EN BANC

[G.R. No. 244587. January 10, 2023]

AMIL P. SULA, GASPAR S. ASI, and HUSSIEN K. MALIG, SR., *Petitioners*, *v.* **COMMISSION ON ELECTIONS, in its official capacity as the NATIONAL PLEBISCITE BOARD OF CANVASSERS,** *Respondent*.

MAYOR FRANCES CYNTHIA GUIANI-SAYADI, *Petitioner-Intervenor*, *v.* **COMMISSION ON ELECTIONS, in its official capacity as the NATIONAL PLEBISCITE BOARD OF CANVASSERS,** *Respondent*.

D E C I S I O N

LEONEN, *J.*:

Republic Act No. 11054[1] (the Organic Law) was enacted to determine the territory of the Bangsamoro Autonomous Region in Muslim Mindanao. Additionally, beyond territorial jurisdiction, the Organic Law was also passed in order to: (1) secure the Bangsamoro people's identity, along with all of the indigenous cultural communities in the Bangsamoro Autonomous Region; and (2) to identify the people who desire to be included in it.

The establishment of the Bangsamoro Autonomous Region in Muslim Mindanao gives the Commission on Elections the power to enforce and administer all laws and regulations to conduct a plebiscite and to ensure that the results of the same reflect the true will of the people. Since the Commission on Elections did not commit a grave abuse of discretion, this Court will refrain from interfering with its actions.

This Court resolves a Petition for Certiorari, Prohibition, and Mandamus with Application for a Temporary Restraining Order and/or Writ of Preliminary Injunction and/or Preliminary

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[1] Otherwise known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao."

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Mandatory Injunction[2] (Petition) filed by Amil P. Sula (Sula), Gaspar S. Asi, and Hussien K. Malig, Sr. (hereinafter referred to as Sula et al.), who are all residents and registered voters of Cotabato City. This Petition assails the Commission on Elections' conduct of a plebiscite in Cotabato City on January 21, 2019 and its subsequent declaration that the Organic Law has been deemed ratified by the people of Cotabato City.

This Court also resolves a Petition-in-Intervention[3] filed by Cotabato City Mayor Frances Cynthia Guiani-Sayadi, seeking for the grant of the main Petition.

On July 21, 2018, the Organic Law was passed into law. The law provides for the determination of the Bangsamoro Autonomous Region's territorial jurisdiction, and how this determination would be established through majority votes cast in a plebiscite.[4] A plebiscite was scheduled to be held within 90 days to 150 days after the effectivity of the law.[5]

On December 13, 2018, the Commission on Elections promulgated Resolution No. 10464 entitled "Rules on Voting, Counting, and Canvassing of Votes in Connection with the Plebiscite to Ratify the Bangsamoro Organic Law."[6]

The Resolution scheduled the conduct of a plebiscite for the Autonomous Region in Muslim Mindanao, Isabela City, Basilan, and Cotabato City on January 21, 2019. It also scheduled another plebiscite for the province of Lanao del Norte (except for Iligan City), and the following municipalities of the North Cotabato province: (1) Aleosan; (2) Carmen; (3) Kabacan; (4) Midsayap; (5) Pikit; and (6) Pigkawayan on February 2, 2019.[7]

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2 *Rollo*, pp. 3–26.

3 *Id.* at 149–173.

4 Republic Act No. 11054 (2018), art. XV, sec. 1.

5 *Rollo*, p. 6.

6 Resolution No. 10464 (2018), art. I, sec. 1.

7 Resolution No. 10464 (2018), art. I, sec. 1.

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The same Resolution provided that the official ballots for the Cotabato City plebiscite should include the printed question *"PAYAG BA KAYO NA ISAMA NG LUNGSOD COTABATO SA REHIYONG AWTONOMO NG BANGSAMORO?"*[8]

On January 21, 2019, the plebiscite was conducted in Cotabato City.[9]

Cotabato City's January 21, 2019 Certificate of Canvass of Votes[10] garnered 38,682 "YES" votes, while the "NO" votes got 24,994. In total, the January 21, 2019 plebiscite had a total of 61,676 cast votes. However, the same Certificate of Canvass of Votes stated that the total number of registered voters who actually voted was only 39,027.[11] Subsequently, the Commission on Elections, sitting *en banc* and acting as the National Plebiscite Board of Canvassers, ordered for a retabulation of the votes cast in Cotabato City.[12]

On January 25, 2019, the Commission on Elections officially proclaimed the ratification of the Organic Law and the inclusion of Cotabato City in the Bangsamoro Autonomous Region in Muslim Mindanao as a result of the plebiscites conducted on January 21 and February 6, 2019.[13] Thereafter, then chairperson of the Commission on Elections, Sheriff M. Abas, signed the Certificate of Ratification of the Bangsamoro Autonomous Region in Muslim Mindanao.[14]

On February 22, 2019, the Certificate of Ratification was presented to President Rodrigo Duterte, followed by the oath-

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[8] Resolution No. 10464 (2018), art. IV, sec. 5.

[9] *Rollo*, p. 7.

[10] Id. at 68.

[11] Id. at 8.

[12] Id.

[13] *Signing of Certification of Ratification of R.A. 11054*, February 21, 2019, available at <https://comelec.gov.ph/?r=References/Comelec Resolutions/Plebiscites/PlebiscitesOrganicLaw2018/CertificationofRatificationofRA11054> (last accessed on March 28, 2022).

[14] Id.

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taking of the 81 members of the newly-created Bangsamoro Transition Authority.[15]

In light of this, on March 1, 2019, Sula et al. filed their Petition[16] before this Court, assailing the Commission on Elections': (1) conduct of the January 21, 2019 plebiscite in Cotabato City on January 21, 2019; and (2) subsequent announcement of the Organic Law's ratification and the inclusion of the City of Cotabato in the Bangsamoro Autonomous Region.[17]

Petitioners allege that the Commission on Elections failed to comply with the statutory requirement that the Bangsamoro Autonomous Region's establishment shall only take effect once the Organic Law is ratified by a majority of the votes cast in a plebiscite.[18]

Further, petitioners submit that the Commission on Election's inclusion of the question in the plebiscite's official ballots was misleading, because it implies that the Bangsamoro Autonomous Region was already existent when, in reality, it was still subject to ratification.[19] Petitioners claim that instead, the Commission on Elections should have asked a two-pronged question: (1) whether one votes to ratify the Organic Law; and (2) whether they agree with the inclusion of Cotabato City in the Bangsamoro Autonomous Region.[20]

Petitioners add that the first plebiscite on January 21, 2019 was held 165 days after the Organic Law's effectivity, while the second plebiscite on February 6, 2019 was held 181 days after its effectivity.[21] They assert that this contravenes the prescribed

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[15] *Rollo*, pp. 8–9.

