LANANG T. ALI, JR., SAMSODIN C. AMELLA, AND DATUAN M. MAGON,JR., PETITIONERS, VS. BANGSAMORO TRANSITION AUTHORITY PARLIAMENT, ABDULRAOF A. MACACUA, IN HIS CAPACITY AS THE INTERI...

G.R. No. E-02219, September 30, 2025

Ponente: ZALAMEDA, J.

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ZALAMEDA, J.:

In truth, whatever is worth doing at all, is worth doing well; and nothing can be done well without attention.[1]

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

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

The first Petition, docketed as G.R. No. E-02219, is a Petition for Certiorari and Prohibition with Prayer for Issuance of Temporary Restraining Order, Writ of Preliminary Injunction, and/or Status Quo Ante Order and Extremely Urgent Motion to Conduct a Special Raffle[2] filed by petitioners Lanang T. Ali, Jr. (Ali), Samsodin C. Amelia, and Datuan M. Magon, Jr., (collectively, Ali et al.). Named respondents are the Bangsamoro Transition Authority Parliament (BTA Parliament), Abdulraof A. Macacua[3] (Interim Chief Minister Macacua), and the COMELEC.

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

Antecedents

Context: Timeline of relevant events

On July 26, 2018, former President Rodrigo Duterte signed into law Republic Act No. (RA) 11054, or the

"Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao" (Bangsamoro Organic Law).

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

The transition period was to commence upon the ratification of the Bangsamoro Organic Law.[8] During this period, the interim government of the BARMM was to be the BTA,[9] which shall be deemed dissolved immediately upon the election and qualification of the chief minister under the first Bangsamoro Parliament.[10] The enactment of the Bangsamoro Electoral Code and the determination of parliamentary districts for the first regular election of the members of the Bangsamoro Parliament were among the legislated priorities of the BTA.[11]

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

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

Pursuant to the Bangsamoro Organic Law, the BTA promulgated Bangsamoro Autonomy Act No. (BAA) 58 (BAA 58), or the Bangsamoro Parliamentary Districts Act of 2024. BAA 58 apportioned the 32 parliamentary districts among the provinces of Basilan, Lanao del Sur, Maguindanao del Norte, Maguindanao del Sur, Sulu, Tawi-Tawi, the City of Cotabato, and other special geographical areas in the BARMM on February 28, 2024, or almost six years after the promulgation of the Bangsamoro Organic Law.

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

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

On August 19, 2025, despite the commencement of the election period, the BTA passed the assailed BAA 77.[18] Interim Chief Minister Macacua signed it into law on August 28, 2025.

On August 28, 2025, BTA Speaker Pangalian M. Balindong released a Notice to the Public stating that BAA 77

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was signed without his authority. He declared: "[f]or the record, I have neither signed nor authorized any person to sign on my behalf with respect to the said measure. The signature appearing as 'for' is unauthorized, void, and without legal effect, constituting a violation of law. Accordingly, [BAA 77] cannot be deemed signed or enacted. . . . The act done is manifestly inconsistent with [Rule IV, Section 4(k) of Resolution No. 268, otherwise known as the 'Parliamentary Rules, Procedures, and Practices of the Bangsamoro Transition Authority'] and is highly unprocedural."[19]

The COMELEC postponed the scheduled printing of official ballots for the 2025 BARMM Parliamentary Elections on August 20, 2025.[20] It nonetheless resumed the printing of official ballots on August 28, 2025 "due to the impractical application of the redistricting measure under the [October 13, 2025 BARMM Parliamentary Elections'] timelines considering the time-bound milestone preparatory activities, onset of Election and Campaign Periods, and to avoid voter confusion and disenfranchisement."[21]

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

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

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

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

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

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

The Assailed Law: BAA 77

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

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

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

Local Government Unit

Number of Parliamentary Districts

Province of Basilan

Increased from 3 to 4

Province of Lanao del Sur

Increased from 8 to 9

Province of Maguindanao del Norte

Increased from 4 to 5

Province of Maguindanao del Sur

Increased from 4 to 5

Province of Sulu[33]

Decreased from 7 to 0

Province of Tawi-Tawi

Increased from 3 to 4

Cotabato City

Increased from 2 to 3

Special Geographic Areas

Increased from 1 to 2

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

BAA 58, sec. 4

BAA 77, sec. 2

Province of Basilan

First District

City of Lamitan (Capital) Akbar Lamitan City

Second District

Tuburan
Tipo-Tipo
Al-Barka
Hadji Mohammad Ajul
Ungkaya Pukan Tuburan
Hadji Mohammad Ajul
Akbar

Al-Barka
Tipo-Tipo

Third District

Tabuan-Lasa
Lantawan
Maluso
Hadji Muhtamad
Sumisip
Ungkaya Pukan
Sumisip
Tabuan Lasa

Fourth District

Not applicable Maluso
Lantawan
Hadji Muhtamad

Province of Lanao del Sur

First District

City of Marawi (Capital) Marawi City

Second District

Kapai
Marantao
Piagapo
Saguiaran
Tagoloan II
Saguiaran
Piagapo
Tagoloan II
Marantao

Third District

Bubong
Amai Manabilang (Bumbaran)
Buadipuso-Buntong
Maguing
Ditsaan-Ramain
Wao
Ditsaan Ramain
Kapai
Bubong
Buadipuso Buntong
Maguing

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Fourth District

Masiu
Lumba Bayabao (Maguing)
Poona Bayabao (Gata)
Tamparan
Taraka
Mulundo
Masiu
Poona Bayabao
Tamparan
Taraka
Mulundo

Fifth District Butig
Sultan Dumalondong
Lumbaca-Unayan
Marogong
Lumbayanague
Lumbatan
Butig
Lumbayanague
Lumbatan
Sultan Dumalondong
Lumbaca Unayan
Marogong
Tubaran

Sixth District Bayang
Binidayan
Ganassi
Pagayawan (Tatarikan)
Tubaran
Pagayawan
Ganassi
Binidayan
Bayang
Pualas

Seventh District Balindong (Watu)
Bacolod-Kalawi (Bacolod Grande)
Tugaya
Madamba
Madalum
Pualas
Madamba
Madalum

Bacolod Kalawi
Tugaya
Balindong

Eighth District Calanogas
Picong (Sultan Gumander)
Malabang
Balabagan
Kapatagan
Calanogas
Malabang
Picong
Balabagan
Kapatagan

Ninth District Not applicable Wao
Amai Manabilang
Lumba Bayabao

Province of Maguindanao del Norte

First District

Matanog
Barira
Buldon Matanog
Barira
Buldon

Second District

Parang
Sultan Mastura Parang

Third District

Sultan Kudarat (Nuling)
Northern Kabuntalan
Kabuntalan (Tumbao)
Talitay
Northern Kabuntalan
Kabuntalan
Sultan Mastura
Talitay

Fourth District

Datu Odin Sinsuat (Dinaig)
Upi
Datu Blah T. Sinsuat
Datu Odin Sinsuat (Dinaig)

Upi
Datu Blah T. Sinsuat

Fifth District Not applicable Sultan Kudarat

Province of Maguindanao del Sur

First District

South Upi
Talayan
Datu Anggal Midtimbang
Guindulungan
Datu Hoffer Ampatuan Datu Anggal Midtimbang
Talayan
Guindulungan
Datu Hoffer Ampatuan
South Upi

Second District

Datu Saudi Ampatuan
Datu Salibo
Datu Piang
Shariff Saydona Mustapha
Mamasapano
Shariff Aguak (Maganoy)
Ampatuan
Datu Unsay Datu Piang
Datu Salibo
Datu Saudi Ampatuan
Datu Unsay
Shariff Saydona Mustapha

Third District

Datu Abdullah Sangki
Rajah Buayan
Sultan sa Barongis (Lambayong)
Datu Montawal (Pagagawan)
Pagalungan
G.S.K. Pendatun Ampatuan
Datu Abdullah Sangki
Mamasapano
Shariff Aguak

