsamoro Organic Law and alters the representative character of the Bangsamoro Parliament. This is contrary to both the Bangsamoro Organic Law and the Constitution.

This Court cannot sustain a provision that so plainly conflicts with the express text of the Bangsamoro Organic Law and the foundational constitutional principle that legislative authority must emanate from the people's suffrage. Section 4 of BAA 77 is therefore invalid for being

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<sup>117</sup> Section 18. The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multisectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be *elective and representative of the constituent political units*. The organic acts shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws.

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. (Emphasis supplied)



inconsistent with Article VII, Section 7(b) of the Bangsamoro Organic Law and Article X, Sections 18 and 20 of the Constitution.

*Section 5 of BAA 77 is unconstitutional because it severs the constitutional link between residence, voter registration, and representation*

Macapaar et al. challenge the validity of Section 5 of BAA 77, arguing that it violates the constitutional guarantee of equal access to public service opportunities under Article II, Section 26 of the Constitution.<sup>118</sup> The provision reads:

Section 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.

Meanwhile, Section 5 of BAA 77 reads:

Section 5. *Effect of the New Redistricting.* — For purposes of the 2025 BARMM Parliamentary Election (2025 BPE), aspirants who have filed their COC will retain their candidacy in the district where they originally filed, notwithstanding that their barangay or municipality where they are registered has been reassigned to a different district. *Provided,* That voting will only take place within the boundaries of the district as defined by this new redistricting law.


The Commission on Election shall issue appropriate guidelines to implement the new parliamentary districting under this Act for the 2025 BPE.

The provision allows candidates who have already filed their COCs for the 2025 BARMM Parliamentary Elections to retain their candidacy in the district where they originally filed, even if their barangay or municipality is later reassigned to a different district under the new redistricting law. Petitioners argue that this setup disenfranchises both candidates and voters: candidates are forced to run in districts where they may no longer reside or be registered, and voters are deprived of the ability to vote for candidates in the reconstituted districts that reflect their actual constituencies.

At first glance, the rule appears to be a transitional safeguard designed to avoid disrupting candidacies in the lead-up to the elections. However, upon closer examination, it creates serious constitutional and statutory conflicts that cannot be overlooked.

The defect lies in the forced severance of the essential link between residence, candidacy, and representation. The anomaly becomes apparent

<sup>118</sup> *Rollo* (G.R. No. E-02235), pp. 44-46.



when one considers the situation of a candidate who originally filed in a district but, after redistricting, no longer resides in or is registered in that district. Section 5 effectively forces such an aspirant to remain a candidate in a district where they no longer have the requisite ties. Jurisprudence has consistently held that residence is a substantive qualification for candidacy, precisely to ensure that those running for office are genuinely part of, and accountable to, the community they wish to represent. This is integral to the democratic process.

In *Torayno, Sr. v. COMELEC*,<sup>119</sup> We explained:

The Constitution and the law require residence as a qualification for seeking and holding elective public office, in order to give candidates the opportunity to be familiar with the needs, difficulties, aspirations, potentials for growth and all matters vital to the welfare of their constituencies[.]<sup>120</sup>

The purpose of this requirement is to prevent a “stranger or newcomer unacquainted with the conditions and needs of a community and not identified with the latter from [seeking] an elective office to serve that community.”<sup>121</sup>

Article VI, Section 6 of the Constitution itself requires that a legislative representative, except those of the party-list, must be a “registered voter in the district in which [they] shall be elected, and a resident thereof for a period of not less than one year immediately preceding the day of the election.”

This requirement is mirrored in Article VII, Section 12 of the Bangsamoro Organic Law, which requires that a candidate for district representative “must be a registered voter in the district in which [they are] a candidate and has resided in that district for at least [one] year immediately preceding the day of the election.”

Section 5 of BAA 77 directly undermines these settled principles. By freezing candidacies in the districts where aspirants originally filed their COCs—even after redistricting has reassigned their barangays or municipalities—the law forces candidates to run in districts where they might no longer be registered voters or *bona fide* residents. Voters are deprived of the opportunity to choose candidates who are actual residents and registered voters of their newly drawn districts. This anomaly conflicts with the constitutional and statutory requirement that representatives must be both registered voters and residents of the districts they seek to represent. It likewise dilutes the electorate’s right to meaningful representation and undermines the principle of equal access to public service.

Clearly, Section 5 of BAA 77 cannot stand. What may seem like a transitional measure to preserve order in the electoral process, in fact, causes

<sup>119</sup> 392 Phil. 342 (2000) [Per J. Panganiban, *En Banc*].

<sup>120</sup> *Id.* at 345.

