

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 INTER...

G.R. Nos. E-02219 and E-02235, April 08, 2026

Ponente: ZALAMEDA, J.

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ZALAMEDA, J.:

We must remain ever vigilant that our people's rights are never sacrificed at the altar of expediency.[1]

It is a legal truism that all laws enacted by the Bangsamoro Transition Authority (BTA) should conform with the Republic Act No. 11054, or the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao" (Bangsamoro Organic Law) and the Constitution. Any Bangsamoro Autonomy Act (BAA) cannot validly establish rules that conflict with the Bangsamoro Organic Law and the Constitution. The outcome of any election that is conducted under a law that clearly runs afoul of the Bangsamoro Organic Law and the Constitution may be successfully challenged and declared invalid. People's votes will be invalidated, and taxpayers' money will be unnecessarily spent. This is not the situation envisioned for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). Indeed, all elections, and not just its first, should be characterized with thoroughness and dignity befitting its importance.

This Resolution addresses the following submissions: (1) Notice of Appearance with Most Respectful Motion for Additional Time to File Consolidated Comment[2] filed by respondents BTA and BARMM Chief Minister Abdulraof A. Macacua (collectively, respondents) through the Bangsampro Attorney General's Office (BAGO) dated September 22, 2025; (2) Consolidated Comment filed by respondents through the BAGO dated September 26, 2025;[3] (3) Manifestation (with leave of Court)[4] filed by the Commission on Elections (COMELEC) through the Office of the Solicitor General (OSG) dated October 9, 2025; (4) Omnibus Motion (for Intervention and Reconsideration)[5] filed by Atty. Rasol Y. Mitmug, Jr., and Rasul E. Ismael (Mitmug, et al.) dated October 13, 2025; (5) Motion for Partial Reconsideration[6] filed by petitioners in G.R. No. E-02235 (Abdullah G. Macapaar, Mangontawar M. Macacuna, Sultan Alim Saad I. Amate, Najer D. Eppie, Nasif G. Marangit, and Maulana L. Mamutuk; collectively, Macapaar et al.) dated October 21, 2025; (6) Motion for Partial Reconsideration[7] filed by respondents through the BAGO dated October 21, 2025; (7) Manifestation dated December 2, 2025 filed by COMELEC; (8) Manifestation with Motion for Early Resolution[8] filed by respondents through the BAGO dated December 12, 2025; (9) Compliance (Re: Resolution dated November 25, 2025)[9] filed by COMELEC through the OSG dated December 26, 2025; (10) Compliance[10] filed by Macapaar et al. dated January 5, 2026; (11) Manifestation (with leave)[11] filed by Macapaar et al. dated January 9, 2026; (12) Manifestation[12] filed by respondents through the BAGO dated January 12, 2026; (13) Manifestation and Compliance (Re: Resolution dated January 14, 2026)[13] filed by COMELEC through the OSG dated January 22, 2026; and (14) Compliance – Apology and Explanation for Delay with Motion for Early Resolution[14] filed by respondents through the BAGO dated January 26, 2026.

Antecedents

The Bangsamoro Organic Law, promulgated in 2018, established the BARMM four years after the signing of the Comprehensive Agreement on the Bangsamoro on March 2, 2014.

The BARMM undergoes a transition period upon ratification of the Bangsamoro Organic Law.[15] During this period, the BTA serves as the BARMM's interim government[16] until the election and qualification of the chief minister of the first Bangsamoro Parliament.[17]

The first regular parliamentary election for BARMM was supposed to coincide with the 2022 national elections. However, it was moved to the 2025 national elections under Republic Act No. 11593. Republic Act No. 12123 again moved the date of election to October 13, 2025.

Meanwhile, two plebiscites, which were conducted within the BARMM in January and February 2019, determined its geographical area and the corresponding local government units.

In February 2024, or six years after the Bangsamoro Organic Law's promulgation, the BTA enacted BAA 58, which apportioned 32 parliamentary districts across the BARMM. After a little over six months, the Court promulgated *Province of Sulu v. Medialdea*[18] which upheld the Bangsamoro Organic Law's constitutionality, but invalidated the Province of Sulu's inclusion in the BARMM.[19] *Province of Sulu* became final on November 26, 2024.

Consequently, the BTA had to reallocate the seven parliamentary seats initially assigned to the Province of Sulu under BAA 58. To do this, BTA enacted BAA 77 to distribute these seats among the other BARMM provinces by substantially redistricting the existing districts in the BARMM.

Notably, BAA 77 was enacted during the BARMM Parliamentary Election period. BTA Speaker Pangalian M. Balindog publicly declared that Interim Chief Minister Macacua signed BAA 77 without his authorization. COMELEC initially postponed the printing of the official ballots for the 2025 BARMM Parliamentary Elections, but later resumed it, citing time constraints in preparing for the parliamentary elections on October 13, 2025.

Thereafter, petitioners in G.R. No. E-02219 (Lanag T. Ali Jr., Samsodin C. Amelia, and Daruan M. Magan, Jr.; collectively Ali et al.) and E-02235 (Macapaar et al.) challenged the constitutionality of BAA 77 through their respective Petitions before the Court.[20] In a Resolution dated September 15, 2025, the Court resolved to consolidate their Petitions and issued a Temporary Restraining Order (TRO)[21] against the implementation of BAA 77.

COMELEC complied with the TRO by suspending all preparations for the 2025 BARMM Parliamentary Elections as of September 17, 2025.[22]

The Court gave respondents a non-extendible period of five days to comment on the Petitions.[23] However, as of September 23, 2025, only COMELEC filed a Comment with Manifestation[24] through the OSG.

At this juncture, We note that respondents belatedly filed their Consolidated Comment.[25] They admitted to receiving the Court's Resolution on September 16, 2025.[26] Said Resolution required them to file their Comment within a non-extendible period of five days, or until September 21, 2025. The deadline fell on a Sunday and September 22, 2025 was declared a non-working day. Respondents, thus, had only until September 23, 2025 to file their Comment. Instead of filing their Comment, respondents, through the BAGO, filed a Notice of Appearance with Most Respectful Motion for Additional Time to File Consolidated Comment. They prayed for an extension of five days from September 21, 2025, or until September 26, 2025 within which to file their Consolidated Comment. Respondents eventually filed their Comment on September 26, 2025 as evidenced by the

receipt generated by their courier, LBC.[27]

However, the scales of justice are tilted against respondents' request for relaxing technical rules, especially considering the urgency of deciding the exercise of the Bangsamoro peoples' right to suffrage. Respondents' counsel had no right to assume, as it did, that their motion for extension would be favorably granted. This, considering further that the period allowed for filing was non-extendible.

In the September 30, 2025 Decision,[28] the Court invalidated BAA 77 for being unconstitutional on several grounds, which include the following:

- BAA 77 violated Section 5 of the Voter's Registration Act which prohibits the alteration of the territory comprising an election precinct or the establishment of a new precinct at the start of an election period.
- BAA 77's redistricting measure amounted to gerrymandering, which is prohibited under Article VI, Section 5(3) of the Constitution and Article VIII, Section 10 of the Bangsamoro Organic Law.

We held that the 2025 BARMM Parliamentary Elections could not validly proceed either under BAA 77 or BAA 58. The exclusion of the Province of Sulu from the BARMM and the subsequent invalidation of BAA 77 rendered BAA 58 legally inoperable. In other words, there is currently no legal framework for the 2025 BARMM Parliamentary Elections to proceed. We acknowledged that Province of Sulu created a gap which had to be addressed by a valid redistricting law. The void BAA 77 failed to fill this gap.

In this regard, We ordered the BTA to immediately enact a valid redistricting law by October 30, 2025, and the COMELEC to promptly prepare for the first BARMM Parliamentary Elections to be conducted no later than March 31, 2026.

COMELEC, through the OSG, filed its Manifestation (with leave of Court) dated October 9, 2025 to stress the importance of passing a valid redistricting law at the soonest. Any further delay would impact COMELEC's preparations for the first BARMM Parliamentary Elections.

COMELEC also manifested that it will no longer move for reconsideration of the Court's September 30, 2025 Decision.

Mitmug et al. subsequently filed their Omnibus Motion (for Intervention and Reconsideration) dated October 13, 2025.

Macapaar et al. filed their Motion for Partial Reconsideration dated October 21, 2025, praying that the Court apply the doctrine of operative fact on the effectivity of BAA 58, pro hac vice, to allow the conduct of the first BARMM Parliamentary Election based on said law.

Respondents filed their Motion for Partial Reconsideration dated October 21, 2025 and asked this Court to rule, among others, to uphold the validity and constitutionality of BAA 77.

In a Resolution[29] dated November 25, 2025, the Court required the parties to move in the premises within a period of 10 days from notice of the resolution.

COMELEC filed their Manifestation[30] dated December 2, 2025 and informed the Court that it promulgated Resolution No. 11181, prescribing the calendar of activities and periods of certain prohibited acts in connection with the March 30, 2026 BARMM Parliamentary Elections.

In their Manifestation with Motion for Early Resolution dated December 12, 2025, respondents prayed, among others, for the grant of their Motion for Partial Reconsideration and to declare BAA 77 as valid and constitutional.[31]

COMELEC filed their Compliance (Re: Resolution dated November 25, 2025) dated December 26, 2025 stating that no new redistricting act has been enacted by the BTA. It emphasized that the preparations and conduct of the March 30, 2026 BARMM Parliamentary Elections ultimately depends on the enactment of a new redistricting law.[32]

Subsequently, Macapaar et al. filed their Compliance dated January 5, 2026, informing the Court that: (a) BTA failed to pass a valid redistricting law by October 30, 2025; and (b) COMELEC suspended the filing of the certificates of candidacy for the first BARMM Parliamentary Election through its Resolution No. 11183.[33]

In a Resolution[34] dated January 14, 2026, the Court required further compliances with its Resolution dated November 25, 2025 within a non-extendible period of 10 days from notice of the resolution, considering that not all the pending incidents have been covered in the compliances and other pleadings filed so far.