Fourth District

Paglat
Pandag

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Buluan
Datu Paglas
Mangudadatu Buluan
Datu Paglas
Mangudadatu
Pandag

Fifth District Not applicable Datu Montawal
G.S.K. Pendatun
Pagalungan
Rajah Buayan
Sultan Sa Barongis
Paglat

Province of Sulu

First District

Jolo (Capital) Not applicable

Second District

Maimbung
Talipao Not applicable

Third District

Patikul
Hadji Panglima Tahil (Marunggas)
Pangutaran
Not applicable

Fourth District

Indanan
Parang Not applicable

Fifth District Pata
Banguingui (Tongkil)
Kalingalan Caluang
Panglima Estino (New Panamao)
Not applicable

Sixth District Old Panamao
Luuk
Omar

Not applicable

Seventh District Siasi
Pandami
Lugus
Tapul

Not applicable

Province of Tawi-Tawi

First District

Bongao (Capital)
Mapun (Cagayan de Tawi-Tawi)
Turtle Islands
Bongao

Second District

Languyan
Panglima Sugala (Balimbing)
South Ubian
Tandubas
Languyan
South Ubian
Panglima Sugala

Third District

Sitangkai
Sibutu
Simunul
Sapa-Sapa
Tandubas
Sapa-Sapa
Simunul

Fourth District

Not applicable Mapun
Sitangkai
Sibutu
Turtle Islands

Special Geographic Areas

First District

Kadayangan
Kapalawan
Ligawasan
Malidegao
Nabalawag
Old Kaabakan
Pahamuddin
Tugunan
Kadayangan
Nabalawag

Pahamuddin
Tugunan

Second District

Not applicable Malidegao
Ligawasan
Old Kaabakan
Kapalawan

Cotabato City

First District Poblacion I
Poblacion II
Poblacion III
Poblacion IV
Poblacion VIII
Poblacion IX
Rosary Heights II
Rosary Heights III
Rosary Heights IV
Rosary Heights V
Rosary Heights VI
Rosary Heights VII
Rosary Heights VIII
Rosary Heights IX
Tamontaka I
Tamontaka II
Tamontaka III
Tamontaka IV
Tamontaka V
Rosary Heights Mother
Rosary Heights I
Rosary Heights II
Rosary Heights III
Rosary Heights IV
Rosary Heights V
Rosary Heights VI
Rosary Heights VII
Poblacion VII
Poblacion VIII

Second District Poblacion V
Poblacion VI
Poblacion VII
Bagua
Bagua I
Bagua II

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Bagua III
Kalanganan
Kalanganan I
Kalanganan II
Rosary Heights
Rosary Heights I
Rosary Heights X
Rosary Heights XI
Rosary Heights XII
Rosary Heights XIII
Tamontaka
Bagua Mother
Bagua I
Bagua II
Bagua III
Poblacion V
Poblacion VI
Kalanganan Mother
Kalanganan I
Kalanganan II
Rosary Heights X
Rosary Heights XI
Rosary Heights XII
Rosary Heights XIII

Third District Not applicable Tamontaka Mother
Tamontaka I
Tamontaka II
Tamontaka III
Tamontaka IV
Tamontaka V
Rosary Heights VIII
Rosary Heights IX
Poblacion Mother
Poblacion I
Poblacion II
Poblacion III
Poblacion IV
Poblacion IX

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

Aside from the reallocated districts, BAA 77 also either removed or added cities, municipalities, and other

geographical areas in these districts: First, Second, and Third Districts, Province of Basilan; Second, Third, Fourth, Fifth, Sixth, and Seventh Districts, Province of Lanao del Sur; Second and Third Districts, Province of Maguindanao del Norte; Second, Third, and Fourth Districts, Province of Maguindanao del Sur; First, Second, and Third Districts, Province of Tawi-Tawi; First District, Special Geographic Areas; and First and Second Districts, Cotabato City.

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

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

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

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

The separability clause of BAA 77 dictates that the provisions not affected by a declaration of unconstitutionality or inconsistency with the Bangsamoro Organic Law shall remain valid and effective.[34] Its repealing clause states that "[a]ll other regional laws, executive orders, memoranda and other issuances or even parts thereof that are inconsistent with BAA 77 are repealed or amended accordingly."[35] Finally, BAA 77's effectivity clause declares that it takes effect immediately upon its publication in the Bangsamoro Gazette or on its official website.[36] A copy of the full text of BAA 77 was uploaded to the official website of the Bangsamoro Official Gazette on August 28, 2025.[37]

Issues

Petitioners raise the following substantive arguments in their Petitions:

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>
> I.
>
> [BAA 77] altered and/or created new precincts during the election period in violation of the Voter's Registration Act.
>
> II.
>
> [BAA 77] unlawfully expands the president's appointment powers beyond what the Bangsamoro Organic Law permits.

III.

[BAA 77] is void for being in violation of the Bangsamoro Organic Law's express prohibition against gerrymandering.

IV.

[BAA 77] is a maneuver designed to confuse the electorate and frustrate the timely conduct of the first regular BARMM elections.[38]

G.R. No. E-02235

1.

Whether BAA 77 is:

a.

Unconstitutional for it violated the constitutional provisions on ensuring free, orderly, honest, peaceful and credible elections during election period under Sections 2(4) and 4, Article IX-C of the Constitution.

b.

Invalid because BAA 77 embraces more than one subject in violation of Section 25, Article VII of RA 11054.

c.

Ineffective for it was not published in violation of Article 2 of the Civil Code.

2.

Whether Section 2 of BAA 77 is:

a.

Unconstitutional for violation of the right to suffrage under Section 1, Article V of the Constitution.

b.

Invalid as it violated Section 10, Article VII of RA 11054 requiring that "each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction."

c.

Invalid as it massively altered and transferred the territory comprising precincts from one district to another district in violation of Section 5, RA 8189.

3.

Whether Section 3 of BAA 77 is:

a.

Unconstitutional for violation as the Congress cannot be the subject of legislation legislative power of the BTA

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[sic] under Section 1, Article VI and Section 20, Article X of the Constitution.

b.

Invalid because the BTA has no legislative power to amend Section 10, Article VI, RA 11054.

4.

Whether Section 4 of the BAA 77 is:

a.

Unconstitutional because the President cannot be the subject of the legislative power of the BTA under Section 16 and Section 20, Article X of the Constitution.

b.

Unconstitutional because the Bangsamoro Parliament "shall be elective and representative of the constituent political units" under Section 18, Article X of the Constitution.

c.

Invalid inasmuch as [a] vacancy in the Parliament shall not be filled by the President, by the Chief Minister, or by special election under Section 20, Article VII, RA 11054.

5.

Whether Section 5 of the BAA 77 is unconstitutional for it violated the guarantee to equal access to opportunities [under] Section 24, Article II of the Constitution.[39]

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

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

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

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

In their Comment with Manifestation, the COMELEC pointed out that "neither the Resolution nor the TRO states

whether the parties are restored to their last uncontested state prior to the controversy, i.e., prior to the enactment and effectivity of BAA 77."[44] There is no basis to support the contention that the TRO on BAA 77 automatically revived BAA 58, as the TRO and the Resolution are silent on the matter.[45] Thus, the COMELEC finds itself "without a definitive statutory or judicial anchor"[46] to secure the validity of its preparations for the 2025 Bangsamoro Parliamentary Elections. It prayed for the resolution of "the consolidated cases with reasonable dispatch, to remove any uncertainty in the conduct of the first-ever [BARMM] Parliamentary Elections, and to allow the [COMELEC] to fulfill its constitutional and legal mandate under the [Bangsamoro Organic Law] and the [Bangsamoro Electoral Code]."[47]

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

Ruling of the Court

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

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

The petitions satisfy the requisites for judicial review

The Constitution grants the Court the power of judicial review. It is not only an authority but a duty to "settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government."[50]

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

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

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

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

We agree with petitioners.

