

**Title:** Datu Michael Abas Kida, et al. v. Senate of the Philippines, et al., G.R. Nos. 196271, 196305, 197221, 197280, 197282, 197392, & 197454 (2011)

**Facts:**

1. **Constitutional Mandate and Legislative History:**

- Sections 15-22, Article X of the 1987 Constitution, called for the creation of autonomous regions in Muslim Mindanao and Cordilleras.
- Republic Act (RA) No. 6734: Enacted to create the ARMM in 1989, with the first elections scheduled between 60-90 days after its ratification.
- RA No. 9054: Amended RA No. 6734, scheduling subsequent regional elections to be held every three years on the second Monday of September.
- RA No. 9140 (June 22, 2001) and RA No. 9333 set subsequent election dates but were not ratified by plebiscite.
- RA No. 10153: Enacted on June 30, 2011, postponed ARMM elections scheduled for August 8, 2011, to May 2013 to synchronize with national elections.

2. **Petitions and Legal Challenges:**

- Inclusive of seven major petitions filed by Datu Michael Abas Kida and others, challenging the constitutionality of RA No. 10153, RA No. 9333, and RA No. 9140.
- Arguments centered on non-compliance with the plebiscite requirement under Articles XVII of RA No. 9054 and the elective and representative character of ARMM governance imposed by the Constitution.
- Additional arguments included the improper grant of appointment power to the President and allegations of procedural irregularities in the legislative process.

3. **Procedural Posture:**

- Initial petitions against RA No. 9333 and RA No. 10153 filed separately.
- Consolidation of petitions ordered by the Court.
- Oral arguments heard on August 9 and 16, 2011.
- Temporary restraining order issued on September 13, 2011, maintaining incumbent officials beyond their term if the cases were not resolved by September 30, 2011.

**Issues:**

1. **Synchronization Mandate:**

- Whether the Constitution mandates synchronization of ARMM elections with national and local elections.

2. **Legislative Process:**

- Whether RA No. 10153 satisfies the constitutional requirements of Section 26(2), Article VI concerning the three readings requirement.

3. **Amendment Requirements:**

- Whether RA No. 10153 requires a supermajority vote and plebiscite under the amendment clauses of RA No. 9054.

- The validity of the supermajority and plebiscite requirements under RA No. 9054 itself.

4. **Autonomy and Elective Representation:**

- Whether RA No. 10153 violates constitutional provisions guaranteeing ARMM autonomy and the elective character of its government.

5. **Appointment of Officers-in-Charge:**

- Whether the authority granted to the President by RA No. 10153 to appoint Officers-in-Charge for ARMM governance violates the Constitution.

**Court's Decision:**

1. **Synchronization Mandate:**

- The Court upheld that the synchronization of national and local elections, including regional (ARMM) elections, is a constitutional mandate.

2. **Legislative Process and Certification:**

- The President's certification of urgency bypassed the need for three readings on separate days; this certification was deemed valid under *Tolentino v. Secretary of Finance* standards.

3. **Supermajority and Plebiscite Requirements:**

- RA No. 9333 and RA No. 10153 were not amendments to RA No. 9054, thus not requiring a supermajority vote or plebiscite.

- Even if considered as amendments, the supermajority voting requirement was struck down as unconstitutional; RA No. 9054 cannot impose such conditions.

4. **Autonomy and Elective Nature:**

- Congress acted within its mandate in passing RA No. 10153 to synchronize elections, and interim measures, such as appointments, were constitutional.

5. **Appointment of Officers-in-Charge:**

- The President's power to appoint OICs under RA No. 10153 was upheld as necessary and

reasonable under the given circumstances, avoiding governance vacuum and ensuring continuity.

**\*\*Doctrine:\*\***

- Synchronization of elections across all government units to achieve a unified electoral calendar is constitutionally mandated.
- Legislative power to enact, amend, and repeal laws is plenary, subject to constitutional constraints.
- Imposing supermajority voting requirements on future legislative acts creates an unconstitutional irrepealable law.
- Interim measures by Congress for synchronization purposes are permissible, especially considering the broader aims of national policy and continuity in governance.

**\*\*Class Notes:\*\***

- **\*\*Synchronization of Elections:\*\*** Enshrined in the constitution to prevent staggered election terms and ensure coherence in the political exercise.
- **\*\*Presidential Certification:\*\*** Dispenses with the three-readings rule; subject to limited judicial review focused on procedural rather than factual basis.
- **\*\*Supermajority and Plebiscite Provisions:\*\*** Constraints on legislative processes deemed unconstitutional if beyond constitutional requirements.
- **\*\*Interim Measures:\*\*** Valid when aligned with synchronization and necessary for continuous governance; Presidential appointment powers for interim governance.

**\*\*Historical Background:\*\***

- The ARMM's electoral synchronization with national elections reflects long-standing efforts to unify election processes nationally. This policy aim is rooted in the destabilizing effects of separate electoral timetables seen during periods of national elections and local elections leading to frequent political transitions.

This comprehensive case brief encapsulates the intricate history, procedural steps, legal arguments, and constitutional interpretations pivotal in making the decision. The Supreme Court's ruling provides significant legal clarity on electoral synchronization, legislative processes, constitutional mandates on autonomy, and legislative limits.