

Title:

Sula, Asi, and Malig v. Commission on Elections (COMELEC): The Ratification of the Bangsamoro Organic Law and Inclusion of Cotabato City in Bangsamoro Autonomous Region

Facts:

On July 21, 2018, Republic Act No. 11054, known as the Organic Law, mandated a plebiscite to establish the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). The plebiscite aimed to secure the Bangsamoro people's identity and determine those who desired inclusion in BARMM.

COMELEC scheduled the plebiscite in two phases: for the Autonomous Region in Muslim Mindanao (ARMM), Isabela City, Basilan, and Cotabato City on January 21, 2019; and for Lanao del Norte, excluding Iligan City, and six municipalities of North Cotabato on February 6, 2019.

During the first phase, Cotabato City tallied 38,682 "YES" and 24,994 "NO" votes. Alleged discrepancies in voter turnout prompted COMELEC to order a retabulation, which confirmed the ratification of the Organic Law and the inclusion of Cotabato City in BARMM on January 25, 2019.

On March 1, 2019, Sula, Asi, and Malig, registered voters of Cotabato City, filed a Petition with the Supreme Court, alleging that COMELEC failed to adhere to statutory requirements during the plebiscite and the inclusion of Cotabato City in BARMM. Cotabato City Mayor Frances Cynthia Guiani-Sayadi intervened, sharing similar concerns over the plebiscite's conduct and implications.

Issues:

1. Whether the Petition-in-Intervention by Cotabato City Mayor Frances Cynthia Guiani-Sayadi should be granted.
2. Whether COMELEC committed grave abuse of discretion in ratifying the Organic Law and the inclusion of Cotabato City in BARMM.
3. Whether a Temporary Restraining Order or Writ of Preliminary Injunction should be issued to halt the implementation of the Organic Law concerning Cotabato City.

Court's Decision:

1. Mayor Frances Cynthia Guiani-Sayadi's Petition-in-Intervention was granted. The Court considered her legal interest as a city mayor, the non-delay of the legal process by her

intervention, and her legal standing as a taxpayer.

2. The Court dismissed Sula et al.'s Petition and denied the prayer for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction. It found no merit in the claim that the COMELEC committed grave abuse of discretion concerning the timing or content of the plebiscite question. The Court further ruled that the discrepancies in turnouts were addressed through proper retabulation and that the petitioners provided insufficient evidence of alleged irregularities.

Doctrine:

The Supreme Court reiterated the doctrine that the Commission on Elections has broad power to enforce and administer all laws and regulations concerning the conduct of an election, plebiscite, initiative, referendum, and recall.

Class Notes:

- The Supreme Court has the authority to rule on grave abuse of discretion by administrative bodies like the COMELEC.
- When challenging election-related decisions, petitioners must provide specific, concrete evidence of irregularities or fraud, and mere allegations are insufficient for overturning election results.
- The Commission on Elections has the power to conduct plebiscites and make necessary rules and regulations to ensure free, orderly, honest, peaceful, and credible elections or plebiscites.

Historical Background:

The case is set against the backdrop of a protracted process to establish a peace agreement in Muslim Mindanao. Various negotiations and agreements, including the Tripoli Agreement (1976), the Final Peace Agreement (1996), the formation of the Moro Islamic Liberation Front, and subsequent peace talks, culminated in the Framework Agreement on the Bangsamoro (2012) followed by the Comprehensive Agreement on the Bangsamoro (2014). The Bangsamoro Organic Law involving plebiscites, ultimately leading to the case at hand, was a significant step towards the creation of BARMM.