COMELEC filed their Manifestation and Compliance (Re: Resolution dated January 14, 2026) dated January 22, 2026 stating that it has adopted Resolution No. 11184, prescribing the calendar of activities and periods for the conduct of assemblies and conventions for the election of Parliamentary Sectoral Representatives in connection with the March 30, 2026 BARMM Parliamentary Elections. COMELEC stated that on January 12, 2026, the Bangsamoro Parliament approved Parliament Bill No. 415 on the third and final reading. The said bill formally defines the 32 parliamentary districts of BARMM. However, COMELEC has yet to formally receive the published copy of the said law.[35]

Respondents also filed their Compliance – Apology and Explanation for Delay with Motion for Early Resolution dated January 26, 2026, reporting that they had undertaken continuous legislative action to comply with the directive under the Court's September 30, 2025 Decision, culminating in the passage of Parliament Bill No. 415 and its signing into law on January 20, 2026 as BAA 86, otherwise known as the "Bangsamoro Parliamentary Districts Act of 2025," now pending publication for effectivity.[36]

Respondents also apologized for failing to meet the Court's timeline. They explained that the delay was not willful, but due to extraordinary institutional constraints. These include a prolonged vacancy in the Office of the Speaker, constitutionally mandated budget deliberations, and the inability to convene a special session due to national administrative directives. They also emphasized that full and substantive compliance has now been achieved.

While the resolution of the Motions for Reconsideration were pending before this Court, the President signed Republic Act No. 12317 into law on March 25, 2026, resetting the first regular parliamentary elections in the BARMM to September 14, 2026.

Issues

At this instance, We choose not to sacrifice accuracy for brevity. We directly quote from the arguments and prayers in the submissions made to this Court after the promulgation of its Decision.

In its Manifestation, COMELEC prayed that We grant leave to file their Manifestation and note the same.

Mitmug et al. submitted the following arguments in support of their Omnibus Motion for Intervention and Reconsideration.

- Section 2 of BAA 77 pertains to reconstitution of districts and not precincts. The reapportionment of districts does not automatically result in the alteration of precincts. Hence, BAA 77 did not violate Section 5 of [Republic Act No.] 8189.[37]
- The task of configuring precincts as a result of the reconstitution of parliamentary districts belongs to the

Commission on Elections. Since the latter has yet to issue any resolution configuring the precincts under BAA 77, then there is yet no controversy that is ripe for adjudication.[38]

- Section 2 of BAA 77 did not violate Section 5(3), Article VI of the Constitution. Neither did BAA 77 violate Section 10, Article VIII of [Republic Act No.] 11054.[39]

- Section 3 of BAA 77 does not compel the Philippine Congress to enact a law. It does not legislate matters that belonged to the powers of the Philippine Congress.[40]

- Section 4 of BAA 77 did not expand the President's power to appoint beyond what [Republic Act No.] 11054 permits.[41]

- Section 5 of BAA 77 does not violate Section 1 of Article V of the Constitution.[42]

- The Honorable Court's Decision commanding the Commission on Elections (COMELEC) to conduct elections not later than 31 March 2026 constitutes an impermissible exercise of legislative and administrative authorities, which are properly lodged in Congress and the Commission on Elections under the 1987 Constitution.[43]

Thus, Mitmug et al. prayed for the following:

- Allowing or granting the intervention of respondents-intervenors;
- Admitting this Motion for Reconsideration;
- Reversing the assailed Decision;
- Praying [sic] for the voluntary inhibition of Senior Associate Justice Marvic Leonen from this case;
- Judgment be rendered DECLARING the Bangsamoro Autonomy Act No. 77 CONSTITUTIONAL and VALID; and
- Setting aside the portion of the assailed Decision mandating the Commission on Elections (COMELEC) to conduct the first regular parliamentary elections not later than 31 March 2026.[44]

Macapaar et al. in their Motion for Partial Reconsideration, raised the following issues:

1.

Whether the ten (10) postponements of elections over twenty-nine (29) years in the ARMM and BARMM constitute:

a.

Denial of the Bangsamoro's right to self-determination under Article 1(1) of the ICCPR;

b.

Denial of the sovereign will of the Bangsamoro under Article 21(3) of the UDHR; and [sic]

c.

Denial of the right of suffrage of the Bangsamoro under Article 21(3) of [the] UDHR and Article 25(b) of the ICCPR[; and]

d.

Denial of periodic election under Article 21(3) of [the] UDHR and Article 25(b) of the ICCPR.

2.

Whether the ten (10) postponements of elections over twenty-nine years (29) in the ARMM and BARMM amount to a gross violation of human rights.[45]

They prayed of this Court:

- To GRANT [their] [Partial] Motion for Reconsideration [consisting] [sic] of APPLYING the doctrine of operative fact on the effectivity of BAA 58 pro hac vice for the conduct of the forthcoming First Parliament Election in the BARMM.
- To DIRECT the COMELEC to prepare the election administering and enforcing the BAA 58 and BAA 35 [Bangsamoro] Electoral Code and other election [related] laws for the conduct of the First Parliament Election in the BARMM.
- To DIRECT the COMELEC to utilized [sic] the ballots and other election paraphernalia under BAA 58 in the election.[46]

In their Compliance, Macapaar et al. refined and added to their Motion for Reconsideration as follows:

1.

DIRECTING the COMELEC to prepare for the conduct of the Parliamentary election on March 30 [sic], 2026.

2.

DIRECTING the COMELEC to administer and enforce:

a.

Bangsamoro Electoral Code under BAA 35 for the forty (40) seats of the party representatives; four (4) sectoral representatives, and four (4) reserved seats; and

b.

BAA 58 (An Act Providing for the Creation of Parliamentary Districts in the Bangsamoro Autonomous Region in Muslim Mindanao [sic]) for the twenty-five (25) district representatives (less the seven (7) district representatives for Sulu) pro hac vice for purposes of this March 30 [sic], 2025 Parliament election.[47]

Respondents raised the following grounds in support of their Partial Motion for Reconsideration:

- The Decision was rendered without affording due course and full consideration to the respondents BTA and Chief Minister's Comment, thereby infringing upon their right to due process.
- The existence of compelling and well-founded reasons significantly influenced the BTA's legislative timeline in enacting BAA 77.
- BAA 77 complies with the statutory requirements for the reapportionment of parliamentary districts under [Republic Act No.] 11054.
- The setting of March 2026 as the election date for the first BARMM Parliamentary Elections, coupled with the requirement for the BTA to pass a districting law by 30 October 2025, constitutes an encroachment of the exclusive legislative prerogative constitutionally entrusted to Congress.[48]

In their Prayer, respondents asked for the following:

- GRANT this Motion for Partial Reconsideration and REVERSE or MODIFY its Decision dated 30 September 2025 insofar as it declared Bangsamoro Autonomy Act No. 77 unconstitutional on the grounds of

alleged gerrymandering;

- UPHOLD the constitutionality and validity of BAA 77, particularly with respect to its legislative apportionment provisions, there being no evidence of gerrymandering or partisan manipulation, and recognizing that its enactment was carried out in good faith and within the bounds of the Bangsamoro Organic Law.

- CLARIFY that the setting of the date for the first Bangsamoro Parliamentary Elections and the legislative deadline for redistricting fall within the exclusive prerogative of Congress, consistent with the constitutional principle of separation of powers.[49]

As We observed that there was no question as to BAA 77's violation of the 120-day period in Section 5 of the Voter's Registration Act, We also see that all parties prayed for such other forms of relief as may be just and equitable under the premises.[50]

Ruling of the Court

Respondents and Mitmug et al. deny the unconstitutionality of BAA 77 and insist that the BARMM Parliamentary Elections use it as basis. Conversely, Macapaar et al. uphold the unconstitutionality of BAA 77 and argue that the BARMM Parliamentary Elections should be conducted under the authority of BAAs 35 and 58. All parties agree that the BARMM Parliamentary Elections should be held, but differ on their legal basis.

We deny Mitmug et al.'s Omnibus Motion and Macapaar et al.'s Motion for Reconsideration. We grant in part respondents' Partial Motion for Reconsideration.

Mitmug et al.'s Motion to Intervene is disallowed

Rule 19, Section 1 of the Rules of Court provides for instances when an intervention may be allowed.

SECTION 1. Who may intervene. — A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.

The following requisites are therefore essential: (1) a movant's legal interest in the matter being litigated; (2) a showing that the intervention will not delay the proceedings; and (3) a claim by the intervenor that is incapable of being properly decided in a separate proceeding.[51]

In this case, Mitmug et al. are residents, taxpayers, and registered voters of BARMM. They allege that they are current members of the BTA Parliament who voted to approve BAA 77. Mitmug is the Deputy Floor Leader of the BTA Parliament.

Notwithstanding these allegations, the motion for intervention must be denied for being filed out of time. Intervention is a permissive remedy and may only be allowed at any time before the rendition of judgment.[52] While the Court recognizes that it may, in exceptional cases and for compelling reasons, relax its own rules in the interest of substantial justice, no such circumstances are present here.

Intervention presupposes a pending action in which the intervenor may still meaningfully participate. Once judgment has been rendered, intervention is only allowed under the most exceptional circumstances.[53]

Here, the motion for intervention was filed only after the Court had already rendered its Decision. At this stage, there is no longer a live controversy to intervene in, but only the execution and consequences of a judgment already promulgated. To allow intervention at this point would effectively reopen issues already resolved by the Court and undermine the stability of judicial determinations.

Moreover, allowing the intervention would necessarily result in undue delay. The Rules expressly require the Court to consider whether the grant of intervention would unduly delay or prejudice the adjudication of the case.

For these reasons, the motion for intervention must be denied for being filed out of time and for being a cause of undue delay in the proceedings.

However, even as We disallow Mitmug et al.'s Motion to Intervene, We nonetheless proceed to discuss the substantial issues raised in their Omnibus Motion. This exercise inevitably compels Us to reiterate several points in Our Decision.

Mitmug et al.'s Motion to Inhibit the Senior Associate Justice is disallowed

Towards the end of their Omnibus Motion, Mitmug et al. included a call for voluntary inhibition of Senior Associate Justice Marvic M.V.F. Leonen:

90. Finally, as a consequence of BAA 77 being a direct result of the need to re-allocate and reapportion the seven (7) parliamentary seats of Sulu, and considering the palpable discomfort in certain quarters in the constituencies of the BARMM regarding the role of the Ponente of the Decision in the exclusion of the Sulu case, it behooves the respondents-intervenors to respectfully call for the voluntary inhibition of Honorable Senior Associate Justice Marvic Leonen from participating in deciding this case.[54]

Rule 8, Section 2 of the Internal Rules of the Supreme Court provides that "no motion for inhibition of a Member of the Court shall be granted after a decision in the merits or substance of the case has been rendered or issued by any Division, except for a valid or just reason such as an allegation of a graft and corrupt practice or a ground not earlier apparent."

