

SUPREME COURT

Manila

EN BANC

**ATTY. DIMNATANG L. PANSAR,
ABDUL RASHID A. BALINDONG,
SHARIEFUDDIN T. LUCMAN,
ALEEM ALIBASHER I. ABDULLATIF,
JAMIL FAISAL S. ADIONG,
RAFSANJANI PENDATON ALI,
MOHAJERAN K. BALAYMAN,
NAJIA J. PESCADERA, SHARIF JUL
ASIRI J. ABIRIN, ABDUL MUHAJIMIN
J. ABUBAKAR, MOHAMMAD
SALMANN M. SAKILI, SARIB
HATAMAN, HARISUL T. SAMANUL,
SUKARNO U. ASRI and
MOHAMMAD YUSOF A. TIDAL,**

Petitioners,

ATTY. MICHAEL O. MASTURA,
Petitioner-Intervenor,

-versus-

G.R. No. 267368

For: Certiorari and Prohibition
under Rule 65 of the Rules of
Court

Bangsamoro Transition Authority (BTA)
and Hon. Ahod Balawag Ebrahim in his
capacity as Interim Chief Minister of the
Bangsamoro Autonomous Region in
Muslim Mindanao (BARMM),

Respondents.

X-----X

**MOTION FOR LEAVE TO INTERVENE
and to admit attached
PETITION-IN-INTERVENTION**

Petitioner-Intervenor **MICHAEL O. MASTURA**, by and for
himself, and on behalf of other residents, taxpayers and registered
voters of the Bangsamoro Autonomous Region in Muslim Mindanao

respectfully seeks leave to intervene in the above-captioned case, and states in support and amplification thereof: THAT ---

1. The statutory remedy provided for under Section 1 Rule 19 of the Revised Rules of Procedure serves as the legal foothold for the intervention in the instant case, which states---

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.

2. The intervenor herein, Atty. Michael Mastura, is a registered voter of, and resident of [REDACTED] Maguindanao del Norte. He is likewise a former member of the House of Representatives representing the 1st District of Maguindanao and Cotabato City. The intervenor is also **the principal author of Republic Act No. 7941 or the Party-List System Act**, and a **former member and legal counsel of the negotiating peace panel of the Moro Islamic Liberation Front**.

3. Just recently, the Bangsamoro Electoral Code (BEC, hereafter) was signed into law on 08 March 2023¹ and took effect on 17 May 2023. This wise, the provisions of the BEC that are assailed in the Petition-in-Intervention attached herewith, had already caused direct, concrete and adverse effects on the rights of the petitioner as voter and as resident of the BARMM. For this purpose, petitioner would be questioning not only the grave abuse of discretion of the respondents who enacted the BEC but also the unconstitutional provisions thereof that imposed additional qualifications for political parties totally nixing the constitutional guarantees provided for under Section 26², Article II of thereof, Sections 1³ and 8⁴, Article III thereof,

¹ Philippine News Agency, "BARMM electoral code signed into law" (09 March 2023), available at <https://www.pns.gov.ph/articles/1197005>

² "Section 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law".

³ "Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws".

and Sections 2 (1)⁵ & (5)⁶, 6⁷, 7⁸ and 10⁹ of Article IX-C of the Constitution. These will be discussed and amply explained in the attached Petition-in-Intervention. This predicament certainly warrants the intervention of Atty. Michael Mastura in the above-captioned case as he possesses or has legal interest in the matter in litigation and he is so situated as to be adversely affected by any decision or other disposition of the subject matter of the controversy in the instant case.

4. Thus, having been able to show a clear legal interest in the matter of the litigation and likewise being so situated as to be adversely affected by a decision or other disposition by this Honorable Court, the intervenor Atty. Michael Mastura must be allowed to intervene in this case, otherwise, grave and irreparable injury will result to him and similarly-situated individuals in the BARMM, and certain political parties that will register and participate in the coming BARMM elections.

5. This intervention does not intend to, and neither would it unduly delay or prejudice the adjudication of rights of the original parties herein. Finally, it bears repeating what the Supreme Court counseled in the case of **Acenas II vs. Court of Appeals** (247 SCRA 773) affirming that a court "*should have been more liberal in allowing petition's intervention to avoid multiplicity of suits, to determine if the court's jurisdiction was validly exercised and in order that the real controversy between the parties may be threshed out, their rights*

⁴ "Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged".

⁵ "Section 2. The Commission on Elections shall exercise the following powers and functions: (1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall".

⁶ "Section 2. The Commission on Elections shall exercise the following powers and functions: (5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law".

⁷ "Section 6. A free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article".

⁸ "Section 7. No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution".

⁹ "Section 10. Bona fide candidates for any public office shall be free from any form of harassment and discrimination".

determined and the case decided on the merits without unnecessary delay".

PRAYER

WHEREFORE, it is most respectfully prayed of this Honorable Court that an Order be issued granting this *Motion for Leave to Intervene* allowing the herein intervenors to intervene in the above-captioned case and to admit the attached Petition-in-Intervention.

Such other measures of relief that are just and equitable under the premises, are likewise prayed for.

City of Manila, 07 December 2023.

**BRILLANTES ARCILLA MARTINEZ
DIOKNO and DELA CRUZ LAW OFFICES**
Counsel for the Petitioner

[REDACTED]
[REDACTED]

JUANITO G. ARCILLA
Roll of Attorneys No. [REDACTED]
IBP No. [REDACTED]; [REDACTED]
PTR No. [REDACTED]; Manila
MCLE Compliance No. [REDACTED]

-and-

[REDACTED]
ROBERTO G. DIOKNO, JR.
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IBP Lifetime No. [REDACTED]
MCLE Compliance No. [REDACTED]

-and-

LYLE LSP SURTIDA

Roll of Attorneys No. [REDACTED]

IBP Lifetime No. [REDACTED]

PTR No. [REDACTED]

MCLE Compliance No. [REDACTED]

Copy furnished:

BANGSAMORO TRANSITION AUTHORITY

Bangsamoro Government Center,
Governor Gutierrez Avenue, Rosary Heights VII,
Cotabato City

AHOD B. EBRAHIM

Bangsamoro Government Center,
Governor Gutierrez Avenue, Rosary Heights VII,
Cotabato City

SOLICITOR GENERAL

Office of the Solicitor General
134 Amorsolo St., Legaspi Village,
Makati City

EXPLANATION

This is to certify that copies of the foregoing Motion were furnished to the above addressees by way of private courier and registered mail with return card due to time constraints, lack of manpower, and geographical distance to effect personal service.

LYLE LSP SURTIDA

FILE COPY

Republic of the Philippines
SUPREME COURT
Manila

2013 DEC -7 AM 10:40

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x-----x

PETITION-IN-INTERVENTION

Petitioner-Intervenor **MICHAEL O. MASTURA**, by and for
himself, and on behalf of other residents, taxpayers and registered
voters of the Bangsamoro Autonomous Region in Muslim Mindanao

(BARMM), through counsel and to the Honorable Court, most respectfully submits this Petition-in-Intervention and states in support and amplification thereof: THAT ---

JURISDICTION AND TIMELINESS

1. The jurisdiction of the Honorable Court is being invoked pursuant to Section 1, Rule 65 of the Rules of Court in conjunction with Section 4 (2) of Article VIII of the 1987 Constitution providing that, ***“(a) 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 cases and voted thereon”*** (Underscoring supplied).

1.1. This Petition assails the constitutionality of the following provisions of the Bangsamoro Electoral Code (BEC), to wit: (a) Sections 1, 3, 4, 5 10 and 13 of Article III, and (b) Sections 6, 9, 12, 17 and 18 of Article IV, as they have been enacted by the Bangsamoro Transition Authority (BTA) with grave abuse of discretion amounting to lack or excess of jurisdiction. The propriety of a Rule 65 Petition to address the foregoing matter had already been affirmed in numerous cases. In ***Martinez vs. Noels Buen***¹, it was settled that certiorari is a proper remedy *“(a) when it is necessary to prevent irreparable damages and injury to a party; (b) where the trial judge capriciously and whimsically exercised his judgment; (c) where there may be danger of a failure of justice; (d) where an appeal would be slow, inadequate, and insufficient; (e) where the issue raised is one purely of law; (f) where public interest is involved; and (g) in case of urgency”*.

1.2. Indeed, as will be elucidated in the following paragraphs of this paper, the respondents gravely abused their discretion as they have enacted the afore-cited BEC provisions that contradicted the Constitution, the Bangsamoro Organic Law (BOL), the national laws, particularly the Omnibus Election Code (OEC) and the Party-List System Act. Along this vein, it will thus be outlined that the elements of a Certiorari Petition are present in this case, as defined under Section 1, Rule 65 of the Revised Rules of Court, to wit:

¹ G.R. No. 187342, 05 April 2017

"SECTION 1. Petition for Certiorari. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require x x x" (Underscoring supplied).

2. Thus, the Honorable Court has undeniably jurisdiction over this Petition.

3. Moreover, in *Estarija vs. Ranada*² citing *Matibag vs. Benipayo*³ declares that the question of constitutionality of a statute must be raised at the earliest opportunity. The Honorable Court held that:

"xxx xxx xxx the earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same, such that, if it was not raised in the pleadings before a competent court, it cannot be considered in the trial, and. If not considered in the trial, it cannot be considered on appeal".

