

Follow the Law!

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The lines are drawn between elections or postponement of elections on the 2nd Monday of August 2011 in the Autonomous Region in Muslim Mindanao as provided for by Law (RA 9054). The law provides a term of three years for all elected officials of the ARMM (Governor, Vice Governor and three Assemblymen for each congressional district within the ARMM with no provision for extension or hold-over beyond the 30th of September 2011.

There is always a strong temptation for the national government to tamper with the ARMM Elections for whatever reason vested groups may concoct. And on the basis of track record, the conduct of the ARMM Elections has always depended on the whims and caprices of the powers that be in the National Capital Region aka as the Republic of the Philippines.

Since the establishment of the ARMM in 1989, postponement of elections has been the rule rather than the exception. Believe it or not the ARMM elections have been postponed eight times!

In many ways, the governance of the Autonomous Region in Muslim Mindanao is a 'sui generis' in the Philippines. ARMM has its own basic charter, the Organic Law (RA 6734 and later RA 9054). The Organic Act is no ordinary legislation by Congress. It is not only allowed by the Constitution but also the basic charter was designed with the participation of stakeholders through the Regional Consultative Commission.

Moreover, the final Organic Act was ratified by the majority of the constituents in a plebiscite called for the purpose. RA 9054 that amended RA 6734 was subjected to a plebiscite. This is the reason that a mere Congressional statute sans the consent of the majority of the constituents in a plebiscite called the purpose CANNOT supplant or amend the Organic Act.

Congress enacted laws to set the date of the plebiscite for people to approve the Organic Act (RA 6734) or amendments to the Organic Act (RA 9054). Congress also fixed the 1st elections in the ARMM. Under the rule and custom, the law setting the first elections expired after the candidates had been duly elected and qualified. That law would exist only in statutory book but cannot be further amended since the purpose of the said law had been perfected. The operational law is the Organic Act, which in our present case is RA 9054.

The presentation by the proponents of postponing the ARMM elections is FALSE by creating an illusion that Congress can continue to set, ad infinitum, the ARMM Elections with or without the consent of the governed. Congress cannot amend RA 9333 that set the first ARMM Elections under the RA 9054. RA 9333 exists only in the archives or in statute book but it EXPIRED as soon as the candidates of the first ARMM Officials under RA 9054 had been elected and duly qualified.

