

**Title:** Abbas vs. COMELEC and Carague (1989) – Constitutionality of R.A. No. 6734

**Facts:**

1. **Context and Initial Pleadings:**

- Petitioners Datu Firdausi I.Y. Abbas et al. represent taxpayers of Mindanao. They brought petitions against the Commission on Elections (COMELEC) and Guillermo C. Carague, Secretary of Budget and Management.
- Another petitioner, Atty. Abdullah D. Mama-o, filed a separate but related petition.
- The petitions sought to enjoin the COMELEC from conducting a plebiscite scheduled for November 19, 1989, and to prevent the release of funds for the plebiscite by the Secretary of Budget and Management.

2. **Basis of Challenge:**

- Petitioners contended that certain provisions of R.A. No. 6734 were unconstitutional.
- Specifically, the law was alleged to conflict with the Tripoli Agreement of 1976 and various provisions of the 1987 Philippine Constitution.

3. **Solicitor General’s Response:**

- A consolidated comment was filed by the Solicitor General, asserting that the Tripoli Agreement was not a binding treaty or international agreement.
- The case was submitted for decision after the Court considered the comment as the answer.

4. **Further Proceedings:**

- Petitioner Mama-o filed a “Manifestation with Motion for Leave to File Reply on Respondents’ Comment and to Open Oral Arguments,” which the Court noted but did not find necessary to grant oral arguments.

**Procedural Posture:**

- Original petitions filed against COMELEC and the Secretary of Budget.
- Comments filed by the Solicitor General.
- Case submitted for decision by the Supreme Court after consolidated comments and noted petitioner’s motion.

**Issues:**

1. Does R.A. No. 6734 conflict with the Tripoli Agreement?
2. Does R.A. No. 6734 violate the conditions set by the 1987 Constitution for creating the Autonomous Region in Muslim Mindanao (ARMM)?

3. Does the creation of the Oversight Committee under R.A. No. 6734 delay or hinder the creation of the ARMM?
4. Is the legislative determination of the areas comprising the ARMM unconstitutional?
5. Does R.A. No. 6734 violate the constitutional guarantee of the free exercise of religion?
6. Does the provision allowing the President to merge existing administrative regions violate the Constitution?

**\*\*Court's Decision:\*\***

1. **\*\*Conflict with the Tripoli Agreement:\*\***

- The Supreme Court found it unnecessary to rule on the binding nature of the Tripoli Agreement.
- Since the 1987 Constitution provides for the creation of the ARMM, the standard for validity is the Constitution, not the Tripoli Agreement.

2. **\*\*Compliance with Constitutional Conditions for ARMM Creation:\*\***

- The Court held that R.A. No. 6734 does not unconditionally create the ARMM. Its creation depends on the outcome of the plebiscite, thereby adhering to the constitutional requirement.
- Only the provinces and cities voting favorably in the plebiscite will be included in the ARMM.

3. **\*\*Oversight Committee and Delay in ARMM Creation:\*\***

- The Supreme Court found that the oversight functions do not impede the creation of the ARMM.
- The committee's role is to ensure a smooth transition and is not contrary to the immediate effectivity of the Organic Act upon the plebiscite's approval.

4. **\*\*Legislative Determination of ARMM Areas:\*\***

- The Court upheld the legislative flexibility granted by the Constitution to determine the areas comprising the ARMM.
- Diversity in shared heritage and economic structures justified Congress's inclusion of specific areas.

5. **\*\*Free Exercise of Religion:\*\***

- No actual cases showing conflicts between national law and Shari'ah were present, and thus no substantial grounds to decide this issue were found.

6. **Presidential Power to Merge Administrative Regions:**

- The Court clarified that administrative regions are different from territorial and political subdivisions.
- The merger of administrative regions by the President aligns with traditional executive supervision and does not require a plebiscite.

**Doctrine:**

- **Autonomous Regions Creation under 1987 Constitution:** The creation of such regions depends on a plebiscite where only those areas voting favorably are included.
- **Legislative Prerogative:** Congress's determination of areas in the ARMM is within its discretion per constitutional standards.
- **Administrative Regions:** The merger by the President of administrative regions does not require a plebiscite as they are for administrative purposes, not political or territorial changes.

**Class Notes:**

- **Key Elements for Autonomous Regions (Article X, 1987 Constitution):**
  - Creation dependent on a plebiscite.
  - Only areas voting favorably are included.
  - Legislative discretion on determining areas.
  - No lump-sum "majority of total votes"; majority needed in each constituent unit.
- **Statutes Involved:**
  - **1987 Constitution, Article X, Sections 15-21:** Framework for regional autonomy.
  - **R.A. No. 6734:** Organic Act for Autonomous Region of Muslim Mindanao.

**Historical Background:**

- **1976 Tripoli Agreement:** Between the Philippine government and the Moro National Liberation Front, sponsored by the Organization of Islamic Conference.
- **1987 Philippine Constitution:** First explicit constitutional provision for autonomous regions in Muslim Mindanao and the Cordilleras.
- **R.A. No. 6734 Enacted (1989):** Created to implement the constitutional mandate for regional autonomy in Muslim Mindanao.

This case reflects the transition towards autonomy in regions with distinct cultural identities while balancing constitutional mandates and historical agreements.