4. Considering that this Petition is an initiatory pleading raising the constitutionality and validity of the afore-cited provisions of the BEC, there is no doubt that the issues raised herein were done at the earliest opportunity.

5. Thus, the filing of this Petition before the Honorable Court is proper, seasonable and timely.

LEGAL STANDING OF THE PETITIONER

6. In *Integrated Bar of the Philippines (IBP) vs. Zamora*⁴, the Supreme Court held that in order for one to have *locus standi* or

² G.R. No. 159314, 26 June 2006

³ G.R. No. 149036, 02 April 2002 (380 SCRA 49)

⁴ 392 Phil. 618 citing *Baker vs. Carr*, 369 U.S. 186

legal standing, he/she must have a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for the illumination of difficult constitutional questions. In ***Biraogo vs. The Philippine Truth Commission of 2010***⁵, the Honorable Court also mentioned that *"the rule on standing is a matter of procedure, hence, can be relaxed for nontraditional plaintiffs like ordinary citizens, taxpayers, and legislators when the public interest so requires, such as when the matter is of transcendental importance, of overreaching significance to society, or of paramount public interest"* (Underscoring supplied).

7. In this case, the petitioner is a Filipino citizen, registered voter and resident of the BARMM. He was also a former Congressman for the 1st District of Maguindanao and Cotabato City; **the principal author of Republic Act No. 7941 or the Party-List System Act**; and a former member and legal counsel of the negotiating peace panel of the Moro Islamic Liberation Front, who currently leads the Bangsamoro Transition Authority of the BARMM as a transitional government towards the regular elected parliament.

8. The BEC had already been signed into law on 08 March 2023⁶. Pursuant to BEC's Section 4⁷, Article XI thereof, the same shall take effect fifteen (15) days after its publication in a newspaper of general and regional circulation. After its publication in a newspaper of general circulation, the BEC took effect on 17 May 2023.

9. As it was intimated awhile back, petitioner is questioning the constitutionality of certain provisions of the BEC, specifically those that imposed additional qualifications for political parties participating in the elections, totally nixing the constitutional guarantees provided for under Section 26⁸, Article II of thereof, Sections 1⁹ and 8¹⁰, Article

⁵ G.R. No. 192935, 07 December 2010 citing *Social Justice Society (SJS) vs. Dangerous Drugs Board and Philippine Drug Enforcement Agency* (570 SCRA 410), *Tatad vs. Secretary of the Department of Energy* (346 Phil. 321), and *De Guia vs. COMELEC* (208 SCRA 420)

⁶ Philippine News Agency, *"BARMM electoral code signed into law"* (09 March 2023), available at <https://www.pns.gov.ph/articles/1197005>

⁷ *"Section 4. Effectivity. This Code shall take effect fifteen (15) days after its publication in a newspaper of general and regional circulation."*

⁸ *"Section 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."*

⁹ *"Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."*

¹⁰ *"Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged."*

III thereof, and Sections 2 (1)¹¹ & (5)¹², 6¹³, 7¹⁴ and 10¹⁵ of Article IX-C of the Constitution. This wise, the provisions of the BEC that are being assailed had caused direct, concrete and adverse effects on the rights of the petitioner. Thus, this Petition presents actual controversies that are ripe for adjudication, and not merely theoretical issues, since the BEC had already infringed upon actual legal rights of the petitioner and those other similarly-situated to register a political party and to participate in the elections in the BARMM.

10. There is also urgency to this Petition in that, the first regular election for the Bangsamoro Government is scheduled to be held in May 2025¹⁶. Because of which, the issues raised in this Petition must forthwith be resolved so as not to delay or derail the administrative preparations for such elections.

THE PARTIES

11. Petitioner Michael O. Mastura is of legal age, married, a Filipino citizen, a resident and registered voter of [REDACTED] Maguindanao del Norte. For purposes of this action, petitioner may be served with notices, orders, pleadings, and other legal processes of the Honorable Court through his representative and legal counsel, whose address is indicated below.

12. Public Respondent BANGSAMORO TRANSITION AUTHORITY (BTA, hereafter) is impleaded for being the interim

¹¹ "Section 2. The Commission on Elections shall exercise the following powers and functions: (1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall".

¹² "Section 2. The Commission on Elections shall exercise the following powers and functions: (5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law".

¹³ "Section 6. A free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article".

¹⁴ "Section 7. No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution".

¹⁵ "Section 10. Bona fide candidates for any public office shall be free from any form of harassment and discrimination".

¹⁶ See Republic Act No. 11593, Section I thereof

government in the BARMM, and for being the legislative body which passed the Bangsamoro Electoral Code (BEC). It may be served with notices, orders, pleadings, and other legal processes through its office address at the Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City.

13. Public Respondent AHOD B. EBRAHIM is being impleaded in his capacity as the Interim Chief Minister. He signed the Bangsamoro Electoral Code into law and is tasked to implement the provisions thereof. He may be served with notices, orders, pleadings, and other legal processes of this Honorable Court through his office address at the Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City.

THE FACTS

14. The 1987 Constitution, specifically under Section 15 and Section 18 of Article X thereof, respectively provides that there shall be created autonomous region in Muslim Mindanao *"consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics"*; and that the Congress shall enact an organic act for such autonomous region defining *"the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units"*. Pursuant to these constitutional mandates, the Philippine Congress passed into law Republic Act No. 11054¹⁷ entitled *"An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 6734, Entitled "An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao", as Amended by Republic Act No. 9054, Entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao"* (hereafter, the Bangsamoro Organic Law [BOL] or R.A. No. 11054), which was approved and signed into law by the Philippine President on 27 July 2018. Pursuant to Sections 1¹⁸ and 2¹⁹ of Article XV of the Bangsamoro Organic Law, plebiscite was scheduled on 21 January 2019. Subsequently, on 25 January 2019, the COMELEC announced that the Bangsamoro Organic Law was ratified by the

¹⁷ Copy is attached and marked as Annex "D"

¹⁸ Sec. 1 provides, *"(t)he establishment of the Bangsamoro Autonomous Region and the determination of its territorial jurisdiction shall take effect upon ratification of this Organic Law by majority of the votes cast in a plebiscite x x x"*.

¹⁹ Sec. 2 provides, *"(t)he 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"*.

constituents of the Bangsamoro Autonomous Region in Muslim Mindanao.

15. Now, the Bangsamoro Organic Law provided for a transition period for the purposes of, among others, establishing the Bangsamoro Autonomous Region²⁰ and to ensure the accomplishment of priorities for the protection and promotion of the general welfare of the constituents of the Bangsamoro Autonomous Region. During this transition period, the Bangsamoro Organic Law also provided for the creation of the Bangsamoro Transition Authority (hereafter, BTA), which is the interim government led by the Moro Islamic Liberation Front (MILF)²¹. The BTA passed the Bangsamoro Electoral Code (hereafter, BEC), which was thereafter signed into law by BARMM's interim Chief Minister, Ahod B. Ebrahim, on 08 March 2023 and became effective on 17 May 2023.

16. As declared previously, petitioner is questioning the constitutionality and legality of the following provisions of the BEC, to wit: Sections 1, 3, 4, 5 10 and 13 of Article III, and Sections 6, 9, 12, 17 and 18 of Article IV, because they are against the Constitution, and not consistent with the Party-List System Act, the Omnibus Election Code and its rules and regulations, specifically COMELEC Resolution No. 9366.

17. Hence, this Petition.

GROUND IN SUPPORT OF THE PETITION

18. Section 15²², Article X of the Constitution is definite and clear that the autonomous region in Muslim Mindanao **should operate within the framework of the Constitution and the**

²⁰ Sec. 1, Article XVI, RA No. 11054 provides:

"The transition period for the establishment of the Bangsamoro Autonomous Region shall commence upon ratification of this Organic Law.

This Organic Law shall be deemed ratified when approved by a majority of the votes cast in a plebiscite as proclaimed by the Commission on Elections or its duly authorized officers.

The transition period shall end upon the dissolution of the Bangsamoro Transition Authority as provided in this Organic Law.

The transition period shall be without prejudice to the initiation or continuation of the measures that may be required by post-conflict transition and normalization even beyond the term of the Bangsamoro Transition Authority".

²¹ Sec. 2, Article XVI, *ibid.*

²² "Sec. 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines".

national sovereignty as well as the territorial integrity of the Republic of the Philippines. Consistent therewith, Section 20²³ of the same Article X of the Constitution provides that **the legislative power of an autonomous region shall be subject to the provisions of the Constitution and national laws.**

19. Simply put, the laws that should be passed by the Bangsamoro Transition Authority (BTA), which is the legislative authority of the Bangsamoro Government, should not deviate from the frameworks of the Constitution and the national laws, as may be applicable in the context of local autonomy.

20. **Contrary to the foregoing constitutional directives, the respondents have enacted Sections 1, 3, 4, 5 10 and 13 of Article III, and Sections 6, 9, 12, 17 and 18 of Article IV, of the BEC, thereby gravely abusing their discretion.** It will be shown and demonstrated that the afore-cited provisions of the BEC should be struck down as null and void for infringing constitutional principles and national laws. Consequently, they should not be implemented and it is thus urgent that the BTA should be enjoined from implementing the same.