<sup>121</sup> *Romualdez-Marcos v. Commission on Elections*, 318 Phil. 329, 365 (1995) [Per J. Kapunan, *En Banc*].

constitutional distortions. It allows candidacies to proceed without the constitutionally mandated residency and voter registration ties, and it disenfranchises voters by detaching candidates from the very communities they are supposed to represent.

*BAA 58 cannot substitute BAA 77 for  
the conduct of the October 13, 2025  
BARMM Parliamentary Elections*

Ali et al. bewail that they have not yet participated in the BARMM's first regular parliamentary elections. In the same breath, they challenge BAA 77, claiming it has allegedly introduced confusion, division, and disenfranchisement among the BARMM electorate.<sup>122</sup> On the other hand, Macapaar et al. strongly urge the maintenance of the TRO against BAA 77 due to "the dire consequences its lifting would unleash, including voter confusion, logistical chaos, and the near-certain failure"<sup>123</sup> of the October 13, 2025 BARMM Parliamentary Elections.

The COMELEC demonstrated the quandary that they faced in the context of BAA 58 and 77 in relation to the issuance of a TRO by this Court:

4. However, it is respectfully manifested that neither the Resolution nor the TRO states whether the parties are restored to their last uncontested state prior to the controversy, *i.e.*, prior to the enactment and effectivity of BAA 77.

5. The purpose of a temporary restraining order is to preserve the *status quo* until the merits of the case are fully heard. In its ordinary meaning, *status quo* is the existing state of affairs, while *status quo ante* refers to the state of affairs that existed previously. *Status quo ante* is a Latin term for "the way things were before." When an order of this nature is imposed, it is to maintain the state of things existing before the controversy. In this instance, the TRO only restricted the implementation of BAA 77. It did not restore the status of the parties prior to the enactment of BAA 77.

6. Prior to the controversy — which is enactment/effectivity of BAA 77, BAA 58 initially apportioned the parliamentary districts in the [BARMM]. Following the exclusion of the province of Sulu from the BARMM, the [BTA] passed BAA 77, reconstituting the parliamentary districts and redistributing the seven parliamentary district seats originally allotted to the province of Sulu.

7. Section 2 of BAA 77 amended Section 4 (Creation of Parliamentary Districts) of BAA 58[.]

8. BAA 77 states that all other regional laws, executive orders, memoranda, and other issuances or parts thereof which are inconsistent

<sup>122</sup> Rollo (G.R. No. E-02219), pp. 5–6.

<sup>123</sup> Rollo (G.R. No. E-02235), p. 186.

therewith are hereby repealed, amended or modified accordingly. Moreover, BAA 77 shall take effect immediately upon its publication in the Bangsamoro Gazette or on its official website.

9. BAA 77 was signed into law by [Interim Chief Minister Macacua] on August 28, 2025 and published in the Bangsamoro Gazette on the same day. Consequently, the amendment to Section 4 of BAA 58, introduced by Section 2 of BAA 77, took effect on August 28, 2025.

10. Thus, when the TRO was issued on September 16, 2025, BAA 77 was already in effect. As earlier stated, Section 2 of BAA 77 amended Section 4 of BAA 58 which covered the redistricting for parliamentary seats. By virtue of BAA 77's effectivity, the parliamentary districts created under BAA 58 has [sic] already been amended/ redistricted pursuant to the said Section 2 of BAA 77.

....

16. [R]espondent COMELEC is faced with a quandary on which legal parameters to apply in the forthcoming [October 13, 2025 BARMM Parliamentary Elections].

17. Particularly, the situation (as it now appears) is this: considering that BAA 77 has already amended BAA 58, and that BAA 77 cannot be enforced and/or implemented by virtue of the TRO, there now exists a vacuum as to what law will govern the scheduled [October 13, 2025 BARMM Parliamentary Elections]. We illustrate the quandary.

18. First, the ballots printed for the [October 13, 2025 BARMM Parliamentary Elections] pertain to 73 parliamentary district seats as established under BAA 58, without the [seven] seats originally allocated to the Province of Sulu. However, with the repeal of BAA 58, respondent COMELEC has no legal basis to proceed, as the TRO did not revive the original Section 4 of BAA 58. In this scenario, without any clear legal basis on the manner to conduct the [October 13, 2025 BARMM Parliamentary Elections], respondent COMELEC might be acting without legal authority, which could lead to a possible nullification of the results of the said BPE if respondent COMELEC proceeds under the original provisions of Section 4 of BAA 58, and therefore to the disenfranchisement of voters.