First, the enactment of BAA 77 presents an actual case or controversy that is ripe for adjudication. In Province of Sulu,[56] the Court explained that an actual case or controversy exists when "the act being challenged has had a direct adverse effect on the individual challenging it" or that "the petitioner has 'sustained or is immediately in danger of sustaining some direct injury as a result of the act complained of.'"

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

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

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

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

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

Here, the constitutional questions were raised at the earliest opportunity as petitioners timely filed these Petitions challenging BAA 77's constitutionality before this Court—which is undoubtedly competent to rule on the constitutional issues raised—as soon as BAA 77 took effect. To recall, BAA 77 was signed into law on August 28, 2025.[61] The Petition in G.R. No. E-02219 was filed on August 29, 2025,[62] while the Petition in G.R. No. E-02235 was filed on September 1, 2025.[63]

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

Direct resort to this Court is justified

Applying the doctrine of hierarchy of courts, we explained in Gios-Samar, Inc. v. Department of Transportation and Communication[64] that litigants cannot directly resort to this Court. Nevertheless, we have recognized the

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following instances when parties may be allowed to directly seek relief from this Court:

(1)

when there are genuine issues of constitutionality that must be addressed the most immediate time;

(2)

when the issues involved are of transcendental importance;

(3)

cases of first impression;

(4)

the constitutional issues are better decided by the Court;

(5)

exigency in certain situations;

(6)

the filed petition reviews the act of a constitutional organ;

(7)

when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; [and]

(8)

the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."[65]

We clarified in Gios-Samar that the presence of any of the foregoing instances is not enough to invoke this Court's original jurisdiction. The questions raised before us must not involve any factual questions that require the reception of evidence.[66]

Ali et al. argue that their direct resort to this Court is justified because (1) their petition squarely challenges BM 77's constitutionality; (2) the issues raised are of transcendental importance; (3) their Petition is the first challenge to a redistricting measure in the BARMM; (4) the Petition must be resolved immediately before the October 13,

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2025 BARMM Parliamentary Elections; (5) petitioners have no other legal remedy that would not delay the resolution of BAA 77's constitutionality in time for the October 13, 2025 BARMM Parliamentary Elections; and (6) BM 77's nullity is apparent on its face.[67]

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

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

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

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

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

Macapaar et al. argue that BAA 77 is invalid because it embraces more than one subject, in violation of Article VII, Section 25 of the Bangsamoro Organic Law.[70] They insist that the express title of BAA 77 indicates that its singular subject is the reconstitution of the parliamentary districts in the BARMM. BAA 77 is claimed to have exceeded its scope as Sections 3, 4, and 5 thereof are not germane and related to the parliamentary redistricting of the constituent units.[71]

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

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

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

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

> Section 25. Rules of the Parliament. —...
>
> (a) Every bill passed by the Parliament shall embrace only one subject which shall be expressed in the title thereof.

As held by the Court in Sinsuat,[72] the "one subject-one title" requirement, which is consistent with Article VI, Section 26(1) of the 1987 Constitution, is intended to prevent surprise upon the members of Congress, and to

inform the people of pending legislations so that their concerns may be heard. Furthermore, this requirement should be given reasonable interpretation, thus:

> The requirement of Article VI, Section 26(1) of the 1987 Constitution must be given a meaning which is reasonable and not unduly technical. In Alalayan v. National Power Corporation, the Court ruled that it is sufficient for a title to be comprehensive enough to reasonably include the general object of the statute:
>
> [I]t must be deemed sufficient that the title be comprehensive enough reasonably to include the general object which the statute seeks to effect without expressing each and every end and means necessary for its accomplishment. Thus, mere details need not be set forth. The legislature is not required to make the title of the act a complete index of its contents. The provision merely calls for all parts of an act relating to its subject finding expression in its title.[73] (Emphasis in the original)

This is consistent with the ruling of the Court in People v. Ferrer,[74] which states that the "one subject-one title" requirement should not be given a narrow or technical construction.

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

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

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

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

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

Tañada declared that all statutes, including those of local application and private laws, shall be published as a condition of their effectivity, which shall begin 15 days after publication, unless a different effectivity date is fixed by the legislature, thus:

> Accordingly, even the charter of a city must be published notwithstanding that it applies to only a portion of the national territory and directly affects only the inhabitants of that place. All presidential decrees must be published, including even, say, those naming a public place after a favored individual or exempting him from certain prohibitions or requirements. The circulars issued by the Monetary Board must be published if they are meant not merely to interpret but to "fill in the details" of the Central Bank Act which that body is supposed to enforce.
>
> . . . .
>
> We agree that the publication must be in full or it is no publication at all since its purpose is to inform the public of the contents of the laws...
>
> There is much to be said of the view that the publication need not be made in the Official Gazette, considering

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> its erratic releases and limited readership. Undoubtedly, newspapers of general circulation could better perform the function of communicating the laws to the people as such periodicals are more easily available, have a wider readership, and come out regularly. The trouble, though, is that this kind of publication is not the one required or authorized by existing law. As far as we know, no amendment has been made of Article 2 of the Civil Code. The Solicitor General has not pointed to such a law, and we have no information that it exists. If it does, it obviously has not yet been published.
>
> At any rate, this Court is not called upon to rule upon the wisdom of a law or to repeal or modify it if we find it impractical. That is not our function. That function belong to the legislature. Our task is merely to interpret and apply the law as conceived and approved by the political departments of the government in accordance with the prescribed procedure. Consequently, we have no choice but to pronounce that under Article 2 of the Civil Code, the publication of laws must be made in the Official Gazette, and not elsewhere, as a requirement for their effectivity after fifteen days from such publication or after a different period provided by the legislature.[80]

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

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

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

> SECTION 14. Bangsamoro Gazette. — The Bangsamoro Gazette shall be the official gazette of the Bangsamoro Government which will publish all legislative acts and resolutions of a public nature, all executive and administrative issuances of general application, decisions or abstracts of decisions of the Shari'ah Courts of sufficient importance to be published, documents or classes of documents as may be required to be published by law and such documents or classes of documents of general application.
>
> The Bangsamoro Gazette shall be published by the Bangsamoro Information Office (BIO) in the English language and whenever applicable, in Filipino and Arabic. It shall be made available to all national and local agencies upon subscription. The Bangsamoro Library and Archives shall serve as the official custodian and repository thereof.
>
> Ministries and all offices and agencies shall submit copies of their issuances and similar documents to the Bangsamoro Information Office for publication.
>
> Upon written request, the Bangsamoro Information Office shall translate the relevant documents in Arabic in coordination with the Bangsamoro Darul Ifta'.

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

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

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

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

Apart from Article 2 of the Civil Code, there is no law which expressly governs the publication of Bangsamoro regional laws. There is, however, a provision under the Bangsamoro Organic Law that provides for the publication of the rules of the Bangsamoro Parliament, thus:

> SECTION 25. Rules of the Parliament. — ....
>
> . . . .
>
> (e) The rules of the Parliament or any amendment thereto shall be effective [15] days following its complete publication in a regional newspaper of general circulation.

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

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

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

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

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

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

The same representation does not appear on the website of the Bangsamoro Gazette.[83] As such, until it is shown that BAA 77 was printed in the Bangsamoro Gazette, the Court cannot definitely determine the validity of the publication of BAA 77. In this regard, it is incumbent upon petitioners to prove that BAA 77 was not printed in the Bangsamoro Gazette.

