EN BANC

G.R. No. E-02219 — LANANG T. ALI, JR., SAMSODIN C. AMELLA, and DATUAN M. MAGON, JR., Petitioners, **v. 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;

G.R. No. E-02235 — 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, **v. COMMISSION ON ELECTIONS and BANGSAMORO TRANSITION AUTHORITY,** Respondents.

Promulgated:

September 30, 2025

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CONCURRING AND DISSENTING OPINION

LEONEN, *A.C.J.*:

I concur with the finding that Bangsamoro Autonomy Act No. 77 is both illegal and therefore unconstitutional.

However, with due respect to my esteemed colleagues, I disagree that Bangsamoro Autonomy Act No. 58 is insufficient, illegal, or unconstitutional. The elections for the Bangsamoro parliament should continue on October 13, 2025.

The Omnibus Election Code does not lack provisions to allow COMELEC to make adjustments to its program of activities should it find it necessary, including adjusting the date of elections by not more than thirty days. That this Court decides on the date of the elections is a dangerous precedent.

I

The consolidated Petitions for *Certiorari* and Prohibition, with prayers for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, were filed under Rule 65 of the Rules of Court. Both invoke the

original jurisdiction of this Court over petitions for *certiorari* and prohibition,[1] praying for the declaration of unconstitutionality of Bangsamoro Autonomy Act No. 77.

The factual antecedents of these consolidated cases follow.

In an effort to enhance communication between the Philippine government and the Moro Islamic Liberation Front (MILF), a Framework Agreement was signed on October 15, 2012, by both sides, with President Benigno S. Aquino III (President Aquino III) at the helm.[2] Thereafter, the Bangsamoro Transition Commission was set up to draft the Bangsamoro Basic Law in accordance with Executive Order No. 120.[3]

On July 27, 2018, Republic Act No. 11054, also known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (the Bangsamoro Organic Law), was signed into law by President Rodrigo Duterte (President Duterte). The law established the identity of the Bangsamoro people and laid out their governing framework, powers, basic rights, justice system, defense, security, public order, and fiscal autonomy, among others.[4]

On January 21, 2019, the Bangsamoro Organic Law was ratified in a plebiscite for the core regions of Lanao del Sur, Maguindanao, Sulu, Basilan, and Tawi-Tawi, as well as the component cities of Marawi and Lamitan, and Cotabato City. 1,540,017 people voted "yes" in the ARMM, which won the region, compared to 198,750, who voted "no." However, the Province of Sulu rejected the initiative, with 137,630 "yes" votes to 163,526 "no" votes. While the Province of Sulu did not ratify the Bangsamoro Organic Law, it was nevertheless included in the newly formed Bangsamoro Autonomous Region.[5]

Accordingly, by virtue of the Bangsamoro Organic Law, the Bangsamoro Transition Authority was established to serve as the interim government until the first round of regular elections. The first election date was set on May 2022 to synchronize with the 2022 National Elections.[6] However, during the three-year transition period, Senator Aquilino Pimentel III proposed postponing the elections to synchronize with the 2025 elections, in light of the COVID-19 pandemic's impact.[7] This led to the passage of Republic Act No. 11593, resetting the regular parliamentary elections in the

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1 CONST., art. VIII, sec 5(1).
2 *Province of Sulu v. Medialdea,* 958 Phil. 739, 771 (2024) [Per S.A.J. Leonen, *En Banc*].
3 *Id.* at 772.
4 Republic Act No. 11054 (2018), arts. II, IV, V, IX, XI, XII.
5 *Id.* at 852.
6 Republic Act No. 11054 (2018), art. XVI, sec. 13.
7 *Rollo* (G.R. No. E-02219), pp. 16–17.

BARMM to coincide with the May 12, 2025 national elections.[8] Sections 1 and 2 of Republic Act No. 11593 provided:

> 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:
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> > "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."
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> SECTION 2. During the extension of the transition period, the Bangsamoro Transition Authority (BTA) shall continue as the interim government in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM): *Provided, however*, That the President may appoint the eighty (80) new interim members of the BTA who shall serve up to June 30, 2025 or until their successors shall have been elected and qualified.

On February 28, 2024, the Bangsamoro Transition Authority passed Bangsamoro Autonomy Act No. 58, also known as the Bangsamoro Parliamentary Districts Act of 2024. This created 32 single-member parliamentary districts[9] in 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 September 24, 2024, in *Province of Sulu v. Executive Secretary Medialdea,*[10] this Court upheld the validity of the Bangsamoro Organic Law but declared the Province of Sulu not part of the BARMM after the Province of Sulu rejected the law's ratification.

On February 19, 2025, during the election period, the regular parliamentary elections in the BARMM were again postponed, this time, via Republic Act No. 12123. The law further moved the election date to October 13, 2025. It likewise extended the tenure of the Bangsamoro Transition Authority unless its interim members were replaced by the President. Sections 1 and 2 of Republic Act No. 12123 provide:

> 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," as amended, is hereby further amended to read as follows:

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8 *Id.*

9 Bangsamoro Autonomy Act No. 58 (2024), sec. 4.

10 958 Phil. 739 (2024) [Per S.A.J. Leonen, *En Banc*].

> "SEC. 13. *First Regular Election.* — The first regular election for the Bangsamoro Government under this Organic Law shall be held on October 13, 2025. The next election shall be held and synchronized with the 2028 national elections and every three (3) years thereafter. The Commission on Elections (COMELEC), through the Bangsamoro Electoral Office, shall promulgate rules and regulations for the conduct of the elections, enforce, and administer them pursuant to national law, this Organic Law and the Bangsamoro Electoral Code.
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> The term of office of the officials first elected shall commence at noon of the 30th day of October next following their election."
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> SECTION 2. During the extension of the Transition Period, the Bangsamoro Transition Authority (BTA) shall continue as the interim government in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), unless such interim members are replaced by the President or their tenure is shortened by their election to a different office. The interim members of the BTA shall serve until their successors shall have been elected and qualified in an automated election.

On March 24, 2025, new members of the Bangsamoro Transition Authority took their oath, including their new Chief Minister, Abdulraof A. Macacua, who replaced Ahod B. Ebrahim.[11]

Based on Republic Act No. 12123, the Commission on Elections (COMELEC) issued Resolution No. 11149 and set the calendar of activities for the upcoming October 13, 2025 regular parliamentary elections. Specifically in Resolution No. 11149, the COMELEC fixed the election period from August 14 to October 28, 2025.

However, five days after the start of the election period, or on August 19, 2025, the Bangsamoro Transition Authority enacted Bangsamoro Autonomy Act No. 77, otherwise known as the Bangsamoro Parliamentary Redistricting Act of 2025. The Bangsamoro Transition Authority reorganized the constituent provinces, cities, municipalities, and barangays within the BARMM to fill the seven parliamentary district seats left unoccupied by the Province of Sulu when it rejected the ratification of the Bangsamoro Organic Law. The relevant provisions of Bangsamoro Autonomy Act No. 77 state:

> **SEC. 2.** Section 4 of the Bangsamoro Autonomy Act No. 58, otherwise known as "*An Act Providing for the Creation of the Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao*" is here by amended to read as follows:

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[11] *Rollo* (G.R. No. E-02235), p. 15.

> "***SEC. 4. Redistricting for Parliamentary Seats.*** — *For purpose of the election of district representatives in the Bangsamoro Parliament, the province, cities, municipalities, and geographical areas in the BARMM, the thirty-two (32) single member parliamentary districts are hereby reapportioned as follows*:"
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> . . . .
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> **SEC. 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 (7) Parliamentary District Seats corresponding to the population and other equitable requirements of the law.
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> **SEC. 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 to serve until a representative is duly elected and qualified.
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> 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.
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> **SEC. 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 the voting will only take place within the boundaries of the district as defined by this new redistricting law.
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> The Commission on Election shall issue appropriate guidelines to implement the new parliamentary districting under this Act for the 2025 BPE.

Bangsamoro Autonomy Act No. 77 took effect on the day of its signing and publication in the Bangsamoro Official Gazette on August 28, 2025.[12]

The first to file their Petition[13] against the enactment of Bangsamoro Autonomy Act No. 77 were petitioners Lanang T. Ali, Jr., Samsodin C. Amella, and Datuan M. Magon, Jr. Their Petition, filed on August 29, 2025 and docketed as G.R. No. E-02219, impleaded the Bangsamoro Transition Authority Parliament, BARMM Chief Minister Abdulraof A. Macacua, and the COMELEC.

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12 Bangsamoro Autonomy Act No. 77 (2025), sec. 8.

13 Docketed as G.R. No. E-02219.

On September 1, 2025, petitioners Abdullah Goldiano Macapaar, Mangontawar M. Macacuna, Sultan Alim Saad I. Amate, Najer D. Eppie, Nasif G. Marangit, and Maulana L. Mamutuk, followed suit, impleading the COMELEC and the Bangsamoro Transition Authority as respondents. Their Petition[14] was docketed as G.R. No. E-02235.

In its September 15, 2025 Resolution,[15] this Court consolidated G.R. No. E-02219 with G.R. No. E-02235 and issued a temporary restraining order (TRO) enjoining the COMELEC, the Bangsamoro Transition Authority, and all persons acting under their authority, from implementing Bangsamoro Autonomy Act No. 77 pending the final resolution of these cases. The TRO was made immediately executory, and respondents COMELEC and Bangsamoro Transition Authority were ordered to comment on the Petitions within a non-extendible period of five days from notice.

Two days after the issuance of the TRO, or on September 17, 2025, the COMELEC issued Minute Resolution 25-1015, suspending all preparations for district, sectoral, and party representative elections in the BARMM "until the Supreme Court lifts the Temporary Restraining Order or resolves the validity of Bangsamoro Autonomy Act No. 77 on the merits."[16]

Petitioners in G.R. No. E-02219 then filed a Motion for Clarification of the September 15, 2025 TRO, seeking to clarify the scope of the TRO, specifically on whether the TRO precludes the COMELEC from continuing its preparations for the October 13, 2025 elections.