19. Second, if this Honorable Court lifts the TRO (during the pendency of the case and before the [October 13, 2025 BARMM Parliamentary Elections]), which consequently allows respondent COMELEC to proceed with the BPE under BAA 77, the conduct and results of the upcoming [October 13, 2025 BARMM Parliamentary Elections] will be subject to the risk of becoming invalidated should BAA 77 later be declared void. Like in the first scenario, disenfranchisement of voters is an inevitable result owing to the possible nullification of the [October 13, 2025 BARMM Parliamentary Elections] conducted under a void BAA 77.

20. Third, if the Honorable Court lifts the TRO (during the pendency of the case and before the BPE), respondent COMELEC, by that time, will have practically no ample time to sufficiently prepare for the BPE. On top of dealing with the legality of the conduct of the BPE, respondent COMELEC will have to contend with significant operational challenges –



which includes training and deployment, printing of new ballots and reconfiguring the voting machines to be used. Since the election system is automated and ballots are precinct-specific, any changes would require recalibration of the system.<sup>124</sup>

The parties' respective contentions are well-taken. Given that We have demonstrated why BAA 77 is void, We now take the opportunity to provide complete relief to the parties. We explain why BAA 58 cannot substitute for BAA 77, and why there is currently no effective law to implement the October 13, 2025 BARMM Parliamentary Elections.

*First*, it is indispensable and necessary to determine the validity of BAA 58 for a full resolution of this case.

Macapaar et al. prayed for an order commanding the COMELEC "to enforce and administer BAA 58."<sup>125</sup> On the other hand, the COMELEC, in its Manifestation and Motion in Lieu of Comment, raised its concern about whether BAA 58 or BAA 77 will govern the conduct of the Bangsamoro parliamentary elections.

To Our mind, Macapaar et al.'s prayer for the enforcement of BAA 58 and the COMELEC's quandary on whether BAA 58 remains applicable sufficiently frames and joins the issue of whether BAA 58 is still valid. In deciding whether to grant Macapaar et al.'s prayer to compel the COMELEC to enforce BAA 58, we must first assess BAA 58's validity.

In *Reburiano v. De Vera*,<sup>126</sup> we affirmed the settled rule that "courts have ample authority to rule on matters not raised by the parties in their pleadings if such issues are indispensable or necessary to the just and final resolution of the pleaded issues."<sup>127</sup> We further explained in *Insular Life Assurance Co., Ltd. Employees' Association v. Insular Life Assurance Co., Ltd.*:<sup>128</sup>

[T]he Supreme Court has ample authority to review and resolve matters not assigned and specified as errors by either of the parties in the appeal if it finds the consideration and determination of the same essential and indispensable in order to arrive at a just decision in the case. This Court, thus, has the authority to waive the lack of proper assignment of errors if the unassigned errors closely relate to errors properly pinpointed out or if the unassigned errors refer to matters upon which the determination of the questions raised by the errors properly assigned depend.

The same also applies to issues not specifically raised by the parties. The Supreme Court, likewise, has broad discretionary powers, in the resolution of a controversy, to take into consideration matters on record which the parties fail to submit to the Court as specific questions for

<sup>124</sup> *Id.* at 158–161.

<sup>125</sup> *Rollo* (G.R. No. E-02235), p. 47.

<sup>126</sup> 877 Phil. 880 (2020) [Per J. Carandang, Third Division].

<sup>127</sup> *Id.* at 896.

<sup>128</sup> 166 Phil. 505 (1977) [Per C.J. Castro, *En Banc*].





determination. Where the issues already raised also rest on other issues not specifically presented, as long as the latter issues bear relevance and close relation to the former and as long as they arise from matters on record, the Court has the authority to include them in its discussion of the controversy as well as to pass upon them. In brief, in those cases wherein questions not particularly raised by the parties surface as necessary for the complete adjudication of the rights and obligations of the parties and such questions fall within the issues already framed by the parties, the interests of justice dictate that the Court consider and resolve them.<sup>129</sup>

We find that ruling on BAA 58's validity is crucial for a just and final resolution of these consolidated cases. The primary issue here is whether BAA 77 is constitutional. We have already discussed the reasons for BAA 77's unconstitutionality, and, therefore, no parliamentary elections based on BAA 77 can proceed. The next logical question then is: Does invalidating BAA 77 automatically revive BAA 58? If so, can the elections proceed based on BAA 58? If We avoid ruling on BAA 58's validity here, the parties will only be left hanging on whether the October 13, 2025 BARMM Parliamentary Elections can proceed based on BAA 58. Our avoidance of questions about BAA 58's validity will only create more questions than answers and lead to an incomplete adjudication of the parties' rights and obligations.