ARGUMENTS / DISCUSSION

Respondents gravely abused their discretion amounting to lack of excess of jurisdiction in enacting provisions that imposed additional qualifications and requirements laid down under Sections 1, 3, 4, 5, 10, and 13 of Article III and Sections 6, 9, 12, 17 and 18 of Article IV of the Bangsamoro Electoral Code for the establishment, registration, operation and continuance of political parties, which are likewise unconstitutional for impinging: (a) Sections 2 (1) & (5), 6 and 7 of Article IX-C of the Constitution; (b) Section 61, Article VIII of the Omnibus Election Code; (c) Sections 2, 5,

²³ "Sec. 20. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers x x x"

**6 and 11 of the Party-List
System Act; and (d) Section 7 of
COMELEC Resolution No. 9366.**

21. Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, 12, 17 and 18 of Article IV of the Bangsamoro Electoral Code (BEC) outlined the qualifications of a regional political party in the Bangsamoro so that it could be registered and participate in the Bangsamoro elections, to wit:

(a) Article III of the BEC:

"SECTION 1. Establishment of Regional Political Parties. – Regional political parties in the Bangsamoro x x x shall be established by at least ten thousand (10,000) members who are residents and registered voters therein. The members shall be distributed throughout the different provinces and cities comprising the Bangsamoro territory; Provided, that all parties shall establish provincial and city chapters in all provinces and cities, and municipal chapters in the majority of the municipalities comprising each province, in the Bangsamoro. Provided further, that a provincial chapter is required to have municipal chapters in majority of the municipalities in that province (Underscoring supplied).

xxx xxx xxx

SECTION 3. Accreditation of Political Parties Already Registered with COMELEC. – Regional Political Parties already registered with the COMELEC prior to the effectivity of this Code are not required to register anew; Provided, however that the party complies with the additional requirements provided in this Code in relation to registration (Underscoring supplied).

SECTION 4. Requirements for Registration of Regional Political Parties. – A party must submit:

x x x

c. a notarized list of at least ten thousand (10,000) members of the party, wherein they manifest their collective decision to register the

party, by affixing their names, signatures, and other pertinent details as determined by the COMELEC.

x x x (Underscoring supplied).

SECTION 5. Mandatory Bodies or Mechanisms in the Party. – The organizational structure of a party shall provide for mandatory bodies or mechanisms that will ensure the performance of the following functions:

a. a general party committee, which acts as the lawmaking body of the party, including the promulgation of its policies, programs, and platforms;

b. a membership committee, which sets the organizational direction of the party, implements its policies, programs, and platforms, and effectuates its principles;

c. a membership committee, which is responsible for the recruitment of members and the processing of withdrawal of membership, pursuant to the party's constitution and by-laws;

d. a nomination committee, which receives applications for nomination from party members, comes up with the shortlist for the selection of the final party nominees for the elections, and ensures the party's compliance with Article III, Section 9 (b) of this Code;

e. a finance committee, which formulates policies, rules and regulations on finance, fund sourcing, and party spending, and ensures the party's compliance with accounting, auditing, and reportorial requirements of government agencies, including timely submission of Statement of Contribution and Expenditures (SOCE) to COMELEC;

f. an arbitral committee, which hears and decides matters of membership, issues relating to party nominations, and other disputes arising from intra-party relations; and

g. a women and youth committee, which ensures that women's and youth's representation as well as women and youth are considered by all committee and chapters of the political party; and

h. local chapters in the province, city, and majority of the municipalities per province, which serve as the grassroots of the party and elect representatives to the general party committee and nomination committee" (Underscoring supplied).

xxx xxx xxx

SECTION 10. Mandatory Party Activities. The following are mandatory party activities:

- a. General Assembly x x x
- b. Party Convention x x x
- c. Voters Education Program x x x

All regional political parties shall continue to conduct general assemblies, party conventions, and voters education programs even if they fail to win seats in the previous elections. Failure to comply with this requirement shall bar the party from participating in the next elections (Underscoring supplied).

xxx xxx xxx

SECTION 13. Continuing requirements. – Compliance with the minimum number of members, mandatory bodies or mechanisms, and mandatory party activities as provided in the provisions of this Article shall be continuing requirements on all regional political parties. Failure to comply with the pertinent provisions is a ground for disqualification to participate in the parliamentary elections and/or the dissolution of the party as may be determined by the COMELEC through the BRAC" (Underscoring supplied).

(b) Article IV of the BEC:

"SECTION 6. Limitations on Political Parties. – Only regional political parties duly registered and/or accredited by the BRAC, as approved by the COMELEC, shall participate in the parliamentary elections in the Bangsamoro Autonomous Region.

A regional political party applying for registration shall receive no financing from national parties nor have any alliance with a national party for the purpose of participating in parliamentary elections in the Bangsamoro. Such fact shall be declared under oath by an authorized representative of the applicant-party (Underscoring supplied).

xxx xxx xxx

SECTION 9. Party representatives. Party representatives are members of registered regional political parties that are able to receive at least four percent (4%) of the total valid votes cast for the party system election (Underscoring supplied).

xxx xxx xxx

SECTION 12. Manner of Allocation of the Party Representation Seats. –

a. Only parties receiving at least four percent (4%) of the total valid votes cast for the party representation elections shall be qualified to participate in the allocation of party representation seats (Underscoring supplied).

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SECTION 18. Registration Requirement for Sectoral Organizations, or Political Parties Fielding Candidates for Sectoral Representation Elections. – Sectoral organizations, duly registered with the COMELEC, through the BRAC, may participate in the sectoral representative elections. Provided, that sectoral organizations for indigenous peoples, including their indigenous political structures (IPS), shall be certified by the Ministry of Indigenous People's Affairs;

sectoral organizations for women shall be certified by the Bangsamoro Women Commission; sectoral organizations for the youth shall be certified by the Bangsamoro Youth Commission; sectoral organizations for the Ulama shall be certified by the Bangsamoro Darul Ifta'; sectoral organizations by the settler communities shall be certified by the Office of Settler Communities; and the sectoral organizations of traditional leaders shall be certified by the Bangsamoro Commission for the Preservation of Cultural Heritage.

Within one hundred twenty (120) days from promulgation of this Code, the appropriate certifying ministries and offices shall issue corresponding guidelines for the process of certification, copies of which shall be furnished to the Parliament.

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SECTION 20. Petition for registration; Posting of Petitions for registration x x x

The petitioning sectoral party or organization shall attach the certification coming from the appropriate ministry or agency, as provided in Section 18 of this Article" (Underscoring supplied).

22. Scrutiny, examination and analysis of the above-quoted provisions would show that these run counter not only against the Constitution but also against relevant national laws that were cited, including the pertinent COMELEC Resolutions.

23. To fetch a better grip of these, it should first be underscored that pursuant to Section 2 (1) of Article IX-C of the Constitution, it is the Commission on Elections (COMELEC) that is empowered to **"enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall"** (Underscoring supplied). In line with such power, the COMELEC likewise possesses, pursuant to Section 2 (5) of the same Article, the authority to register and accredit political parties, organizations or coalitions, thus:

"Section 2. The Commission on Elections shall exercise the following powers and functions:

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(5) Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law" (Underscoring supplied).

24. It is firm and certain that pursuant to the aforesaid constitutional provisions, the laying down and outlining of the qualifications, establishment and registration or accreditation of political parties solely belongs to the COMELEC. In fact, even the Bangsamoro Organic Law, Section 40 of Article VII thereof, recognized that, *"(t)he Commission on Election shall establish a **Bangsamoro Electoral Office under its supervision and control which shall implement and enforce its orders, rulings and decisions*** x x x" (Underscoring supplied).

25. Notwithstanding, and in contravention of the afore-quoted constitutional provisions, **the BEC under its Section 3, Article 3 states that parties already registered with the COMELEC although not required to register must still comply with the additional requirements provided, specifically those qualifications and conditions for the establishment, registration or accreditation of political parties and for their continuation or maintenance so that they could participate in the elections.** Just for emphasis, these are: (a) that there should be at least ten thousand (10,000) members who are residents and registered voters in the BARMM; (b) the list containing the members should be

notarized wherein they should also manifest their collective decision to register the party, affixing their names, signatures and other pertinent details; (c) the organizational structure of a party should provide for the following mandatory bodies: general party committee, executive committee, membership committee, nomination committee, finance committee, arbitral committee, women and youth committee, and local chapters; (d) the party should conduct mandatory activities consisting of general assembly, party convention and voters education program; (e) the party should declare under oath that it did not receive financing from national parties and have no alliances with national parties; (f) the party received at least four percent (4%) of the total valid votes cast for the party system election; and (f) for sectoral organizations, they should secure respective certification from the Ministry of Indigenous People's Affairs, if representing indigenous peoples; the Bangsamoro Women Commission, if representing women organizations; the Bangsamoro Youth Commission, if representing sectoral organizations for the youth; the Bangsamoro Darul Ifta", for the sectoral organizations for the Ulama; the Office of the Settler Communities, if representing settler communities; and the Bangsamoro Commission for the Preservation of Cultural Heritage for the sectoral organizations of traditional leaders.