For their part, petitioners in G.R. No. E-02235 filed their own Motion for Clarification and an Addendum to their Petition with Motion for Clarification of the Temporary Restraining Order and Reiteration of Status Quo [Ante Order] and Preliminary Mandatory Injunction. They manifested that Bangsamoro Autonomy Act No. 35, also known as the Bangsamoro Electoral Code of 2023, is a valid, effective, and enforceable statute. As such, petitioners contend, the COMELEC has the authority and duty to implement Bangsamoro Autonomy Act No. 35 despite the issuance of the TRO on the implementation of Bangsamoro Autonomy Act No. 77.[17] And like the petitioners in G.R. No. E-02219, petitioners in G.R. No. E-02235 contend that a Status Quo Ante Order should be issued, directing COMELEC to resume its preparations for the October 13, 2025 regular parliamentary elections and actually hold an election on that date.[18]

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14 Docketed as G.R. No. E-02235.
15 *Rollo* (G.R. No. E-02219), pp. 135–137.
16 *Id.* at 242.
17 *Rollo* (G.R. No. E-02235), p. 116–117.
18 *Id.* at 122.

On September 23, 2025, COMELEC filed its Comment with Manifestation, stating that it had complied with this Court's September 15, 2025 Resolution through Minute Resolution 25-1015. By doing so, it suspended all preparations for the scheduled BARMM elections on October 13, 2025 until this Court lifts the TRO and resolves the validity of Bangsamoro Autonomy Act No. 77.[19] It further manifested that it found itself in a predicament with respect to the legal authority for conducting the elections, as Bangsamoro Autonomy Act No. 77 explicitly repealed Bangsamoro Autonomy Act No. 58 but is currently the subject of a TRO.[20]

Apart from questioning the constitutionality of Bangsamoro Autonomy Act No. 77, the petitioners in G.R. No. E-02219 argue that the redistricting law is invalid for creating new precincts during the election period. As basis, they cite Section 5 of Republic Act No. 8189.[21] They add that Bangsamoro Autonomy Act No. 77 unlawfully expanded the President's appointment powers beyond what the Bangsamoro Organic Law permits.[22] They further contend that Bangsamoro Autonomy Act No. 77 is void as it violates the Bangsamoro Organic Law's express prohibition against gerrymandering and is designed to confuse the electorate and frustrate the timely conduct of first regular parliamentary elections in the BARMM.[23]

For their part, the petitioners in G.R. No. E-02235 likewise question the constitutionality of Bangsamoro Autonomy Act No. 77 for flagrantly violating several provisions of the Constitution. Specifically, they assert that Bangsamoro Autonomy Act No. 77 is unconstitutional for violating the provisions ensuring free, orderly, honest, peaceful, and credible elections.[24] They add that Bangsamoro Autonomy Act No. 77 is invalid for embracing more than one subject[25] and for being effective without the proper publication requirements in accordance with Article 2 of the Civil Code.[26]

In addition, they argue that the Bangsamoro Transition Authority gravely abused its discretion when it passed Bangsamoro Autonomy Act No. 77. Petitioners specifically assail the legality of Bangsamoro Autonomy Act No. 77, Section 2, for disenfranchising voters that belong to areas transferred to another district.[27]

Like the petitioners in G.R. No. E-02219, the petitioners in G.R. No. E-02235 contend that Bangsamoro Autonomy Act No. 77 gerrymandered the districts in the BARMM.[28]

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19 *Rollo* (G.R. No. E-02219), p. 218.
20 *Id.* at 221–223.
21 *Id.* 22–29.
22 *Id.* at 29–33.
23 *Id.* at 33–54.
24 *Rollo* (G.R. No. E-02235), p. 21–26.
25 *Id.* at 26–29.
26 *Id.* at 29–30.
27 *Id.* at 31–35.
28 *Id.* at 35–37.

The issues for the Court's resolution are:

First, whether an actual case or controversy exists, calling for this Court's exercise of the power of judicial review;

Second, whether petitioners have legal standing to assail the constitutionality of Bangsamoro Autonomy Act No. 77;

Third, whether petitioners violated the doctrine of hierarchy of courts for directly filing their Petitions here;

Fourth, whether Bangsamoro Autonomy Act No. 77 is illegal and void for having been enacted after the start of the election period, in violation of Section 5 of the Voter's Registration Act of 1996;

Fifth, whether Bangsamoro Autonomy Act No. 77 is illegal and void for creating districts with non-contiguous territories, in violation of Article VII, Section 7(b) in relation to Article XVI, Section 4(b) and Article VII, Section 10 of the Bangsamoro Organic Law;

Sixth, whether Bangsamoro Autonomy Act No. 77 is illegal and void for conferring upon the President the authority to appoint "Interim District Representatives," in violation of Article VII, Section 7(b) of the Bangsamoro Organic Law; and,

Seventh, whether the September 15, 2025 TRO against the implementation of Bangsamoro Autonomy Act No. 77 meant that the COMELEC can continue its preparations for the October 13, 2025 based on the districting regime under Bangsamoro Autonomy Act No. 58.

The Petitions must be granted. Bangsamoro Autonomy Act No. 77 is illegal and unconstitutional; hence, it is void and inexistent from the very beginning. Consequently, Bangsamoro Autonomy Act No. 58 remains in existence and currently governs the parliamentary district configuration in the BARMM. The COMELEC should proceed, with dispatch, with its preparations for the first regular parliamentary district allocation set forth in Bangsamoro Autonomy Act No. 58; and conduct the first regular parliamentary elections in accordance with existing laws.

II

In questioning the constitutionality of Bangsamoro Autonomy Act No. 77, petitioners availed themselves of the remedy of special civil action for *certiorari* and for prohibition, both provided for in Rule 65, Sections 1 and 2 of the Rules of Court. The provisions state:

> SECTION 1. *Petition for certiorari.* — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.
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> The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof: copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.
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> SECTION 2. *Petition for prohibition.* — When the proceedings of any tribunal, corporation, board, officer or person, whether exercising judicial, quasi-judicial or ministerial functions, are without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent to desist from further proceedings in the action or matter specified therein, or otherwise granting such incidental reliefs as law and justice may require.
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> The petition shall likewise be accompanied by a certified true copy of the judgment, order or resolution subject thereat: copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

While *certiorari* and prohibition are expressly contemplated in the Rules as remedies against tribunals, boards, or officers exercising judicial or quasi-judicial functions that have acted without or in excess of their jurisdiction, or with grave abuse of discretion, this Court has applied these remedies against legislative and executive acts. In *Kilusang Mayo Uno v. Aquino III*:[29]

> While these provisions pertain to a tribunal's, board's, or an officer's exercise of discretion in judicial, quasi-judicial, or ministerial functions, Rule 65 still applies to invoke the expanded scope of judicial

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[29] 850 Phil. 1168 (2019) [Per J. Leonen, *En Banc*].

> power. In *Araullo v. Aquino III*, this Court differentiated certiorari from prohibition, and clarified that Rule 65 is the remedy to "set right, undo[,] and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, *even if the latter does not exercise judicial, quasi-judicial[,] or ministerial functions*."
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> ....
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> With respect to the Court, however, the remedies of *certiorari* and prohibition are necessarily broader in scope and reach, and the writ of *certiorari* or prohibition may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, *even if the latter does not exercise judicial, quasi-judicial or ministerial functions*. This application is expressly authorized by the text of the second paragraph of Section 1, ...
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> Thus, petitions for *certiorari* and prohibition are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials.[30]

Thus, Rule 65 may be utilized for questions of constitutionality, coursing it through the expanded power of judicial review as provided for in the second paragraph of Article VIII, Section 1 of the Constitution:

> **ARTICLE VIII**
> *Judicial Department*
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> SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.
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> Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

From this constitutional provision, the Court's exercise of its power of judicial review is limited to settling actual controversies and enforce rights conferred by law; and, determining grave abuse of discretion by any government branch or instrumentality. These have been referred to as the traditional and expanded powers of judicial review, respectively.

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30 *Id.* at 1186, *citing Delos Santos v. Metropolitan Bank and Trust Company*, 737 Phil. 457, 532 (2014) [Per J. Bersamin, *En Banc*].

For the petitioners' suits to prosper, they must first establish that the case meets the essential requirements of justiciability. Specifically, *first*, there must be an actual case or justiciable controversy before this Court; *second,* the question before this Court must be ripe for adjudication; *third*, the person challenging the act must be a proper party; and, *fourth*, the issue of constitutionality must be raised at the earliest opportunity and must be the very *lis mota* of the case.[31]

Foremost among these requirements is the presence of actual case or controversy, an indispensable prerequisite for the exercise of judicial power, whether under its traditional or expanded scope.[32]

An actual case or controversy exists when there is a conflict of legal rights, or an assertion of opposite legal claims that is susceptible to judicial resolution. It must not be hypothetical or abstract.[33] There must be actual facts from which the Court can determine whether a constitutional violation has occurred and whether a real conflict of legal rights are present.[34] Further, there must exist "clear and convincing contrariety of rights"[35] that is a genuine, substantial conflict between legal enforceable rights or obligations. In *Executive Secretary Mendoza v. Pilipinas Shell Petroleum Corp.*,[36] this Court emphasized:

> [I]n asserting a contrariety of legal rights, merely alleging an incongruence of rights between the parties is not enough. The party availing of the remedy must demonstrate that the law is so contrary to their rights that there is no interpretation other than that there is a breach of rights. No demonstrable contrariety of legal rights exists when there are possible ways to interpret the provision of a statute, regulation, or ordinance that will save its constitutionality.[37]

To establish a contrariety of legal rights, it is not enough that a party alleges conflicting interests, it must show that the law is so incompatible with their rights that no other interpretation would render it constitutional.

As a result, a party contesting a government action must prove the existence of an actual case by either: (a) presenting actual facts that demonstrate direct injury; or, (b) demonstrating a clear and convincing

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31 *Id.* at 1187.

32 *Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association,* 802 Phil. 116, 140 (2016) [Per J. Brion, *En Banc*].