[16] Id. at 3–25.

[17] Id. at 4.

[18] Republic Act No. 11054 (2018), art. XV, sec. 1.

[19] *Rollo*, p. 10.

[20] Id. at 11.

[21] Id. at 12.

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period of 150 calendar days after the effectivity of the Organic Law, and should therefore be declared null and void.[22]

Lastly, petitioners manifest that there was a 54.22% voter turnout during the Cotabato City plebiscite, which is lower than the city's 87.8% average voter turnout.[23] They claim that this was due to massive irregularities, including the: (1) "manipulation of registration of new voters"; (2) "appointment of officers and members of the Plebiscite Committee who are biased in favor of the inclusion of Cotabato City in the Bangsamoro Autonomous Region"; (3) "proliferation of flying voters"; and (4) "use of force, violence, threats, intimidation, and fraudulent devices."[24]

Petitioners aver that these irregularities are shown through the discrepancies in the Certificate of Canvass of Votes as to the tally between the total number of votes cast and the total number of registered voters.[25] Ultimately, petitioners submit that Cotabato City's inclusion in the Bangsamoro Autonomous Region does not reflect the true intention and will of the people.[26]

On March 12, 2019, this Court required respondent Commission on Elections, in its official capacity as the National Plebiscite Board of Canvassers, to comment on the Petition within 10 days from receipt of the resolution. On February 27, 2019, this Court likewise required petitioner Sula to furnish a certified true copy of the January 22, 2019 Certificate of Canvass within five days from notice.[27]

On May 7, 2019, respondent Commission on Elections, through the Office of the Solicitor General, filed a Motion to Suspend Period,[28] asking for the suspension of the filing deadline for its

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[22] Id. at 17.

[23] Id. at 7.

[24] Id.

[25] Id. at 18.

[26] Id. at 17.

[27] Id. at 57.

[28] Id. at 59–63.

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comment because it has not yet received a copy of the Petition and its annexes. It further prayed that Petitioner Sula be ordered to furnish their Office with a copy of the Petition, along with its annexes, within five days from notice. Lastly, it asked that it be given 60 days from receipt of the Petition's copy and its annexes within which to file its comment.[29] On the same date, petitioners filed a Compliance,[30] furnishing this Court with a certified true copy of the January 22, 2019 Certificate of Canvass.[31]

On May 14, 2019, respondent Commission on Elections filed a Manifestation and Motion (With Opposition to Petitioners' Allegations in Support of the Application for Injunctive Relief),[32] reiterating its prayer for additional 60 days within which to file their comment.

On July 5, 2019, respondent Commission on Elections filed its Comment.[33]

In its Comment, respondent Commission on Elections asserts that it did not commit a grave abuse of discretion when it proclaimed that the plebiscite resulted in the ratification of the Bangsamoro Organic Law and the inclusion of Cotabato City in the newly created Bangsamoro Autonomous Region.[34]

It maintains that petitioners falsely allege that the plebiscite was conducted beyond the prescribed time. A law is considered effective 15 days from its publication in the Official Gazette and its publication in at least two national newspapers and one local newspaper of general circulation. Given that the law was published in a local newspaper of general circulation on August 25, 2018,[35] its effectivity was on September 10, 2018 and, thus,

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29 Id.

30 Id. at 66–67.

31 Id. at 68–69.

32 Id. at 71–76.

33 Id. at 80–99.

34 Id. at 84.

35 Id.

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the January 21, 2019 and February 7, 2019 plebiscites were within the period provided by the law.[36] Respondent Commission on Elections adds that even if this were not the case, the Sections 5 and 6 of the Omnibus Election Code give it the power to set the plebiscite on another date if it deemed necessary.[37]

It further contends that contrary to petitioners' claim, the question posed to Cotabato City during the plebiscite was compliant of the Bangsamoro Organic Law's Article XV, Section 3(d) which provided that "[t]he City of Cotabato shall form part of the Bangsamoro Autonomous Region if the majority of the votes cast in the city shall be in favor of its inclusion."[38]

Lastly, it denies that there were massive irregularities in the conduct of the plebiscite, and adds that petitioners failed to present evidence to prove otherwise.[39] Moreover, the discrepancies in the Certificate of Canvass of Votes were reconciled during the retabulation. It adds that retabulations were done as a course of procedure pursuant to Section 45 of COMELEC Resolution No. 10464 and Section 3(E) of COMELEC Resolution No. 10478, which mandates the formation of an Audit and Verification Group to assist the board of canvassers in the canvassing of votes.[40]

On November 5, 2019, this Court issued a Notice, requiring petitioners to file a Reply to respondent Commission on Elections' comment within 10 days from notice.[41]

On December 5, 2019, a Petition-in-Intervention was filed by petitioner-intervenor Cotabato City Mayor Frances Cynthia Guiani-Sayadi, seeking the grant of the main Petition.[42] Petitioner-intervenor cites Rule 19, Section 2 of the Rules of Court and states that she has the legal standing to file the petition-in-intervention,

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[36] Id. at 85.

[37] Id. at 86.

[38] Id. at 92.

[39] Id. at 94.

[40] Id. at 95.

[41] Id. at 135–B–135-C.

[42] Id. at 148–173.