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

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

Ali et al. question the timing of the redistricting effort. They assert that "instead of acting with reasonable urgency, respondent BTA Parliament permitted nearly a year to pass from the Province of Sulu decision"[84]

before enacting BAA 77 on August 19, 2025. They underscore that BAA 77 was passed less than two months before the BARMM election day.[85] As a result, the COMELEC cannot reasonably accomplish the realignment of precincts, recalibration of automated election systems, revision of the ballots, and re-education of field personnel without jeopardizing the accuracy, integrity, and security of the elections.[86]

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

The COMELEC affirms the claims of petitioners, to wit:

> 21. The preparations include several trainings for the poll workers, which usually takes [four] weeks to complete. These trainings comprise those for the Electoral Board Members, Technical Support Personnel, Vulnerable Sectors Support Staff, Board of Canvassers, and the Special Electoral Board. Based on respondent COMELEC's timeline, the month of September is the [sic] designated as the training month.
>
> 22. These trainings are invaluable for the proper deployment of the Philippine Coast Guard to the BARMM as Special Electoral Board Members. The training will likewise aid in the appropriate installation of Starlink, and in the final preparation of voting centers.
>
> 23. Incidentally, the deployment of Starlink takes at least a period of [two] weeks, provided that the cargoes are already pre-positioned at the ports of entry by September 30, 2025 (i.e., Zamboanga for Tawi-Tawi and Basilan, Davao for Maguindanao Sur/Norte and SGA, Cagayan de Oro for Lanao del Sur). In turn, the installation of Starlink requires also at least [two] weeks to complete, which means that the deployment and installation should be starting already at this time.
>
> 24. It must be emphasized that the BPE is not limited to district representatives, but also includes sectoral and party representatives. Relatedly, respondent COMELEC still needs to conduct sectoral assemblies and a lot of pre-assembly activities such as filing of the candidacy, in order to proceed with BPE. The conduct of these assemblies, including all pre-assembly activities will require approximately [three] weeks to complete across all [six] sectors. Under the Bangsamoro Electoral Code, the sectoral assemblies must be concluded at least [one] week prior to the proclamation date on October 13, 2025, thus all sectoral assemblies should be completed by October 6, 2025. Under the facts of [these cases], this timeframe, when counted backwards, can no longer be met. Accordingly, respondent COMELEC cannot comply the [sic] Bangsamoro Electoral Code's requirement for sectoral assemblies in the time remaining.
>
> 25. More importantly, enforcing BAA 77 with less than a month before the BPE would cause massive confusion among the more than 2.25 million registered voters across BARMM's 105 municipalities and three cities, as the redistricting will heavily impact precinct assignments....
>
> 26. Short of sufficient time, respondent COMELEC cannot be reasonably expected to fulfill its purpose to ensure a free, orderly, peaceful and credible elections.
>
> ....
>
> 30. With more or less 20 days before the scheduled BPE, taken together with the suspension of all elections activities in compliance with the TRO, respondent COMELEC, unfortunately, has its hands tied. As discussed, given the vacuum created by the repeal of BAA 58, and the TRO against the enforcement of BAA 77, respondent COMELEC cannot proceed with BPE preparations without clear legal basis.
>
> ....
>
> 33. Thus, under the facts, except as is already provided under existing laws as discussed above, respondent COMELEC cannot postpone the BPE, without the corresponding legislation, as such power falls within the domain of the legislature.[88]

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

DATE/PERIOD

ACTIVITIES

January 6, 2025 (Monday) to February 14, 2025 (Friday)
Resolution No. 10999

Period to conduct the first level of internal party elections for sectoral representatives in the Parliament by registered and accredited [Parliamentary Sectoral Organizations] PSOs:

i.

Tribal Assemblies for the Non-Moro Indigenous Peoples (NMIP);

ii.

Regional Convention of Sultans for Traditional Leaders; and

iii.

Provincial 'Ulama Assemblies for the 'Ulama

(Sec. 1, Rule VIII, Art. VI, Resolution No. 10984)

February 15, 2025 (Saturday) to April 4, 2025 (Friday)
Resolution No. 10999

Period to conduct assemblies of registered and accredited women, settler communities, and youth PSOs for elections of Women, Settler Communities, and Youth Sectoral Representatives in the Parliament

February 15, 2025 (Saturday) to April 4, 2025 (Friday)
Resolution No. 10999

Period to conduct the second level of internal party elections for sectoral representatives in the Parliament by the duly-registered and accredited PSOs:

i.

Regional Internal-Tribal Convention for the NMIP;

ii.

Intra-Sultanate Assembly for Traditional Leaders; and

iii.

Regional 'Ulama Assemblies for the 'Ulama

(Sec. 1, Rule VIII, Art. VI, Resolution No. 10984)

May 5, 2025 (Monday)

Resolution No. 10999

Last day to submit the names of the Sectoral Representatives for Women, Youth, Settler Communities, NMIP, Traditional Leaders, and 'Ulama as determined during the assemblies and second level of internal party elections of PSOs.

(Sec. 6, Rule IV, Article VI; Sec. 4, Rule V, Article VI; Sec. 4, Rule VII, Article VI, Resolution No. 10984)

June 2, 2025 (Monday) to July 2, 2025 (Wednesday)

Updating of list of voters;
Preparation of Project of Precincts;
Submission of Project of Precincts and Database to [Election and Barangay Affairs Department] EBAD/ [Information Technology Department] ITD;
Submission for En Banc Approval

July 1, 2025 (Tuesday) to July 15, 2025 (Tuesday)

Constitution of the [Electoral Boards] EBs, [Boards of Canvassers] BOCs, [Department of Education Supervisor Official] DESO and [Support Staff] SS and submission of the lists thereof

August 1, 2025 (Friday) to September 15, 2025 (Monday)

Roadshow and Training of EBs, [Special Electoral Boards] SEBs, DESO, DESO Tech, Hub Tech, DESO [Technical Support Staff] TSS, Support Staff, BOC

August 7, 2025 (Thursday) Last day to post Computerized List of Voters

August 9, 2025 (Saturday) Last day to post List of Candidates

August 14, 2025 (Thursday) to October 28, 2025 (Tuesday)
(60 days before, 15 days after)
ELECTION PERIOD

August 28, 2025 (Thursday) to October 11, 2025 (Saturday)
CAMPAIGN PERIOD

August 29, 2025

Last day for the Election Registration Board (ERB) Meeting to certify the list of voters

Last day for EB/ERB to certify [Election Day Computerized Voters' List] EDCVL/ [Posted Computerized Voters' List] PCVL

October 6, 2025 (Monday)

Last day to post Notice of date and time of Final Testing and Sealing of [Automated Counting Machines] ACMs

October 8, 2025 (Wednesday) Last day to post/serve Notice of Convening of BOCs

October 8, 2025 (Wednesday) to October 12, 2025 (Sunday)
Final Testing and Sealing

October 12, 2025 (Sunday) EVE OF ELECTION DAY

October 13, 2025 (Monday) ELECTION DAY

Casting, counting and consolidation of votes; printing of [Election Returns] ERs (9 copies); posting of ER outside polling place; transmission of results to Municipal Board of Canvassers (MBOC)/City Board of Canvassers (CBOC); and printing of remaining 21 ERs

MBOC/CBOC: to Canvass precinct results; print Certificate of Canvass & [Overseas Voting Statement of Votes of Precinct] SOVP; and transmit the same to the Provincial Board of Canvassers (PBOC) and District Board of Canvassers (DBOC)

PBOC/District Board: to Canvass [Certificate of Canvass] COC; prepare Certificate of Canvass and Proclamation & Statement of Votes by municipality/city to Regional Board of Canvassers (RBOC)

RBOC: to canvass Certificate of Canvass by Province/District; Print Certificate of Canvass; Proclaim winning Regional Political Parties (RPPs)

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

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

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

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

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

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a democratic society and one which must be most vigilantly guarded[.]"[90]

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

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

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

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

BAA 77 altered and/or created new precincts during the election period in violation of the Voters Registration Act

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

While the authority of the BTA to redistrict parliamentary districts under Article VII, Sections 7(b)[94] and 10[95] of the Bangsamoro Organic Law is undisputed, such authority is not unrestricted.