26. Apart from infringing on the power of the COMELEC pursuant to Section 2 (1) and (5) of Article IX-C of the Constitution, the additional qualifications and requirements imposed under the BEC likewise contravened Sections 7 and 10 of Article IX-C of the Constitution. As well, **the afore-quoted BEC provisions contradict Section 26, Article II of the Constitution or the provision on equal access to public service, including Section 1, Article 3 of the Constitution or the equal protection clause.** And, insofar as the position of the petitioner is concerned and those similarly situated, as individual citizens or groups of citizens in their right to organize as a political party applying for registration or accreditation, and in their intent to participate in the Bangsamoro elections, their fundamental right of FREEDOM OF ASSOCIATION guaranteed by Article III or the Bill of Rights under the Constitution was violated by the aforesaid BEC provisions, as it had violated also the following national laws: Section 61 of Article VIII of Batas Pambansa Blg. 881 or the Omnibus Election Code; Sections 2, 5, 6 and 11 of Republic Act No. 7941 or the Party-List System Act; and Section 7 of COMELEC Resolution No. 9366.

27. As to how Section 7 of Article IX-C of the Constitution was defied and violated, its provision and text stating that:

*Section 7. No votes cast in favor of a political party, organization, or coalition shall be valid, **except for those***

registered under the party-list system as provided in this Constitution. (Underscoring supplied)

--- bore such significance on account of: (a) Section 9 of Article IV of the BEC admitting that, **“(p)arty representatives are members of registered regional political parties that are able to receive at least four percent (4%) of the total valid votes cast for the party system election** (Underscoring supplied); and (b) Section 12 (a) of Article IV of the BEC on the manner of allocation of party representation seats wherein it is provided that, **“(o)nly parties receiving at least four percent (4%) of the total valid votes cast for the party representation elections shall be qualified to participate in the allocation of party representation seats”** (Underscoring supplied).

28. It is easy to discern that the afore-quoted BEC provisions patently contravened Section 7, Article IX-C of the Constitution because the **votes are cast in favor of political parties, organizations, or coalitions for party representatives to obtain a seat in the parliament**. Yet, it cannot be disputed that these political parties, organizations, or coalitions organized and registered under the BEC do not conform to the requirements of Republic Act No. 7941 or the Party-List System Act, particularly as regards the requirements for registration as political parties, and in the vote threshold required in order to gain a seat in the Bangsamoro Parliament, which under the Party-List System Act is only 2% of the total valid votes cast for party representation elections.

29. Republic Act No. 7941 is the law on Party-List System that implements the Constitutional mandate on a party representation based on *proportional representation*. It provides under its Section 3, on definition of terms, that *“(t)he party-list system is a mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties or organizations or coalitions thereof registered with the Commission on Elections”*.

30. Albeit crucial, the BEC does not even provide for a definition of the *proportional representation* system that it seeks to implement in its Section on definition of terms, i.e. under Section 5, on Definition.

31. On the other hand, Republic Act No. 11054 or the Bangsamoro Organic Law (BOL) provides as follows:

“Section 7. Classification and Allocation of Seats. - The seats in the Parliament shall be classified and allocated as follows:

(a) Party Representatives. One-half of the members of the Parliament shall be representatives of political parties who are elected through a system of proportional representation based on the Bangsamoro territorial jurisdiction.

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The number of seats allocated for each political party shall be based proportionately on the percentages of votes obtained by each political party as against the total votes cast in the Bangsamoro Autonomous Region for the election of party representatives.”²⁴

32. The BEC violates this provision of the BOL by providing for its own formula for the allocation of seats contrary to the above provision of the Republic Act No. 11054 or the Bangsamoro Organic Law, to wit:

“Section 12. Manner of Allocation of the Party Representation Seat. –

- a. Only parties receiving at least four percent (4%) of the total valid votes cast for the party representation elections shall be qualified to participate in the allocation of party representation seats.*
- b. Such qualifying parties shall be ranked from highest to lowest according to the valid votes they obtained. The seats allocated to them shall be the proportion of the votes obtained by each of the total number of votes received by all qualifying parties, rounded to the lower whole number,*
- c. Thereafter, the remaining seats shall be allocated to the qualifying parties according to their ranking giving one seat each to the highest down to the lowest until all remaining seats are allocated.”²⁵*

²⁴ Article VII. Bangsamoro Government, Republic Act No. 11054 or Bangsamoro Organic Law

²⁵ Article IV. Elective Positions in the Parliament, Bangsamoro Electoral Code

33. Consequently, this specific provision of the BEC should be struck down for being *ultra vires* given that the Bangsamoro Transition Authority does not have any legal power or authority to change or amend Republic Act No. 1054 or the Bangsamoro Organic Law.

34. According to the Supreme Court such *ultra vires* provisions have no legal effect and do not exist from its inception, to wit:

"A void ordinance cannot legally exist; it cannot have binding force and effect. Such is Section 32 of Municipal Ordinance No. 25 and, being so, is outside the comprehension of Section 45 of R.A. No. 7829.

To stress, an ordinance which is incompatible with any existing law or statute is ultra vires, hence, null and void. In City of Manila v. Cosmos Bottling Corporation, this Court ruled that the City of Manila cannot legally impose a local business tax based on Ordinance Nos. 7988 and 8011 which were void and had no legal existence.

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Consequently, Section 56 did not cure the infirmity of Section 25 of MO 93-35 since an ultra vires ordinance is null and void and produces no legal effect from its inception."²⁶

35. Republic Act No. 11054 or the Bangsamoro Organic Law generally conforms to the definition of a *proportional representation* system in Republic Act No. 7941 or the Party-List System Act with the exception that the number of seats is capped at three (3) seats for each political party. It follows that the governing law for a party representation system using *proportional representation*, as provided in the Constitution, is Republic Act No. 7941 or the Party-List System Act, in so far as its fundamental requirements are concerned, such as the registration of political parties and the vote threshold of 2% of the total valid votes cast for party representation systems. This is because the Constitution itself does not mention *proportional representation*, and it is Congress that provided the details of the

²⁶ Manila Electric Company vs. City of Muntinlupa and Nelia A. Barlis, G. R. No. 198529, February 9, 2021

party representation system, which the Constitution states can only take the form of the Party-List System and no other since no votes cast for parties shall be valid except under the Party-List System.

36. Furthermore, the BOL itself provides under its general principles and policies that *“(t)he Bangsamoro Government shall adopt an electoral system which shall be consistent with NATIONAL ELECTION LAWS, allow democratic participation, encourage the formation of genuinely principled political parties, and ensure accountability”*, pursuant to Section 4, Article IV thereof. Thus, **Republic Act No. 7941 or the Party-List System Act is the national law that should have been the framework and parameters of the BEC for its party representation system using proportional representation.**

37. It is erroneous to argue that Republic Act No. 7941 or the Party-List System Act is only applicable to the elections in the House of Representatives simply because there are no other national laws governing party representation using proportional representation. The Supreme Court in its latest ruling on the Party-List System appropriately held that, *“(t)o be sure, this Court has since acknowledged R.A. 7941 as the “controlling law” in all matters pertaining to the elections of party-list representatives.”*²⁷ The Constitution is explicit that NO VOTES CAST in favor of a political party, organization, or coalition SHALL BE VALID, EXCEPT for those registered under the Party-List System. The imperative of the Constitution is clear that only those political parties conforming to the Party-List System can be voted upon. There is no alternative, if the BEC is to be Constitutional in providing for party representation, in the light of the clear Party-List imperative of the Constitution, except that the BEC must conform to the Party-List System in the Constitution as implemented by Republic Act No. 7941 or the Party-List System Act.

38. It is also along this wise that, the Party-List System Act, the Omnibus Election Code and COMELEC Resolution No. 9366 assume such importance. Since party representatives under the BEC are being entitled to parliamentary seats through votes cast in favor of their political parties, it is but appropriate to scrutinize the afore-cited BEC provisions on the establishment, accreditation or registration of political parties or sectoral parties and their maintenance or continuation as such, in the light of the provisions under the Party-List System Act, the Omnibus Election Code and COMELEC Resolution No. 9366.

²⁷ Glen Quintos Albano vs. Commission on Elections, G. R. No. 257610, January 24, 2023

39. On this score, it should be reiterated the requirement of Section 2 (5) of Article IX of the Constitution²⁸ whereby what is laid down for the registration of political parties and organizations are only the following: (a) publication of the petition for registration as political party, organization or coalition; (b) platform or program of government; and (c) other requirements that may be imposed. While the negative requirements consist of: (a) religious denominations and sects shall not be registered; (b) those organizations or parties who seek to achieve their goals through violence or unlawful means; (c) those who refuse to uphold and adhere to the Constitution; (d) those supported by any foreign government; and (e) those who received financial contributions from foreign governments and their agencies related to elections.

40. The additional requirements mentioned in the Constitution for the registration of parties are set up in other laws of the land, and one such that finds application in this case is Batas Pambansa Blg. 881 or the Omnibus Election Code. Section 61 of Article VIII thereof provides the following:

*"Section 61. Registration. - Any organized group of persons seeking registration as a national or regional political party may file with the Commission a verified petition **attaching thereto its constitution and by-laws, platforms or program of government and such other relevant information as may be required by the Commission.** The Commission shall, after due notice and hearing, resolve the petition within ten days from the date it is submitted for decision.*

No religious sect shall be registered as a political party and no political party which seeks to achieve its goal through violence shall be entitled to accreditation."

²⁸ "Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government x x x Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law".

41. Another national law, i.e., Republic Act No. 7941 otherwise known as the Party-List System Act, states that the avowed policy declared under Section 2 thereof is to:

“x x x enable Filipino citizens belonging to marginalized and under-represented sectors, organizations and parties, and who lack well-defined political constituencies but who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole, to become members of the House of Representatives. Towards this end, the State shall develop and guarantee a full, free and open party system in order to attain the broadest possible representation of a party, sectoral or group interests in the House of Representatives by enhancing their chances to compete for and win seats in the legislature, and shall provide the simplest scheme possible” (Underscoring supplied).