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since Cotabato City's inclusion in the Bangsamoro Autonomous Region is a matter of public interest and would directly affect her constituents, as well as herself—being a taxpayer and resident of Cotabato City.[43]

She further enumerated that since the filing of the main Petition: (1) the Minister of Labor and Employment for the Bangsamoro Autonomous Region for Muslim Mindanao sought the transfer of Cotabato City Department of Labor and Employment's functions to the Bangsamoro Autonomous Region for Muslim Mindanao;[44] (2) the September 4, 2019 NAPOLCOM Resolution No. 2019-634 was issued, approving the reorganization and renaming of the Police Regional Office Autonomous Regions in Muslim Mindanao to the Police Regional Office of Bangsamoro Autonomous Region, which included the Cotabato City Police Office;[45] (3) the Ministry of Trade and Industry-Bangsamoro Autonomous Region for Muslim Mindanao sought the transfer of Cotabato City Department of Trade and Industry's jurisdiction;[46] and (4) petitioner-intervenor was removed from the Regional Development Council of Region. XII, since Cotabato City is now part of the Bangsamoro Autonomous Region for Muslim Mindanao.[47]

On top of these, petitioner-intervenor also manifested that an administrative code and a local government code have not been enacted by the Bangsamoro Autonomous Region parliament.[48]

On December 12, 2019, petitioners filed an Urgent Motion to Resolve Petition and/or Application for Issuance of a Temporary Restraining Order or a Writ of Preliminary Injunction.[49] There,

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43 Id. at 150.

44 Id. at 154.

45 Id. at 155.

46 Id.

47 Id.

48 Id.

49 Id. at 188–194.

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petitioners state the same events as those stated by petitioner-intervenor in her petition-in-intervention, along with a manifestation that the aforementioned events may lead to the petition becoming moot and academic.[50]

In their Reply[51] to respondent Commission on Election's Comment, petitioners posit that Part VII, Rule 37, Section 1 of the Commission on Elections Rules of Procedure would not apply, since petitioners are assailing the conduct of the plebiscite—not a decision, order, or ruling of the Commission on Elections.[52] They reiterate that respondent Commission on Elections erred in the construction of the question asked in the plebiscite about whether the voters want Cotabato City to be included in the Bangsamoro Autonomous Region for Muslim Mindanao, without first asking if they agree to the ratification of the Bangsamoro Organic Law.[53]

On January 21, 2020, this Court required the adverse parties to comment on the Petition-in-Intervention.[54]

On January 24, 2020, petitioners filed a Second Urgent Motion to Resolve its Petition,[55] reiterating their previous arguments.

On March 9, 2020, the National Plebiscite Board of Canvassers, through the Office of the Solicitor General, filed a Motion for Extension[56] to file its Comment to the Petition-in-Intervention.[57]

On June 3, 2020, petitioners filed a Third Urgent Motion to Resolve its Petition,[58] stating that: (1) government agencies are proceeding to transfer Cotabato City's control to the Bangsamoro Autonomous Region for Muslim Mindanao; (2) the transfer of

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[50] Id. at 188.

[51] Id. at 204–212.

[52] Id. at 205.

[53] Id. at 209.

[54] Id. at 203.

[55] Id. at 215–221.

[56] Id. at 231–235.

[57] Id. at 231.

[58] Id. at 237.

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control is causing detrimental effects to the city, including the disbursement of funds as part of the Bangsamoro Autonomous Region for Muslim Mindanao; and (3) there is a deterioration of peace and order due to these changes.[59]

On June 26, 2020, respondent Commission on Elections in its official capacity as the National Plebiscite Board of Canvassers, through the Office of the Solicitor General, filed its Opposition to the Intervention and Manifestation in lieu of Comment (*Ex Abundanti Ad Cautelam*)[60] to the Petition-in-Intervention, stating that the same must be stricken for the records, since it did not seek this Court's permission before its filing, in violation of Rule 19, Sections 1 and 2 of the Rules of Court.[61] It likewise manifests that considering the main Petition and Petition-in-Intervention have identical assertions, respondent Commission on Elections then submits to adopt its June 19, 2019 Comment as its comment to the Petition-in-Intervention.[62]

On November 20, 2020, petitioners filed an Urgent Manifestation with Fourth Motion Resolve its Petition,[63] reiterating their previous arguments, and adding that they have been informed that Cotabato City's educational funding now falls within the jurisdiction of the Bangsamoro Autonomous Region for Muslim Mindanao, and that the Department of the Interior and Local Government has created a transition team to ensure the smooth transition of Cotabato City to the Bangsamoro Autonomous Region for Muslim Mindanao.[64]

On December 7, 2020 and January 22, 2021, respectively, petitioners filed Urgent Manifestations with Motions to Resolve Petition repeating their arguments in their previous filings.

For this Court's resolution are the following issues:

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[59] Id. at 239.

[60] Id. at 244–251.

[61] Id. at 244.

[62] Id. at 246.

[63] Id. at 305–312.

[64] Id. at 308.

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first, whether the Petition-in-Intervention of petitioner-intervenor Cotabato City Mayor Frances Cynthia Guiani-Sayadi should be granted;

second, whether respondent Commission on Elections committed grave abuse of discretion when it ratified the Bangsamoro Organic Law as a result of the January 21, 2019 and February 2, 2019 plebiscites, which consequently included Cotabato City in the Bangsamoro Autonomous Region for Muslim Mindanao; and

finally, whether a Temporary Restraining Order or Writ of Preliminary Injunction enjoining respondent Commission on Elections from implementing the Bangsamoro Organic Law should be issued.

I

Before this Court delves into the issues raised in the main Petition, it finds it proper to first put to rest the Petition-in-Intervention.

It is settled that an intervention is not a matter of right, but a matter of court discretion.[65]

In *Neptune Metal Scrap Recycling, Inc. v. Manila Electric Company*,[66] we expounded on the nature of an intervention:

> Intervention is a remedy by which a third party, who is not originally impleaded in a proceeding, becomes a litigant for purposes of protecting his or her right or interest that may be affected by the proceedings. *Intervention is not an absolute right but may be granted by the court when the movant shows facts which satisfy the requirements of the statute authorizing intervention. The allowance or disallowance of a motion to intervene is within the sound discretion of the court*.[67] (Emphasis supplied; citations omitted)

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[65] *Ongco v. Dalisay*, 691 Phil. 462, 469 (2012) [Per J. Sereno, Second Division].

[66] 789 Phil. 30 (2016) [Per J. Brion, Second Division].

[67] Id. at 37.