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

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

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

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

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

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

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

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

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

> Section 5. Precincts and their Establishment. — In preparation for the general registration in 1997, the Commission shall draw updated maps of all the precincts nationwide. Upon completion of the new precinct maps, all the precincts established in the preceding elections shall be deemed abolished. For the purpose of the general registration, the Commission shall create original precincts only. Spin-off precinct may be created after the regular elections of 1998 to accommodate additional voters residing within the territorial jurisdiction of the original precincts.
>
> The Commission shall introduce a permanent numbering of all precincts which shall be indicated by Arabic numerals and a letter of the English alphabet. Original or mother precincts shall be indicated by the Arabic numeral and letter "A of the English alphabet. Spin-off or daughter precincts shall be indicated by the Arabic numeral and letter of the English alphabet starting with letter B and so on.
>
> No territory comprising an election precinct shall be altered or a new precinct be established at the start of the election period.
>
> Splitting of an original precinct or merger of two or more original precincts shall not be allowed without redrawing the precinct map/s [120] days before election day. (Emphasis supplied)

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

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

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

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

Taken together, these circumstances establish a definitive finding of invalidity. Far from being a mere technical

irregularity, the timing and substance of BAA 77 directly contravene the plain text of a national election law and violate the constitutional mandate that the enactments of autonomous regions must conform to statutes of general application. The COMELEC's own account underscores that BAA 77 has not only altered precincts in violation of Section 5 of the Voter's Registration Act, but has also created an operational impossibility that imperils the credibility of the Bangsamoro elections.

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

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

Ali et al. argue that BAA 77 failed to comply with the requirement that the parliamentary district must comprise contiguous, compact, and adjacent territory.[100] In particular, they maintain that the enactment of BAA 77 resulted in the isolation of (a) Municipality of Tagoloan II from the rest of the municipalities in the Second District of Lanao del Sur,[101] (b) the Municipality of Sultan Mastura from the rest of the municipalities in the Third District of Maguindanao del Norte,[102] and (c) Barangay Poblacion VII from the rest of the barangays in the First District of Cotabato City.[103]

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

The arguments are meritorious.

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

In Navarro v. Ermita,[105] "gerrymandering" is defined in two ways, to wit:

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

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

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

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

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

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

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

a. Lanao del Sur

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

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

> Second District
>
> BAA 58
>
> BAA 77
>
> Municipality
>
> Population
>
> Population
>
> Kapai 20,581 Transferred to the 3rd District
>
> Marantao 37,763 46,233
>
> Piagapo 30,132 40,558
>
> Saguiaran 26,712 28,807
>
> Tagoloan II 12,602 12,843
>
> Total 127,790 128,441
>
> Third District
>
> BAA 58
>
> BAA 77

Municipality

Population

Population

Bubong 26,514 28,733

Amai Manabilang (Bumbaran) 12,124 Transferred to 9th District

Buadiposo-Buntong 18,046 23,283

Maguing 30,436 37,292

Ditsaan-Ramain 24,406 26,918

Wao 50,366 Transferred to 9th District

Kapai 21,630

Total 161,892 137,856

b. Maguindanao del Norte

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

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

Second District

BAA 58

BAA 77

Municipality

Population

Population

Parang 102,914 123,209

Sultan Mastura 25,331 Transferred to 3rd District

Total 128,245 123,209

Third District

BAA 58

BAA 77

Municipality

Population

Population

Sultan Kudarat (Nuling) 105,121 Transferred to 5th District

Northern Kabuntalan 26,277 30,332

Kabuntalan (Tumbao) 25,439 31,863

Talitay 17,463 19,750

Sultan Mastura 30,828

Total 174,300 112,773

Fifth District

BAA 58

BAA 77

Municipality

Population

Population

Sultan Kudarat (Nuling) 124,965

Total 124,965

c. Cotabato City

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

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

First District

BAA 58

BAA 77

Barangay/Area

Population

Population

Poblacion Mother 21,579 Transferred to 3rd District

Poblacion I 6,074
Transferred to 3rd District

Poblacion II 6,788 Transferred to 3rd District

Poblacion III 3,445 Transferred to 3rd District

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Poblacion IV 6,947 Transferred to 3rd District

Poblacion VIII 9,077 10,703

Poblacion IX 7,062 Transferred to 3rd District

Rosary Heights II 4,400 5,321

Rosary Heights III 12,127 13,411

Rosary Heights IV 4,627 5,428

Rosary Heights V 6,073 6,383

Rosary Heights VI 7,539 10,765

Rosary Heights VII 10,146 11,742

Rosary Heights VIII 9,947 Transferred to 3rd District

Rosary Heights IX
8,462 Transferred to 3rd District

Tamontaka I 4,848 Transferred to 3rd District

Tamontaka II 5,980 Transferred to 3rd District

Tamontaka III 3,191 Transferred to 3rd District

Tamontaka IV 4,210 Transferred to 3rd District

Tamontaka V 1,595 Transferred to 3rd District

Rosary Heights Mother 16,769

Rosary Heights I 6,832

Poblacion VII 16,773

Total 144,117 104,127

Second District

BAA 58

BAA 77

Barangay/Area

Population

Population

Poblacion V 3,375 3,235

Poblacion VI 5,288 5,806

Poblacion VII 16,293 Transferred to 1st District

Bagua Mother 19,987 23,439

Bagua I 10,050 15,582

Bagua II 19,998 22,966

Bagua III 7,006 6,770

Kalanganan Mother 16,366 18,960

Kalanganan I 6,546 7,616

Kalanganan II 6,578 7,930

Rosary Heights Mother 15,107 Transferred to 1st District

Rosary Heights I 4,353 Transferred to 1st District

Rosary Heights X 16,597 18,807

Rosary Heights XI 8,613 10,454

Rosary Height XII 5,092 6,420

Rosary Heights XIII 5,614 6,898

Tamontaka Mother 14,099 Transferred to 3rd District

Total 180,962 154,883

Third District

BAA 58

BAA 77

Barangay/Area

Population

Population

Tamontaka Mother
19,025

Tamontaka I 8,043

Tamontaka II 7,482

Tamontaka III 4,442

Tamontaka IV 4,847

Tamontaka V 1,781

Rosary Heights VIII 9,830

Rosary Heights IX 9,477

Poblacion Mother 25,293

Poblacion I 6,666

Poblacion II 8,126

Poblacion III 3,877

Poblacion IV 7,052

Poblacion IX 8,432

Total 124,373

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

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

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

Section 3 of BAA 77 reads:

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

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

Under Article VII, Section 7(b)[112] of the Bangsamoro Organic Law, "parliamentary district seats" are those seats in Bangsamoro Parliament filled by representatives from single-member districts, with the explicit rule that not more than 40% of the entire Bangsamoro Parliament shall come from such districts.

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

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

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

Second, the phrase "at least seven" operates as a mandatory floor that limits the discretion of the legislative body entrusted with apportionment. The number of district seats must be determined in accordance with objective

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standards such as population size and territorial considerations. By setting a minimum in advance, Section 3 unduly constrains the Bangsamoro Parliament's discretion, reducing apportionment to a predetermined outcome.

The use of the word "may" does not cure these defects. If "may" is understood as merely advisory, then Section 3 amounts to surplusage and nothing more than a statement of policy without binding force. If, on the other hand, it is read as operative and mandatory, the provision becomes problematic as it improperly vests in Congress a power that the Bangsamoro Organic Law assigns to the Bangsamoro Parliament while simultaneously constraining that same Parliament by imposing a fixed minimum of seven seats. Either interpretation highlights its unconstitutionality.