*Second*, neither BAA 58 nor BAA 77 will be able to validly fulfill the 80 seats of the Bangsamoro Organic Law.

The Bangsamoro Organic Law sets the composition of the Bangsamoro Parliament to 80 members. Article VII, Section 6 of the Bangsamoro Organic Law provides:

Section 6. *Composition*. — The Parliament shall be composed of [80] members, unless otherwise increased by the Congress of the Philippines.

The use of the word “shall” sets the number of representatives to 80. It conveys a directive. Its use in a statute denotes an imperative obligation and is inconsistent with the idea of discretion.<sup>130</sup> Only an increase in that number is allowed, and such an increase can only be made by the Congress.

BAA 58 and BAA 77 cover different geographical areas. BAA 58 still includes the Province of Sulu in the composition of parliamentary districts in the BARMM, while BAA 77 already excludes it. Under BAA 58, 32 district seats are available, and Sulu is allocated seven out of these 32 seats. However, Our Decision in *Province of Sulu* brought about a fundamental change in circumstances and effectively rendered BAA 58 inoperative, because it recognized Sulu's departure from the BARMM. There is no question about BAA 58's validity prior to *Province of Sulu*. Clearly, Our Decision in that case had a profound effect on BAA 58 after its promulgation.

<sup>129</sup> *Id.* at 518–519.

<sup>130</sup> *Province of Batangas v. Romulo*, 473 Phil. 806, 834 (2004) [Per J. Callejo, *En Banc*].

Under the present situation, BAA 58 can no longer validly serve as the legal framework for the first Bangsamoro Parliamentary Elections. Originally, BAA 58 included Sulu within the territorial composition of the BARMM. At the time BAA 58 was enacted, this arrangement was considered to provide a fair and equitable representation for the entire BARMM. However, the later exclusion of Sulu from the region significantly impacted not only the province itself, but also altered the districting originally established by BAA 58. The removal of Sulu's seven seats, which represented nearly 10% of the total seats intended in the Parliament, created a structural flaw that effectively disenfranchises the Bangsamoro electorate as a whole.

The Bangsamoro Parliament was designed with a carefully balanced composition: (a) 32 from the parliamentary districts; (b) 40 from regional parties; and (c) eight from sectoral groups. The removal of the seven districts of Sulu disrupted this balance, reducing the number of parliamentary district representatives to 25, while the regional and sectoral parties' seats remain at 40, and eight, respectively. This change diminishes the weight of constituency-based representatives, while inadvertently increasing the relative power of representatives from regional parties and sectoral blocs. Such an imbalance undermines the value of each member's vote and weakens local representation in the Parliament.

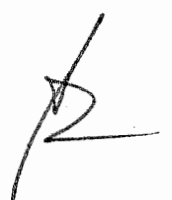
This structural defect cannot be cured by special elections or by any after-the-fact reallocation of seats. Neither BAA 58 nor the Bangsamoro Electoral Code provides a mechanism for reapportioning the vacated seats among the remaining provinces. Any such redistribution would necessarily require the passage of a new law and would entail altering district boundaries after the election has already been called. This is a course of action the Constitution does not permit, since apportionment must necessarily precede, not follow, an election.

Thus, the invalidity of BAA 77 cannot revive BAA 58. To allow the latter to prevail leads to a violation of the foregoing legal requirements. After Our Decision in *Province of Sulu*, BAA 58 ceased to provide a workable framework. Its incompleteness guarantees disenfranchisement and would result in a Parliament that is fundamentally inconsistent with the Bangsamoro Organic Law's mandate of fixed and proportionate representation.

It is true that this Court has long adhered to the rule that the declaration of a law as unconstitutional revives the laws that it has repealed. In *Tatad v. Secretary of Energy*,<sup>131</sup> We explained that it is settled jurisprudence that an unconstitutional statute produces the effect of restoring the *status quo ante*, and that such revival is beyond the Court's power to stay, to wit:

It is settled jurisprudence that the declaration of a law as unconstitutional

<sup>131</sup> 347 Phil. 1 (1997) [Per J. Puno, *En Banc*].



revives the laws that it has repealed. Stated otherwise, an unconstitutional law returns us to the *status quo ante* and this return is beyond the power of the Court to stay. Under our scheme of government, however, the remedy to prevent the revival of an unwanted *status quo ante* lies with Congress. Congress can block the revival of the *status quo ante* or stop its continuation by immediately enacting the necessary remedial legislation.<sup>132</sup>

This rule, however, has to be applied in a more nuanced manner. It rests on the assumption that the prior law is itself valid, complete, and capable of implementation. It further assumes that reverting to the *status quo ante* will restore a constitutionally sound legal framework. The present case demonstrates the limits of this assumption.