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In *Falcis III v. Civil Registrar General*,[68] we enumerated the three requisites that must concur for an intervention to be permitted:

> Intervention requires: (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.[69] (Citations omitted)

As stated in *Falcis*, all three circumstances must concur for an intervention to be allowed: (1) the petitioner-intervenor should have legal interest in order to intervene in the main Petition; (2) intervention should not unduly delay or prejudice the adjudication of the original parties' rights; and (3) it should be the most appropriate remedy available to the intervenor.

Petitioner-intervenor seeks to join petitioners by invoking her right as a resident, taxpayer, and mayor of Cotabato City. In her Petition-in-Intervention, she asserts that Cotabato City's inclusion in the Bangsamoro Autonomous Region in Muslim Mindanao is a matter of public interest, and that it would directly affect her and her constituents.

Section 455[70] of the Local Government Code enumerates a city mayor's functions and duties as chief executive of the city government. This includes the exercise of general supervision and control over all programs, projects, services, and activities of the city government. As the executive officer closest to the people, a city mayor would be in a position: (1) to witness the everyday lives of their constituents; (2) identify the issues that beset the community; and (3) be aware of the will of the people.

Here, petitioner-intervenor claims that the true intention of her constituents was not reflected in the results of the plebiscite, thus making it imperative for her to intervene to see to it that the desire of her people be upheld.

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[68] G.R. No. 217910, September 3, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65744> [Per J. Leonen, *En Banc*].

[69] Id.

[70] Republic Act No. 7160 (1991), sec. 455 (b) (1) (xiii).

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It is the duty of a local government's city mayor to effectively address the community's needs and ensure that their constituents are not disenfranchised.

Accordingly, petitioner-intervenor has legal interest to the issue in the main Petition.

Moreover, since the implementation of the assailed Commission on Elections Resolution would involve the expenditure of funds, petitioner-intervenor, as a taxpayer of Cotabato City, possesses the requisite standing to question its validity, given that she has sufficient interest in preventing the illegal expenditure of money raised by taxation.[71]

In addition, the intervention will not cause further delay or consequent prejudice to the original parties since respondent Commission on Elections already filed its Comment *Ad Cautelem* on the Petition-in-Intervention; hence, no additional pleadings need to be filed before this case is resolved.

The Petition-in-Intervention also raised the exact same issues in the main Petition and supplemented it with events that had transpired since the main Petition's filing. Petitioners also manifested the events in the same manner in their Urgent Motion to Resolve Petition and/or Application for Issuance of a Temporary Restraining Order or Writ of Preliminary Injunction, which was filed on the same date the Petition-in-Intervention was filed.

Petitioner-intervenor also adopted the rest of petitioners' urgent motions, meaning that no new issues or facts were presented apart from the ones that petitioners have already brought to this Court's knowledge.

Seeing as the allowance of the Petition-in-Intervention would not further prolong the adjudication of the original parties' rights, and that petitioner-intervenor's claims can be properly decided in this proceeding, this Court sees it fit to allow the Petition-in-Intervention.

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[71] *Brillantes, Jr. v. Commission on Elections*, 476 Phil. 294, 319 (2004) [Per J. Callejo, Sr., *En Banc*].

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II

The central issue before this Court is whether the conduct of the plebiscite by respondent Commission on Elections in Cotabato City was consistent with the duly constituted statutory and administrative rules and regulations.

The hope for a comprehensive, integrated, and holistic peace process in Muslim Mindanao has long been desired by both the government and by the people on the ground.

The peace process started as early as 1976, when the Philippine Government and the Moro National Liberation Front signed the Tripoli Agreement. On 2 September 1996, after decades of negotiations, the Final Peace Agreement on the Implementation of the 1976 Tripoli Agreement was signed. In the interim, a break-away group from the Moro National Liberation Front called the Moro Islamic Liberation Front was born.[72] The government also initiated negotiations with the Moro Islamic Liberation Front, which resulted in two additional agreements: (1) the Agreement or General Cessation of Hostilities of July 18, 1997, and (2) the General Framework of Agreement of Intent of August 27, 1998.[73] Despite these, hostilities did not end.[74]

In 2001, then-President Gloria Macapagal-Arroyo issued Executive Order No. 3,[75] creating the Government Peace Negotiating Panel that held negotiations with the Moro Islamic Liberation Front in hopes of achieving a peace agreement.

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[72] *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 471 (2008) [Per J. Carpio Morales, *En Banc*].

[73] Memorandum of Agreement on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001, Terms of Reference, available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_080805_Memorandum%20on%20the%20ancestral%20domains.pdf> (last accessed on February 21, 2023).

[74] *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 471 (2008) [Per J. Carpio Morales, *En Banc*].

[75] Executive Order No. 3 (2001).

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This led to the Agreement on the General Framework for the Resumption of Peace Negotiations of March 24, 2001[76] and the drafting of the July 27, 2008 Memorandum of Agreement on Ancestral Domain.[77] However, the Memorandum was deemed unconstitutional by this Court in *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*[78] for failing to conduct public consultations before executing the agreement, and for granting the proposed Bangsamoro entity with more authority than is mandated in the Constitution.[79]

With the errors of the previous peace agreement in mind, the next administration of President Benigno S. Aquino III resumed negotiations of the Government Peace Negotiating Panel.

On October 15, 2012, the government and the Moro Islam Liberation Front entered into a Framework Agreement on the Bangsamoro,[80] which aimed to replace the Autonomous Region in Muslim Mindanao with a new autonomous political entity: the Bangsamoro Autonomous Region for Muslim Mindanao.[81] Thereafter, further negotiations ensued.

On December 17, 2012, the Bangsamoro Transition Commission was formed through Executive Order No. 120.[82] Its primary task

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[76] Memorandum of Agreement on the Ancestral Domain Aspect of the GRP-MILF Tripoli Agreement on Peace of 2001, Terms of Reference, available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_080805_Memorandum%20on%20the%20ancestral%20domains.pdf> (last accessed on February 21, 2023).

[77] Memorandum of Agreement on Ancestral Domain Aspect of the GRP-ILF Tripoli Agreement on Peace of 2001, July 27, 2008. available at <https://www.peaceagreements.org/viewmasterdocument/999> (last accessed on March 22, 2022).