33 *Samahan ng Mga Progresibong Kabataan (SPARK) v. Quezon City*, 815 Phil. 1067, 1090 (2017) [Per J. Perlas-Bernabe, *En Banc*].

34 *Executive Secretary v. Pilipinas Shell*, 936 Phil. 538, 561 (2023) [Per S.A.J. Leonen, *En Banc*].

35 *Universal Robina Corporation v. Department of Trade and Industry*, 936 Phil. 17, 48 (2023) [Per J. Leonen, *En Banc*].

36 936 Phil. 538 (2023) [Per J. Leonen, *En Banc*].

37 *Id.* at 564.

contrariety of rights.[38] The courts will assess the existence of an actual case or controversy by examining the facts and allegations of unconstitutionality as they are applied to the litigant, thereby explaining why these are referred to as an "as-applied" challenge. To reiterate, for such challenges, the pleading must assert that the petitioner has sustained or is in threat of sustaining direct injury as a result of the act complained of.[39]

Based on these principles, there exists an actual justiciable controversy in this case. There is not only an existence of actual facts and a showing of contrariety of legal rights, but there has already been a direct, personal and substantial injury on the petitioners.[40] As is evident in the petitioners' allegations, Bangsamoro Autonomy Act No. 77 violates the Bangsamoro Organic Law, and the Voter's Registration Act of 1996, among others; it likewise infringes on the people's right to suffrage. Based on their assertions, petitioners have conveyed a *prima facie* case of grave abuse of discretion, which impels this Court to exercise its expanded jurisdiction.

The case is likewise ripe for adjudication considering that Bangsamoro Autonomy Act No. 77 has already been passed into law and would have produced legal repercussions if not for the TRO issued by this Court. The purported threat of injury is, therefore, not merely speculative or theoretical but real and apparent.

Nevertheless, a petitioner may mount a *facial* challenge when the standards of an *as-applied* challenge are not met. In such instances, courts examine the statute as written, without reference to specific facts, to determine whether it is unconstitutional on its face. In *Initiatives for Dialogue and Environment through Alternative Legal Services, Inc. v. Senate of the Philippines*[41] the Court explained the nature and application of a facial review:

> A facial review has been characterized as "an examination of the entire law, pinpointing its flaws and defects, not only on the basis of its actual operation to the parties, but also on the assumption or prediction that its very existence may cause others not before the court to refrain from constitutionally protected speech or activities."
>
> By asserting a facial challenge, a litigant must show that "a statute is invalid on its face as written and authoritatively construed," measured against the Constitution, without need to look at the facts of a case. "The inquiry uses the lens of relevant constitutional text and principle and focuses on what is within the four corners of the statute, that is, on how its provisions

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38 *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, *En Banc*] at 23. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

39 *Samahan ng Mga Progresibong Kabataan (SPARK) v. Quezon City*, 815 Phil. 1067, 1091 (2017) [Per J. Perlas-Bernabe, *En Banc*].

40 *Duterte v. House of Representatives*, G.R. Nos. 278353 & 278359, July 25, 2025 [Per J. Leonen, *En Banc*].

41 942 Phil. 1 (2023) [Per Acting C.J. Leonen, *En Banc*].

> are worded. The constitutional violation is visible on the face of the statute."[42]

For such instances, the petitioner must demonstrate that the statute is unconstitutional *on its face* and that the violation is evident from the language of the law itself. In *Universal Robina Corporation v. Department of Trade and Industry*,[43] this Court outlined three limited exceptions when facial review or judicial intervention is permitted despite the absence of actual facts:

> First, in cases involving freedom of expression and its cognates, a facial challenge of a law may be allowed. This contemplates cases where a law: (1) exerts *prior restraint* on free speech; and (2) is *overbroad*, creating a *chilling effect* on free speech. Thus, where no chilling effect is alleged, courts should exercise judicial restraint. ....
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> Second, judicial review is also proper, despite no actual facts, when a violation of fundamental rights is involved — one *so egregious* or *so imminent* that judicial restraint would mean that such fundamental rights would be violated. ....
>
> "Egregiousness" pertains to how prevalent such violations of fundamental rights would be. They should be so widespread that virtually any citizen, properly situated, could raise the issue. ...
>
> Third, judicial review is proper, despite no actual facts, when it involves a constitutional provision invoking emergency or urgent measures, and such review can potentially be rendered moot by the transitoriness of the emergency. Thus, the questioned action would be capable of repetition, yet because of the transitoriness of the emergency involved, would evade judicial review and not allow any relief. Under such circumstances, this Court may provide controlling doctrine over the provision.[44] (Emphasis in the original, citations omitted)

In light of the foregoing scenarios, the second circumstance that there is an egregious or imminent violation of fundamental rights is present in this case. *Parcon-Song v. Parcon,*[45] illustrates:

> There are exceptions, namely: (a) when a facial review of the statute is allowed, as in cases of actual or clearly imminent violation of the sovereign rights to free expression and its cognate rights; or (b) *when there is a clear and convincing showing that a fundamental constitutional right has been actually violated in the application of a statute, which are of transcendental interest. The violation must be so demonstrably and urgently egregious that it outweighs a reasonable policy of deference in such specific instance.* The facts constituting that violation must either be uncontested or established on trial. The basis for ruling on the constitutional issue must also be clearly alleged and traversed by the parties. Otherwise,

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42 *Id.* at 34. (Citations omitted)
43 936 Phil. 17 (2023) [Per J. Leonen, *En Banc*].
44 *Id.* at 31–32.
45 876 Phil. 364 (2020) [Per J. Leonen, *En Banc*].

> this Court will not take cognizance of the constitutional issue, let alone rule on it.[46] (Citations omitted, Emphasis supplied)

For this to be applicable, the party must not merely allege a violation of a fundamental right; rather, they must establish that such violation is "so widespread that virtually any citizen could raise the issue."[47] In this instance, Bangsamoro Autonomy Act No. 77 would inevitably impact all the citizens in the BARMM. Firstly, the reorganization of the districts in the region contravenes the Bangsamoro Organic Law's guarantees of suffrage and proper reapportionment of provinces, cities, municipalities, and barangays in the region. Additionally, the very existence of the law has impeded the conduct of the elections.

Furthermore, Bangsamoro Autonomy Act No. 77 expanded the President's authority to appoint Interim Parliamentary District Representatives, unduly broadening his power to appoint beyond the transition period. This is in clear violation of the people's right to choose their own parliamentary representatives through a plurality vote by the electorate, as mandated by the Bangsamoro Organic Law.

III

Apart from bringing an actual case to this Court, petitioners also have legal standing to file the present suit. To establish legal standing, the complaining party must demonstrate a direct injury that has actually occurred or is likely to occur as a result of the alleged act.[48] In *Samahan ng Mga Progresibong Kabataan (SPARK) v. Quezon City,*[49] legal standing or *locus standi* was further explained:

> "The question of *locus standi* or legal standing focuses on the determination of whether those assailing the governmental act have the right of appearance to bring the matter to the court for adjudication. [Petitioners] must show that they have **a personal and substantial interest in the case, such that they have sustained or are in immediate danger of sustaining, some direct injury as a consequence of the enforcement of the challenged governmental act**." "'[I]nterest' in the question involved must be material — an interest that is in issue and will be affected by the official act — as distinguished from being merely incidental or general."
>
> "The gist of the question of [legal] standing is whether a party alleges **such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions**. Unless a person is injuriously affected in any of his

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46 *Id.* at 402.

47 *Initiatives for Dialogue and Environment through Alternative Legal Services, Inc. v. Senate of the Philippines*, 942 Phil. 1, 34 (2023) [Per J. Leonen, *En Banc*]. (Citations omitted)

48 *Falcis III v. Civil Registrar General*, 861 Phil. 388, 531 (2019) [Per J. Leonen, *En Banc*].

49 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, *En Banc*].

> constitutional rights by the operation of statute or ordinance, he has no standing."[50] (Emphasis in the original, citations omitted)

Evidently, there are acknowledged exceptions to the conventional mode's requirement that there be actual threat of harm in order to meet the standing element. These exceptions were explained in *Macalintal v. Commission on Elections*,[51] thus:

> Case law has also recognized actual or threatened injury exceptions in constitutional cases through the allegation of "citizen," "taxpayer," "voter," and "legislator" standing, subject to satisfaction of certain requisites. These requisites include: (*i*) for taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional; (*ii*) for voters, there must be a showing of obvious interest in the validity of the election law in question; (*iii*) for concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and (*iv*) for legislators, there must be a claim that the official action complained of infringes upon their prerogatives as legislators.
>
> A related but distinct concept which case law has considered as an exception to the actual or threatened injury requirement is third-party standing. Generally, a person may assert only his/her rights or interest in the litigation, and not challenge the constitutionality of a statute or governmental act based on its alleged infringement of the protected right of other or others. However, under the third-party standing, a person is permitted to bring actions on behalf of another or third parties not before the court. To be permitted, a party asserting third-party standing must satisfy the following requisites: (*i*) the litigant must have suffered an "injury-in-fact," thus giving him or her a "sufficiently concrete interest" in the outcome of the issue in dispute; (*ii*) the litigant must have a close relation to the third party; and (*iii*) there must exist some hindrance to the third party's ability to protect his or her own interests.
>
> Based on these requisites, it is clear that the litigants or petitioners invoking third-party standing must show actual or threatened injury to themselves before they can raise any alleged violation to the rights of others who are not before the court. In other words, the third-party standing does not really dispense with the requirement of an actual or threatened injury on the part of the litigants or petitioning parties who must still sufficiently allege the same before they may properly invoke the exercise of judicial power. Thus, conceptually, third-party standing does not accurately constitute as an exception to the standing requirement.
>
> In contrast with the traditional mode, the Court has relaxed the standing requirement in constitutional cases under the expanded mode by simply requiring a *prima facie* showing that the questioned governmental act violated the Constitution. Under our democratic and republican system of government, it is the sovereign Filipino nation who approved the Constitution and endowed it with authority. As such, any act that violates the Constitution effectively disputably shows an injury to the sovereign

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50 *Id.* at 1091–1092.

51 943 Phil. 212 (2023) [Per J. Kho, Jr., *En Banc*].