It is obvious that Mitmug et al.'s Omnibus Motion was filed with this Court only after the Decision was promulgated. Their belated participation clearly characterizes their motion to inhibit the Senior Associate Justice as filed out of time. Moreover, save from their "palpable discomfort" with the ponencia role of the Senior Associate Justice in Province of Sulu, Mitmug et al. do not substantiate their motion for inhibition with any account of graft and corruption involving the Senior Associate Justice. The role of the Senior Associate Justice as ponente of Province of Sulu has been apparent even before the petitions in the present cases were filed.

Thus, unless the Senior Associate Justice, in the exercise of his sound discretion, voluntarily inhibits himself and states the precise reason therefor,[55] expressions of discomfort about his official actions in a prior case in this Court are insufficient to bar him from participating in the present consolidated cases. We realize that should We declare otherwise, We lend Ourselves to the possibility of a situation where practically the entire membership of the Court will be asked to inhibit due to a party's discomfort with a prior decision or vote in a related case in the same Court. We will not allow such an absurdity to happen.

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

Respondents argue that BAA 77 complied with the statutory requirements for the reapportionment of the parliamentary districts under the Bangsamoro Organic Law.[56] In support of this position, they aver that (a) population is the primordial consideration in the apportionment of legislative district,[57] (b) the requirement that territorial jurisdiction be "contiguous, compact, and adjacent" is qualified by the phrase "as far as practicable," and is thus not absolute,[58] and (c) petitioners failed to substantiate the allegations of gerrymandering.[59]

Mitmug et al. also argue that Section 2 of BAA 77 did not result in gerrymandering that violated the Constitution and the Bangsamoro Organic Law.[60] They claim that the Constitution and Bangsamoro Organic Law both use the phrase "as far as practicable", which means that there can be exceptions to the general rule that the territories should be contiguous, compact, and adjacent.[61]

We do not agree.

The requirement that the territory be contiguous, compact, and adjacent must be observed as far as practicable. This was emphasized by the Court in *Aldaba v. Commission on Elections*,[62] as it aligns with ensuring efficient representation of areas which are contiguous, compact, and adjacent, thus:

[T]he creation by [Republic Act No.] 9591 of a legislative district for Malolos City, carving the city from the former First Legislative District, leaves the town of Bulacan isolated from the rest of the geographic mass of that district. This contravenes the requirement in Section 5(3), Article VI that each legislative district shall "comprise, as far as practicable, contiguous, compact, and adjacent territory." It is no argument to say, as the OSG does, that it was impracticable for Congress to create a district with contiguous, compact, and adjacent territory because Malolos City lies at the center of the First Legislative District. The geographic lay-out of the First Legislative District is not an insuperable condition making compliance with Section 5(3) impracticable. To adhere to the constitutional mandate, and thus maintain fidelity to its purpose of ensuring efficient representation, the practicable alternative for Congress was to include the municipality of Bulacan in Malolos City's legislative district. Although unorthodox, the resulting contiguous and compact district fulfills the constitutional requirements of geographic unity and population floor, ensuring efficient representation of the minimum mass of constituents.[63] (Emphasis supplied)

Jurisprudence has shown that the territorial and population requirements under Article VI, Section 5 of the Constitution are essential as they are intended to equalize population and voting power, and more importantly, ensure accessibility and commonality of interests.

The concern that leaps from the text of Article VI, Section 5 is political representation and the means to make a legislative district sufficiently represented so that the people can be effectively heard. As above stated, the aim of legislative apportionment is "to equalize population and voting power among districts." Hence, emphasis is given to the number of people represented; the uniform and progressive ratio to be observed among the representative districts; and accessibility and commonality of interests in terms of each district being, as far as practicable, continuous, compact and adjacent territory. In terms of the people represented, every city with at least 250,000 people and every province (irrespective of population) is entitled to one representative. In this sense, legislative districts, on the one hand, and provinces and cities, on the other, relate and interface with each other. To ensure continued adherence to the required standards of apportionment, Section 5(4) specifically mandates reapportionment as soon as the given standards are met.[64] (Emphasis supplied)

A contiguous, compact, and adjacent territory fosters accessibility of the constituents having shared local concerns and effective governance. Given the importance of the territorial requirement, it can only be excused when there is a valid justification such as when fulfillment of such requirement is impracticable. For instance, local government units which are composed of islands that are separated by bodies of water.

In this case, 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. There was likewise no valid justification for deviating from this fundamental redistricting requirement under the impracticability exception.

Section 2 of BAA 77 altered and/or created new precincts during the election period in violation of the Voter's Registration Act

Respondents assert that Section 2 of BAA 77 does not alter or create precincts and does not violate Section 5 of Republic Act No. 8189 or the "Voter's Registration Act of 1996" because the law deals exclusively with legislative apportionment, not election administration. It emphasizes that Republic Act No. 8189 is fundamentally administrative in characters and governs only the technical and logistical aspects of election management, which fall within the exclusive authority of COMELEC, not the BTA Parliament.[65]

Respondents further maintain that any operational adjustments to precinct assignments are merely implementing consequences left to COMELEC and cannot be attributed to BAA 77 itself, which does not expressly direct the creation, abolition, or modification of precincts.[66]

Mitmug et al., similarly argue that Section 2 of BAA 77 does not violate Section 5 of Republic Act No. 8189 because BAA 77 supposedly did not alter or create any precincts, nor did it modify the territorial composition of existing precincts.[67]

Section 5 of the Voter's Registration Act of 1996 provides:

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)

According to Mitmug et al., BAA 77 merely reconstituted parliamentary districts, an act which they claim is wholly distinct from precinct formation. They assert that precincts remain intact, as precinct boundaries are determined by COMELEC and not by the BTA Parliament, and BAA 77's changes at the district level do not automatically compel any alteration in precinct boundaries.[68]

They further contend that Section 5 of Republic Act No. 8189 prohibits only the alteration of precinct territory or the creation of new precincts during the election period. Because BAA 77 does not, on its face, amend precinct maps or redefine precinct territories, the intervenors insist that the statute does not fall within the prohibition.[69]

These arguments fail to persuade.

Respondents and Mitmug et al.'s narrow reading disregards both the text and purpose of Republic Act No. 8189. As the Decision emphasized, redistricting at the municipal and barangay level inevitably alters the territorial composition of precincts because precincts are territorially anchored in barangays. When BAA 77 mandated the reassignment of certain barangays to new districts, the precincts within those barangays must necessarily be reassigned by COMELEC not only for purposes of ballot design, but also for candidate listing, electronic configuration, canvassing flow, and assignment of Boards of Election Inspectors and Boards of Canvassers. COMELEC itself confirmed that these operational consequences were unavoidable. Such adjustments constitute alterations in precinct territory within the contemplation of Section 5, even if BAA 77 avoided express mention of the redrawing of precinct maps.

Respondents' attempt to characterize these consequences as mere implementation issues cannot negate the fact that it is BAA 77 that triggered these territorial reassignments during the prohibited period.

The 120-day prohibition in Republic Act No. 8189 is triggered by territorial changes that affect the composition of precincts during the election period. Adoption of Mitmug et al.'s view renders Section 5 of Republic Act No. 8189 inutile, as any legislative body could evade its prohibition by altering districts and barangays rather than precinct maps themselves, even though the effect on precinct composition is identical. We maintain Our consistency with the law's text and purpose to prevent late-stage territorial changes that jeopardize electoral integrity, sow confusion, and disenfranchise voters. BAA 77, enacted only days after the election period commenced, violated this statutory prohibition.

Section 3 of 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

Section 3 of BAA 77 reads:

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.

Respondents contend that Section 3 of BAA 77 is a directory and transitory provision included only as a contingency in the event that the Province of Sulu rejoins the BARMM. It characterizes the provision as a prudent anticipatory measure given Sulu's historical, political, and cultural significance, and maintains that it does not create any legal obligation on the part of Congress.[70]

Mitmug et al., further argue that Section 3 of BAA 77 does not violate the Bangsamoro Organic Law or the Constitution.[71] They contend that the provision merely "recognizes" Congress's authority to determine the number of parliamentary seats corresponding to the newly created district.[72] In their view, Section 3 does not compel Congress to enact any apportionment statute, but merely provides guidance and anticipates Congressional action should the Province of Sulu re-enter BARMM.[73] They, therefore, insist that the Court erred in construing Section 3 as an unconstitutional intrusion into Congress's legislative prerogatives or an impermissible alteration of the Bangsamoro Organic Law.

These arguments are unavailing. Section 3 of BAA 77 cannot be viewed as mere surplusage, as insisted upon by the intervenors. By its very text, it prescribes that the number of parliamentary seats corresponding to the newly

created districts shall be determined by an act of Congress. This effectively transfers to Congress a power that the Bangsamoro Organic Law vests exclusively in the Bangsamoro Parliament: the authority to apportion and reapportion parliamentary districts within the territorial jurisdiction of the BARMM.[74] Under the Bangsamoro Organic Law, the creation, modification, and apportionment of districts for the Bangsamoro Parliament are matters entrusted solely to the BTA Parliament during the transition, and thereafter to the regular Parliament. Nothing in the Bangsamoro Organic Law authorizes Congress to allocate district seats for the Bangsamoro Parliament, nor does it permit the BTA to condition its own redistricting enactments on subsequent Congressional action.

Indeed, rather than merely recognizing an existing Congressional prerogative, Section 3 of BAA 77 creates one where none previously existed. By mandating that Congress determine the number of seats for the new districts and by setting a minimum benchmark of seven seats, Section 3 of BAA 77 limits the Parliament's discretion to configure its own legislative structure. This is legislative overreach that cannot be justified as an exercise of local autonomy. The BTA Parliament may not, through ordinary legislation, expand or diminish powers allocated by the Bangsamoro Organic Law, nor may it assign to Congress an authority that the Bangsamoro Organic Law reserves to the BTA Parliament.

Moreover, the reliance on permissive language ("may") is misplaced. Even assuming Section 3 of BAA 77 is directory rather than mandatory, it ties the Parliament's future composition to an act of Congress and imposes a statutory minimum for district representation that has no basis in the Bangsamoro Organic Law. The constitutional defect is not whether Section 3 compels Congress to act but in the fact that it purports to assign Congress authority over matters committed to the Bangsamoro Parliament alone.