[78] 589 Phil. 387, 502 (2008) [Per J. Carpio Morales, *En Banc*].

[79] Executive Order No. 3 (2001).

[80] Framework Agreement on the Bangsamoro, October 15, 2012, available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_121015_FrameworkAgreementBangsamoro.pdf> (last accessed on March 22, 2022).

[81] Id.

[82] Executive Order No. 120 (2012).

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was to draft and propose a Bangsamoro Basic Law consistent with the 2012 Framework Agreement on the Bangsamoro.[83] It was likewise charged with the drafting of a Code of Parliamentary Procedures for the Future Bangsamoro Parliament, and a Bangsamoro Administrative Code for the consideration of the Bangsamoro Transition Authority in Executive Order No. 187.[84]

The Comprehensive Agreement on the Bangsamoro, which consolidated the Framework Agreement on the Bangsamoro with the previous agreements executed between the government and the Moro Islamic Liberation Front served as the final peace agreement and was signed on March 27, 2014.[85]

By September 10, 2014, a draft of the Bangsamoro Basic Law was presented to the 16th Congress by President Aquino III.[86] It underwent numerous revisions from the House of Representatives and Senate before it was finally enacted into law on July 23, 2018 as Republic Act No. 11054.[87]

The purpose of the Organic Law was to create an autonomous political entity recognizing the identity of the Bangsamoro people, Muslim Filipinos, and indigenous peoples, while respecting the richness of their culture and tradition. The creation of a Bangsamoro Autonomous Region was aimed to give them the

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83 Executive Order No. 120 (2012), sec. 3 (a).

84 Executive Order No. 187 (2015).

85 Comprehensive Agreement on the Bangsamoro, March 27, 2014, available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_140327_ComprehensiveAgreementBangsamoro.pdf> (last accessed on March 22, 2022).

86 House Bill No. 4994 (2014), An Act Providing for the Basic Law for the Bangsamoro and Abolishing the Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 9054, Entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao," and Republic Act No. 6734, Entitled "An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao," and for Other Purposes.

87 Republic Act No. 11054 (2018).

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opportunity of self-governance while preserving our national sovereignty and territory.[88]

Thus, pursuant to Article X, Section 10 of the 1987 Philippine Constitution a plebiscite is necessary to create the Bangsamoro Autonomous Region in Muslim Mindanao. It states:

> Sec. 10. No province, city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected.

The constitutional provision mandates that once the legislature passes a law creating new political entities or modifying territories of existing ones, those directly affected are first given the opportunity to decide whether to approve the same. Through a plebiscite, people residing in the affected local government units participate in direct democracy and exercise their sovereignty by giving their consent or disagreement with the law.[89]

Accordingly, the establishment of the Organic Law depended on its ratification by majority votes cast in plebiscites[90] conducted in the political units directly affected.[91]

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88 Republic Act No. 11054 (2018), sec. 3.

89 *Miranda v. Aguirre*, 373 Phil. 386, 400 (1999) [Per J. Puno, *En Banc*].

90 Republic Act No. 11054 (2018), art. XV, sec. 1.

91 The geographical area known as the: (a) Autonomous Region in Muslim Mindanao; (b) the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in the Province of Lanao del Norte; (c) 39 barangays in the municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pigkawayan and Pikit in the Province of North Cotabato; (1) Dunguan, Lower Mingading, and Tapodoc in the Municipality of Aleosan; (2) Manarapan and Nasapian in the Municipality of Carmen; (3) Nanga-an, Simbuhay, and Sanggadong in the Municipality of Kabacan; (4) Damatulan, Kadigasan, Kadingilan, Kapinpilan, Kudarangan, Central Labas, Malingao, Mudseng, Nabalawag, Olandang, Sambulawan, and Tugal in the Municipality of Midsayap; (5) Lower Baguer, Balacayon, Buricain, Datu Binasing, Kadingiln, Matilac, Patot, and Lower Pangangkalan in the Municipality of Pigkawayan; (6) Bagoinged, Balatican, S. Balong, S. Balongis, Batuwalan, Buliok, Gokotan, Kabasalan, Lagunde, Macabual, and Macasendeg in the Municipality of Pikit; (7) the City of

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Petitioners claim that respondent Commission on Elections erred when it ratified the Organic Law and included Cotabato City in the Bangsamoro Autonomous Region in Muslim Mindanao as a result of the January 21, 2019 and February 6, 2019 plebiscites conducted for such purpose, allegedly beyond the period provided by law. Furthermore, they contend that the question posed to the voters in the plebiscite was improper and misleading.

Petitioners' assertions have no merit.

The Organic Law provides the specific period upon which the necessary plebiscites are to be conducted:

> Section 2. *Period of Plebiscite*. — The plebiscite herein mentioned shall be conducted not earlier than ninety (90) days nor later than one hundred fifty (150) days after the effectivity of this Organic Law.
>
> For this purpose, the Commission on Elections shall undertake the necessary steps to enable the holding of plebiscite within the period.

Petitioners claim since the Organic Law was published in the Official Gazette on August 6, 2018, respondent Commission on Elections went beyond the required 150 days after its effectivity when it held the January 21, 2019 and February 6, 2019 plebiscites.

This is incorrect. Article XVIII, Section 5 of the Organic Law states that it will take effect: (1) 15 days following its complete publication in the Official Gazette; and (2) in at least two national newspapers of general circulation and one local newspaper of general circulation in the autonomous region. [92]

Accordingly, the law was published: (1) in the Official Gazette on August 6, 2018; (2) in two newspapers of general circulation—Manila Bulletin and Business Mirror—on July 31, 2018; and (3) in Mindanao Cross, a local newspaper circulating in the Autonomous Region in Muslim Mindanao, on August 25, 2018.[93] Consequently, the law became effective only 15 days after,

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Cotabato; (b) the City of Isabela in the Province of Basilan; and (d) those qualified for inclusion in the plebiscite, by way or resolution or petition.

92 Republic Act No. 11054 (2018), art. XVIII, sec. 5.

93 Republic Act No. 11054 (2018), art. XVIII, sec. 5.

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or on September 10, 2018. The 150th day thereafter being February 7, 2018, the plebiscites held on January 21 and February 6, 2019 were both within the 150-day period provided by law.