42. While Section 5 of R.A. No. 7941 of the Party-List System Act only requires the following for registration of a party:

“Any organized group of persons may register as a party, organization or coalition for purposes of the party-list system by filing with the COMELEC not later than ninety (90) days before the election a petition verified by its president or secretary stating its desire to participate in the party-list system as a national, regional or sectoral party or organization or a coalition of such parties or organizations, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement and other relevant information as the COMELEC may require x x x” (Underscoring supplied).

43. It is easily discernible that, in utter contravention to Republic Act No. 7941 or the Party List System Act, the BEC provides for a more stringent party registration system, such as requiring 10,000 memberships for regional parties to qualify for registration, aside from other requirements.

44. There are also negative requirements for the registration of a party under the party-list system, which are outlined in Section 6 of the said law, to wit:

"Section 6. Refusal and/or Cancellation of Registration. The COMELEC may, motu proprio or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any national, regional or sectoral party, organization or coalition on any of the following grounds:

(1) It is a religious sect or denomination, organization or association, organized for religious purposes;

(2) It advocates violence or unlawful means to seek its goals;

(3) It is a foreign party or organization;

(4) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;

(5) It violates or fails to comply with laws, rules or regulations relating to elections;

(6) It declares untruthful statements in its petition;

(7) It has ceased to exist for at least one (1) year; or

*(8) It fails to participate in the last two (2) preceding elections **or fails to obtain at least two per centum (2%) of the votes cast under the party-list system in the two (2) preceding elections for the constituency in which it has registered*** (Underscoring supplied).

45. Moreover, pursuant to Section 11 (b) of The Party-List System Act, it is provided that ***"(t)he parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one seat each: Provided, That those garnering more than two percent (2%) of the votes shall be entitled to additional seats in proportion to their total number of votes: Provided, finally, That each party, organization, or coalition shall be entitled to not more than three (3) seats"*** (Underscoring supplied).

46. As it is, while Republic Act No. 7941 or the Party-List System Act provides for a 2% threshold of the total valid votes cast of the Party List votes to be allocated seats under the Party-List System, the proposed BEC provides a threshold of at least 4% of the total valid votes cast for the party system of proportional representation. Thus, there is a direct clash of the provisions of the BEC and Republic Act No. 7941 or the Party List System Act.

47. In addition, COMELEC Resolution No. 9366²⁹, which was adopted in the previous national and local elections in the country, only the following requirements are laid down:

"SEC. 7. Documents to support petition for registration. – The following documents shall support petitions for registration:

a) Constitution and by-laws as an organization seeking registration under the party-list system of representation;

b) Platform or program of government;

c) List of all its officers and members (national, regional, provincial, city/municipal) particularly showing that the majority of its membership and officers belong to the marginalized and underrepresented sector/s it seeks to represent;

d) Manifestation of intent to participate in the next immediately succeeding national and local elections, and list of at least five (5) nominees;

e) Articles of Incorporation, by-laws and Certificate of Registration issued by the Securities and Exchange Commission (SEC), if registered therewith;

f) Track record summary showing that it represents and seeks to uplift the marginalized and underrepresented sector/s it seeks to represent;

g) Coalition agreement, if any, and the detailed list of affiliates comprising the coalition, including the signed coalition agreement;

²⁹ Attached as Annex "E"

h) Sworn proof/s of existence in the areas where the organization is claiming representation; and

i) Other information required by the Commission.

A filing fee of Ten Thousand Pesos (P 10,000.00), and a legal research fee of One Hundred Pesos (P 100.00) shall be charged for each petition”.

48. It is apparent that, when scrutinized in the light of the foregoing provisions, the conditions imposed by the BEC under Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, 12, 17 and 18 of Article IV thereof are not only restrictive but also discriminative, effectively amending, modifying or superseding the qualifications for the registration or accreditation, operation and continuance of a political party under the Constitution, the Omnibus Election Code, the Party-List System Act and the COMELEC Resolution No. 9366.

49. Of particular interest is the BEC's requirement in Sections 1, 3 and 4 of Article III thereof, that a party to be registered should have at least ten thousand (10,000) members who are residents and registered voters of the BARMM and listed in a notarized document, wherein they should also manifest their collective decision to register the party, by affixing their names, signatures, and other pertinent details therein. It is likewise provided in the BEC that a political party should establish chapters in the provinces, cities and in majority of the municipalities in a province. Apart from being unconstitutional, since there is no requirement whatsoever under the Constitution and the afore-cited national laws that a party should have membership numbering at least ten thousand (10,000), this requirement would also result into an absurd situation whereby an established political party with well-oiled machinery and ready financial resources but enjoying the support of only ten thousand (10,000) residents, would be able to register as a political party. While a political party with wider support, but with insufficient machinery and lacking in financial resources to establish chapters in each of the BARMM's provinces, cities and majority of the municipalities in a province, would not be able to register as a political party. With this predicament, voters would be unable to vote for the political party enjoying their wide support. On the other hand, the political party with machinery and financial resources would be accorded with the greater opportunity to win seats in the Bangsamoro Parliament even though without the mandate of the greater number of people.

50. What is more, the BEC prescribes under Section 5 of Article IV thereof the mandatory bodies or mechanisms in the organizational structure in a political party that would invariably require people, time and other resources, as the BEC also provides for mandatory party activities under Section 10 of the same Article, such as conduct of general assemblies, party conventions, and voter education programs, which are also continuing requirements as provided for under Section 13 thereof. Indisputably, these would require deep funding to support the said activities. It is also provided that non-compliance thereof will constitute a ground for disqualification to participate in the parliamentary elections. Besides, it is unclear if a single failure of a political party to hold any of these mandatory activities is enough to constitute a disqualification. Assuming that this is so, this would certainly amount to an oppressive rule preventing a political party to maintain itself.

51. As these party activities were made mandatory, no matter how admirable their purposes are, it could not be denied that the conduct thereof is costly, especially so that a party is required to have at least ten thousand (10,000) members who will be participating in these general assemblies, party conventions, and voter education programs. Without a doubt, this would deter new political parties to seek accreditation or even to maintain them.

52. It is obvious not to be noticed, that the BEC deliberately designed to limit the political parties who could participate in the parliamentary elections, and the configuration of the mandatory organizational structure of a political party tasked to conduct the equally mandatory activities favored only the "moneyed" or "well-oiled" political parties or those political parties with deep pockets, so to speak.

53. Relatedly, the BEC pursuant to its Section 6, Article IV, proscribes a political party from receiving financial support or from forging alliances with a national party, although what is prohibited under Section 2 (5) of Article IX-C of the Constitution is the receiving of financial contributions from foreign governments and their agencies related to elections, which is considered interference in national affairs. Thus, undeniably, Section 6, Article IV of the BEC in confluence with Sections 5, 10 and 13 of Article IV thereof, veritably constitute a conscious action of limiting participants in the Bangsamoro parliamentary elections. Patently on its face, this provision of the BEC violates the fundamental right of freedom of association.

54. For emphasis, COMELEC Resolution No. 9366 synthesized and blended the constitutional requirements needed to

be submitted and those listed as prerequisites under the Party-List System Act and the Omnibus Election Code, for a party applying for registration, to wit: (a) the Constitution and by-laws, and platform or program of government of a party; (b) List of all its officers and members (national, regional, provincial, city/municipal) particularly showing that the majority of its membership and officers belong to the marginalized and underrepresented sector/s it seeks to represent; (c) Manifestation of intent to participate in the next immediately succeeding national and local elections, and list of at least five (5) nominees; (d) Articles of Incorporation, by-laws and Certificate of Registration issued by the Securities and Exchange Commission (SEC), if registered therewith; (e) Track record summary showing that it represents and seeks to uplift the marginalized and underrepresented sector/s it seeks to represent; (f) Coalition agreement, if any, and the detailed list of affiliates comprising the coalition, including the signed coalition agreement; (g) Sworn proof/s of existence in the areas where the organization is claiming representation; (h) payment of filing fees; and (i) other information required by the COMELEC.

55. Scrutinized in the light of the foregoing, the requirements imposed by the BEC for the establishment, accreditation or registration, operation and maintenance or continuation of a political party, particularly the number of membership and mandatory activities, are definitely at odds with the pertinent provisions of the Constitution, the Omnibus Election Code, the Party-List System Act and COMELEC Resolution No. 9366.

56. Again, these stringent requirements for party organization and registration under the BEC violate, if not negate, the RIGHT OF FREEDOM OF ASSOCIATION guaranteed under the Bill of Rights. According to the Human Rights House Foundation, ***“the right to freedom of association covers organised and professional organisations such as political parties, trade unions, public associations and non-governmental organisations with employees”***³⁰ (Underscoring supplied). The Supreme Court also had the occasion to pronounce, regarding the right of freedom of association in relation political parties, that:

“Our Constitution likewise recognizes the freedom to form association for purposes not contrary to law. With or without a constitutional provision of this character, it may be assumed that the freedom to organize or to be a member of any

³⁰ Human Rights House Foundation on Freedom of Association at <https://humanrightshouse.org/we-stand-for/freedom-of-association/>

group or society exists. With this explicit provision, whatever doubts there may be on the matter are dispelled. Unlike the cases of other guarantee which are mostly American in origin, this particular freedom has an indigenous cast. It can trace its origin to the Malolos Constitution.