> Filipino nation, who, collectively or individually, may therefore question the same before the courts.[52]

Petitioners in both G.R. No. E-02219 and E-02235, in their capacities as concerned citizens, taxpayers, and registered voters, are clothed with legal standing to challenge the constitutionality and validity of Bangsamoro Autonomy Act No. 77. Given the broad societal impact and paramount public interest involved, the petitioners have demonstrated sufficient citizen standing. Furthermore, as taxpayers, they have standing to question the validity of Bangsamoro Autonomy Act No. 77 considering that public funds will be expended for its implementation. Moreover, as registered voters in BARMM, they have shown that they are directly affected by Bangsamoro Autonomy Act No. 77 as they allege that it interferes with their right of suffrage.

IV

These consolidated cases also fall within all the exceptions to the doctrine of hierarchy courts. It is true that this Court has held that when lower courts have the competence to act on the extraordinary writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus*, and injunction, the petition must be filed before the lower courts to avoid burdening this Court with causes in the first instance. As was stated in *Lihaylihay v. Tan*:[53]

> *It is basic that "[a]lthough th[is] Court, [the] Court of Appeals and the Regional Trial Courts have concurrent jurisdiction to issue writs of certiorari*, prohibition, *mandamus, quo warranto*, *habeas corpus* and injunction, such concurrence does not give the petitioner unrestricted freedom of choice of court forum":
>
> > The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition. It cannot and should not be burdened with the task of dealing with causes in the first instance. Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor. Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another, are not controllable by the Court of Appeals. Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writ's procurement must be presented. This is and should continue to be the policy in

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52 *Id.* at 266–268.

53 836 Phil. 400 (2018) [Per J. Leonen, Third Division].

> this regard, a policy that courts and lawyers must strictly observe.[54] (Citations omitted, emphasis supplied)

Nevertheless, in *Guiao v. Philippine Amusement and Gaming Corporation*,[55] this Court explained that the application of the hierarchy of courts doctrine may be relaxed if there are compelling circumstances to be had:

> This Court's strict adherence to the doctrine on hierarchy of courts is not merely due to judicial economy but also to ensure that every level of the Judiciary performs its designated roles in an efficient and effective manner. This Court is one of last resort, and direct recourse herewith is not proper unless it is shown that there are special and important reasons.
>
> However, the rule on hierarchy of courts will not prevent this Court from assuming jurisdiction when "the redress desired cannot be obtained in the appropriate courts or where exceptional and compelling circumstances justify availment of a remedy within and calling for the exercise of this Court's primary jurisdiction." While this Court shares concurrent jurisdiction over writs of *certiorari* and *mandamus* with the Regional Trial Court and the Court of Appeals, the instant controversy involves significant legal questions that deserve direct recourse to this Court. Moreover, the facts necessary to resolve these legal questions have been established by the parties and, hence, need not be threshed out in a trial court.[56] (Citations omitted)

This Court has time and again allowed litigants to seek recourse directly with this court on matters of great importance. *Diocese of Bacolod v. Commission on Elections*[57] enumerated these as: *first*, when there are genuine issues of constitutionality that must be addressed at the most immediate time;[58] *second*, when the issues involved are of transcendental importance;[59] *third*, cases of first impression;[60] *fourth*, the constitutional issues raised are better decided by the Court;[61] *fifth,* the time element presented in the case cannot be ignored;[62] *sixth*, the filed petition reviews the act of a constitutional organ;[63] *seventh*, 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;[64] and, *eighth*, 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

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54 *Id.* at 429–430.
55 955 Phil. 40 (2024) [Per J. Leonen, *En Banc*].
56 *Id.* at 56–57.
57 751 Phil. 301 (2015) [Per J. Leonen, *En Banc*].
58 *Id.* at 331.
59 *Id.* at 332.
60 *Id.*
61 *Id.* at 333.
62 *Id.*
63 *Id.* at 334.
64 *Id.*

found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."[65]

All the exceptions to the doctrine of hierarchy of courts apply here.

First, both petitions directly challenge the constitutionality of Bangsamoro Autonomy Act No. 77. The issues raised are of a transcendental importance as it concerns the right of suffrage, the structure of government in the BARMM, and the integrity of the conduct of elections. The exigency of the situation is evident as the forthcoming elections are mere weeks away. This makes apparent that petitioners have no other speedy, and adequate remedy.

Moreover, the complexity of the issues petitioners raise is best suited for this Court's resolution, especially since it concerns the acts of constitutional bodies, such as the COMELEC, whose mandate stems from the Constitution.

Lastly, the resolution of the issues raised is essential for the public's welfare.

All told, this Court may take cognizance of the Petitions on the first instance, these consolidated cases falling under the any of the exceptions to the doctrine of hierarchy of courts.

V

On the merits, Bangsamoro Autonomy Act No. 77 is illegal. It was enacted contrary to Section 5 of Republic Act No. 8189, otherwise known as the Voter's Registration Act of 1996, which partly provides:

> SECTION 5. *Precincts and their Establishment.* — . . . .
>
> . . . .
>
> 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 one hundred twenty (120) days before election day.

As a national election law, the Voter's Registration Act of 1996 governs the rules on voter registration and election preparations in the whole country,

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[65] *Id.* at 334–335.

including election-related activities in the BARMM.[66] Its Section 5 prohibits, mandatorily and without exceptions, the alteration of any territory comprising an election precinct, or the creation of new precincts, at the start of the election period.

The rationale behind the prohibition on altering precinct configurations at the start of election period is to guarantee the free and effective exercise of the right of suffrage. Election precincts must be fixed before the election period to give voters certainty as to where to vote. To change precinct boundaries when the election period has already commenced causes confusion not only to voters but also to the COMELEC, which must prepare ballots, voters' lists, and election returns based on fixed precincts. Any alteration once the election period begins renders useless the COMELEC's prior preparations, causing massive logistical failures and, ultimately, voter disenfranchisement.

In amending Bangsamoro Autonomy Act No. 58 and redistricting the constituent units of the BARMM, Bangsamoro Autonomy Act No. 77 necessarily altered precinct configurations as it reapportioned barangays and municipalities into new parliamentary districts. Even if the physical boundaries and composition of the precinct are preserved, the transfer of precinct from one district to another effectively constitutes an alteration. It will alter the voters' lists, ballot configuration, and election returns, among others, for that precinct, causing instability in the electoral process that the Voter's Registration Act seeks to prevent.

Bangsamoro Autonomy Act No. 77, which effectively altered existing precincts, was enacted on August 19, 2025. This is five days *after* the start of the election period on August 14, 2025, as determined by the COMELEC, in direct contravention of Section 5 of the Voter's Registration Act of 1996. The redistricting, therefore, is illegal and void. It cannot be applied in the conduct of the October 13, 2025 regular parliamentary elections.

Besides being enacted during the election period, Bangsamoro Autonomy Act No. 77 will require the redrawing of precinct maps 120 days before election day. This is in clear violation of the last paragraph of Section 5 of the Voter's Registration Act of 1996. Drawing precinct maps is a procedural safeguard against changes to electoral precincts, meant to preserve the integrity of the electoral process. The 120-day period ensures that adequate time is allotted for administrative adjustments, voter awareness, and logistical preparations. Accordingly, the implementation of Bangsamoro Autonomy Act No. 77 for the October 13, 2025 regular parliamentary elections is not only legally impermissible; it is also logistically impossible.

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66 Republic Act No. 11054 (2018), art. IV, sec. 4.

The disenfranchising effect of the redistricting under Bangsamoro Autonomy Act No. 77 becomes obvious when the transferred constituent units and the number of registered voters for each are enumerated.

Province or City	**Municipality or Barangay**	**District under Bangsamoro Autonomy Act No. 58**	**New District under Bangsamoro Autonomy Act No. 77**	**Number of Registered Voters**[67]
Basilan	Akbar	1st District	2nd District	7,320
	Ungkaya Pukan	2nd District	3rd District	11,674
	Maluso	3rd District	4th District	29,863
	Lantawan	3rd District	4th District	19,769
	Hadji Muhtamad	3rd District	4th District	11,724
Lanao del Sur	Kapai	2nd District	3rd District	12,683
	Amai Manabilang	3rd District	9th District	5,681
	Wao	3rd District	9th District	35,327
	Lumba Bayabao	4th District	9th District	19,733
	Tubaran	6th District	5th District	12,671
	Pualas	7th District	6th District	13,630
Maguindanao del Norte	Sultan Mastura	2nd District	3rd District	21,292
	Sultan Kudarat	3rd District	5th District	62,136
Maguindanao del Sur	Mamasapano	2nd District	3rd District	15,928
	Shariff Aguak	2nd District	3rd District	17,189
	Ampatuan	2nd District	3rd District	21,991
	Rajah Buayan	3rd District	5th District	14,114
	Sultan Sa Barongis	3rd District	5th District	16,310
	Datu Montawal (Pagagawan)	3rd District	5th District	20,536
	Pagalungan	3rd District	5th District	27,475
	Gen. S.K. Pendatun	3rd District	5th District	20,936
	Paglat	4th District	5th District	11,302
Tawi-Tawi	Mapun	1st District	2nd District	19,825
	Turtle Islands	1st District	4th District	8,406
	Tandubas	2nd District	3rd District	15,223
	Sitangkai	3rd District	4th District	27,116
	Sibutu	3rd District	4th District	18,879
Special Geographic Area	Kapalawan	1st District	2nd District	16,306
	Ligawasan	1st District	2nd District	18,564
	Malidegao	1st District	2nd District	18,367
	Old Kaabakan	1st District	2nd District	9,915
Cotabato City	Barangay Poblacion Mother	1st District	3rd District	5,913
	Barangay Poblacion I	1st District	3rd District	3,027
	Barangay Poblacion II	1st District	3rd District	3,035

[67] *See COMELEC Project of Precincts (POPs) for the October 13, 2025 BARMM Parliamentary* Elections, *available at* https://comelec.gov.ph/?r=2025BARMMPE/ProjectOfPrecincts (last accessed September 28, 2025).