Section 4 of BAA 77 unlawfully expands the President's appointment powers beyond what the Bangsamoro Organic Law permits

Section 4 of BAA 77 provides:

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 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.

Respondents assert that Section 4 of BAA 77 addresses a legislative gap that arises when a new district is created after the deadline of filing Certificates of Candidacy (COCs), resulting in a district with no candidates. It frames the presidential appointment as a temporary and necessary measure to prevent disenfranchisement and ensure continuity of representation.[75]

Mitmug et al. echo this position and argue that Section 4 of BAA 77 does not unconstitutionally enlarge the President's appointment power.[76] They similarly assert that the provision merely addresses a "legislative gap" created by the reconstitution of districts after the filing period of COCs had already closed.[77] According to them, because candidates filed COCs based on the old district configuration, the newly created districts under BAA 77 would have no candidates at all, creating a legislative vacuum. They, therefore, contend that authorizing

the President to appoint "interim" district representatives is a reasonable mechanism to ensure that all districts are represented in the Bangsamoro Parliament during the 2025 elections and until a new electoral cycle can be held.[78] They add that this gap-filling measure allegedly finds Precedent in the transition period under the Bangsamoro Organic Law, where the president appointed members of the initial BTA.[79] In their view, Section 4 merely preserves stability and continuity in governance and should not be construed as an impermissible expansion of executive authority.

These arguments are untenable.

Respondents and Mitmug et al.'s justification that appointments are necessary because new districts would otherwise have no candidates, highlights the invalidity of BAA 77. The absence of candidates in the newly created districts is neither a natural nor an unavoidable occurrence—it is the direct and inevitable consequence of enacting redistricting legislation after the filing of COCs had closed and only days after the start of the election period. As previously discussed, such late-stage redistricting violates Republic Act No. 8189 and the election calendar precisely because it disrupts the candidate filing process, precinct assignments, ballot configuration, and other election preparations that must remain stable during the election period.

Section 4 of BAA 77 attempts to cure this self-inflicted defect by authorizing presidential appointments to elective seats. This act not only fails to remedy the illegality, but compounds it. The very "gap" that respondents and Mitmug et al. invoke is a product of timing rendered unlawful by the Bangsamoro Organic Law, the Omnibus Election Code, and Republic Act No. 8189, and cannot serve as justification for conferring powers on the President that he does not constitutionally or statutorily possess.

More critically, Section 4 of BAA 77 goes far beyond addressing administrative gaps. It authorizes the president to appoint district representatives to the Bangsamoro Parliament even though the transition period under the Bangsamoro Organic Law has long ended. Outside that narrowly circumscribed transition, all district representatives must obtain their mandate exclusively through election. No regional statute may revive or extend the President's transitional appointment authority, nor may it insert unelected individuals into a legislative body whose composition is required to be elective and not appointive.

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

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 Elections shall issue appropriate guidelines to implement the new parliamentary districting under this Act for the 2025 BPE.

Respondents maintain that Section 5 of BAA 77 is a reasonable, non-discriminatory transitional measure designed to protect candidates who filed their COCs in good faith prior to redistricting and to preserve voters' choice as they existed at the time of filing.[80]

Respondents insist that the constitutional guarantee of equal access to opportunities for public service is not absolute and is subject to reasonable regulation by law, which Section 5 of BAA 77 supposedly satisfies. Further, that any inconvenience and adjustment resulting from the redistricting is supposedly an "incidental and unavoidable consequence of the legitimate exercise of legislative power to ensure equitable representation." [81]

On the other hand, Mitmug et al. defend Section 5 of BAA 77, claiming that the provision merely "preserves" the candidacies of aspirants who filed their COCs under the old district configuration. [82] They argue that, because BAA 77 was enacted after the filing period had closed, certain newly created districts would otherwise have no candidates. Section 5 of BAA 77 allegedly prevents the disenfranchisement of aspirants and stabilizes the electoral process by allowing candidates to continue running in the districts where they originally filed. [83] They portray the measure as a pragmatic and necessary response to the reconfiguration of districts so close to the scheduled parliamentary elections.

These arguments have no merit.

To begin with, the very "problems" Section 5 of BAA 77 purports to address—districts without candidates, candidacies that no longer correspond to a candidate's residence or voter registration, and the alleged need to preserve pre-existing COCs—were created entirely by the BTA Parliament through BAA 77. These are neither structural flaws inherent in the electoral system nor unavoidable administrative complications. Rather, they are the direct and predictable consequences of the BTA's decision to enact BAA 77 after the filing of COCs had closed, and after the election period had already commenced. The Omnibus Motion conspicuously omits this reality and instead frames Section 5 as if it were a necessary remedial measure imposed by circumstance. Had it been allowed, Section 5 would have been a legislative band-aid solution for a self-inflicted wound that requires extensive surgery.

Worse, Section 5's "solution" is unconstitutional. As the Decision explained, the provision severs the constitutionally mandated link between residency, registration, and representation. Under Article VI, Section 6 of the Constitution and Section 12 of the Bangsamoro Organic Law, district representatives must be residents and registered voters of the district they seek to represent. Section 5 disregards this requirement entirely. By permitting candidates to run in their former districts which may no longer include their residence or their voter registration, the provision authorizes candidacies that no longer satisfy constitutional qualifications. It also forces voters into the absurd situation of selecting representatives of districts that no longer correspond to their territory. Section 5, thus, fundamentally distorts the representational structure mandated by law.

Nor can respondents and Mitmug et al. rely on supposed fairness to aspirants or administrative convenience to salvage Section 5. Constitutional qualifications for office cannot be waived or rewritten by local statute, least of all to cure a defect caused by the very statute in question.

The Court did not usurp legislative and administrative power when it directed the elections to be conducted not later than March 31, 2026

Respondents argue that the setting of March 2026 as the election date for the BARMM Parliamentary Elections, and the directive for the BTA to pass a districting law by October 30, 2025 constitute an encroachment upon the exclusive legislative prerogative of the Congress. [84] Mitmug et al. similarly claim that the Court's directive to conduct the elections not later than March 31, 2026 is an encroachment of the powers exclusively vested in Congress and COMELEC. [85]

The Court has not encroached upon any of the specified powers of the Congress and COMELEC. Determining the date for the BARMM Parliamentary Elections is within the Court's judicial authority considering the unnecessary delays on the conduct of the said elections.

Under the 1987 Constitution, "[j]udicial 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 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."

In this case, the Court was called upon to settle the constitutionality of the redistricting law of the BTA Parliament which was intimately related to the conduct of the first BARMM Parliamentary Elections. As such, given the effect of the Court's ruling on the conduct of the elections, it was within its power to provide a reasonable timeline to meet the requirement of the Bangsamoro Organic Law.

Article XVI, Section 13 of the Bangsamoro Organic Law scheduled the first regular election for the Bangsamoro Government to be held and synchronized with the 2022 national elections. More than three years after, the elections have not yet taken place. In this regard, the importance of the right to suffrage has long been discussed in *Macalintal v. Commission on Elections*,^[86] thus:

As a democratic and republican state, our governmental framework has for its cornerstone the electoral process through which government by consent is secured.

In *Geronimo v. Ramos* (*Geronimo*), the Court, through Associate Justice Hugo E. Gutierrez, Jr., declared that voting plays an important instrumental value in preserving the viability of constitutional democracy. Indeed, not only is the right to vote or the right of suffrage an important political right; the very existence of the "right of suffrage is a threshold for the preservation and enjoyment of all other rights that it ought to be considered as one of the most sacred parts of the [C]onstitution."

As the SCOTUS recognized in *Yick Wo*, voting is a "fundamental political right, because [it is] preservative of all rights." "[N]o right is more precious in a free country than that of having a voice in the election of those who make the laws, under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

Unquestionably, thus, the right of suffrage is a treasured right in a republican democratic society: the right to voice one's choice in the election of those who make the laws and those who implement them is indispensable in a free country that its absence will render illusory other rights, even the most basic. As the Court, in *Geronimo*, held: Such a right is among the most important and sacred of the freedoms inherent in a democratic society and one which must be most vigilantly guarded if a people desires to maintain through self-government for themselves and their posterity a genuinely functioning democracy in which the individual may, in accordance with law, have a voice in the form of his government and in the choice of the people who will run that government for him.

Verily, by its very nature, the right of suffrage stands on a higher—if not distinct—plane such that it is accorded its own Article under the Constitution, separate from the other fundamental rights.

Because of the fundamental and indispensable role that the right of suffrage plays in the preservation and enjoyment of all other rights, it is protected in various international instruments.^[87] (Citations omitted, emphasis in the original)

Thus, the Court must assess the validity of the redistricting law in light of its impact on the conduct of the BARMM Parliamentary Elections. Considering that Republic Act No. 12123, which rescheduled the BARMM Parliamentary Elections to October 13, 2025, can no longer be implemented, the Court cannot decline to give

effect to the mandate of the Bangsamoro Organic Law to timely conduct the elections on account of the insufficiency of a law setting the next date of the elections.[88]

Considering the urgency to implement the legal mandate of the Bangsamoro Organic Law, the Court provided that the redistricting law must be passed by the BTA on or before October 30, 2025. Furthermore, to prioritize holding the BARMM Parliamentary Elections at the earliest possible time, the Court provided a reasonable timeline within which the elections can be conducted—not later than March 31, 2026. The setting of these timelines is considered by the Court as reasonable under the circumstances to give effect to the spirit of Bangsamoro Organic Law. The setting of reasonable timelines by the Court does not in any manner take away Congress's exercise of its legislative power to determine the most appropriate date for the BARMM Parliamentary Elections.

There is also no encroachment on the part of any of the functions of COMELEC since the latter is not being mandated to act contrary to any existing law or rules. In its Manifestation, COMELEC raised no objections to the Decision and declared that it "AWAIT[S] the compliance by the Bangsamoro Transition Authority with the Supreme Court's directive on the determination of the parliamentary districts, by 30 October 2025 at the latest." [89]

As it is, the BTA failed to promptly enact a valid redistricting law on or before October 30, 2025. It was only on January 22, 2026 when BAA 86 was signed into law. Given the directory nature of the timeframe to conduct the election set by the Court, the passage of BAA 86 cannot be invalidated using the 120-day bar under Section 5 of the Voter's Registration Act of 1996.