Even if this were not the case, respondent Commission on Elections, being the constitutional body mandated to "enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall"[94] has the power to promulgate the necessary rules and regulations to guarantee the proper exercise of the right of suffrage and sovereignty.[95]

This was enunciated in *Cagas v. Commission on Elections*.[96] There, a law creating the province of Davao Occidental provided that a plebiscite for that purpose was to be conducted within 60 days from the date of the law's effectivity. However, the Commission on Elections suspended the conduct of all plebiscites in view of the preparation of the May 2013 National and Local elections. The petitioner then filed a petition for prohibition before this Court, contending that the Commission on Elections' act of suspending the plebiscite was unconstitutional as it did not have the authority to issue a resolution that would have the effect of amending the period provided in the law. We held:

> The Constitution, however, grants the COMELEC the power to "[e]nforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall." The COMELEC has "exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections." The text and intent of Section 2 (1) of Article IX (C) is to give COMELEC "all the *necessary* and *incidental* powers for it to achieve the objective of holding free, orderly, honest, peaceful and credible elections."
>
> Sections 5 and 6 of Batas Pambansa Blg. 881 (B.P. Blg. 881) the Omnibus Election Code, provide the COMELEC the power to set elections to another date.

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94 CONST., art. IX-C, sec. 2 (1).

95 Batas Pambansa Blg. 881 (1985), art. VII, sec. 52 (c).

96 720 Phil. 603, 616-617 (2013) [Per J. Carpio, *En Banc*].

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> Sec. 5. *Postponement of election.* — When for any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, *force majeure*, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision, the Commission, *motu proprio* or upon a verified petition by any interested party, and after due notice and hearing, whereby all interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause for such postponement or suspension of the election or failure to elect.
>
> Sec. 6. *Failure of election*. — If, on account of *force majeure*, violence, terrorism, fraud, or other analogous causes the election in any polling place has not been held on the date fixed, or had been suspended before the hour fixed by law for the closing of the voting, or after the voting and during the preparation and the transmission of the election returns or in the custody or canvass thereof, such election results in a failure to elect, and in any of such cases the failure or suspension of election would affect the result of the election, the Commission shall, on the basis of a verified petition by any interested party and after due notice and hearing, call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than thirty days after the cessation of the cause of such postponement or suspension of the election or failure to elect.
>
> . . . .

It is thus not novel for this Court to uphold the COMELEC's broad power or authority to fix other dates for a plebiscite, as in special elections, to enable the people to exercise their right of suffrage. The COMELEC thus has residual power to conduct a plebiscite even beyond the deadline prescribed by law. The date 28 October 2013 is reasonably close to 6 April 2013, and there is no reason why the plebiscite should not proceed as scheduled by the COMELEC. The OSG points out that public interest demands that the plebiscite be conducted.[97] (Citations omitted)

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[97] Id. at 616–618, 624.

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Thus, as the constitutional body charged with the responsibility of effecting the conduct of elections, plebiscites, and referendums, the Commission on Elections has the authority to modify or alter the dates of the plebiscite. It must be highlighted that the Commission on Elections cannot be paralyzed by the literal interpretations of a guiding law.[98] If strict compliance with the period provided in the law is given priority over the assurance that a safe, honest, and successful plebiscite is conducted, it would defeat the purpose of holding a plebiscite in the first place. The Commission on Elections, as a specialized constitutional body, has the unique position to determine whether a plebiscite or elections is capable of successfully taking place. With this, we will refrain from striking down their actions unless there is a clear showing of grave abuse of discretion.[99]

Here, petitioners likewise argue that respondent Commission on Elections posed an improper and misleading question. They claim that the question "*PAYAG BA KAYO NA ISAMA ANG LUNGSOD NG COTABATO SA REHIYONG AWTONOMO NG BANGSAMORO*?" was incomplete and did not comply with the language of the Organic Law. They further claim that respondent Commission on Elections should have first asked if the voter wants to ratify the Organic Law before asking if they agree to the inclusion of Cotabato City in the Bangsamoro Autonomous Region.[100]

Petitioners' argument has no basis.

Article XV, Section 5 of the Organic Law explicitly states that "[t]he questions to be asked in the plebiscite shall be determined by the Commission on Elections." In line with this, Section 3(d) of the same Article states, "[t]he City of Cotabato shall form part of the Bangsamoro Autonomous Region if the majority of the votes cast in the city shall be in favor of its inclusion[.]" The Section states in full:

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[98] *Pangandaman v. Commission on Elections*, 377 Phil. 297, 313–314 (1999) [Per J. Ynares-Santiago, *En Banc*].

[99] Id. at 313.

[100] *Rollo*, p. 11.

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SECTION 3. *Results of the Plebiscite*. —

(a) The Bangsamoro Autonomous Region shall be established and all the provinces and cities of the Autonomous Region in Muslim Mindanao created under Republic Act No. 6734, as amended by Republic Act No. 9054, shall form part of the Bangsamoro Autonomous Region *if the majority of the votes cast in the Autonomous Region in Muslim Mindanao shall be in favor of the approval of this Organic Law: Provided*, That the provinces and cities of the present Autonomous Region in Muslim Mindanao shall vote as one geographical area.

(b) Any of the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan, and Tangkal in the Province of Lanao del Norte that *votes favorably for its inclusion in the Bangsamoro Autonomous Region shall form part of the Bangsamoro Autonomous Region*: *Provided*, That the majority of the votes cast in the Province of Lanao del Norte shall be in favor of the inclusion of the municipality in the Bangsamoro Autonomous Region.

(c) Any of the barangays in the municipalities of Kabacan, Carmen, Aleosan, Pigcawayan, Pikit, and Midsayap as enumerated in paragraph (c), Section 1 of this Article that *votes favorably for its inclusion in the Bangsamoro Autonomous Region shall form part of the Bangsamoro Autonomous Region*: *Provided*, That the majority of the votes cast in the municipality to which the barangay belongs shall be in favor of the inclusion of the barangay in the Bangsamoro Autonomous Region.

(d) *The City of Cotabato shall form part of the Bangsamoro Autonomous Region if the majority of the votes cast in the city shall be in favor of its inclusion*.