BAA 58, post-*Province of Sulu*, is the prevailing *status quo* prior to the enactment of BAA 77. Clearly, this state of affairs cannot be revived because it is already constitutionally infirm and legally inoperable. It apportions parliamentary districts on the premise that the Province of Sulu formed part of the BARMM. Reviving BAA 58 would therefore not restore an operative and lawful *status quo*, but would instead reinstate a defective framework that, as previously discussed, contravenes the Bangsamoro Organic Law, distorts parliamentary representation, and disenfranchises the Bangsamoro electorate.

We recognize that the doctrine of automatic revival must not be absolute. It cannot apply where the earlier law has been rendered void, unconstitutional, or impracticable by supervening events. To insist on an automatic and mechanical revival in such cases is to prioritize form over substance and to abdicate the Court's constitutional duty to safeguard the right of suffrage and the integrity of representative institutions. The Court cannot be compelled to perpetuate an infirm statute simply because its repealing law was declared to be unconstitutional.


Accordingly, We clarify that where the revival of the prior law would itself give rise to constitutional or practical impossibility, this Court may, in the exercise of its power of judicial review, declare that the invalidation of a repealing law does not automatically revive the earlier statute. This exception prevents the re-emergence of defective or obsolete legal frameworks, and affirms this Court's authority to determine the legal consequences of its rulings.

In the case of BAA 77, therefore, its invalidation does not and cannot result in the automatic revival of BAA 58. To do so would reinstate a law already inoperable. The appropriate solution lies not in judicially reviving BAA 58, but in the enactment of a new and valid districting law that is consistent with the Bangsamoro Organic Law, national laws, and the Constitution.

The Province of Sulu created a void which had to be addressed by a

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<sup>132</sup> *Id.* at 26.



valid redistricting law. While BAA 77 attempted to rectify this situation by providing 32 district seats and reallocating Sulu's seven seats among the remaining BARMM districts, it overlooked not only Article VII, Section 6, but also Article VII, Section 7(b) of the Bangsamoro Organic Law.

Article VII, Section 7(b) provides:

Section 7. *Classification and Allocation of Seats.* — The seats in the Parliament shall be classified and allocated as follows:

....

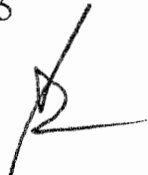
(b) *Parliament District Seats.* — Not more than [40%] of the members of the Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. For the first parliamentary election following the ratification of this Organic Law, the allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in [Article XVI, Section 4] of this Organic Law. In the allocation of district seats, the Bangsamoro Transition Authority shall adhere to the standards set in [Article VII, Section 10] of this Organic Law.

The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.

The district representatives shall be elected through *direct plurality vote by the registered voters in the parliamentary districts.*

Should BAA 58 be used to elect district representatives, BARMM voters will only be able to elect 25 district representatives and not 32. Thus, the conduct of elections under BAA 58 runs afoul of the Bangsamoro Organic Law's mandate of 80 seats, or a full membership of the Bangsamoro Parliament.

Curiously, despite redistricting, conduct of elections under BAA 77 produces the same effect as that under BAA 58: Only 25 district representatives will be elected in the October 13, 2025 BARMM parliamentary elections. Although BAA 77 reallocated the seven district seats allotted for the Province of Sulu among the remaining areas, it did not allow for the reallocated seven district seats to have candidates and be voted upon. Section 5 of BAA 77 specifically provides that “[f]or purposes of the 2025 BARMM Parliamentary Election. . . , aspirants who have filed their COC will retain their candidacy in the district where they originally filed, notwithstanding that their barangay or municipality where they are registered has been reassigned to a different district.” Thus, despite BAA 77's reallocation of the seven seats initially allocated for the Province of Sulu, the new parliamentary districts created under BAA 77 will not have any candidates for election as district representative in the October 13, 2025 BARMM Parliamentary Elections.



The Bangsamoro Organic Law also contemplates that the 80 seats should always be occupied and indicates the manner by which to fill them. It should be noted that the manner of filling vacancies presupposes the valid election of representatives. Article VII, Section 20 of the Bangsamoro Organic Law provides:

Section 20. *Filling of Vacancy.* — In case of a vacancy of proportional representation seat, the party to which that seat belongs shall fill the vacancy.

In case of vacancy of a district seat by an affiliated member of the Parliament, the party to which the member belongs shall, within [30] days from the occurrence of such vacancy nominate a new member who shall be appointed by the Chief Minister subject to the Bangsamoro Electoral Code.