In this regard, the enactment of a law fixing a definitive date for the conduct of the BARMM Parliamentary Elections is a matter entrusted to Congress, to be undertaken pursuant to its legislative powers and prudent judgment. It is noted that the President signed Republic Act No. 12317 into law on March 25, 2026, resetting the first BARMM Parliamentary Elections on September 14, 2026. Thus, BAA 86 cannot be considered to have violated Section 5 of Voter's Registration Act of 1996.

BAA 58 cannot be used as the basis for the conduct of the BARMM Parliamentary Elections

BAA 58 cannot, under any constitutional theory or statutory construction, be used as the basis for the conduct of the BARMM Parliamentary Elections. To do so would find no support in the law.

Enacted pursuant to the Bangsamoro Organic Law as a transitional apportionment statute, BAA 58 intended to allocate parliamentary districts based on the territorial composition of the BARMM as it was then understood. It apportioned 32 parliamentary districts among the provinces and areas that then comprised the region, which included seven seats allocated to the Province of Sulu. BAA 58 was predicated on a specific and indispensable territorial assumption that Sulu formed part of the BARMM.

That assumption has since been conclusively rejected by the Court. In Province of Sulu, the inclusion of Sulu in the BARMM was declared unconstitutional and void. The ruling affirmed that Sulu is not part of the BARMM and, in doing so, invalidated the legal foundation upon which BAA 58 was constructed. Macapaar et al. insist on conducting the BARMM Parliamentary Elections based on BAA 58 by pointing out the human rights violations brought about by the failure to conduct elections. We find, however, that they failed to overcome the constitutional hurdles presented by BAA 58.

A law based on a premise found unconstitutional cannot continue to have legal effect.

This conclusion admits no other interpretation. BAA 58 is legally inoperative. Its apportionment cannot be salvaged by being "adjusted," "adapted," or "revived" without a new and affirmative legislative act. The reallocation of seven parliamentary district seats formerly assigned to Sulu is not a clerical matter. It is a core legislative determination involving representation, proportionality, and compliance with constitutional standards. No court, acting under the guise of interpretation or equitable necessity, may supply that determination without usurping legislative authority.

We reiterate:

Under this present situation, BAA 58 can no longer validly serve as the legal framework for the first Bangsamoro Parliamentary Elections. . . . 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 the 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.

. . . .

Reviving BAA 58 would therefore not restore an operative and lawful status quo, but would instead reinstate a defective framework that ... contravenes the Bangsamoro Organic Law, distorts parliamentary representation, and disenfranchises the Bangsamoro electorate.[90]

Critically, the suggestion that BAA 58 may nevertheless be revived in order to finally hold elections, however well-intentioned, is constitutionally untenable. The Bangsamoro Organic Law mandates that 80 parliamentary seats must always be filled and specifies how to do so. There are no provisions for conducting piecemeal elections. The desire to hold elections does not justify suspending the constitutional framework. The urgency of conducting elections cannot convert a void statute into a valid one. Convenience, expediency, and even democratic aspirations are not sources of legal authority. The Constitution does not recognize necessity as a substitute for law.

Allowing BAA 58 to serve as the basis for the conduct of the BARMM Parliamentary Elections, despite its obvious constitutional defects, would produce consequences far more damaging than delay. It would establish the dangerous proposition that a statute may continue to operate even after its foundational premises have been declared unconstitutional, so long as the outcome appears desirable. That proposition is irreconcilable with the Constitution and judicial finality. Once the Court has definitively ruled on the territorial scope of the BARMM, all statutes dependent on the rejected configuration must yield.

Most importantly, the Court must guard against crossing the constitutional boundary between adjudication and legislation. To revive BAA 58 would necessarily entail rewriting its apportionment scheme, reallocating seats, and supplying details beyond the Court's authority. That is not interpretation; it is legislation of the kind which the Court has consistently-rejected precisely because it undermines democratic accountability and the separation of powers.

In sum, BAA 58 cannot be the basis for an election because it can no longer legally exist. Its apportionment has been rendered unconstitutional. Its operation cannot be salvaged by urgency, equity, or good intentions. Any

election conducted on the basis of BAA 58 would rest on a constitutionally infirm foundation, inviting instability, challenge, and the very harm such revival purports to avoid.

Although it is a disappointment to state that the Bangsamoro people will have to await the conduct of their first BARMM Parliamentary Elections, it must be accepted that the only constitutionally permissible path forward lies in valid legislation.

"The better part of valor is discretion." [91] Holding elections now under BAA 58 risks wasting voters' time and their votes. It could lead to the election of officials whose mandates may later be invalidated and cause further political instability. The current delay to allow the enactment of a constitutionally compliant districting law or to resolve ongoing litigation is the most prudent way to protect voters' rights and establish a stable, legitimate Bangsamoro Parliament.

FOR THESE REASONS, the Motion for Partial Reconsideration filed by petitioners in G.R. No. E-02235 is DENIED with FINALITY. The Omnibus Motion (for Intervention and Reconsideration) filed by Arty. Rasol Y. Mitmug, Jr., and Rasul E. Ismael dated October 13, 2025 is likewise DENIED.

The Motion for Partial Reconsideration filed by respondents Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A. Macacua dated October 21, 2025 is PARTLY GRANTED. Thus, the setting of reasonable timeliness by the Court does not, in any manner, take away the exercise by the Congress of its legislative power to determine the most appropriate date for the conduct of the 2026 Bangsamoro Parliamentary Elections.

The following are NOTED:

- Notice of Appearance with Most Respectful Motion for Additional Time to File Consolidated Comment filed by respondents Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A. Macacua dated September 22, 2025;
- Consolidated Comment filed by Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A. Macacua dated September 26, 2025;
- Manifestation (with Leave of Court) filed by the Commission on Elections dated October 9, 2025;
- Manifestation (with Leave of Court) filed by the Commission on Elections dated December 2, 2025;
- Manifestation with Motion for Early Resolution filed by the Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A. Macacua dated December 12, 2025;
- Compliance (Re: Resolution dated November 25, 2025) filed by the Commission on Elections dated December 26, 2025;
- Compliance filed by petitioners in G.R. No. E-02235 dated January 5, 2026;
- Manifestation (with leave) filed by petitioners in G.R. No. E- 02235 dated January 9, 2026;
- Manifestation filed by the Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A. Macacua dated January 12, 2026;
- Manifestation and Compliance (Re: Resolution dated January 14, 2026) filed by the Commission on Elections dated January 22, 2026; and
- Compliance – Apology and Explanation for Delay with Motion for Early Resolution filed by Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Chief Minister Abdulraof A.

Macacua dated January 26, 2026.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Gaerlan, Rosario, Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Leonen, SAJ., see concurring and dissenting opinion.

Singh,[*] J., on leave but left a concurring vote.

[*] On leave put left a concurring vote.

[1] Alexander G. Gesmundo, Chief Justice, delivered at the Third Leg of the Regional Consultations on the Proposed Amendments to the Rules of Criminal Procedure, October 3, 2024. Quote is available at <https://sc.judiciary.gov.ph/sc-holds-zamboanga-city-leg-of-crimpro-regional-consultations/> (last accessed on January 8, 2026).

[2] Rollo (G.R. No. E-02219), p. 313-322.

[3] Id. at 431-501.

[4] Id. at 761-771.

[5] Id., unpaginated.

[6] Id., unpaginated.

[7] E-Court.

[8] E-Court.

[9] E-Court.

[10] E-Court.

[11] E-Court.

[12] E-Court.

[13] E-Court.

[14] E-Court.

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

[16] Bangsamoro Organic Law, art. XVI, sec. 2.

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

[18] 958 Phil. 739 (2024) [Per J. Leonen, En Banc].

[19] Id. at 863.

[20] Rollo (G.R. No. E-02219), pp. 131-132.

[21] Id. at 135-137.

[22] Id. at 178.

[23] Id. at 131.

[24] Id. at 217-233.

[25] Id. at 431-501.

[26] Id. at 432.

[27] Id. at 498.

[28] Id. at 329-386.

[29] E-Court.

[30] E-Court.

[31] E-Court.

[32] E-Court.

[33] E-Court.

[34] E-Court.

[35] E-Court.

[36] E-Court.

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

[38] Id., unpaginated.

[39] Id., unpaginated.

[40] Id., unpaginated.

[41] Id., unpaginated.

[42] Id., unpaginated.

[43] Id., unpaginated.

[44] Id., unpaginated.

[45] Id., unpaginated.

[46] Id., unpaginated.

[47] Id., unpaginated.

[48] E-Court.

[49] E-Court.

[50] E-Court.

[51] *Falcis III v. Civil Registrar General*, 861 Phil. 388, 536 (2019) [Per J. Leonen, En Banc], citing *Office of the Ombudsman v. Sison*, 626 Phil. 598 (2010) [Per J. Velasco, Jr., Third Division].

[52] Rule 19, Section 2, Revised Rules of Civil Procedure; *CLT Realty Development Corporation v. Hi-Grade Feeds of Corporation*, 768 Phil. 149, 166 (2015) [Per J. Perez, First Division].

[53] See *Office of the Ombudsman v. Vitriolo*, 852 Phil. 497, 507 (2019) [Per J. Perlas-Bernabe, Second Division].

[54] Rollo (G.R. No. E-02219), unpaginated.

[55] *The Internal Rules of the Supreme Court*, A.M. No. 10-4-20-SC (2010), Rule 8, sec. 1.

[56] E-Court, (Motion for Partial Reconsideration).

[57] E-Court, (Motion for Partial Reconsideration).

[58] E-Court, (Motion for Partial Reconsideration).

[59] E-Court, (Motion for Partial Reconsideration).

[60] Rollo (G.R. No. E-02219) (unpaginated).

[61] Rollo (G.R. No. E-02219) (unpaginated).

[62] 629 Phil. 537 (2010) [Per J. Carpio, En Banc].

[63] *Id.* at 545.

[64] *Bagabuyo v. Commission on Elections*, 593 Phil. 678, 692-693 (2008) [Per J. Brion, En Banc].

[65] Rollo (G.R. No. E-02219), p. 472.

[66] *Id.* at 473.

[67] *Id.*, unpaginated.

[68] *Id.*, unpaginated.

[69] *Id.*, unpaginated.