	Barangay Poblacion III	1st District	3rd District	2,096
	Barangay Poblacion IV	1st District	3rd District	2,913
	Barangay Poblacion IX	1st District	3rd District	2,557
	Barangay Rosary Heights VIII	1st District	3rd District	4,601
	Barangay Rosary Heights IX	1st District	3rd District	4,476
	Barangay Tamontaka I	1st District	3rd District	1,963
	Barangay Tamontaka II	1st District	3rd District	1,465
	Barangay Tamontaka III	1st District	3rd District	1,116
	Barangay Tamontaka IV	1st District	3rd District	1,515
	Barangay Tamontaka V	1st District	3rd District	757
	Barangay Poblacion VII	2nd District	1st District	6,416
	Barangay Rosary Heights Mother	2nd District	1st District	5,698
	Barangay Rosary Heights I	2nd District	1st District	3,157
	Barangay Tamontaka Mother	2nd District	3rd District	5,882
TOTAL NUMBER OF VOTERS AFFECTED BY REDISTRICTING UNDER BANGSAMORO AUTONOMY ACT NO. 77				**638,472**

For all these municipalities and barangays, the ballots, voters' lists, and election returns will have to be altered. Ballots will have to be reprinted for 638,472 voters. These voters, who already registered under the district allocation in Bangsamoro Autonomy Act No. 58, will have to familiarize themselves anew with the candidates for district representative under Bangsamoro Autonomy Act No. 77. And they have less than two months before election day to do so.

More disenfranchising is the effect on the aspirants who have already filed their certificates of candidacy based on the old district allocation. Under Article VII, Section 12[68] of the Bangsamoro Organic Law, a candidate for

[68] Republic Act No. 11054 (2018), art. VII, sec. 12 provides:
SECTION 12. *Qualifications*. — No person shall be a member of the Parliament unless the person is a citizen of the Philippines, at least twenty-five (25) years of age on the day of the election, able to read and write, and a registered voter in the Bangsamoro Autonomous Region.
A candidate for youth representative shall not be less than eighteen (18) years and not more than thirty (30) years of age at the time of election.
A candidate for district representative must be a registered voter of the district in which the person is a candidate, and has resided in the district for at least one (1) year immediately preceding the day of the election.

parliamentary district representative must be a registered voter of the district in which he or she is a candidate and has resided in the district for at least one year immediately preceding the day of the election. With Bangsamoro Autonomy Act No. 77, a person who has resided in a municipality or barangay transferred to a new district will no longer satisfy the one-year residency requirement for the new district. Even if voted for in the new district, the candidate remains ineligible to run for failing to comply with the residency requirement for district representatives. This results in a denial of a candidate's right to have equal access to opportunities for public service as guaranteed by Article II, Section 26[69] of the Constitution.

As for the COMELEC, it would have to re-do its preparations and other activities for the October 13, 2025 BARMM Parliamentary Elections, a task it characterized with "impracticability"[70] given the short period of time left until the elections. What is practicable is for the COMELEC to continue its preparations in accordance with Bangsamoro Autonomy Act No. 58.

All these show how Bangsamoro Autonomy Act No. 77 violates the right of suffrage guaranteed by Article V, Section 1[71] of the Constitution. Suffrage includes the right to vote. And when a redistricting measure alters election precinct configurations too close to an election, it manufactures voter confusion and, consequently, ineligibility to run for office. This cannot be countenanced.

All told, Bangsamoro Autonomy Act No. 77 effectively alters election precincts in the BARMM but was enacted after the start of the election period for the October 13, 2025 regular parliamentary elections. It is therefore void for being contrary to Section 5 of the Voter's Registration Act and should have no force and effect on the conduct of the October 13, 2025 regular parliamentary elections.

VI

Apart from being contrary to Section 5 of the Voter's Registration Act, Bangsamoro Autonomy Act No. 77 is contrary to Article VII, Section 7(b) in relation to Article XVI, Section 4(b) and Article VII, Section 10 of the Bangsamoro Organic Law.

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69 CONST., art. II, sec. 26 provides:
SECTION 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.

70 *Rollo* (G.R. No. E-02219), p. 240.

71 CONST., art. V, sec. 1 provides:
SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

Article VII, Section 7(b) of the Organic Law provides:

ARTICLE VII
Bangsamoro Government

. . . .

Bangsamoro Parliament

. . . .

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

. . . .

(b) Parliamentary District Seats. — Not more than forty percent (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 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 Section 10, Article VII 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.

On the other hand, Article XVI, Section 4(b) of the Bangsamoro Organic Law states:

ARTICLE XVI
Bangsamoro Transition Authority

. . . .

SECTION 4. *Functions and Priorities.* – The Bangsamoro Transition Authority shall ensure the accomplishment of the following priorities during the transition period:

. . . .

(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[.]

Relatedly, Article VII, Section 10 of the Organic Law provides:

ARTICLE VII
Bangsamoro Government

. . . .

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 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 one hundred thousand (100,000).

The foregoing provisions of the Organic Law emphasize the goal of redistricting: to ensure equitable representation in the Parliament. In turn, this goal is achieved by ensuring that constituencies of a district be, as far as practicable, "contiguous, compact, and adjacent" and must have at least 100,000 inhabitants.

The requirement that each district in the BARMM be comprised of contiguous, compact, and adjacent territories is consistent with Article VI, Section 5(3) of the Constitution, thus:

ARTICLE VI
The Legislative Department

SECTION 5. . . .
. . . .

(3) Each 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.

The rationale behind contiguity is to prevent "gerrymandering," or the creation of representative districts out of separate portions of territory to favor a candidate.[72] Contiguity ensures that nearby communities, which usually share common interests, are represented together, making district representation more efficient, equitable, and meaningful. Forming districts

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[72] *See Navarro v. Executive Secretary Ermita*, 626 Phil. 23, 61 (2010) [Per J. Peralta, *En Banc*].

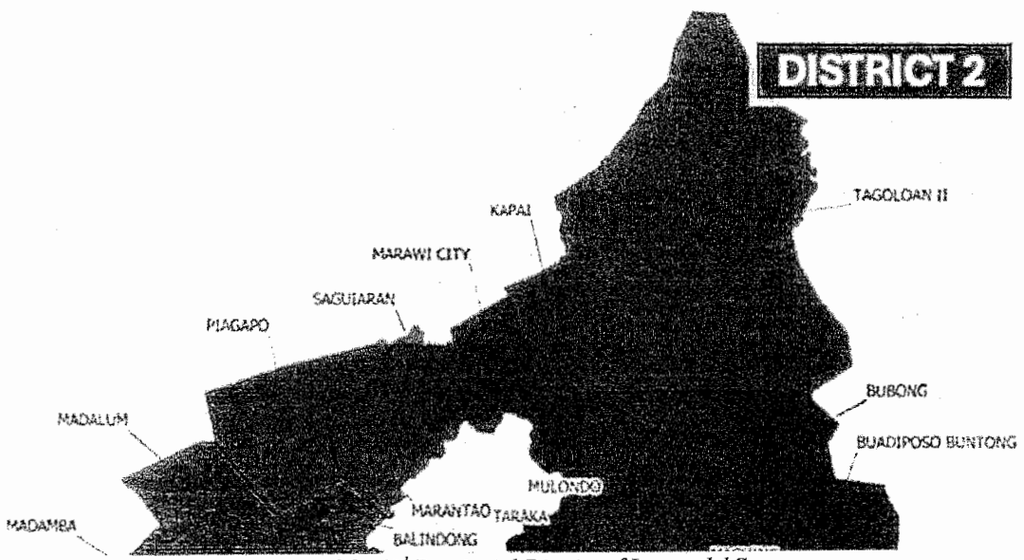
with non-contiguous territories will result in the unconstitutionality of the redistricting law.

In *Aldaba v. Commission on Elections*,[73] this Court declared as unconstitutional Republic Act No. 9591, which created a legislative district for the City of Malolos in Bulacan. Apart from failing to reach the required population threshold, Republic Act No. 9591 carved out the City of Malolos from Bulacan's first district, leaving the town of Bulacan isolated from the rest of the geographical mass of the first district. According to this Court, this contravened the constitutional requirement that legislative districts "comprise as far as practicable, contiguous, compact, and adjacent territory,"[74] rendering Republic Act No. 9591 void.

While *Aldaba* involved legislative districts, it equally applies in apportioning parliamentary districts within the BARMM. Article VII, Section 10 of the Bangsamoro Organic Law is based on Article VI, Section 5(3) of the Constitution; they share the same rationale. Consequently, a district allocation legislation by the Bangsamoro Transition Authority Parliament, when contrary to Article VII, Section 10 of the Bangsamoro Organic Law on contiguity, is likewise void.

The following show that Bangsamoro Autonomy Act No. 77 created parliamentary districts with non-contiguous territories, contrary to the requirement in Article VII, Section 10 of the Bangsamoro Organic Law.

In the Province of Lanao del Sur, the Municipality of Kapai used to belong to the 2nd District under Bangsamoro Autonomy Act No. 58.