In case of a vacancy in the seat occupied by an unaffiliated member of the Parliament occurring at least [one] year before the expiration of the term of office, a special election may be called to fill such vacancy in the manner prescribed by a law enacted by the Parliament.

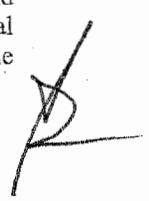
The appointed or elected member of the Parliament, as the case may be, shall serve the unexpired term of the vacant office.

*Third.* The laws governing the conduct of the BARMM Parliamentary Elections do not contemplate piecemeal polls.

It may be argued, for the sake of recognizing the efforts made by the COMELEC, as well as the desire to finally have elected BARMM parliamentary representatives, to conduct BARMM parliamentary elections without the district representatives. This argument, however, falls in the face of the lack of any statutory authority for the election of only a portion of the representatives of the Bangsamoro Parliament. The Bangsamoro Organic Law does not provide for a hybrid composition of the first Bangsamoro Parliament, where a portion of the representatives is elected while another portion is appointed. There is also no legal basis in having a Bangsamoro Parliament where the elected representatives comprise only 60% (48 seats) of the representatives provided by law. The seats that can be voted upon comprise of 50% (40 regional party representatives), and 10% (8 reserved seats and sectoral representatives). Under the Bangsamoro Organic Law, the allocation of the reserved and sectoral representatives' seats for the first parliamentary election shall be determined by the BTA.<sup>133</sup> In turn, BAA 35 provides for the manner of election of sectoral representatives.<sup>134</sup>

<sup>133</sup> Bangsamoro Organic Law, art. VII, sec. 7(c).

<sup>134</sup> Article X, Section 1. *Manner of Election of Sectoral Representatives in the First Parliamentary Election.* — In the first Parliamentary election, the selection of the sectoral representatives for the reserved seats in the Parliament shall be on the basis of election during assemblies especially called for the purpose by registered and accredited sectoral organizations of women, settlers, youth, 'Ulama, traditional leaders and NMIP. Thereafter, the election of the sectoral representatives, except the NMIPs, 'Ulama, and traditional leaders, shall be synchronized with the national and local elections and automated in accordance with the automated election system.



If only regional party and sectoral representatives are elected, it then raises the question about how to determine the majority vote for the members of parliament. Should the computation of the majority vote be based on the 48 seats held by elected representatives? Or should it instead be based on the full 80 seats provided under the Bangsamoro Organic Law? This distinction matters because it would affect the majority vote for the functioning of the parliament—25 representatives (majority of 48), or 41 representatives (majority of 80).

The determination of the majority vote and the simultaneous election of all representatives have an impact on other provisions related to the BARMM's transition, such as the election of the Chief Minister,<sup>135</sup> the end of the transition period, and the dissolution of the BTA.<sup>136</sup> Moreover, the Bangsamoro Organic Law is silent as to an election of the Chief Minister with 40% of the seats left vacant.

Similarly, the election of district and party-list representatives in the House of Representatives are conducted simultaneously. Voters cast two votes for their representatives in the same election: one for district and another for party-list.<sup>137</sup> All candidates are in one ballot. There is no authority for the conduct of separate elections for these candidates.

*Summary: Matters to consider in the  
determination of BARMM's  
parliamentary districts*

Given the demonstrated lack of a valid law with which to conduct the October 13, 2025 BARMM Parliamentary Elections, We deem it necessary to emphasize the following matters in the determination of the BARMM's parliamentary districts.

*First.* Pursuant to Article XVI, Section 4(b) of the Bangsamoro Organic Law, the BTA is well-reminded to give due priority to the determination of

<sup>135</sup> Bangsamoro Organic Law, art. VII, sec. 4 reads:

Section 4. *Executive Authority.* — The executive function and authority shall be exercised by the Cabinet which shall be headed by a Chief Minister. The Chief Minister shall be elected by majority vote of all the members of the Parliament.

<sup>136</sup> Bangsamoros Organic Law, art. XVI, sec. 1 provides:

Section 1. *Transition Period.* — The transition period for the establishment of the Bangsamoro Autonomous Region shall commence upon the ratification of this Organic Law.

This Organic Law shall be deemed ratified when approved by a majority of the votes cast in a plebiscite as proclaimed by the Commission on Elections or its duly authorized officers.

*The transition period shall end upon the dissolution of the Bangsamoro Transition Authority as provided in this Organic Law.*

The transition period shall be without prejudice to the initiation or continuation of other measures that may be required by post-conflict transition and normalization even beyond the term of the Bangsamoro Transition Authority.

<sup>137</sup> Republic Act No. 7941 (1995), Party-List System Act, sec. 10.

BARMM's parliamentary districts so as not to run afoul with the Constitution and national laws.