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

BAA 77 unlawfully expands the presidents appointment powers beyond what the Bangsamoro Organic Law permits

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

Section 4 of BAA 77 reads:

> Section 4. Interim Representation for Newly Created Districts. — In the event that this Act results in the creation of a new Parliamentary District after the deadline for the filing of Certificates of Candidacy (COC) for the immediately forthcoming parliamentary elections, and such newly created district is left without a duly elected Parliamentary District Representative, the President of the Philippines shall appoint an Interim Parliamentary District Representative, the President of the Philippines shall appoint an Interim Parliamentary District Representative to serve until a representative is duly elected and qualified.
>
> The interim appointee shall have the same rights, duties, and privileges as an elected District Representative, but the term shall automatically end upon the assumption into office of the duly elected representative of the district following the next regular or special elections.

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

> Section 7. Classification and Allocation of Seats. — The seats in the Parliament shall be classified and allocated as follows:
>
> . . . .
>
> (b) Parliament District Seats. — Not more than [40%] of the members of the Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. For the first parliamentary election following the ratification of this Organic Law, the allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in [Article XVI, Section 4] of this Organic Law. In the allocation of district seats, the Bangsamoro Transition

> Authority shall adhere to the standards set in [Article VII, Section 10] of this Organic Law.
>
> The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.
>
> The district representatives shall be elected through direct plurality of vote by the registered voters in the parliamentary districts. (Emphasis supplied)

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

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

The Bangsamoro Organic Law acknowledges presidential appointment only in a narrow and time-bound context. Article XVI, Section 2 of the Bangsamoro Organic Law authorizes the president to select the initial 80 members of the BTA during the interim period following the ratification of the Bangsamoro Organic Law. This authority was exceptional and transitional, intended to bridge the ARMM to BARMM. The president's role was limited to this interim phase. Once the regular parliamentary system is commenced, legislative seats are to be filled solely through democratic election.

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

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

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

This Court cannot sustain a provision that so plainly conflicts with the express text of the Bangsamoro Organic

Law and the foundational constitutional principle that legislative authority must emanate from the people's suffrage. Section 4 of BAA 77 is therefore invalid for being inconsistent with Article VII, Section 7(b) of the Bangsamoro Organic Law and Article X, Sections 18 and 20 of the Constitution.

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

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

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

Meanwhile, Section 5 of BAA 77 reads:

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

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

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

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

In Torayno, Sr. v. COMELEC,[119] We explained:

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

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

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

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

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

Clearly, Section 5 of BAA 77 cannot stand. What may seem like a transitional measure to preserve order in the electoral process, in fact, causes constitutional distortions. It allows candidacies to proceed without the constitutionally mandated residency and voter registration ties, and it disenfranchises voters by detaching candidates from the very communities they are supposed to represent.

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

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

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

> 4. However, it is respectfully manifested that neither the Resolution nor the TRO states whether the parties are restored to their last uncontested state prior to the controversy, i.e., prior to the enactment and effectivity of BAA 77.
>
> 5. The purpose of a temporary restraining order is to preserve the status quo until the merits of the case are fully heard. In its ordinary meaning, status quo is the existing state of affairs, while status quo ante refers to the state of affairs that existed previously. Status quo ante is a Latin term for "the way things were before." When an order of this nature is imposed, it is to maintain the state of things existing before the controversy. In this instance, the TRO only restricted the implementation of BAA 77. It did not restore the status of the parties prior to the enactment of BAA 77.
>
> 6. Prior to the controversy — which is enactment/effectivity of BAA 77, BAA 58 initially apportioned the parliamentary districts in the [BARMM]. Following the exclusion of the province of Sulu from the BARMM, the [BTA] passed BAA 77, reconstituting the parliamentary districts and redistributing the seven parliamentary district seats originally allotted to the province of Sulu.
>
> 7. Section 2 of BAA 77 amended Section 4 (Creation of Parliamentary Districts) of BAA 58[.]

> 8. BAA 77 states that all other regional laws, executive orders, memoranda, and other issuances or parts thereof which are inconsistent therewith are hereby repealed, amended or modified accordingly. Moreover, BAA 77 shall take effect immediately upon its publication in the Bangsamoro Gazette or on its official website.
>
> 9. BAA 77 was signed into law by [Interim Chief Minister Macacua] on August 28, 2025 and published in the Bangsamoro Gazette on the same day. Consequently, the amendment to Section 4 of BAA 58, introduced by Section 2 of BAA 77, took effect on August 28, 2025.
>
> 10. Thus, when the TRO was issued on September 16, 2025, BAA 77 was already in effect. As earlier stated, Section 2 of BAA 77 amended Section 4 of BAA 58 which covered the redistricting for parliamentary seats. By virtue of BAA 77's effectivity, the parliamentary districts created under BAA 58 has [sic] already been amended/ redistricted pursuant to the said Section 2 of BAA 77.
>
> . . . .
>
> 16. [R]espondent COMELEC is faced with a quandary on which legal parameters to apply in the forthcoming [October 13, 2025 BARMM Parliamentary Elections].
>
> 17. Particularly, the situation (as it now appears) is this: considering that BAA 77 has already amended BAA 58, and that BAA 77 cannot be enforced and/or implemented by virtue of the TRO, there now exists a vacuum as to what law will govern the scheduled [October 13, 2025 BARMM Parliamentary Elections]. We illustrate the quandary.
>
> 18. First, the ballots printed for the [October 13, 2025 BARMM Parliamentary Elections] pertain to 73 parliamentary district seats as established under BAA 58, without the [seven] seats originally allocated to the Province of Sulu. However, with the repeal of BAA 58, respondent COMELEC has no legal basis to proceed, as the TRO did not revive the original Section 4 of BAA 58. In this scenario, without any clear legal basis on the manner to conduct the [October 13, 2025 BARMM Parliamentary Elections], respondent COMELEC might be acting without legal authority, which could lead to a possible nullification of the results of the said BPE if respondent COMELEC proceeds under the original provisions of Section 4 of BAA 58, and therefore to the disenfranchisement of voters.
>
> 19. Second, if this Honorable Court lifts the TRO (during the pendency of the case and before the [October 13, 2025 BARMM Parliamentary Elections]), which consequently allows respondent COMELEC to proceed with the BPE under BAA 77, the conduct and results of the upcoming [October 13, 2025 BARMM Parliamentary Elections] will be subject to the risk of becoming invalidated should BAA 77 later be declared void. Like in the first scenario, disenfranchisement of voters is an inevitable result owing to the possible nullification of the [October 13, 2025 BARMM Parliamentary Elections] conducted under a void BAA 77.
>
> 20. Third, if the Honorable Court lifts the TRO (during the pendency of the case and before the BPE), respondent COMELEC, by that time, will have practically no ample time to sufficiently prepare for the BPE. On top of dealing with the legality of the conduct of the BPE, respondent COMELEC will have to contend with significant operational challenges – which includes training and deployment, printing of new ballots and reconfiguring the voting machines to be used. Since the election system is automated and ballots are precinct-specific, any changes would require recalibration of the system.[124]

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

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

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

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

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

> [T]he Supreme Court has ample authority to review and resolve matters not assigned and specified as errors by either of the parties in the appeal if it finds the consideration and determination of the same essential and indispensable in order to arrive at a just decision in the case. This Court, thus, has the authority to waive the lack of proper assignment of errors if the unassigned errors closely relate to errors properly pinpointed out or if the unassigned errors refer to matters upon which the determination of the questions raised by the errors properly assigned depend.
>
> The same also applies to issues not specifically raised by the parties. The Supreme Court, likewise, has broad discretionary powers, in the resolution of a controversy, to take into consideration matters on record which the parties fail to submit to the Court as specific questions for determination. Where the issues already raised also rest on other issues not specifically presented, as long as the latter issues bear relevance and close relation to the former and as long as they arise from matters on record, the Court has the authority to include them in its discussion of the controversy as well as to pass upon them. In brief, in those cases wherein questions not particularly raised by the parties surface as necessary for the complete adjudication of the rights and obligations of the parties and such questions fall within the issues already framed by the parties, the interests of justice dictate that the Court consider and resolve them.[129]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article VII, Section 7(b) provides:

> . . . Section 7. Classification and Allocation of Seats. — The seats in the Parliament shall be classified and allocated as follows:
>
> . . . .
>
> (b) Parliament District Seats. — Not more than [40%] of the members of the Parliament shall be elected from single member parliamentary districts apportioned for the areas and in the manner provided for by the Parliament. For the first parliamentary election following the ratification of this Organic Law, the allocation of the parliamentary district seats shall be determined by the Bangsamoro Transition Authority as provided for in [Article XVI, Section 4] of this Organic Law. In the allocation of district seats, the Bangsamoro Transition Authority shall adhere to the standards set in [Article VII, Section 10] of this Organic Law.
>
> The Parliament may undertake by law new redistricting in order to ensure a more equitable representation of the constituencies in the Parliament.
>
> The district representatives shall be elected through direct plurality vote by the registered voters in the parliamentary districts.