[70] *Id.* at 462.

[71] *Id.*, unpaginated.

[72] *Id.*, unpaginated.

[73] *Id.*, unpaginated.

[74] 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].

[75] Rollo (G.R. No. E-02219), pp. 462-463.

[76] Id., unpaginated.

[77] Id., unpaginated.

[78] Id., unpaginated.

[79] Id., unpaginated.

[80] Id. at 468-469.

[81] Id. at 468-471.

[82] Id., unpaginated.

[83] Id., unpaginated.

[84] E-Court.

[85] Rollo (G.R. No. E-02219), unpaginated.

[86] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[87] Id. at 226-227.

[88] CIVIL CODE, art. 9 reads:

Article 9. No judge or court shall decline to render Judgment by reason of the silence, obscurity or insufficiency of the laws.

[89] E-Court.

[90] Rollo (G.R. No. E-02219), pp. 377-378.

[91] William Shakespeare, Henry IV, Part 1 act 5, sc 4, l. 118.

CONCURRING AND DISSENTING OPINION

LEONEN, SAJ:

I maintain that Bangsamoro Autonomy Act No. 77 is unconstitutional. I likewise remain of the view that Bangsamoro Autonomy Act No. 58 is still in existence and should have governed the first regular parliamentary elections in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), then scheduled for October 13, 2025.

Notwithstanding my view on the existence of Bangsamoro Autonomy Act No. 58 a Show Cause Order should nevertheless be issued against respondents Members of the Bangsamoro Transition Authority and Interim Chief Minister Abdulraof A. Macacua for failing to enact and approve a new redistricting law by October 30, 2025, as mandated in the September 30, 2025 Decision. This is true even if a new redistricting law was eventually enacted and took effect on January 20, 2026.

The Commission on Elections (COMELEC) must likewise be issued a Show Cause Order for postponing anew its preparations for, and the conduct of, the BARMM parliamentary elections, in disobedience of this Court's September 30, 2025 Decision.

I

To recall, in 2018, Republic Act No. 11054, or the Organic Law of the Bangsamoro Autonomous Region in

Muslim Mindanao (Bangsamoro Organic Law), was signed into law. It created the BARMM and abolished the Autonomous Region in Muslim Mindanao (ARMM). The law provides for a transition period^[1] and the establishment of an interim Bangsamoro Government, which shall serve until it is dissolved^[2] immediately upon the election and qualification of the Interim Chief Minister under the first Parliament.

In 2019, plebiscites ratified the Bangsamoro Organic Law, and the BARMM was formally established. Members of the Bangsamoro Transition Authority were then appointed, and the Bangsamoro Transition Authority has since served as the interim Parliament.

Under the original Article XVI, Section 13 of the Bangsamoro Organic Law, the first parliamentary elections were scheduled for May 2022, to be synchronized with the national and local elections. However, in 2021, Republic Act No. 11593 was enacted, postponing the first BARMM parliamentary elections from May 2022 to May 2025. The postponement was justified on the basis of the COVID-19 pandemic. The transition period was thus extended from 2022 to 2025, and the incumbent members of the Bangsamoro Transition Authority continued to serve in a holdover capacity.

On February 28, 2024, the Bangsamoro Transition Authority passed Bangsamoro Autonomy Act No. 58, or the Bangsamoro Parliamentary Districts Act of 2024, creating 32 single-member parliamentary districts 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 9, 2024, through a unanimous vote, this Court promulgated *Province of Sulu v. Medialdea* (*Province of Sulu*),^[3] upholding the Province of Sulu's rejection of the ratification of Bangsamoro Organic Law and its resultant exclusion from the BARMM.

On February 19, 2025, during the election period, Republic Act No. 12123 was enacted, postponing anew the parliamentary elections in the BARMM. The law farther moved the election date to October 13, 2025 and, consequently, farther extended the tenure of the Bangsamoro Transition Authority.

Based on Republic Act No. 12123, the COMELEC issued Resolution No. 11149, setting the calendar of activities for the upcoming October 13, 2025 elections. Specifically in Resolution No. 11149, the COMELEC fixed the election period from August 14 to October 28, 2025.

However, on August 19, 2025, five days after the start of the election period, the Bangsamoro Transition Authority enacted Bangsamoro Autonomy Act No. 77, otherwise known as the Bangsamoro Parliamentary Redistricting Act of 2025. The Bangsamoro Transition Authority then reorganized the constituent provinces, cities, municipalities, and barangays within the BARMM to fill the remaining seven parliamentary district seats left vacant following the Province of Sulu's rejection of the ratification of the Bangsamoro Organic Law.

Thereafter, in the September 30, 2025 Decision,^[4] this Court declared Bangsamoro Autonomy Act No. 77 unconstitutional, mainly for: (1) altering and/or creating new precincts during election period, in violation of Section 5^[5] of the Voter's Registration Act; (2) creating districts not composed of contiguous, compact, and adjacent territories, in violation of Article VI, Section 5(3)^[6] of the Constitution and Article VII, Section 10^[7] of the Bangsamoro Organic Law; and (3) unlawfully expanding the President's appointment powers beyond what the Bangsamoro Organic Law permits.^[8]

In addition, this Court likewise declared Bangsamoro Autonomy Act No. 58 as unconstitutional, primarily because it continued to allocate seven parliamentary seats to the Province of Sulu, which was no longer part of the BARMM. Therefore, as the majority stated in the September 30, 2025 Decision, "[Bangsamoro Autonomy Act No. 58] can no longer validly serve as the legal framework for the first Bangsamoro Parliamentary

Elections[.]"[9]

This Court thus disposed of the case by directing the Bangsamoro Transition Authority to enact another redistricting law by October 30, 2025, and the COMELEC to prepare for and hold elections in accordance with the to-be-enacted districting law by March 31, 2026. The dispositive portion of the September 30, 2025 Decision reads:

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.[10]

On October 16, 2025, Atty. Rasol Y. Mitmug, Jr. and Rasul E. Ismael filed their Omnibus Motion (for Intervention and Reconsideration), seeking leave of court to intervene in the present case and arguing for the validity of Bangsamoro Autonomy Act No. 77.[11] Moreover, on the ground that I was the ponente in Province of Sulu,[12] they likewise prayed for my voluntary inhibition.[13]

For their part, petitioners Abdullah G. Macapaar, Mangontawar M. Macacuna, Sultan Alim Saad I. Amate, Najer D. Eppie, Nasif G. Marangit, and Maulana L. Mamutuk (petitioners Macapaar, et al.) filed their Partial Motion for Reconsideration, praying for the application of the doctrine of operative fact on the effectivity of Bangsamoro Autonomy Act No. 58, pro hac vice, to allow the preparation and conduct of elections based on the district allocation set forth in the law.[14]

Thereafter, respondents Bangsamoro Transition Authority and the Interim Chief Minister filed their own Motion for Partial Reconsideration, arguing for the constitutionality of Bangsamoro Autonomy Act No. 77.[15]

In its November 25, 2025 and January 14, 2026 Resolutions, the parties were required to move in the premises and inform this Court of their compliance with the September 30, 2025 Decision.[16]

In a January 22, 2026 Manifestation and Compliance, the COMELEC stated that it had adopted Resolution No. 11184, prescribing the calendar of activities and periods for the conduct of assemblies and conventions for the election of Parliamentary Sectoral Representatives in connection with the March 30, 2026 BARMM Parliamentary Elections.[17]

As for the Bangsamoro Transition Authority and the Interim Chief Minister, they filed a Compliance-Apology and Explanation for Delay with Motion for Early Resolution, apologizing for their failure to meet this Court's deadlines; and that they had passed Bangsamoro Autonomy Act No. 86, otherwise known as the Bangsamoro Parliamentary Districts Act of 2026, to govern the BARMM parliamentary elections.[18]

With these premises, the ponencia denies the Omnibus Motion for having been filed after the rendition of the September 30, 2025 Decision. It likewise denies with finality the Partial Motion for Reconsideration of petitioners Macapaar, et al., and affirms its earlier ruling that both Bangsamoro Autonomy Act Nos. 58 and 77 are unconstitutional.[19]

However, it partly grants the Bangsamoro Transition Authority and the Interim Chief Minister's Motion for Partial Reconsideration, declaring that "the setting of reasonable timelines by the Court does not in any manner take away Congress' exercise of its legislative power to determine the most appropriate date for the BARMM Parliamentary Elections." [20]

II

I first address the Omnibus Motion for Intervention and Reconsideration filed by Atty. Rasol Y. Mitmug, Jr. and Rasul E. Ismael. I agree that it should be denied. Rule 19, Section 5[21] of the Rules of Court clearly provides that a motion to intervene "may be filed at any time before the rendition of judgment[.]" Since the Motion was filed only on October 16, 2025, after this Court had already rendered its September 30, 2025 Decision, then the Motion's denial is warranted.

To reiterate, I take particular note that the Omnibus Motion prayed for my inhibition in the present case on the ground that I penned Province of Sulu.[22] I refer to paragraph 90 of the Omnibus Motion, which states:

90. Finally, as a consequence of [Bangsamoro Autonomy Act No. 77] being a direct result of the need to re-allocated and reapportion the seven (7) parliamentary seats of Sulu, and considering the palpable discomfort in certain quarters in the constituencies of the BARMM regarding the role of the Ponente of the Decision in the exclusion of the Sulu case, it behooves the respondents-interveners to call for the voluntary inhibition of Honorable Senior Associate Justice Marvic Leonen from participating in deciding this case.[23]

It must be emphasized that Province of Sulu was a unanimous Decision of this Court. Like all of our decisions, it was the product of deliberation and collective judgment.[24] While a ponencia is written by a particular Justice, once it is adopted by this Court, whether by majority or unanimously, every participating Justice stands equally behind it. Therefore, to seek the inhibition of the ponente on this ground is to imply that the votes of the other Justices were dependent on the ponente or, worse, that they did not fully comprehend their own votes.

In future cases, such statements should be considered contempt.[25] Seeking the inhibition of a single Justice for a unanimous ruling, without factual or legal basis, not only casts unwarranted suspicion on the integrity of the ponente; it erodes respect for our deliberative process.

III

On the merits, I concur that Bangsamoro Autonomy Act No. 11, or the Bangsamoro Parliamentary Redistricting Act of 2025, remains unconstitutional and, therefore, void ab initio.