Map of the 2nd Provincial District of Lanao del Sur under Bangsamoro Autonomy Act No. 58

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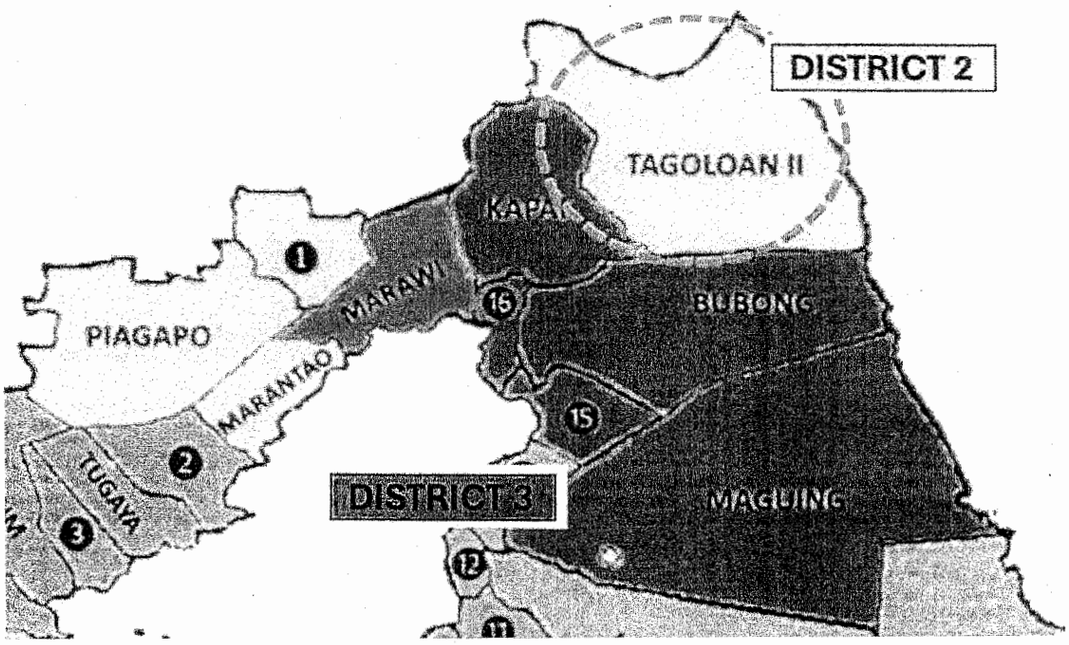
73 624 Phil. 805 (2010) [Per J. Carpio, *En Banc*].

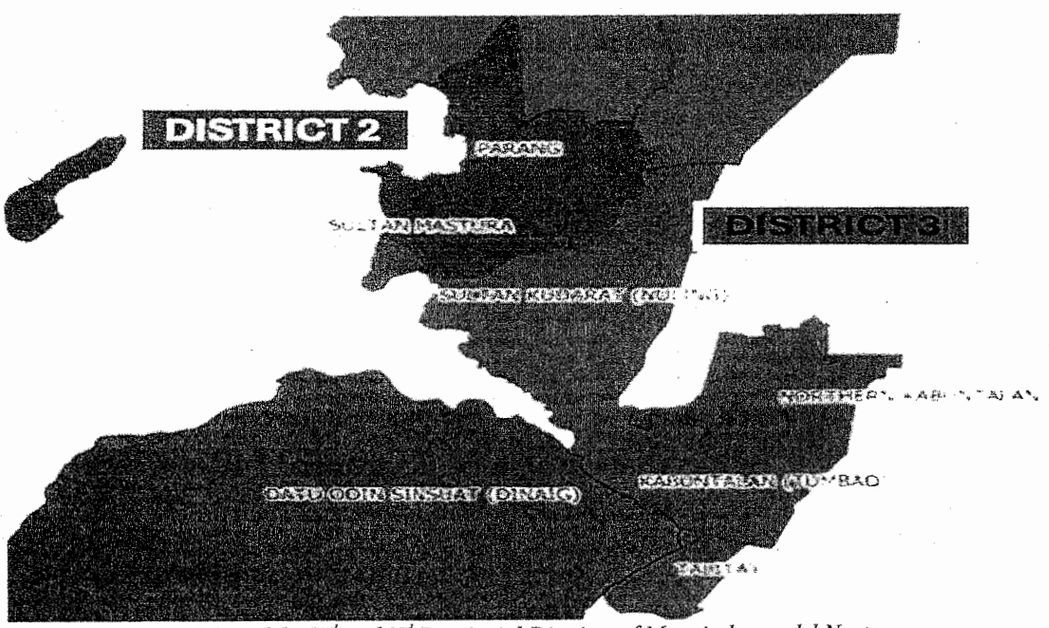
74 *Id.* At 818.

With Bangsamoro Autonomy Act No. 77, Kapai was transferred to the 3rd District. This left the Municipality of Tagaloan II isolated from the rest of the 2nd District to which it belongs. Worse, Tagaloan II shares no common border with the rest of the municipalities in the 2nd District, leaving it a non-contiguous territory in the 2nd District of Lanao del Sur.



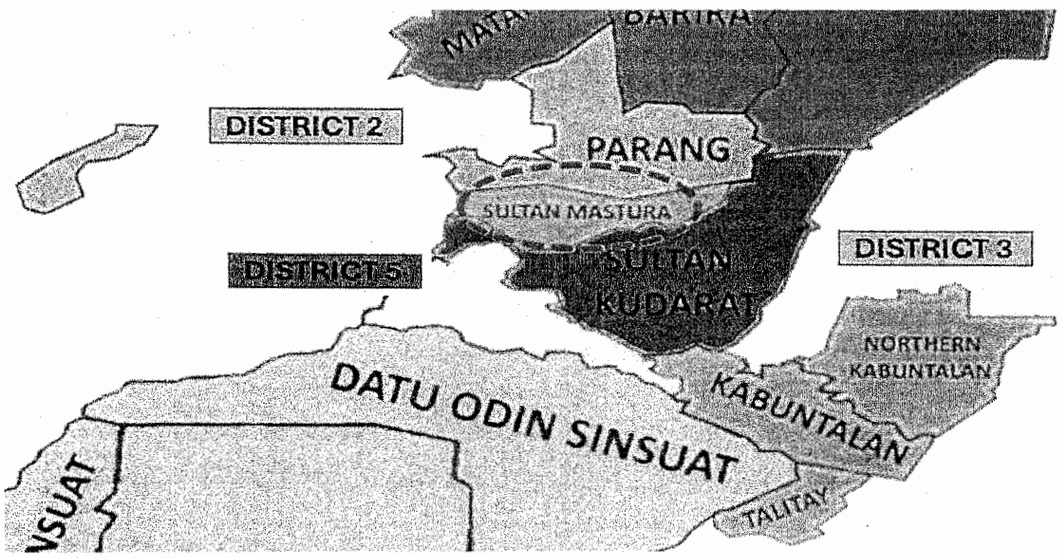
Map of the 2nd and 3rd Provincial Districts of Lanao del Sur under Bangsamoro Autonomy Act No. 77

In the Province of Maguindanao del Norte, the Municipalities of Sultan Mastura and Sultan Kudarat belonged to the 2nd District under Bangsamoro Autonomy Act No. 58.



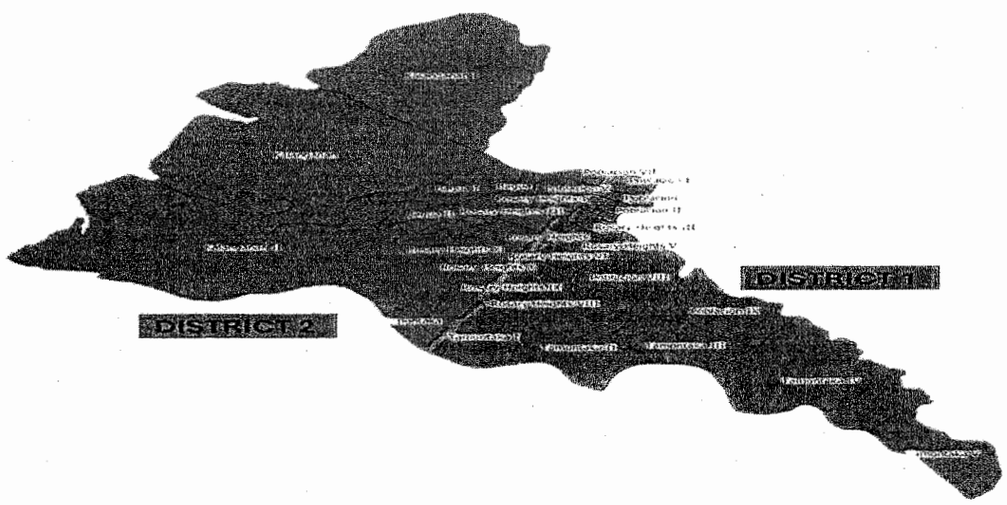
Map of the 2nd and 3rd Provincial Districts of Maguindanao del Norte under Bangsamoro Autonomy Act No. 58

Under Bangsamoro Autonomy Act No. 77, Sultan Mastura was transferred to the 3rd District, while Sultan Kudarat was transferred to the 5th District. This left Sultan Mastura physically separated from the rest of the municipalities belonging to the 3rd District. It is also grouped with the 3rd District with which it "share[s] no cultural or ethnolinguistic affinity."[75] The inhabitants of Sultan Mastura are mainly Iranun, while the rest of the inhabitants of the municipalities in the 3rd District are mainly Maguindanaoan.[76]



Focused Map of the 2nd, 3rd, and 5th Provincial Districts of Maguindanao del Norte under Bangsamoro Autonomy Act No. 77

In Cotabato City, Bangsamoro Autonomy Act No. 58 divided the city into two districts. The two districts were divided by a continuous highway composed of Sinsuat Avenue, De Mazenod Avenue, and Badoy Street.



Map of the 1st and 2nd Districts of Cotabato City under Bangsamoro Autonomy Act No. 58

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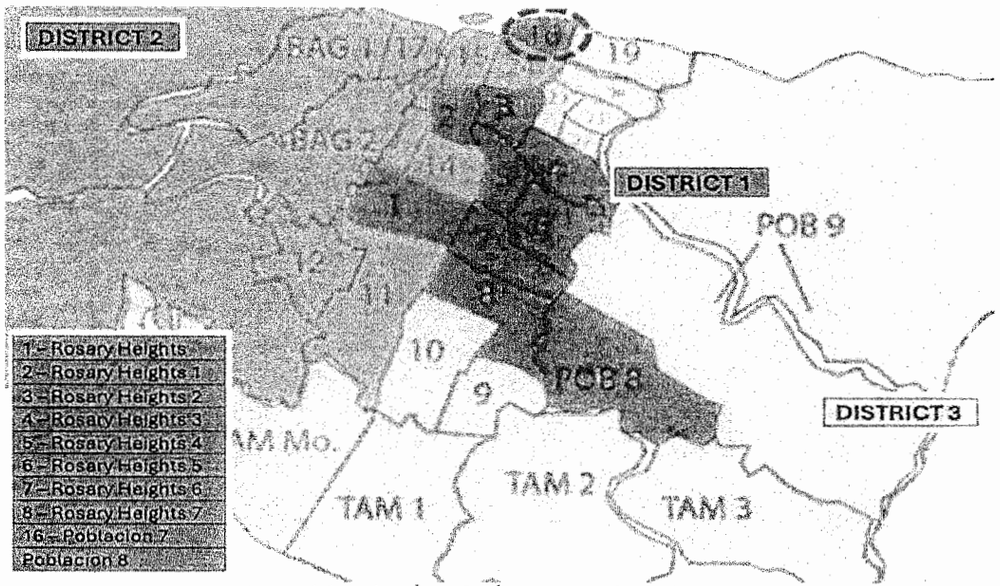
75 *Rollo* (G.R. No. E-02219), p. 43.
76 *Id.* at 43–44.