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In a sense, however, the stress on this freedom of association should be on its political significance. If such a right were non-existent then the likelihood of a one-party government is more than a possibility. Authoritarianism may become unavoidable. Political opposition will simply cease to exist; minority groups may be outlawed, constitutional democracy as intended by the Constitution may well become a thing of the past.

Political parties which, as is originally the case, assume the role alternately of being in the majority or in the minority as the will of the electorate dictates, will lose their constitutional protection. It is undeniable therefore, that the utmost scope should be afforded this freedom of association.³¹

57. Moving on to another requirement under Section 9 and Section 12 of Article IV of the BEC, which states that only parties who received at least four percent (4%) of the total valid votes cast for the party system election shall be qualified to participate in the allocation of party representation seats --- this certainly goes against Section 11 of the Party-List System Act providing that a party receiving at least two per centum (2%) of the votes cast under the party-list system shall be entitled to a seat, and provided further that a party shall not be entitled to more than three (3) seats.

58. Notably too, apart from said threshold of four percent (4%), there is no other criteria or limitation on the number of seat or additional seats that a political party in the BARMM may have. Thus, for example, in case only one (1) political party meets the four percent (4%) threshold, then the BARMM Parliament will be

³¹ In the Matter of Petition for Declaratory Relief Re: Constitutionality of Republic Act 4880, Arsenio Gonzales and Felicisimo R. Cabigao vs. Commission on Elections, G.R. No. L-27833, August 18, 1969

dominated by this one (1) political party even if there are other political parties that each garnered only three percent (3%) of the total valid votes cast for the party system election, leaving the rest of the voters without a voice.

59. Clearly, in mandating that a political party should be able to garner at least four percent (4%) of the total valid votes cast to have a seat in the BARMM parliament, Sections 9 and 12, Article IV of the Bangsamoro Electoral Code will not promote the free choice of the people in the BARMM. It is apparent that these BEC provisions run counter to Section 7, Article IX-C of the Constitution and Section 9, Article VII of the Bangsamoro Organic Law, which both require that there should be *"a free and open party system shall be allowed to evolve according to the free choice of the people"*.

60. On the BEC's requirement under Section 18, Article IV of the BEC providing that sectoral organizations or political parties fielding candidates for sectoral representation elections shall secure certifications from the pertinent Bangsamoro Government's offices exercising jurisdiction over such sectors, such as the Ministry of Indigenous People's Affairs for sectoral organizations for indigenous peoples; the Bangsamoro Women Commission for sectoral organizations for women; the Bangsamoro Youth Commission for sectoral organizations for the youth; the Bangsamoro Darul Ifta' for sectoral organizations for the Ulama; the Office of Settler Communities for sectoral organizations by the settler communities; and the Bangsamoro Commission for the Preservation of Cultural Heritage the sectoral organizations of traditional leaders – this is definitely against the constitutional provision under Section 2 (1) and (5) of Article IX-C, Section 61 of Article VIII of the Omnibus Election Code, and Section 5 of the Party-List System Act. It is clear that the COMELEC as the government body tasked to enforce and administer all laws and regulations relative to the conduct of an election, is charged with the registration of a party while the institutions cited by the BEC are without power to do so. However, with the BEC's requirement for a party to secure a certification from the pertinent Bangsamoro Government's offices exercising jurisdiction over certain sectors, **the COMELEC is not only deprived of its power to determine whether a party should be registered or not, but these Bangsamoro's sectoral agencies would be placed above the COMELEC as they could exercise power and authority pre-empting the latter's decision.**

60.1. One thing to be noted in particular is that the requirement for the Darul Ifta' to be involved for the ulama sector will politicize the Darul Ifta' whose function and role is analogous to the Office of the Jurisconsult in Presidential Decree No. 1083 or the Code of Muslim Personal Laws, which office is under the

supervision of the Supreme Court³², and mentioned also in Republic Act No. 11054 or the Bangsamoro Organic Law³³.

61. This afore-cited BEC provision practically gives broad authority and power to the regional government who have appointed these certifying ministries and offices to exclude sectoral parties since there are no guidelines and standards to be followed, neither means to determine whether these agencies have acted within or beyond the scope of their respective authority. In fine, there is the peril of grave abuse of authority on the part of a certifying office in determining whether or not to certify a sectoral party. Thus, the appropriate provisions under Sections 17 and 18 of Article IV of the BEC could not but be seen as validating the risk of the certifying offices exercising unrestrained power in that they could grant the application of one sectoral party and deny that of the other, on the basis of whim or caprice.

62. With the foregoing matters, the BEC unequivocally betrayed the avowed policies of Republic Act No. 7941 or the Party-List System Act and the Omnibus Election Code to provide the **simplest possible scheme** so that the chances of Filipino citizens belonging to marginalized and under-represented sectors, organizations and parties who lack well-defined political constituencies to compete for and win seats in the legislature would be enhanced. Likewise, there is no mistaking that there was clear contravention of the State's policy to develop and guarantee a full, free and open party system pursuant to Section 6 of Article IX-C of the Constitution in order to secure the broadest possible representation of a party, sectoral or group interests in the legislature.

Respondents gravely abused their discretion amounting to lack or excess of jurisdiction in enacting a Bangsamoro Electoral Code that is not compliant with the Comprehensive Agreement on the Bangsamoro (CAB), which provides for a Party-List System in accordance with the Constitutional provision that only votes cast for the Party-List System shall be valid.

³² Title III. Jurisconsult in Islamic Law. Articles 164-168.

³³ Article X. Bangsamoro Justice System. Section 16.

63. The current leadership of the Bangsamoro Transition Authority is led by the Moro Islamic Liberation Front (MILF), which signed the Comprehensive Agreement on the Bangsamoro (CAB) with the Philippine government. **As a party and signatory to the CAB, the MILF is duty bound to comply with the provisions of the CAB and implement even those provisions that they may not have liked but which they have compromised on as a result of peace negotiations.**

64. One of these provisions in the CAB relates to the Party-List System, particularly in the Annex on Power Sharing dated 08 December 2013, Part Two thereof on Governance Structure, which reads as follows:

*“3. The Bangsamoro Assembly will be composed of at least 50 members whose district, **party-list**, reserved seats, and sectoral constituencies shall be provided in the Bangsamoro Basic Law. The Bangsamoro Basic Law shall provide for the term of office and the manner of selection of sectoral representatives, **party-list** and reserved seats. The Bangsamoro Basic Law shall provide the parameters for the assembly to reconstitute its districts.”*

65. The above provision was obviously crafted in order to conform to the Constitutional provision that *“(n)o votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution.”*³⁴ This is because time and again the Philippine government has stated that it can only negotiate a peace agreement within the parameters of the Philippine Constitution and beyond that, the President cannot give his imprimatur to any other kind of peace agreement.

66. The MILF as the leaders of the Bangsamoro Transition Authority cannot now renege on what they have signed and agreed to under the CAB and by regional legislation change the letter and spirit of the CAB, especially in this case where apparently the Constitutional provision on the Party-List was given due consideration in its crafting.

³⁴ Section 7, Article IX-C, Philippine Constitution

67. Moreover, the CAB also provides that the Bangsamoro electoral system must be correlated with national laws and in this particular case, on the registration of political parties that must be correlated with the Party-List System Act. The CAB Annex on Power Sharing dated 08 December 2013, Part Two thereof on Governance Structure, stated as follows:

"4. The Parties agree to entrench an electoral system suitable to a ministerial form of government. The electoral system shall allow democratic participation, ensure accountability of public officers primarily to their constituents and encourage formation of genuinely principled political parties. The electoral system shall be contained in the Bangsamoro Basic Law to be implemented through legislation enacted by the Bangsamoro Government correlated with national laws."

68. A quick look at the meaning of the word "correlate" in the Merriam-Webster Dictionary will show that it is synonymous to "correspond". Hence, for the BEC to correlate with the national laws, particularly Republic Act No. 7941 or the Party-List System Act, then it must follow the intent and principles of the said law in making the registration of political parties easy without so many hurdles.

Respondents gravely abused their discretion amounting to lack or excess of jurisdiction in enacting the restrictive requirements and qualifications for the establishment, registration, operation and continuance of political parties under Sections 1, 3, 4, 5, 10, and 13 of Article III and Sections 6, 9 and 12 of Article IV of the Bangsamoro Electoral Code, which ultimately defied: (a) the non-discrimination of candidates for public office under Section 10, Article IX-C of the Constitution; (b) the equal protection clause under Section 1, Article III of the Constitution; (c) Section 8, Article III of the Constitution; (d) equal access to public service under Section

**26, Article II of the Constitution;
and (e) the right to organize
under Section 8, Article III of the
Constitution.**

69. It was explained in the previous pages of this paper that the restrictive requirements imposed under Sections 1, 3, 4, 5, 10, and 13 of Article III and Sections 6, 9 and 12 of Article IV of the Bangsamoro Electoral Code for the establishment, registration/accreditation, operation and continuance of political parties run counter to the requirements laid down under: (a) Sections 2 (1) & (5), 6 and 7 of Article IX-C of the Constitution; (b) Section 61, Article VIII of the Omnibus Election Code; (c) Sections 2, 5, 6 and 11 of the Party-List System Act; and (d) Section 7 of COMELEC Resolution No. 9366.