Bangsamoro Autonomy Act No. 77, which 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, was enacted on August 19, 2025, five days after the start of the election period. This directly violated Section 5[26] of the Voter's Registration Act, which strictly prohibits the alteration or creation of election precincts once an election period has begun.[27]

Contrary to respondents' arguments, this prohibition is not merely administrative and technical in character.[28] Section 5 is a safeguard against political maneuvering to disenfranchise voters. It likewise prevents voter confusion, as well as logistical failure on the part of COMELEC, by ensuring that election precincts are fixed before the commencement of the election period.

Moreover, Bangsamoro Autonomy Act No. 77 was rightfully struck down for being contrary to Article VII, Section 10 of the Bangsamoro Organic Law, which mandates that "each district shall comprise, as far as practicable, contiguous, compact, and adjacent territorial jurisdiction." [29] In direct contravention of this provision, [30] the Bangsamoro Transition Authority created parliamentary districts with noncontiguous territories. For instance, it isolated territories, such as the Municipality of Tagoloan II and Barangay Poblacion VII, from their assigned districts.

In addition, the Bangsamoro Transition Authority transferred Sultan Mastura to the 3rd District despite It being physically next to areas in the 5th District. It bears to note that this separation is not merely a geographic error but has the effect of diluting the voting power of these communities and grouping them with individuals that do not share the same cultural or ethnolinguistic affinity. [31]

Furthermore, Section 4 of Bangsamoro Autonomy Act No. 77 authorized the President to appoint interim representatives for the new districts. [32] By bypassing the ballot yet again, Bangsamoro Autonomy Act No. 77 attempts to replace the will of the electorate with executive discretion, violating both the Bangsamoro Organic Law and the Constitution.

Finally, Section 5 was violative of residency rules. Such residency requirements exist to ensure that a representative knows its constituents and the unique circumstances they encounter every day. [33] By allowing candidates to run in districts where they no longer reside or are registered, the link between a representative and their constituency is severed and reduces their representation to a mere title.

While the Bangsamoro Organic Law grants significant autonomy, the declaration of Bangsamoro Autonomy Act No. 77 as unconstitutional serves as a sobering reminder that such autonomy must still operate within the bounds of the Constitution and duly constituted election laws. Autonomy does not equate to immunity from the fundamental rules of fair elections.

IV

Nevertheless, I reiterate my dissent as to the invalidation of Bangsamoro Autonomy Act No. 58.

Bangsamoro Autonomy Act No. 58 must remain operative in order to safeguard the Bangsamoro people's right to choose their representatives. In light of the unconstitutionality of Bangsamoro Autonomy Act No. 77, Bangsamoro Autonomy Act No. 58 was never validly repealed and stands as the governing district apportionment law in the BARMM.

This Court may not resolve issues of constitutionality when the controversy can be settled on other grounds. This Court will only rule on a law, regulation, act, or issuance's constitutionality if it is essential to the disposition, or is the very *lis mota* of the case. [34] Thus:

It is a rule firmly entrenched in our jurisprudence that the constitutionality of an act of the legislature will not be determined by the courts unless that question is properly raised and presented in appropriate cases and is necessary to a determination of the case, i.e., the issue of constitutionality must be the very *lis mota* presented. To reiterate, the essential requisites for a successful judicial inquiry into the constitutionality of a law are: (a) the existence of an actual case or controversy involving a conflict of legal rights susceptible of judicial determination, (b) the constitutional question must be raised by a proper party, (c) the constitutional question must be raised at the earliest opportunity, and (d) the resolution of the constitutional question must be

necessary to the decision of the case.[35] (Emphasis supplied)

Here, the constitutionality of Bangsamoro Autonomy Act No. 58 was never challenged by any of the parties. Therefore, this issue should not have been ruled upon in the September 30, 2025 Decision.

Contrary to the majority's ruling in the September 30, 2025 Decision, ruling on the validity of Bangsamoro Autonomy Act No. 58 was neither indispensable nor unnecessary to achieve a just and final resolution of the case.[36] The *lis mota* was the constitutionality of Bangsamoro Autonomy Act No. 77. Once this Court declared it unconstitutional, the controversy was effectively resolved. By further invalidating Bangsamoro Autonomy Act No. 58, this Court allowed a collateral attack on a validly enacted issuance of the Bangsamoro Transition Authority.

That the parties might be left in a quandary as to the governing districting law does not grant the Court license to bypass the requisites of judicial review. Considering that none of the parties directly placed the constitutionality of Bangsamoro Autonomy Act No. 58 in issue, this Court should have presumed it constitutional and refrained from ruling on it. Moreover, as petitioners Macapaar, et al. argue in their Partial Motion for Reconsideration, the constitutionality of Bangsamoro Autonomy Act No. 58 was never raised as an issue in the original proceedings; thus, they were never afforded the opportunity to be heard specifically on the validity of the said issuance. By striking down an issuance that was not attacked, this Court effectively denied the parties involved their right to due process.

The inclusion of seven seats for the Province of Sulu in Bangsamoro Autonomy Act No. 58 does not render the entire law invalid. It only means that the seats allocated to Sulu cannot be voted upon, while the remaining 73 seats remain valid and may be filed through elections. Undoubtedly, an elected parliament of 73 members is superior to the continued governance of an unelected transition authority. Indefinitely extending the transition period risks setting a dangerous precedent of ruling by appointment.

It bears reiterating that the 80 seats prescribed in the Bangsamoro Organic Law is a statutory ceiling, not a rigid minimum required for the Parliament to function. While Article VII, Section 6 of the Bangsamoro Organic Law states that the Parliament "shall be composed of eighty (80) members," it is followed by a crucial qualifier: "unless otherwise increased by the Congress of the Philippines." This indicates a legislative intent to control the expansion of the body, capping it at 80, unless otherwise approved by the legislature. Notably, the provision did not contain a corresponding prohibition against having fewer than 80 representatives. This silence as to a minimum implies that a vacancy, even of seven seats, would not render the Parliament illegitimate.

Thus, Bangsamoro Autonomy Act No. 58 must be construed liberally to give effect to the Bangsamoro Organic Law's primary purpose: autonomy and self-governance. To hold otherwise is to punish the electorate of the entire region for the status of a single province.

Proceeding from the foregoing, the COMELEC should have prepared for and conducted the first regular BARMM parliamentary elections in accordance with the district allocation set forth in Bangsamoro Autonomy Act No. 58. However, considering that the latest election date set in Republic Act No. 12123, i.e., October 13, 2025, has already lapsed, the current law that sets the election date for the first regular BARMM parliamentary elections is this Court's September 30, 2025 Decision, judicial decisions applying or interpreting laws or the Constitution forming part of the legal system.[37] Accordingly, the regular parliamentary elections should still be held no later than March 31, 2026.

V

Notwithstanding my view on the existence and efficacy of Bangsamoro Autonomy Act No. 58, the Members of

the Bangsamoro Transition Authority Parliament and the Interim Chief Minister should have enacted and approved the new redistricting law within the October 30, 2025 deadline as set in the September 30, 2025 Decision.

To recall, in the September 30, 2025 Decision, this Court ordered the Bangsamoro Transition Authority Parliament to immediately undertake, by October 30, 2025 at the latest, the accomplishment of the determination of parliamentary districts for the first regular election of members of the Parliament. The fallo of the September 30, 2025 Decision is reproduced below for easy reference:

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.[38] (Emphasis supplied)

However, as admitted by the Bangsamoro Transition Authority Parliament and the Interim Chief Minister in their Compliance-Apology and Explanation for Delay with Motion for Early Resolution, the Bangsamoro Transition Authority Parliament enacted the new redistricting law only on January 13, 2026, and the Interim Chief Minister subsequently approved it only on January 20, 2026.[39] The accomplishment of the new redistricting law clearly fell beyond the October 30, 2025 deadline set by this Court, a delay of 82 days to be exact.

The Bangsamoro Transition Authority Parliament and the Interim Chief Minister cite the following reasons for their belated compliance: (1) the vacancy in the Office of the Speaker of the Bangsamoro Transition Authority caused by the death of former Speaker Pangalian Balindong, which lasted until October 21, 2025; (2) the concurrent deliberations on the Bangsamoro General Appropriations Act for Fiscal Year 2026; and (3) the suspension of scheduled parliamentary sessions during the year-end recess pursuant to the Office of the President's Memorandum Circular No. 111.[40] In my view, these are internal difficulties that do not justify respondents' failure to meet this Court's October 30, 2025 deadline.

First, Bangsamoro Transition Authority Resolution No. 268 provides a mechanism to ensure the continuity of legislative operations in the event of the death of the Speaker of the Bangsamoro Transition Authority Parliament. Rule IV, Section 5 of Resolution No. 268,[41] in particular, provides that "[t]he Deputy Speaker most senior in age shall assume the duties and powers of the Speaker as described in the previous paragraph in case of ... death ...

of the Speaker, until such time that a new Speaker has been elected and qualified[.]" Therefore, the death of former Speaker Pangalian Balindong cannot excuse the interim Parliament's failure to enact a new redistricting law. Its own Parliamentary Rules, Procedures, and Practices provide that the Deputy Speaker most senior in age could have presided over the plenary sessions in the meantime.

Second, that the Bangsamoro Transition Authority Parliament was concurrently deliberating on the Bangsamoro's 2026 budget does not excuse its noncompliance. The existence of parallel legislative work is an ordinary incident of lawmaking; it is foreseeable, manageable, and well within the Bangsamoro Transition Authority Parliament's control. To accept this justification would invite strategic delay, allowing the interim Parliament to evade court deadlines by invoking the pendency of other measures.

Third, the Office of the President's Memorandum Circular No. 11 suspended government work on December 29, 2025 and January 2, 2026. These dates were subsequent to October 30, 2025, rendering Memorandum Circular No. 11 irrelevant to the interim Parliament and Chief Minister's failure to meet the October 30, 2025 deadline.

Worse, the belated enactment of Bangsamoro Autonomy Act No. 86, the new redistricting law, gave the COMELEC a reason to postpone anew the regular BARMM parliamentary elections, reportedly on the ground that "election timelines are already too proximate which rendered the conduct of the BARMM Parliamentary Elections no longer feasible." [42] COMELEC thereafter issued Minute Resolution No. 26-0071, deferring the elections originally scheduled on March 30, 2026 until a new date is fixed by law. [43] This postponement is a clear contravention of this Court's September 30, 2025 Decision, which directed that the preparations for and conduct of the elections be completed no later than March 31, 2026.