(e) The City of Isabela in the Province of Basilan *shall form part of the Bangsamoro Autonomous Region if the majority of the votes cast in the city shall be in favor of its inclusion in the Bangsamoro Autonomous Region*: *Provided*, That the majority of the votes cast in the Province of Basilan shall be in favor of the inclusion of the City of Isabela in the Bangsamoro Autonomous Region.

(f) Any other contiguous area where there is a resolution of the local government unit or a petition of at least ten percent (10%) of the registered voters in the local government unit asking for its inclusion at least two (2) months prior to the conduct of the ratification of this Organic Law shall form part of the Bangsamoro Autonomous Region if the majority of the votes cast in the political units directly affected shall be in favor of the

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inclusion of the petitioning local government unit in the Bangsamoro Autonomous Region. (Emphasis supplied)

Pursuant to the provision, respondent Commission on Elections constructed two types of questions for the plebiscite to be held for this purpose. For the original Autonomous Region in Muslim Mindanao, it asked: "*Payag ba kayo na pagtibayan ang Batas Republika Blg. 11054 na kilala din bilang Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao?*" This reflects Section 5(a) of the Organic Law, which provides that "the Bangsamoro Autonomous Region shall be established and all the provinces and cities of the Autonomous Region in Muslim Mindanao shall form part of the Bangsamoro Autonomous Region *if the majority of the votes cast in the Autonomous Region in Muslim Mindanao shall be in favor of the approval of this Organic Law*."

On the other hand, those provinces or cities not originally part of the Autonomous Region in Muslim Mindanao, but contiguous thereto, were asked the same question, that is, "*Payag ba kayo isama ang lungsod ng* [concerned province] *sa rehiyong awtonomo ng Bangsamoro?*"

Evidently, respondent Commission on Elections complied with the wording of the Organic Law. It must be emphasized that the ratification of the Organic Law would have the effect of abolishing the original Autonomous Region in Muslim Mindanao. Accordingly, only those directly affected by such, specifically, those provinces already part of the Autonomous Region in Muslim Mindanao and at risk of abolition were asked the question regarding the ratification of the Organic Law.

On the other hand, those contiguous areas, including Cotabato City, were not asked to ratify the Organic Law as it may create an absurd situation concerning the majority votes "YES" to the ratification of the Bangsamoro Organic Law but "NO" vote to its inclusion to the Bangsamoro Autonomous Region, thus abolishing the original Autonomous Region in Muslim Mindanao despite its non-inclusion to it in the first place. Accordingly, those contiguous areas were only asked one question: whether they desired to be part of the Bangsamoro Autonomous Region in Muslim Mindanao.

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III

Aside from the alleged improper conduct of the plebiscite of respondent Commission on Elections, petitioners also claim that the plebiscite itself was tainted with irregularities such as "manipulation of registration of new voters, appointment of biased members of the Plebiscite Committee, the proliferation of flying voters, and the use of force, violence, threats, intimidation and fraudulent devices."[101] In support of these allegations, petitioners present the Certificate of Canvass of Votes, which had a discrepancy between the total number of registered voters at 39,027 versus the total number of votes cast which was at 61,676. Petitioners claim that such Certificate of Canvass of Votes showed that the stark difference between the two numbers is blatant proof that the plebiscite was indeed marred with massive irregularities in their City.[102]

Evidently, these allegations of irregularities surrounding the plebiscite are factual in nature and would require the admission and examination of evidence before the Commission on Elections.[103] However, what petitioners filed was a Petition for Certiorari, Prohibition, and Mandamus under Rule 65[104] of the 1997 Rules of Civil Procedure.

Sections 1, 2, and 3 of Rule 65 confine this Court's power to resolve issues involving jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction committed by the Commission on Elections.[105] In *Navarro v. Ermita*,[106] petitioners filed a petition under Rule 65 of the Rules of Court, alleging, among others, that the results of the plebiscite held for the purpose

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[101] *Rollo*, p. 17.

[102] *Id.* at 18.

[103] *Cayetano v. Commission on Elections*, 515 Phil. 485, 491 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

[104] RULES OF COURT (1997), Rule 65, secs. 1, 2, and 3.

[105] *Abinal v. Commission on Elections*, 431 Phil. 184, 194 (2002) [Per J. Quisumbing, *En Banc*].

[106] 626 Phil. 23 (2010) [Per J. Peralta, *En Banc*].

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of creating the Dinagat Islands were statistically improbable and contrary to human experience. This Court held:

> Lastly, petitioners alleged that R.A. No. 9355 was ratified by a doubtful mandate in a plebiscite held on December 2, 2005, where the "yes votes" were 69,9343, while the "no votes" were 63,502. They contend that the 100% turnout of voters in the precincts of San Jose, Basilisa, Dinagat, Cagdianao and Libjo was contrary to human experience, and that the results were statistically improbable. Petitioners admit that they did not file any electoral protest questioning the results of the plebiscite, because they lacked the means to finance an expensive and protracted election case.
>
> Allegations of fraud and irregularities in the conduct of a plebiscite are factual in nature; hence, they cannot be the subject of this special civil action for *certiorari* under Rule 65 of the Rules oh Court, which is a remedy designed only for the correction of errors of jurisdiction, including grave abuse of discretion amounting to lack or excess of jurisdiction. Petitioners should have filed the proper action with the Commission on Elections. However, petitioners admittedly chose not to avail themselves of the correct remedy.[107] (Citation omitted)

Nevertheless, in the interest of substantial justice and to dispel any doubt on the formation of the Bangsamoro Autonomous Region Muslim Mindanao in this case, we will tackle the issues raised by petitioners.

Petitioners rely on the Certificate of Canvass of Votes by the City Plebiscite Board of Canvassers[108] where it states that the total "YES" votes was 36,682 and the total "NO" votes was 24,994. Confusion sets in upon reading the total number of voters who actually voted, which is 39,027 in total—a number clearly lower than the combined number of "YES" and "NO" votes.

Considering the discrepancy, the Audit Group, which was created specifically to assist the board of canvassers,[109] conducted

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[107] Id. at 62.

[108] *Rollo*, p. 47.