70. Now, these restrictive requirements have further implications in that they ultimately violate Section 10, Article IX-C of the Constitution on non-discrimination of candidates in relation to the right to organize under Section 8 of Article III of the Constitution, the equal protection clause under Section 1, Article III of the Constitution, Section 8 of Article III thereof, and the principle of equal access to public service under Section 26 of Article II of the Constitution.

71. Section 10, Article IX-C of the Constitution provides that, *"(b)ona fide candidates for any public office shall be free from any form of harassment and discrimination"*. While Section 26 of Article II of the Constitution states that, *"the State shall guarantee equal access to opportunities for public service"*. On the other hand, Section 8 of Article III of the Constitution confirms that, *"(t)he right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged"*. And, on the one hand, Section 1, Article III of the Constitution states that, *"(n)o person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws"*.

72. As it was made apparent in the previous discussions, the restrictive qualifications and conditions that were listed down in the aforesaid BEC provisions are discriminative, especially against political parties that are candidates vying for seats in the Bangsamoro parliament described under the Party-List System Act as marginalized and under-represented and who lack well-defined political constituencies but could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole.

73. As demonstrated, the prime instances of these restrictive provisions that discriminate against a party-candidate are the membership requirement of at least ten thousand (10,000) individuals, and also the four percent (4%) threshold so that a political party would have a seat in the BARMM parliament, and the continuing requirement to conduct mandatory party activities such as general assembly, party convention and voters' education program. With these unabashedly restrictive conditions, the net effect would be to deny its people the equal access for the opportunity for public service. As relayed in the preceding paragraphs, only well-oiled or "moneyed" political parties or sectoral parties with financial resources would be able to join and participate in the elections and obtain seats in the parliament, as they are the ones capacitated to maintain the operation of their parties because of funding requirements needed for the conduct of continuing general assemblies, party conventions, and voter education programs for their members.

74. It is also important to firmly note that Sections 9 and 12, Article IV of the BEC deeply offend the State Policy to guarantee equal access to opportunities for public service³⁵. It was already discussed that under the BEC, only parties who received at least four percent (4%) of the total valid votes cast for the party system election shall be qualified to participate in the allocation of party representation seats, which certainly goes against Section 11 of the Party-List System Act providing that a party receiving at least two per centum (2%) of the votes cast under the party-list system shall be entitled to a seat. Thus, in mandating that a political party should be able to garner at least four percent (4%) of the total valid votes cast to have a seat in the BARMM parliament, this would not promote equal access to opportunities for public service. Ultimately, the restrictive criteria for registration and maintenance of political parties and the four percent (4%) threshold as qualification for a parliamentary seat would foster principles contrary to republicanism.

74.1. As a side note, in the case of **BANAT vs. Comelec** (supra) the Supreme Court has already invalidated voting thresholds for allocation of additional seats under Republic Act No. 7941 or the Party-List System Act, but it did not mean that only those who garner the voting threshold will be entitled to seats, to wit:

"We rule that, in computing the allocation of additional seats, the continued operation of the two percent threshold for the distribution of the additional seats as found in the second clause of Section 11(b) of R.A. No. 7941 is unconstitutional.

³⁵ Constitution, Article II, Section 26

XXX XXX XXX

We therefore strike down the two percent threshold only in relation to the distribution of the additional seats as found in the second clause of Section 11(b) of R.A. No. 7941. The two percent threshold presents an unwarranted obstacle to the full implementation of Section 5(2), Article VI of the Constitution and prevents the attainment of "the broadest possible representation of party, sectoral or group interests in the House of Representatives.

XXX XXX XXX

In declaring the two percent threshold unconstitutional, we do not limit our allocation of additional seats in Table 3 below to the two-percenters³⁶.

74.2. Therefore, following greater reason, the 4% voting threshold in the BEC should be declared unconstitutional in accordance with the above ruling of the Supreme Court since it limits allocated seats to only those reaching the 4% voting threshold.

75. Now, as for the principle of equal protection clause, the Supreme Court in **Sison, Jr. vs. Ancheta**³⁷, explained that:

"It suffices then that the laws operate equally and uniformly on all persons under similar circumstances or that all persons must be treated in the same manner, the conditions not being different, both in the privileges conferred and the liabilities imposed. Favoritism and undue preference cannot be allowed. For the principle is that equal protection and security shall be given to every person under circumstances, which if not identical are analogous. If law be looked upon in terms of burden or charges, those that fall within a class should be treated in the same fashion, whatever restrictions cast on some

³⁶ Barangay Association for National Advancement and Transparency (BANAT) vs. Commission on Elections, G. R. No. 179271, April 21, 2009.

³⁷ 130 SCRA 654

in the group equally binding on the rest"
(Underscoring supplied).

76. It is respectfully submitted that there is no substantial distinction germane to the purpose of the Bangsamoro Organic Law and/or the BEC that exists to warrant the discrimination against political parties within and outside the BARMM. It was neither explained in the BEC the reasons why it had imposed further requirements that totally contradicted provisions from those outlined by the Constitution, the national laws and the COMELEC Resolution, to justify that there is a difference between the *modi vivendi et operandi* of political parties in the BARMM and those outside it. Also, the mandate under Section 9, Article VII of the Bangsamoro Organic Law is to allow a free and open regional party system to evolve according to the free choice of the people, which is actually a reiteration of the Constitution's Section 6, Article IX-C stating, "**(a) free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article**" (Underscoring supplied). And yet, there are severe restrictions imposed upon political and sectoral parties in the BARMM for their establishment, accreditation or registration and continuance that are not imposed in other political and sectoral parties in the country as a whole.

77. Finally, the requirement of the BEC under Sections 1 and 4 of Article IV thereof that there should be at least ten thousand (10,000) members of a party in order for it to be established, whose names and signatures should be affixed in a duly notarized form, constitutes an apparent and undue limitation violating the right to form associations and the right to self-organize for purposes not contrary to law, which is guaranteed under Section 8, Article III of the Constitution. Pursuant to this constitutional mandate, the matter of determining or enlisting the number of its members devolved upon the discretion of the political party or sectoral party and should not be dictated by the BEC provision compelling such parties to enlist members by signing notarized forms for membership.

**ARGUMENTS IN SUPPORT OF THE PRAYER FOR THE
ISSUANCE OF A WRIT OF PRELIMINARY INJUNCTION
AND/OR TEMPORARY RESTRAINING ORDER**

78. The foregoing allegations are re-pleaded for being material herein.

79. Under the foregoing circumstances that were pleaded, the petitioner is certainly entitled to the relief being sought and the whole or part of such relief consists in the issuance by the Honorable Court of a Writ of Preliminary Injunction and/or Temporary Restraining

Order enjoining the respondents or their agents from implementing Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, and 12, 17 and 18 of Article IV of the Bangsamoro Electoral Code.

80. Section 3 of Rule 58 of the Rules of Court provides that a preliminary injunction may be granted when the following have been established:

(a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts, either for a limited period or perpetually;

(b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or

(c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

81. All of the above conditions or requirements are attendant in this case.

81.1. First, the petitioner definitely has the right to be protected because the respondents through the BEC have laid down conditions, qualification and rules and regulations that run against the Constitution and the national laws. That, if respondents would be allowed to implement, they would be enabled to arrogate upon themselves powers that constitutionally they are never authorized to exercise. In fine, the invasion of the rights of petitioner sought to be protected is material and substantial.

81.2. Second, it cannot be denied that petitioner's rights are clear and un-mistakeable. Under the Constitution, the Omnibus Election Code, the Party-List System Act and COMELEC Resolution No. 9366, only the requirements laid down thereat are needed to be submitted by the petitioner and similarly situated residents and voters in the BARMM in order to establish a political party applying to be registered as such and to maintain the same. However, Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, and 12, 17 and 18 of Article IV of the BEC, had imposed additional requirements that affected the rights of the petitioner and the similarly-situated

residents and voters in the BARMM in order to be registered or accredited.

81.3. Third, there is an urgent and paramount need to prevent injury to the petitioner. If respondents would be allowed to implement the unconstitutional provisions under Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, and 12, 17 and 18 of Article IV of the BEC, petitioner and the similarly-situated voters and residents in the BARMM would not be able to seek registration as political party and participate in the BARMM elections because they could not comply with the requirement of ten thousand (10,000) membership and they do not have the financial wherewithal, so to speak, to cope up with the conduct of mandatory party activities that are continuing requirements.

81.4. Fourth, petitioner and other similarly-situated voters and residents in the BARMM have no speedy and adequate remedy except to file this Petition before the Honorable Court pursuant to Section 4 (2) of Article VIII of the 1987 Constitution providing that cases involving the constitutionality of a law shall be heard by the Supreme Court.

82. Unless the respondents are enjoined to act and implement the afore-cited BEC provisions through a Temporary Restraining Order and/or Preliminary Injunction, then the measures of relief herein prayed for will be rendered moot and academic and illusory.

83. Petitioner is also ready, able and willing to post a bond in such amounts as this Honorable Court may fix, to answer for whatever damages the respondents may sustain or suffer should this Honorable Court issue a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction, and if it be finally determined that petitioner and the similarly-situated voters and residents in the BARMM are not entitled thereto.