*Second.* The determination of parliamentary districts should strictly comply with the requirements laid down in the Constitution and the Bangsamoro Organic Law.

Compliance should be checked against the following factors:

1. Classification and accurate allocation of seats;
2. Proper manner by which the seats are filled;
3. Validity of redistricting of geographical areas; and
4. Correspondence between territorial coverage and residence of the voters and candidates.

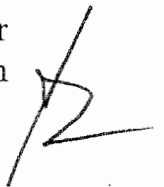
*Third.* Considering that the conduct of elections for district representatives has an impact on the conduct of elections of regional party and sectoral parliamentary representatives, the Bangsamoro Organic Law contemplates a full complement for the members of the Bangsamoro Parliament.

### *Conclusion*

The Court notes that the BTA has not provided any justification why the passage of a redistricting law took nearly a year following this Court's ruling in *Province of Sulu*. Worse, BAA 77 was signed into law on August 28, 2025, or a little over a month from the scheduled 2025 BARMM Parliamentary Elections. The timing of BAA 77, coupled with its infirmities, has made it impossible to conduct the BARMM Parliamentary Elections on October 13, 2025.

We consider Ourselves as one with the Bangsamoro people in bringing to the BTA's attention its duties as the interim government for the BARMM. As the body vested with legislative authority under the Bangsamoro Organic Law, there was great expectation for the BTA to ensure the accomplishment of priorities during the transition period. One of these priorities is the determination of the parliamentary districts for the first regular election for the members of the Bangsamoro Parliament.

Ultimately, the BTA is reminded, in the strongest terms, that its foremost and non-delegable obligation is to preserve the people's right to suffrage. It bears a solemn and inescapable responsibility to safeguard the sanctity of this right, which lies at the heart of democratic governance and is essential to institutional legitimacy. Every act of lawmaking, particularly those that touch upon the drawing of districts and other measures that bear directly upon the exercise of the right of suffrage, must be guided by an





unwavering fidelity to the people's sovereign will.

To disregard the constitutional and moral imperative to protect the electorate's voice is to betray not only the principles of the Bangsamoro Organic Law, but the aspirations of an entire people for genuine self-determination, equality, and justice. Thus, in legislating and administering the electoral framework, the BTA must act not only with dispatch, but also with circumspection, fairness, and a profound awareness that its foremost duty is to preserve, rather than diminish, the people's opportunity to choose their leaders freely and meaningfully. Only by doing so can it deliver the promise of democracy in the Bangsamoro and honor the long struggle for the recognition of its people's rights.

Considering the circumstances, the relevant parties are put on notice that several tasks need to be accomplished for the preparation and actual conduct of the BARMM Parliamentary Elections. Coordination should be done with the COMELEC to ensure that the rescheduled election will finally take place. The BTA should enact by October 30, 2025<sup>138</sup> a districting law that faithfully complies with constitutional and national law requirements. This date ensures that the districting law will not violate Section 5 of the Voter's Registration Act. Finally, the COMELEC has the duty to enact the relevant rules and resolutions pertaining to the new laws. It cannot be stressed enough that extensive voter education campaigns, especially about the BARMM Parliament's setup, should be carried out.

With utmost respect, We urge the Members of Congress to exercise their legislative authority and promptly enact a law that would reschedule the BARMM Parliamentary Elections. It is apparent that the current circumstances present significant challenges to the conduct of free, orderly, honest, peaceful, and credible elections in the most immediate time, as envisioned by the Constitution and the Bangsamoro Organic Law. A priority legislative measure adjusting the election date would ensure ample preparation by all stakeholders, safeguard the integrity of the electoral process, and uphold the Bangsamoro people's right to meaningful participation.

In this regard, the first Bangsamoro Parliamentary Elections should be conducted, as much as practicable, not later than March 31, 2026, to ensure adequate preparations for the latter. This is in view of the upcoming regular elections of the Barangay and Sangguniang Kabataan on November 2, 2026.

At this critical point in history, it may be said that the competing political interests of various parties, regardless of the righteousness of their ideologies or advocacies, are directly contributing to the delay in the conduct of the BARMM Parliamentary Elections. Such delay is an affront to the Bangsamoro people's right to vote.

<sup>138</sup> RA 12123 set the term of officials first elected shall commence at noon of the 30<sup>th</sup> day of October next following their election.