However, under Bangsamoro Autonomy Act No. 77, Cotabato City was divided into three districts. Specifically, Barangay Poblacion VII, which originally belonged to the 2nd District, was transferred to the 1st District. This transfer leaves Barangay Poblacion VII physically isolated from the rest of the 1st District.



Map of the 1st, 2nd, and 3rd Districts of Cotabato City under Bangsamoro Autonomy Act No. 77

It is true that under Article VII, Section 10 of the Bangsamoro Organic Law, the requirement of contiguity is qualified by "as far as practicable." Therefore, it can be argued that contiguity may be dispensed with if it is impracticable to create a district composed of contiguous, compact, and adjacent territories.

In the present case, however, there is no reason not to comply with the requirement of contiguity. As the petitioners in G.R. No. E-02219 point out, the provinces of Lanao del Sur, Maguindanao del Norte, and Cotabato City are all "part of the mainland of Mindanao."[77] These affected provinces and city are "all land-connected territories, unbroken by natural obstacles such as bodies of water or islands."[78] Therefore, there is no justification for isolating Tagaloan II, Sultan Mastura, and Poblacion II from the rest of their districts.

Evidence that a redistricting measure actually favored a particular party or candidate is not required to void it. It does not matter that no evidence was presented to prove that a particular party in BARMM was benefited by Bangsamoro Autonomy Act No. 77. What remains undisputed is that Bangsamoro Autonomy Act No. 77 formed districts with non-contiguous

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77 *Id.* at 52.
78 *Id.*

territories. It therefore contravened Article VII, Section 10 of the Organic Law, making it void.

Neither can the political question doctrine be used to prevent this Court from resolving issues of constitutionality of redistricting measures. As early as 1961, this Court in *Macias v. COMELEC*[79] held that "district apportionment laws are subject to review by the courts."[80] The petitioners in *Macias* argued that the redistricting legislation involved there "improves existing conditions"[81] and that this Court, "in the exercise of judicial statesmanship, [should] consider the question involved as purely political and therefore non-justiciable."[82] Rejecting the argument, this Court said:

> The overwhelming weight of authority is that district apportionment laws are subject to review by the courts.
>
> > "The Constitutionality of a legislative apportionment act is a judicial question, and not one which the court cannot consider on the ground that it is political question." . . . .
> >
> > "It is well settled that the passage of apportionment acts is not so exclusively within the political power of the legislature as to preclude a court from inquiring into their constitutionality when the question is properly brought before it." . . . .
>
> It may be added in this connection, that the mere impact of the suit upon the political situation does not render it political instead of judicial. . . . . .
>
> The alleged circumstance that this statute improves the present set-up constitutes no excuse for approving a transgression of constitutional limitations, because the end does not justify the means. Furthermore, there is no reason to doubt that, aware of the existing inequality of representation, and impelled by its sense of duty, Congress will opportunely approve remedial legislation in accord with the precepts of the Constitution.[83] (Citation omitted)

All told, Bangsamoro Autonomy Act No. 77 formed parliamentary districts not composed of contiguous and adjacent territories. The forming of such contiguous and adjacent territories was also not impracticable. Bangsamoro Autonomy Act No. 77 is contrary to Article VII, Section 10 of the Bangsamoro Organic Law and Article VI, Section 5(3) of the Constitution. Bangsamoro Autonomy Act No. 77 is illegal and unconstitutional. It must be struck down for being void.

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79 113 Phil. 1 (1961) [Per C.J. Bengzon, *En Banc*].
80 *Id.* at 7–8.
81 *Id.* at 7.
82 *Id.*
83 *Id.* at 7–8.

VII

Specifically for Section 4 of Bangsamoro Autonomy Act No. 77, it is illegal for being contrary to Article VII, Section 7(b) of the Bangsamoro Organic Law. Section 4 of Bangsamoro Autonomy Act No. 77 provides:

> **SEC. 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.

Section 4 of Bangsamoro Autonomy Act No. 77 grants the President the power to appoint an "Interim Parliamentary District Representative" for new districts created after the deadline for the filing of certificates of candidacy. This is contrary to Article VII, Section 7(b) of the Bangsamoro Organic Law, which states that "the district representatives shall be elected through direct plurality vote by the registered voters in the parliamentary districts[:]"

> **ARTICLE VII**
> *Bangsamoro Government*
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> . . . .
>
> Bangsamoro Parliament
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> . . . .
>
> SECTION 7. *Classification and Allocation of Seats.* — The seats in the Parliament shall be classified and allocated as follows:
>
> . . . .
>
> (b) Parliamentary District Seats. — Not more than forty percent (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 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 Section 10, Article VII 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.* (Emphasis supplied)

The framework under the Bangsamoro Organic Law is that the BARMM shall be governed by representatives elected by the people of the Bangsamoro. The only time the President can make appointments is with respect to the 80 members of the Bangsamoro Transition Authority during the interim period, but not with the members of the Bangsamoro Parliament. Article XVI, Section 2 of the Bangsamoro Organic Law provides:

> **ARTICLE XVI**
> *Bangsamoro Transition Authority*
>
> SECTION 2. *Bangsamoro Transition Authority.* — There is hereby created the Bangsamoro Transition Authority which shall be the interim government in the Bangsamoro Autonomous Region during the transition period. The Moro Islamic Liberation Front shall lead the Bangsamoro Transition Authority, without prejudice to the participation of the Moro National Liberation Front in its membership.
>
> The compensation of the members of the Bangsamoro Transition Authority shall be subject to existing rules and regulations of the National Government.
>
> The Bangsamoro Transition Authority shall be composed of eighty (80) members, who shall be appointed by the President: *Provided*, That, in addition, the elected officials of the Autonomous Regional Government in Muslim Mindanao shall automatically become members of the Bangsamoro Transition Authority and shall serve until noon of the 30th of June 2019: *Provided, further*, That non-Moro indigenous communities, youth, women, settler communities, traditional leaders, and other sectors shall have representatives in the Bangsamoro Transition Authority.

That newly created districts under Bangsamoro Autonomy Act No. 77 may be left unrepresented does not justify the grant of appointing powers to the President. A reading of Article XVI, Section 2 of the Bangsamoro Organic Law will reveal that the appointive power granted to the President is only temporary in nature and should not extend to the regular parliamentary governance of the BARMM.

Section 4 of Bangsamoro Autonomy Act No. 77 is void for being contrary to Article VII, Section 7(b) of the Bangsamoro Organic Act.

VIII

It is true that under Article VII, Section 6 of the Bangsamoro Organic Law, "the Parliament shall be composed of eighty (80) members[.]" It is equally true that the Bangsamoro Transition Authority Parliament enacted Bangsamoro Autonomy Act No. 77 to distribute the seven districts originally allocated to the Province of Sulu but were deemed vacant in view of its non-ratification of the Bangsamoro Organic Law.

Still, the seven districts left unoccupied by the Province of Sulu cannot be redistributed *after the start of election period* of the October 13, 2025 elections. As discussed, this is contrary to Section 5 of the Voter's Registration Act of 1996, a national election law with which all election legislation passed by the Bangsamoro Transition Authority Parliament must be consistent.[84]

Furthermore, the use of the word "shall" in Article VII, Section 6 of the Bangsamoro Organic Law does not mean that 80 is a rigid minimum that must be filled for the Parliament to function. Instead, it is to be interpreted as the *maximum composition* of the Parliament. In other words, the Parliament can function with less than 80 members, but it cannot be composed of more than 80 individuals.

Article VII, Section 6 of the Bangsamoro Organic Law is worded as follows:

> **ARTICLE VII**
> *Bangsamoro Government*
>
> . . . .
>
> Bangsamoro Parliament
>
> . . . .
>
> SECTION 6. *Composition.* – The Parliament shall be composed of eighty (80) members, unless otherwise increased by the Congress of the Philippines.

That the number 80 is a maximum number of members, not a minimum, is highlighted by the phrase "unless otherwise increased by the Congress of the Philippines" in Article VII, Section 6. This means that Congress is concerned with ensuring that the number of members of the Parliament does not go beyond 80. The provision, however, does not prohibit the actual number of those who are elected and sit in the parliament be less than 80 especially if there are reasons for the vacancy.

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84 Republic Act No. 11054 (2018), art. IV, sec. 4.

Reading Article VII, Section 20 of the Bangsamoro Organic Law, nothing in it states that the "80 seats [in the Parliament] should always be occupied"[85] or that the filling of the vacancy should be done the moment the seat is vacated. Article VII, Section 20 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 a vacancy of a district seat by an affiliated member of the Parliament, the party to which the member belongs shall, within thirty (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 (1) year before the expiration of the term of office, a special election may be called to fill such vacancy in the manner prescribed by law enacted by the Parliament.
>
> The appointed or elected members of the Parliament, as the case may be, shall serve the unexpired term of the vacant office.

Article VII, Section 20 outlines the manner of filling of a vacancy in the *elected* Parliament. Nothing in it states that all the 80 seats should be filled at the same time for the Parliament to function.