Administrative or logistical difficulties in the preparation and conduct of parliamentary elections cannot be accepted as reasons for postponement, as a transition period is inherently administratively demanding. To accept this is to turn "the very mechanism meant to [stabilize] peace ... into a perpetual excuse for delay." [44] Therefore, administrative or logistical difficulties cannot be objective and reasonable grounds for suspending the right to take part in the conduct of public affairs. To continually accept this justification is to violate the Universal Declaration of Human Rights, [45] the International Covenant on Civil and Political Rights, [46] and General Comment No. 5 [47] issued by the United Nations Committee on Human Rights, all of which are binding in this jurisdiction. [48]

At the very least, respondents should have sought recourse to this Court by filing a motion for extension of time, either for the enactment of the new districting law or the conduct of the regular elections, not by blatantly ignoring the deadlines set in the September 30, 2025 Decision.

For these reasons, we must issue a Show Cause Order against respondents Bangsamoro Transition Authority, Interim Chief Minister Abdulraof Macacua, and the COMELEC, directing them to explain within a non-extendible period of five days from notice why they should not be cited in contempt for proceeding in a manner inconsistent with the clear directives of our September 30, 2025 Decision. Issuing the order will affirm the primacy of our judicial rulings, and deter any party from pursuing recourse that circumvents any issuance of this Court.

VI

We cannot enable a culture of election postponements if genuine and lasting peace is to be obtained in Muslim Mindanao. Elections are not, and should never be, a matter of convenience. Suffrage is a fundamental human right guaranteed not only by our Constitution, but by international covenants to which the Philippines is a party. [49] Indeed, regular and periodic elections are the very mechanism by which sovereignty is exercised. [50] To delay elections, even for administrative or logistical reasons, undermines the sovereignty of the people from whom all government authority emanates. It is to reward inefficiency, open institutional mechanisms to manipulation, and

weaken electoral integrity and accountability.

As reflected in the Bangsamoro Organic Law, it is the sovereign will of the people of Bangsamoro to be governed by representatives whom they themselves have elected. It is likewise their sovereign will that the election of these representatives be done regularly and periodically.

Contrary to this sovereign will, no parliamentary election has been held in the BARMM since the Bangsamoro Organic Law's ratification in 2019. The region continues to be governed by appointees beyond the limited transition period consented to by the Bangsamoro people, in violation of their right to suffrage and self-determination. While it is true that the postponement of elections may be a valid exercise of Congress' plenary lawmaking power, such postponement should be the exception, and the holding of elections the rule.^[51] For the BARMM, a pattern of repeated postponements has emerged. This cannot be countenanced if this Court truly is the guardian of the Constitution.

ACCORDINGLY, I vote to GRANT the Partial Motion for Reconsideration filed by petitioners Abdullah G. Macapaar, Mangontawar M. Macacuna, Sultan Alim Saad I. Amate, Najer D. Eppie, Nasif G. Marangit, and Maulana L. Mamutuk. 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 hold the first regular parliamentary elections in the Bangsamoro Autonomous Region in Muslim Mindanao not later than March 31, 2026.

Furthermore, I vote to DENY the Omnibus Motion (for Intervention and Reconsideration) filed by Atty. Rasol Y. Mitmug, Jr. and Rasul E. Ismael dated October 13, 2025. I also vote to DENY the Motion for Partial Reconsideration filed by the Bangsamoro Transition Authority and Bangsamoro Autonomous Region in Muslim Mindanao Interim Chief Minister Abdulraof A. Macacua dated September 22, 2025.

Finally, I vote to ISSUE a SHOW CAUSE ORDER against the Members of the Bangsamoro Transition Authority Parliament, Interim Chief Minister Abdulraof A. Macacua, and the Commission on Elections, directing them to explain why they should not be cited in contempt for proceeding in a manner inconsistent with the clear directives of the September 30, 2025 Decision.

[1] Republic Act No. 11054, Article XVI, sec. 1.

[2] Republic Act No. 11054, Article XVI, sec. 12.

[3] 958 Phil. 739 (2024) [Per J. Leonen, En Banc]. The Motions for Partial Reconsideration were likewise denied with finality in the November 26, 2024 Resolution. See 961 Phil. 208 (2024) [Per J. Leonen, En Banc].

[4] Ponencia, p. 5.

[5] Republic Act No. 8189, sec. 5 provides:

Sec. 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 one hundred twenty (120) days before election day.

[6] CONST., Art. VI, Sec. 5(3) provides:

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.

[7] Republic Act No. 11054, Art. VII, sec. 10 provides:

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 one hundred thousand (100,000).

[8] Ponencia, p. 5.

[9] Ali, Jr. v. Bangsamoro Transition Authority, G.R. Nos. E-02219 and E-02235, September 30, 2025 [Per J. Leonen, En Banc] at 50. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[10] Id. at 57.

[11] Ponencia, p. 7-8.

[12] 958 Phil. 739 (2024) [Per J. Leonen, En Banc].

[13] Ponencia, p. 8.

[14] Id. at 9.

[15] Id. at 3.

[16] Id. at 6.

[17] Id. at 7.

[18] Id.

[19] Id. at 11.

[20] Id. at 24.

[21] RULES OF COURT, Rule 19, sec. 5 provides:

Section 2. Time to intervene. – The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

[22] 958 Phil. 739 (2024) [Per J. Leonen, En Banc].

[23] Ponencia, p. 12.

[24] CONST., Art. VIII, secs. 4 and 13 provide:

SECTION 4. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit en banc or in its discretion, in divisions of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.

(2) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court en banc, and all other cases which under the Rules of Court are required to be heard en banc, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When, the required number is not obtained, the case shall be decided en banc: Provided, that no doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc.

....

SECTION 13. The conclusions of the Supreme Court in any case submitted to it for decision en banc or in division shall be reached in consultation before the case is assigned to a Member for the writing of the opinion of the Court. A certification to this effect signed by the Chief Justice shall be issued and a copy thereof attached to the record of the case and served upon the parties. Any Member who took no part, or dissented, or abstained from a decision or resolution must state the reason therefor. The same requirements shall be observed by all lower collegiate courts.

Internal Rules of the Supreme Court, Rule 12, sec. 1(a) provides:

SECTION 1. Voting requirements. – (a) All decisions and actions in Court en banc cases shall be made upon the concurrence of the majority of the Members of the Court who actually took part in the deliberations on the issue or issues involved and voted on them.

[25] RULES OF COURT, Rule 71, sec. 3 provides:

Section 3. Indirect contempt to be punished after charge and hearing. — After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

....

(b)

Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

(c)

Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;

(d)

Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice[.]

[26] Republic Act No. 8189, sec. 5 provides:

Section 5.

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.

[27] Ponencia, p. 15.

[28] Id.

[29] Id. at 13.

[30] Id. at 14.

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

[32] Ponencia, p. 19.

[33] *Jalover v. Osmeña and COMELEC*, 743 Phil 825 (2014) [Per J. Brion, En Banc].

[34] *Parcon-Song v. Parcon*, 876 Phil. 364 (2020) [Per J. Leonen, En Banc].

[35] Id. at 399-400, citing *Ty v. Trampe*, 321 Phil. 81 (1995) [Per J. Panganiban, En Banc].

[36] *Ali, Jr. v. Bangsamoro Transition Authority*, G.R. Nos. E-02219 and E-02235, September 30, 2025 [Per J. Leonen, En Banc] at 48-49. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[37] CIVIL CODE, Art. 8 provides:

ARTICLE 8. Judicial decisions applying or interpreting the laws or the Constitution shall form part of the legal system of the Philippines.

[38] *Ali, Jr. v. Bangsamoro Transition Authority*, G.R. Nos. E-02219 and E-02235, September 30, 2025 [Per J. Zalameda, En Banc] at 59. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[39] Rollo (G.R. No. E-02219), Compliance-Apology and Explanation for Delay with Motion for Early Resolution, p. 2.

[40] Id. at p. 3.

[41] Rules, Procedures, and Practices of the Bangsamoro Transition Authority Parliament, Rule IV, sec. 5 provides:

Section 5. Deputy Speaker. – Each of the Deputy Speakers shall assist the Speaker in the performance of his/her functions and duties. The Deputy Speakers shall have the following duties and powers, to wit:

....

(c)

Act as the Speaker when so designated and in accordance with the designation, in case of the temporary incapacity or absence of the Speaker, until such time that the Speaker returns to office and resumes his/her work.

In the event that the Speaker does not make such a designation, the Deputy Speaker most senior in age shall act as the Speaker only for purposes of ensuring the continued operations of the Parliament but shall not perform items (g) and (l) in Section 4 as well as all acts not in the ordinary course of business of the Parliament.

The Deputy Speaker most senior in age shall assume the duties and powers of the Speaker as described in the previous paragraph in case of resignation, removal, death, and permanent incapacity of the Speaker, until such time that a new Speaker has been elected and qualified. He/she shall promptly inform the Chief Minister of the fact of resignation, removal, death, or permanent incapacity[.]

[42] Comelec Defers Holding of BARMM Polls, Politiko, January 28, 2026, available at <https://politiko.com.ph/2026/01/28/comelec-defers-holding-of-barmm-polls/politiko-lokal/> (last accessed May 7, 2026).

[43] Commission on Elections, COMELEC Defers the Conduct of the March 30, 2026 BARMM Parliamentary Elections, Official Facebook Page, available at <https://www.facebook.com/photo/?fbid=1359474169551745&set=a.224420856390421> (last accessed May 7, 2026).

[44] Raiyan Yusoph, How Bangsamoro's Political Transition Got Stuck, available at <https://www.newmandala.org/how-bangsamoros-political-transition-got-stuck/> (last accessed May 7, 2026).

[45] Universal Declaration of Human Rights, Art. 21 provides:

Article 21

- Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- Everyone has the right of equal access to public service in his country.
- The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

[46] The International Covenant on Civil and Political Rights, Art. 25 provides:

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

[47] General Comment No. 25 provides:

1. Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant.

[48] See *Macalintal v. Commission on Elections*, 943 Phil. 212, 228-232 (2023) [Per J. Kho, Jr., En Banc].

[49] *Id.*

[50] *Id.*

[51] *Id.* at 317.

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