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

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

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

> Section 20. Filling of Vacancy. — In case of a vacancy of proportional representation seat, the party to which that seat belongs shall fill the vacancy.
>
> In case of vacancy of a district seat by an affiliated member of the Parliament, the party to which the member belongs shall, within [30] days from the occurrence of such vacancy nominate a new member who shall be appointed by the Chief Minister subject to the Bangsamoro Electoral Code.
>
> In case of a vacancy in the seat occupied by an unaffiliated member of the Parliament occurring at least [one] year before the expiration of the term of office, a special election may be called to fill such vacancy in the manner prescribed by a law enacted by the Parliament.
>
> The appointed or elected member of the Parliament, as the case may be, shall serve the unexpired term of the vacant office.

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

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

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

The determination of the majority vote and the simultaneous election of all representatives have an impact on

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other provisions related to the BARMM's transition, such as the election of the Chief Minister,[135] the end of the transition period, and the dissolution of the BTA.[136] Moreover, the Bangsamoro Organic Law is silent as to an election of the Chief Minister with 40% of the seats left vacant.

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

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

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

First. Pursuant to Article XVI, Section 4(b) of the Bangsamoro Organic Law, the BTA is well-reminded to give due priority to the determination of BARMM's parliamentary districts so as not to run afoul with the Constitution and national laws.

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

Compliance should be checked against the following factors:

- Classification and accurate allocation of seats;

- Proper manner by which the seats are filled;

- Validity of redistricting of geographical areas; and

- Correspondence between territorial coverage and residence of the voters and candidates.

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

Conclusion

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

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

Ultimately, the BTA is reminded, in the strongest terms, that its foremost and non-delegable obligation is to preserve the people's right to suffrage. It bears a solemn and inescapable responsibility to safeguard the sanctity of this right, which lies at the heart of democratic governance and is essential to institutional legitimacy. Every act of

lawmaking, particularly those that touch upon the drawing of districts and other measures that bear directly upon the exercise of the right of suffrage, must be guided by an unwavering fidelity to the people's sovereign will.

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

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

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

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

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

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

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

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

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

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

SO ORDERED.

Hernando, Lazaro-Javier, Inting, Gaerlan, J. Lopez, Dimaampao, Marquez, Singh, and Villanueva, JJ., concur.
Gesmundo,[*] C.J., on official leave.
Leonen,[*][*] A.C.J., see separate concurring and dissenting opinion.
Caguioa,[*][*][*] J., on official business but left a vote.
Rosario, J., joins the dissent of ACJ Leonen.
Kho, Jr., J., joins the concurring and dissenting opinion of SAJ Leonen.

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[*] On official leave.

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

[*][*][*] On official business but left a vote.

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

[2] Rollo (G.R. No. E-02219), pp. 4-130.

[3] Impleaded in his capacity as the Interim Chief Minister of the BARMM.

[4] Rollo (G.R. No. E-02235), pp. 3-82.

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

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

[7] Senate Committee Report No. 255 (2018), 17th Congress, 2nd Session, Committees on Local Government; Finance; Constitutional Amendments and Revision of Codes; Ways and Means. House of Representatives

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Committee Report No. 758 (2018), 17th Congress, 2nd Session, Committees on Local Government; Muslim Affairs; Peace, Reconciliation and Unity; Appropriations; Ways and Means.

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

[9] Bangsamoro Organic Law, art. XVI, sec. 1.

[10] Bangsamoro Organic Law, art. XVI, sec. 12.

[11] Bangsamoro Organic Law, art. XVI, sec. 4. The pertinent portions of Section 4 read:

> SECTION 4. Functions and Priorities. — The Bangsamoro Transition Authority shall ensure the accomplishment of the following priorities during the transition period:
>
> (a) Enactment of priority legislations such as the . . . Bangsamoro Electoral Code . . . consistent with powers and prerogatives vested in the Bangsamoro Government by this Organic Law: Provided, That until the abovementioned laws are enacted, the Muslim Mindanao Autonomy Act No. 25, otherwise known as the "Autonomous Region in Muslim Mindanao Local Government Code," and subsisting laws on elections and other electoral matters shall apply in the Bangsamoro Autonomous Region.
>
> . . . .
>
> (b) Determination of parliamentary districts for the first regular election for the members of the Parliament subject to the standards set in Section 10, Article VII of this Organic Law[.]

[12] Bangsamoro Organic Law, art. XVI, sec. 13. The provision reads:

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

[13] Bangsamoro Organic Law, art. XVI, sec. 13, as amended by Republic Act No. 11593 (2021), sec. 1, reads:

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

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

[15] Id. at 98.

[16] Bangsamoro Organic Law, art. XVI, sec. 13, as amended by Republic Act No. 12123 (2025), sec. 1.

[17] COMELEC Resolution No. 11149 (2025).

[18] Bangsamoro Autonomy Act No. 77 (2025), sec. 1.

[19] Rollo (G.R. No. E-02219), p. 96.

[20] Id. at 97.

[21] Id. at 98.

[22] Id. at 133-134.

[23] Rollo (G.R. No. E-02219), pp. 135-137.

[24] Rollo (G.R. No. E-02235), p. 113.

[25] Id.

[26] Rollo (G.R. No. E-02219), pp. 90-104.

[27] Id. at 115-125.

[28] Id. at 157-171.

[29] Id. at 137-141.

[30] Id. at 126-136.

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

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

[33] The Province of Sulu was no longer included in Section 2 of BAA 77.

[34] BAA 77, sec. 6.

[35] BAA 77, sec. 7.

[36] BAA 77, sec. 8.

[37] Bangsamoro Government Facebook Post, announcing the signing of BAA 77 dated August 28, 2025, available at https://www.facebook.com/thebangsamorogovt/posts/pfbid02ZNxHKyHSVoWomvDtGmju6U6it8a3TyG8srCW4f3oXhmPgEfUSxPV8h5HH3jFn3Vpl (last accessed on September 29, 2025).

[38] Rollo (G.R. No. E-02219), p. 22.

[39] Rollo (G.R. No. E-02235), pp. 19-20.

[40] Rollo (G.R. No. E-02219), pp. 170-177.

[41] Rollo (G.R. No. E-02235), pp. 106-112.

[42] Id. at 184-194.

[43] Id. at 126-135.

[44] Id. at 158.

[45] Id.

[46] Id.

[47] Id. at 168.

[48] Id. at 137-141.

[49] 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.

[50] CONST., art. VIII, Sec. 7.

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

[52] Rollo (G.R. No. E-02219), pp. 7-9; Rollo (G.R. No. E-02235), p. 8.

[53] Rollo (G.R. No. E-02219), p. 9; Rollo (G.R. No. E-02235), pp. 9-10.

[54] Rollo (G.R. No. E-02219), p. 10; Rollo (G.R. No. E-02235), p. 10.

[55] Rollo (G.R. No. E-02219), p. 10; Rollo (G.R. No. E-02235), p. 10.

[56] G.R. No. 242255, September 9, 2024 [Per S.A.J. Leonen, En Banc].

[57] G.R. No. 271741, August 20, 2024 [Per J. Zalameda, En Banc].