CONCLUSION

84. It is clear that the BEC, specifically those provisions that were discussed to be against the Constitution, the Omnibus Election Code, the Party-List System Act and COMELEC Resolution No. 9366, have surpassed the limits of the Bangsamoro Transition Authority's jurisdiction and power. There is no denying that the cited BEC provisions have encroached upon the exclusive constitutional mandate vested in the COMELEC for the enforcement and administration of all laws and regulations relative to the conduct of elections. Hence, the existence of grave abuse of discretion on the part of the respondents when they enacted the BEC.

85. Furthermore, the BEC's imposition of restrictive, discriminative and stringent criteria for political and sectoral parties to be registered and to be maintained so that it could participate in the Bangsamoro elections, have hindered the rightful and impartial access that political and sectoral parties should enjoy in their pursuit of parliamentary representation. In fact, it would be well to point out that both the Constitution and the Bangsamoro Organic Law have mandated the equitable opportunities for all political parties.

86. Based on the foregoing, the Bangsamoro Transition Authority (BTA), in enacting the questioned provisions of the BEC, exceeded its delegated authority and arrogated upon itself the function to legislate and require additional requirements before one can freely participate in the constitutionally ingrained right to vote and be voted for. Placing additional requirements not provided in the Constitution and other pertinent national laws violate the constitutional guarantees under Sections 2 (1) & (5), 6, 7 and 10 of Article IX-C of the Constitution; Sections 1 and 8, Article III of the Constitution; and Section 26, Article II of the Constitution.

PRAYER

WHEREFORE, the foregoing premises considered, it is most respectfully prayed that an Order be issued directing as follows:

1. Giving due course to the Petition-in-Intervention;
2. Issuing a Temporary Restraining Order and/or Writ of Preliminary Injunction directing the public respondents, as well as all persons acting on their behalves, to CEASE AND DESIST from implementing Sections 1, 3, 4, 5, 10 and 13 of Article III and Sections 6, 9, and 12, 17 and 18 of Article IV of the Bangsamoro Electoral Code; and
3. After due proceedings, judgment be rendered in favor of the petitioner DECLARING the Bangsamoro Electoral Code, to the extent of the assailed provisions thereof that were specified and discussed, as UNCONSTITUTIONAL and VOID.

Other just and equitable reliefs and remedies are likewise prayed for.

City of Manila, 07 December 2023.

**BRILLANTES ARCILLA MARTINEZ
DIOKNO and DELA CRUZ LAW OFFICES**
Counsel for the Petitioner-Intervenor

By:

JUANITO G. ARCILLA
Roll of Attorneys No. [REDACTED]
IBP No. [REDACTED]
PTR No. [REDACTED]
MCLE Compliance No. [REDACTED]

-and-

ROBERTO G. DIOKNO, JR.
Roll of Attorneys No. [REDACTED]
PTR No. [REDACTED]
IBP Lifetime No. [REDACTED]
MCLE Compliance No. [REDACTED]

-and-

LYLE LSP SURTIDA
Roll of Attorneys No. [REDACTED]
IBP Lifetime No. [REDACTED]
PTR No. [REDACTED]
MCLE Compliance No. [REDACTED]

Copy furnished:

BANGSAMORO TRANSITION AUTHORITY
Bangsamoro Government Center,
Governor Gutierrez Avenue, Rosary Heights VII,
Cotabato City

AHOD B. EBRAHIM

Bangsamoro Government Center,
Governor Gutierrez Avenue, Rosary Heights VII,
Cotabato City

THE SOLICITOR GENERAL

Office of the Solicitor General
134 Amorsolo St., Legaspi Village,
Makati City

EXPLANATION

This is to certify that copies of the foregoing Petition-in-Intervention were furnished to the above addressees by way of private courier and registered mail with return card due to time constraints, lack of manpower, and geographical distance to effect personal service.


LYLE LSP SURTIDA

Republic of the Philippines)
City of Manila) S.S.

VERIFICATION & CERTIFICATION

I, **MICHAEL O. MASTURA**, Filipino, of legal age, married and with residential address at [REDACTED] Maguindanao del Norte, after having been sworn to in accordance with law, hereby depose and state: THAT---

1. I am the Petitioner-Intervenor in the above-captioned case.

2. I have caused the preparation of the foregoing Petition-in-Intervention and I have read the contents thereof and affirm that the same are true and correct to the best of my personal knowledge and/or based on authentic documents.

3. The Petition-in-Intervention is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

5. I have not commenced any other action or proceeding involving the same issues raised in the above-captioned case, in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other body, tribunal or agency of the government.



6. To the best of my knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals or different Divisions thereof, or any other body, tribunal or agency of the government, except for the following: (a) a Petition filed before the Supreme Court for Certiorari and Prohibition under Rule 65 of the Rules of Court docketed as G.R. No. 267368 entitled Atty. Dimnatang L. Pansar, et. al. vs. Bangsamoro Transition Authority and Hon. Ahod Balawag Ebrahim, in his capacity as Interim Chief Minister of the Bangsamoro Government; and (b) a Petition-in-Intervention filed by Algamar A. Latiph, Amenodin Cali and Arlene Napoles-Sevilla in the same case pending before the Supreme Court.

7. Should it come to my knowledge that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, the different Divisions thereof, or any other body, tribunal or agency of the government, I hereby undertake to

notify this office of such fact within five (5) calendar days from receipt of such knowledge.


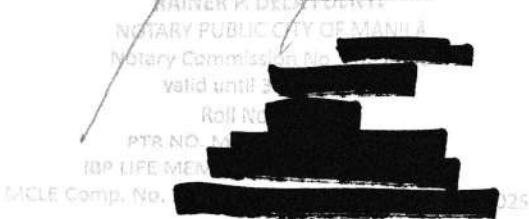







MICHAEL O. MASTURA
Affiant

SUBSCRIBED AND SWORN to before me, ¹/₄ Notary Public for and in the City of Manila, this 7th December 2023 by the Affiant who is personally known to me. Affiant likewise exhibited to me, as competent evidence of his identity, the following Identification Cards:

Competent Evidence of Identity	Date of Issue / Date of Expiry
	2-24-2014
	

NOTARY PUBLIC

Doc. No. 155 ;
Page No. 31 ;
Book No. X ;
Series of 2023.



RAIVER P. DELA TORRE
NOTARY PUBLIC CITY OF MANILA
Notary Commission No. 
valid until 
Roll No. 
PTR NO. 
IBP LIFE MEM. 
MCLE Comp. No.  25

Republic of the Philippines }
City of Manila } S.S.

AFFIDAVIT OF FILING and SERVICE

I, **DANILO N. TUMAMAK, JR.**, of legal age, Filipino, and being the **Liaison Officer of BRILLANTES ARCILLA MARTINEZ DIOKNO & DELA CRUZ Law Offices**, with address at [REDACTED] Manila after having been duly sworn to in accordance with law, depose and say:

That on December 7, 2023, I personally filed before the Supreme Court, copies of the **MOTION FOR LEAVE TO INTERVENE** and to admit attached **PETITION-IN-INTERVENTION** in the case entitled "**ATTY. DIMNATANG L. PANSAR, et al. versus BANGSAMORO TRANSITION AUTHORITY, et al.**", docketed as **G.R. No. 267368**, and served by registered mail copies thereof upon the other parties, pursuant to Section 3, 4 & 5 of Rule 13 of the Rules of Court as follows:

That the addressee's are:

(A) **BANGSAMORO TRANSITION AUTHORITY**
Bangsamoro Government Center
Gov. Gutierrez Ave., Rosary Heights VII
Cotabato City 9600

RE 668 172 328 22

(B) **AHOD B. EBRAHIM**
Bangsamoro Government Center
Gov. Gutierrez Ave., Rosary Heights VII
Cotabato City 9600

RE 668 172 314 22

(C) **OFFICE OF THE SOLICITOR GENERAL**
134 Amorsolo Street, Legaspi Village
1229 Makati City

RE 668 172 305

IN WITNESS WHEREOF, I have hereunto set my hand in the City of Manila, this 7 day of December 2023.

DANILO N. TUMAMAK, JR.
Affiant

SUBSCRIBED AND SWORN to me this 7 day of December 2023, affiant exhibiting to me his Driver's License No. N26-14-002199 valid until May 23, 2024.

Doc. No. 154;
Page No. 32;
Book No. X;
Series of 2023

NOTARY PUBLIC CITY OF MANILA
Notary Commission No. 2023-039
valid until 31 Dec 2024
Roll No. 60553
PTR NO. MLA-0847230 (2023)
ISP LIFE MEMBER NO. 12525 - 5/11/14
MCLE Comp. No. VII-0016350 - valid until 14 April 2025

REPUBLIC OF THE PHILIPPINES)
City of Manila) SS.

VERIFIED DECLARATION

I, **ROBERTO G. DIOKNO, JR.**, hereby declare that the documents hereto submitted electronically in accordance with the Efficient Use of Paper Rule are complete and true copies of the documents filed with the Supreme Court.


ROBERTO G. DIOKNO, JR.

Counsel for Petitioner

December 7, 2023

SUBSCRIBED AND SWORN TO before me on this DEC 07 2023 day of December 2023, affiant exhibiting his competent evidence of identity, to wit: IBP ID with Roll of Attorneys No. 43788.

Notary Public

Doc. No. 157;
Page No. 32;
Book No. X;
Series of 2023.


RANIER R. DELA CRUZ
NOTARY PUBLIC
Notary Commission No. 
Valid until 
PTR NO. 
IBP LIFE MEMBER NO. 
MCLE Comp. No. VII-001 