[109] COMELEC Resolution No. 10478 (2019), sec. 6, the Audit Group, Rules on the Canvassing of Votes and Proclamation of the Results of the Plebiscite to Ratify Republic Act No. 11054, Otherwise Known as the "Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao."

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a retabulation of the votes obtained during the plebiscite and reconciled the figures found thereon with the election returns.[110] Such retabulation is permitted under Resolution No. 10478, that the National Plebiscite Board of Canvassers, may, in case of discrepancy:

> In case of any discrepancy, incompleteness, erasure or alteration as mentioned above, the following procedure shall be observed:
>
> > If the votes omitted in the COC cannot be ascertained from any of the supporting documents, the NPBOC shall require the Election Records and Statistics Department/Provincial Election Supervisor/ BO concerned to submit within two (2) days from receipt of notice, by personal delivery, the plebiscite returns (copy for the Commission) that were not included in the COC and supporting SOVs.
> >
> > Upon receipt of the plebiscite returns, the NPBOC shall direct the board of canvassers concerned to count the votes that have been omitted upon prior notice to interested parties and thereafter supply the missing data by submitting a supplemental COC with supporting SOVC/M and SOVP.

During the hearing before the Commission on Elections *en banc* sitting as the National Plebiscite Board of Canvassers, the election officer of Cotabato City explained that the discrepancies on the Certificate of Canvass of Votes were due to the incorrect data inputted by the Plebiscite Committee and errors on their entries. It was demonstrated that some "YES" votes were added to the total number of voters who actually voted and "NO" votes were added to voters who did not vote, thus, yielding inaccurate computations.[111]

Upon the retabulation of the votes cast, the discrepancies in Cotabato City's Certificate of Canvass of Votes were corrected with 113,751 registered voters and 58,806 voters who actually

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[110] *Rollo*, pp. 108–109.

[111] Id. at 118–119. Stenographic Notes taken during the National Plebiscite Board of Canvassers Bangsamoro Plebiscite Elections, Commission on Elections held on January 24, 2019.

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voted.[112] The "YES" and "NO" votes remained the same with that stated in the Certificate of Canvass of Votes at 36,682 and 24,994, respectively.[113]

Other than the lone Certificate of Canvass of Votes presented by petitioners, they did not offer any other evidence that would demonstrate the presence of manipulation in the registration of voters, or bias in the Plebiscite Committee, or existence of flying voters. Neither was there any indication that force, violence, threats, or intimidation was utilized to coerce the voters of Cotabato City to vote in favor of their inclusion to the Bangsamoro Autonomous Region in Muslim Mindanao.

Thus, although petitioners did not file the proper remedy for election-related irregularities, its contentions would still fail if they had utilized the proper procedural mechanism.

It is a well-established rule that allegations of fraud, violence, or intimidation must be supported by conclusive or convincing evidence.[114] It is not enough to make such allegations without even the slightest detail or specificity as to how such fraud, violence, or intimidation was perpetrated. In *Marcos v. Robredo*,[115] we explained the wisdom behind the requirement of specificity in election-related cases, thus:

> Basic wisdom underlies the need for specific allegations before entertaining pleas to set aside election outcomes. "The power to annul an election should be exercised with ***the greatest care*** as it involves the free and fair expression of the popular will." A losing candidate cannot use an election protest as an expedient means to unseat the winner, when they are unsure of their factual bases. "*It is only in extreme cases of fraud and under circumstances which demonstrate to the fullest degree a*

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[112] Report No. 1, January 21, 2019 Bangsamoro Organic Law Plebiscite, National Plebiscite Board of Canvassers, available at <https://comelec.gov.ph/?r=References/ComelecResolutions/Plebiscites/PlebiscitesOrganicLaw2018/NPBCReporters> (last accessed on March 28, 2022).

[113] Id.

[114] *Marcos, Jr. v. Robredo*, P.E.T. Case No. 005, February 16, 2021,

[115] Id.

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fundamental and wanton disregard of the law that elections are annulled, and then only when it becomes impossible to lake any other step."

The Court has underscored that a protest wanting in specific factual footing must be dismissed; "otherwise, the assumption of an elected public official may, and will always be held up by petitions of this sort by the losing candidate." To entertain it would be to put no end to divisive and disruptive electoral contests, and "the whole election process will deteriorate into an endless stream of crabs pulling at each other, racing to disembark from the water."

The requirement of specificity deters fishing expeditions by losing candidates who, without clear bases for challenging election outcomes, are merely gambling with probabilities. It prevents situations in which sweeping allegations of electoral fraud are used by defeated contenders to discover by happenstance surmised irregularities in elections.[116] (Emphasis in the original; citations omitted)

Although the case before this Court is not an election protest, the allegations raised by petitioners and petitioner-intervenor are akin to one. Accordingly, the same principle will apply. Petitioners and petitioner-intervenor come before this Court asking for the declaration that the plebiscite conducted for the ratification of the Bangsamoro Organic Law, with respect to Cotabato City, be null and void. This Court is asked to ascertain the true will of the people of Cotabato despite the results of the plebiscite.

In casting doubt on the outcome the plebiscite, petitioners and petitioner-intervenor based their allegations on mere rhetoric and failed to sufficiently plead their case with detailed facts and necessary evidence. The mere allegation that the inclusion of Cotabato City in the newly-formed Bangsamoro Autonomous Region in Muslim Mindanao was not the true intention of the voters of Cotabato City will not persuade this Court to overturn the actions of the Commission on Elections.

ACCORDINGLY, the instant Petition for Certiorari, Prohibition, and Mandamus with Application for a Temporary Restraining Order and/or Writ of Preliminary Injunction and/or

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[116] Id.

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Preliminary Mandatory Injunction and Petition-for-intervention are **DISMISSED** for lack of merit.

Petitioners' prayer for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction restraining the Commission on Elections from implementing the Bangsamoro Organic Law with respect to Cotabato City is likewise **DENIED**.

SO ORDERED.

Gesmundo, C.J., Caguioa, Lazaro-Javier, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, and *Singh, JJ.*, concur.

Inting and *Kho, Jr.*, *JJ.*, no part.

Hernando, J., on leave.

APPEARANCES OF COUNSEL

Vasquez Bretaña & Sibal-Pulido for petitioners and petitioner-in-intervention.

The Solicitor General for respondent.