[58] Rollo (G.R. No. E-02219), p. 12; Rollo (G.R. No. E-02235), p. 9.

[59] COMELEC Resolution No. 11090 (2024).

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

[61] Rollo (G.R. No. E-02219), p. 7.

[62] Id. at 4.

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[63] Rollo (G.R. No. E-02235), p. 3.

[64] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

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

[66] Id. at 175.

[67] Rollo (G.R. No. E-02219), p. 11.

[68] Rollo (G.R. No. E-02235), p. 7.

[69] Id. at 168.

[70] Id. at 26.

[71] Id. at 27.

[72] G.R. Nos. 271741 & 271972, August 20, 2024 [Per J. Zalameda, En Banc].

[73] Id. at 18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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

[75] Rollo (G.R. No. E-02235), p. 29.

[76] BAA 77, sec. 8.

[77] Rollo (G.R. No. E-02235), p. 30.

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

[79] 230 Phil. 528 (1986) [Per J. Cruz, En Banc].

[80] Id. at 535-537.

[81] Bangsamoro Organic Law, art. V, sec. 2.

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

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

[84] Rollo (G.R. No. E-02219), p. 55.

[85] Id.

[86] Id. at 64.

[87] Rollo (G.R. No. E-02235), p. 25.

[88] Id. at 162-166.

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

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

[91] SAJ Leonen, Separate Concurring Opinion in Macalintal v. Commission on Elections, 943 Phil. 212 (2023)

[Per J. Kho, En Banc], citing JOAQUIN G. BERNAS, S.J., THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHlLIPPINES: A COMMENTARY 996 (2009).

[92] Id.

[93] Rollo (G.R. No. E-02219), pp. 23-29; Rollo (G.R. No. E-02235), pp. 35-37.

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

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

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

[96] COMELEC Resolution No. 10965 (2024).

[97] COMELEC Resolution No. 10965 (2024), art. I, sec. 2 provides:

> [The] POP is a public document prepared by the Election [Officer] of a district/city/municipality, which contains data on the number of barangays, established precincts, clustered precincts, voting centers and voters. The names of barangays and voting centers and the latter's addresses are also provided in the POP. The clustering of established precincts shall depend on the clustering scheme approved by the Commission En Banc for a particular election.

[98] Rollo (G.R. No. E-02235), p. 161.

[99] Id. at 162-163.

[100] Rollo (G.R. No. E-02219), p. 37.

[101] Id. at 34-37.

[102] Id. at 37-44.

[103] Id. at 44-50.

[104] Rollo (G.R. No. E-02235), pp. 33-34.

[105] 626 Phil. 23 (2010) [Per J. Peralta, En Banc].

[106] Id. at 61.

[107] Section 14. Redistricting for Parliamentary Membership. — The Parliament shall have the power to reconstitute by law the parliamentary districts apportioned among the provinces, cities, municipalities, and geographical areas of the Bangsamoro Autonomous Region to ensure equitable representation in the Parliament. The redistricting, merging, or creation of parliamentary districts shall be based on the number of inhabitants and additional provinces, cities, municipalities, and geographical areas, which shall become part of the Bangsamoro territorial jurisdiction. For the purpose of redistricting, parliamentary districts shall be apportioned based on

population and geographical area: Provided, That each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction: Provided, further, That each district shall have a population of at least [100,000].

[108] 376 Phil. 443 (1999) [J. Purisima, En Banc].

[109] Id. at 452.

[110] Rollo (G.R. No. E-02335), pp. 37-40.

[111] Id.

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

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

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

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

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

[114] Rollo (G.R. No. E-02219), pp. 29-33; Rollo (G.R. No. E-02235), pp. 41-44.

[115] Rollo (G.R. No. E-02219), pp. 29-30; Rollo (G.R. No. E-02235), p. 43.

[116] CONST., art. II, sec. 1.

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

The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region. (Emphasis supplied)

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[118] Rollo (G.R. No. E-02235), pp. 44-46.

[119] 392 Phil. 342 (2000) [Per J. Panganiban, En Banc].

[120] Id. at 345.

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

[122] Rollo (G.R. No. E-02219), pp. 5-6.

[123] Rollo (G.R. No. E-02235), p. 186.

[124] Id. at 158-161.

[125] Rollo (G.R. No. E-02235), p. 47.

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

[127] Id. at 896.

[128] 166 Phil. 505 (1977) [Per C.J. Castro, En Banc].

[129] Id. at 518-519.

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

[131] 347 Phil. 1 (1997) [Per J. Puno, En Banc].

[132] Id. at 26.

[133] Bangsamoro Organic Law, art. VII, sec. 7(c).

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

[135] Bangsamoro Organic Law, art. VII, sec. 4 reads:

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

[136] Bangsamoros Organic Law, art. XVI, sec. 1 provides:

> Section 1. Transition Period. — The transition period for the establishment of the Bangsamoro Autonomous Region shall commence upon the ratification of this Organic Law. This Organic Law shall be deemed ratified when approved by a majority of the votes cast in a plebiscite as proclaimed by the Commission on Elections or its duly authorized officers.
>
> The transition period shall end upon the dissolution of the Bangsamoro Transition Authority as provided in this Organic Law.
>
> The transition period shall be without prejudice to the initiation or continuation of other measures that may be required by post-conflict transition and normalization even beyond the term of the Bangsamoro Transition Authority.

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[137] Republic Act No. 7941 (1995), Party-List System Act, sec. 10.

[138] RA 12123 set the term of officials first elected shall commence at noon of the 30th day of October next following their election.

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 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:
>
> "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."

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:
>
> "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.
>
> The term of office of the officials first elected shall commence at noon of the 30th day of October next following their election."

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.

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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:
>
> "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:"
>
> . . . .

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.

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.

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.

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.

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. Amelia, 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.

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]

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]

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(6) 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

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> 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.
>
> 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.
>
> 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.
>
> 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 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."

....

> 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, ...
>
> 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

> SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

> 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.

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 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 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. ....
>
> 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, 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

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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 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

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> 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 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 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 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

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election preparations in the whole country, 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.

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

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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

Barangay Poblacion III

1st District

3rd District

2,096

Barangay Poblacion IV

1st District

3rd District

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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

1st 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 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.

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.

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> 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 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.

(image supposed to be here)
Map of the 2nd Provincial District of Lanao del Sur
under Bangsamoro Autonomy Act No. 58

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.

(image supposed to be here)
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.

(image supposed to be here)
Map of the 2nd and 3rd Provincial Districts of Maguindanao def 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]

(image supposed to be here)

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.

(image supposed to be here)
Map of the 1st and 2nd Districts of Cotabato City
under Bangsamoro Autonomy Act No. 58

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.

(image supposed to be here)
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 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.

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

. . . .

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. (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.

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

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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.

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. 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.

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 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.

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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.

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[5] Id. at 852.

[6] Republic Act No. 11054 (2018), art. XVI, sec. 13.

[7] Rollo (G.R. No. E-02219), pp. 16-17.

[8] Id.

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

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

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

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

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

[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), pp. 116-117.

[18] Id. at 122.

[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), pp. 21-26.

[25] Id. at 26-29.

[26] Id. at 29-30.

[27] Id. at 31-35.

[28] Id. at 35-37.

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

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

[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.

[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].

[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].

[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].

[50] Id. at 1091-1092.

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

[52] Id. at 266-268.

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

[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.

[65] Id. at 334-335.

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

[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).

[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.

[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.

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

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

[74] Id. at 818.

[75] Rollo (G.R. No. E-02219), p. 43.

[76] Id. at 43-44.

[77] Id. at 52.

[78] Id.

[79] 113 Phil. 1 (1961) [Per C.J. Bengzon, En Banc].

[80] Id. at 7-8.

[81] Id. at 7.

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[82] Id.

[83] Id. at 7-8.

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

[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)

[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].

[90] Ponencia, pp. 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).

[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. 1, 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.

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