Nevertheless, even as We have this awareness, We should also remain vigilant and maintain Our refusal to sacrifice propriety at the altar of expediency. Indeed, an election held in haste defiles the people's right to vote. The electoral process is not merely a perfunctory formality. Rather, it provides an avenue for a genuine and meaningful exercise of democracy. The pivotal opportunity to strengthen governance in the BARMM has presented itself yet again. It is now incumbent upon all stakeholders to act promptly and responsibly, ensuring that the necessary reforms are sought without delay and with full fidelity to the foundational laws. The dignity of the Bangsamoro people deserve no less.

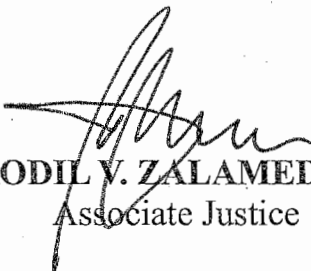
**FOR THESE REASONS**, the Petitions in G.R. Nos. E-02219 and E-02235 are **GRANTED**. Bangsamoro Autonomy Act No. 77 is declared **UNCONSTITUTIONAL**, and the injunction against its enforcement is made **PERMANENT**. Respondents Bangsamoro Transition Authority and the Commission on Elections are **ENJOINED** from conducting any activity relating to the enforcement of Bangsamoro Autonomy Act No. 77. In consideration of the circumstances of these Petitions, We likewise declare Bangsamoro Autonomy Act No. 58 **UNCONSTITUTIONAL**.

The Manifestation (With leave of Court) and Manifestation and Urgent Motion for Reiteration of Reliefs both filed on September 29, 2025 by the Commission on Elections and petitioners in G.R. No. E-02235, respectively, are **NOTED**.

From the finality of this Decision, respondent Bangsamoro Transition Authority shall **IMMEDIATELY UNDERTAKE**, by October 30, 2025 at the latest, the accomplishment of the determination of parliamentary districts for the first regular election for the members of the Parliament in strict compliance with the priorities and requirements provided in the Bangsamoro Organic Law, as well as the criteria laid down in this Decision. Thereafter, and in compliance with Section 5 of the Voter's Registration Act, respondent Commission on Elections is **DIRECTED** to **PROMPTLY PROCEED** with its preparations and conduct elections not later than March 31, 2026.

This Decision shall be **IMMEDIATELY EXECUTORY** and shall be **DEEMED SERVED** upon the parties upon its posting and their receipt through electronic means.

**SO ORDERED.**

  
**RODIL V. ZALAMEDA**  
Associate Justice

WE CONCUR:

On official leave

ALEXANDER G. GESMUNDO

Chief Justice

*See separate concurring  
and dissenting opinions*

MARVIC M. V. F. LEONEN

Associate Justice

On official business but left a vote

ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

*[Signature]*  
RAMON PAUL E. HERNANDO

Associate Justice

*[Signature]*  
AMY C. LAZARO-JAVIER

Associate Justice

*[Signature]*  
HENRI JEAN PAUL B. INTING

Associate Justice

*[Signature]*  
SAMUEL H. GAERLAN

Associate Justice

*I join the dissent of ACJ Leonen*

*[Signature]*  
RICARDO R. ROSARIO

Associate Justice

*[Signature]*  
JHOSELYN LOPEZ

Associate Justice

*[Signature]*  
JAPAR B. DIMAAMPAO

Associate Justice

*[Signature]*  
JOSE MIDAS P. MARQUEZ

Associate Justice

*I join the Concurring & Dissenting  
Opinion of ACJ Leonen*

ANTONIO T. KHO, JR.

Associate Justice

MARIA FILOMENA D. SINGH

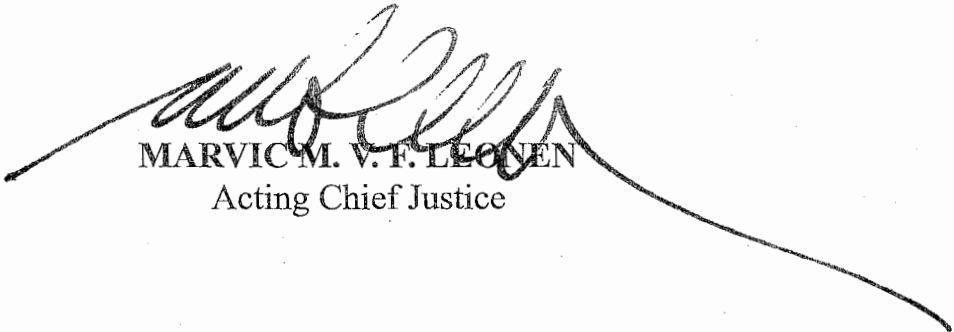
Associate Justice

*[Signature]*  
RAUL B. VILLANUEVA

Associate Justice

## CERTIFICATION

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



MARVIC M. V. F. LEONEN  
Acting Chief Justice