Further, the Bangsamoro Organic Law was drafted on the assumption that the Province of Sulu is part of the BARMM. To insist on 80, especially since the new redistricting law was enacted too close to election day, will be a practical impossibility, the reality being that the Province of Sulu, which was allocated with seven districts, chose not to be part of the BARMM. It is not the intention of the law to require that which is impossible to do.[86]

Equitable representation remains even if less than 80 are elected to the Parliament. The districts outlined in Bangsamoro Autonomy Act No. 58 were allocated in accordance with the population and geographic requirements under Article VII, Section 10 of the Bangsamoro Organic Law.

It is better to have an elected Parliament of 73 rather than another appointed Parliament of 80. This reading better respects the right of suffrage of the Bangsamoro people.

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85 *Ponencia*, p. 53.

86 *See Akbayan-Youth v. COMELEC*, 407 Phil. 618, 644 (2001) [Per J. Buena, *En Banc*], where this Court said that "there is no obligation to do an impossible thing. *Impossibilium nulla obligatio est.* Hence, a statute may not be so construed as to require compliance with what it prescribes cannot, at the time, be legally accomplished." (Citation omitted)

In Congress and local *sanggunians,* the reduction in the number of members—whether due to disqualification, suspension, or annulment of elections—does not incapacitate the legislative body or otherwise paralyze governance. The same should hold true for the BARMM Parliament. It can legislate with less than 80 members until the elected members validly pass legislation during their elected term to address the seats left by the Province of Sulu.

All the remaining 73 districts based on Bangsamoro Autonomy Act No. 58 must be filled in the upcoming regular parliamentary elections. The COMELEC correctly began preparations with this assumption, this being the legal and practicable course of action.

To repeat: the Parliament can function with 73 members. 80, which is the number of members of the Parliament indicated in Article VI, Section 6 of the Bangsamoro Organic Law, is a maximum composition, not a minimum that has to be filled. What matters is that the districts that remained after the departure of Sulu from the BARMM are represented by individuals who were "elected through direct plurality vote by the registered voters in the parliamentary districts."[87] Any other interpretation may cause an indefinite suspension of the Bangsamoro elections.

There will be no reduction of the 80 parliamentary seats provided in Article VII, Section 6[88] of the Organic Law, even if the district apportionment in Bangsamoro Autonomy Act No. 58 is followed. No law—or even this Court's Decision in *Province of Sulu v. Medialdea*[89] or Republic Act No. 12123 that postponed the regular parliamentary elections to October 13, 2025—reduced this number.

To emphasize: no national or autonomous law reduced the number of seats. The maximum composition of the Parliament remains to be 80.

IX

Based on the foregoing, Bangsamoro Autonomy Act No. 77 should be declared illegal and unconstitutional. All its provisions, including the repealing clause, are void *ab initio*.

Therefore Bangsamoro Autonomy Act No. 77's provisions did not exist. This means that Bangsamoro Autonomy Act No. 58 was never repealed, even when this Court issued the September 15, 2025 TRO.

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87 Republic Act No. 11054 (2018), art. VII, sec. 7(b).

88 Republic Act No. 11054 (2018), art. VII, sec. 6 provides:
SECTION 6. Composition. – The Parliament shall be composed of eighty (80) members, unless otherwise increased by the Congress of the Philippines.

89 958 Phil. 739 (2024) [Per S.A.J. Leonen, *En Banc*].

Bangsamoro Autonomy Act No. 58 remains in existence and is still the governing district apportionment law in the BARMM.

Contrary to the ruling of the majority,[90] an examination of the substantive validity of Bangsamoro Autonomy Act No. 58 is not needed upon the declaration of unconstitutionality of Bangsamoro Autonomy Act No. 77. None of the parties directly put Bangsamoro Autonomy Act No. 58's constitutionality at issue; hence, we must avoid ruling on the issue, presume that Bangsamoro Autonomy Act No. 58 is constitutional, and treat it as such in the present proceedings.

With respect, Bangsamoro Autonomy Act No. 58 is neither unconstitutional nor "inoperative"[91] as described in the majority opinion.

X

COMELEC should not have suspended its preparations when this Court issued the September 15, 2025 Temporary Restraining Order.

COMELEC's Calendar of Activities was promulgated on June 3, 2025.[92] COMELEC was already preparing for the October 13, 2025 elections based on Bangsamoro Autonomy Act No. 58 despite its provisions that would in effect only fill in 73 seats in the 80 seat parliament.

Despite the enactment of Bangsamoro Autonomy Act No. 77 on August 19, 2025, the COMELEC declared in an August 27, 2025 Resolution that it will defer Bangsamoro Autonomy Act No. 77's implementation to the next regular BARMM parliamentary elections following 2025.[93] Its Spokesperson also declared in an August 27, 2025 notice that it will resume the printing of ballots for the October 13, 2025 elections "under the present 2025 [BARMM Parliamentary Elections] timelines[.]"[94]

Consequently, the September 15, 2025 TRO could not have been the basis for the COMELEC's suspension of election activities for the October 13, 2025 elections.

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90 *Ponencia*, p. 48–49.
91 *Id.* at 49.
92 *See* COMELEC Resolution No. 11149 (2025).
93 *Rollo* (G.R. No. E-02219), p. 239.
94 *See Resumption of Printing of The Official Ballots for The October 13, 2025 BARMM Parliamentary Elections*, Official Facebook page of COMELEC, *available at* https://www.facebook.com/photo/?fbid=1232081385624358&set=a.224420859723754 (last accessed September 30, 2025).

To recall, the TRO[95] enjoined the COMELEC and the Bangsamoro Transition Authority "from enforcing Bangsamoro Autonomy Act No. 77 pending the final resolution of these cases."[96] Since COMELEC was *not* enforcing Bangsamoro Autonomy Act No. 77, as it had publicly declared, then COMELEC should have just continued with its preparations based on Bangsamoro Autonomy Act No. 58, as it was already doing prior to the issuance of the TRO.

In other words, the TRO on Bangsamoro Autonomy Act No. 77 enforced COMELEC's original interpretation of the governing law for the October 13, 2025, elections. There should have been no confusion on the part of COMELEC.

XI

The Decision in this case sets a dangerous precedent. The Constitution is clear: elections can only be set by law.[97] Setting election dates is the province of Congress. It is not the responsibility of this Court.

Worse, by judicial fiat, we further delayed suffrage, "the most important and sacred of the freedoms inherent in [our] democratic society."[98] Sovereignty resides in the people,[99] and the majority's decision to postpone strikes at the very core of this sovereignty.

The logistical difficulties that the COMELEC will face are not reason for this Court to set the date of the BARMM elections. The COMELEC, *on its own*, can postpone elections due to serious causes, such as *force majeure*, and for a much shorter time period than that set by this Court.[100]

Our laws are not insufficient to address the current situation. This Court need not step in. Election day has been set by law. The BARMM is governed by a valid district apportionment law. We need not "urge"[101] Congress to enact a law to reschedule the twice-postponed BARMM elections. The

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95 *Rollo* (G.R. No. E-02219), pp. 135–137.
96 *Id.* at 136.
97 *See* CONST., art. VI, sec. 8; CONST., art. VII, sec. 4; CONST., art. X, sec. 18.
98 *Macalintal v. COMELEC*, 943 Phil. 212, 226 (2023) [Per J. Kho, *En Banc*].
99 CONST., art. II, sec. 1.
100 Batas Pambansa Blg. 881, (1985) art. I, sec. 5 provides:
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.
101 *Ponencia*, p. 56.

COMELEC has sufficient powers to decide for itself if elections should indeed be postponed.

XII

We note that Commander Bravo, one of the seasoned fighters and base commanders of the Moro Islamic Liberation Front, himself came to the Court to file one of the petitions in this case. The symbolism of this gesture in the context of the long struggle of the Bangsamoro to gain genuine autonomy is not lost to this Court, especially to the Senior Associate Justice—now Acting Chief Justice. It is a recognition of their autonomous rights. It is also a recognition of the constitutional power of this Court to exercise judicial review. It is a recognition that this Court will listen to allegations of grave abuse of discretion.

The negotiations to discover and articulate the parameters of what is now considered an asymmetrical relationship with the Bangsamoro Autonomous Region considered how this Court can contribute to asserting the democratic and autonomous rights of its peoples. It was argued that enlightened national government bodies will not necessarily suppress but will even acknowledge and enable the self-determination of the Bangsamoro.

This case represents the current embodiment of those ideals.

It is this Court that now clarifies that the sovereign rights of its electorate cannot be the subject of gerrymandering by its leaders. In a democracy, it is not the interest of the representatives or the members of the Parliament that is paramount. It is the interests of those they represent. This is true for the BARMM. This is also true for all. To echo our Constitution, indeed, sovereignty resides always in our people, and all governmental authority truly emanates from them.

The endowment of legitimacy to the Bangsamoro Parliament is long overdue. For longer than what was originally imagined, its composition has been appointed by the national government. The transition should have been completed by 2019. The longer it takes to have elections, the more dependent the leaders and prominent individuals will be to the President's power of appointment.

While dissenting with the majority as to when the elections should happen, I share in this Court's emphatic pronouncement that it should happen at the soonest possible time. I urge the Bangsamoro leaders to heed the call of their people and to comply with the orders of this Court with utmost sincerity and with due and deliberate dispatch.

Genuine lasting peace requires no less.

ACCORDINGLY, I vote to **GRANT** the Petitions and declare Bangsamoro Autonomy Act No. 77 **VOID** for being **UNCONSTITUTIONAL** and **ILLEGAL**. Bangsamoro Autonomy Act No. 58 is still **IN EXISTENCE**. The September 15, 2025 Temporary Restraining Order enjoining the implementation of Bangsamoro Autonomy Act No. 77 should be made **PERMANENT**.

Respondent Commission on Elections should be **ORDERED** to proceed, with dispatch, with its preparations for the regular parliamentary elections in the Bangsamoro Autonomous Region in Muslim Mindanao under the parliamentary district allocation set forth in Bangsamoro Autonomy Act No. 58; and, to conduct the first regular parliamentary elections in the Bangsamoro Autonomous Region in Muslim Mindanao in accordance with existing laws.

The Decision should be immediately executory and should be deemed served upon the parties upon posting and their receipt through electronic means.

MARVIC M.V.F. LEONEN
Acting Chief Justice