

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.

That Congress continues to pretend to have power to set and fix ARMM Elections actually amending the provisions and the spirit of the Organic Act without the consent of the governed is simply a mockery of autonomy and the right of self-determination.

I believe that President Nonoy with the avowed slogan of '*matuwid na daan*' will, finally, put a stop to this continued mockery and affront to the letter and spirit of autonomy and the principle of self-determination already allowed by the 1987 Constitution and the Organic Act.

There is really no option but to follow the law and conduct the ARMM elections on the 2nd Monday of August 2011.

The arguments being used for the postponement have no basis in facts.

The **first argument** is to leave the ARMM configuration open to whatever may ensue from the peace process with both the MILF and the MNLF. The peace process in the Southern Philippines would NOT come to an 'end' in three years or before the elections of 2013. Even if agreement is signed with the MILF before the 2013 Elections, the said Peace Agreement still has to be legislated by Congress. Both the negotiation and the consequent legislation are long and tedious work. It is a wrong and definitely bad policy to hold the ARMM structures and leadership hostage to the vagaries of peace negotiation and legislation by Congress.

The **second argument** is to allow the incumbents to introduce reforms in the ARMM during the two years 'extension'. It is good to state at the outset that REFORMING the ARMM, definitely, is a gargantuan task. The two-year extension even directly guided by the Prophet Muhammad or Jesus himself would hardly make any difference. Reform should be seen as a continuing task and challenge both for the regional leadership and national leadership that exercises general supervision over the areas of autonomy.

The **third argument** is the flawed elections in the ARMM. If this is the case, the appropriate action is not canceling elections but introducing reforms in the conduct of elections in the ARMM beginning with the book of registered voters.

It is known to all and sundry that the ARMM officials are elected into Office through and by the anointment of Malacanan. All candidates to ARMM positions move heaven and earth to be anointed but when they are not anointed, they cry 'foul' and accused Malacanan for interference in the autonomy and self-determination of the people of the ARMM.

But ARMM elections (for all its failings) provide the mythical fig leaf. By doing away the ARMM elections and directly appointing OIC, Malacanan removes the proverbial fig leaf! It removes the little cover that gives semblance to people's choice of their officials in an autonomous structures based on the long struggle for self-determination. The government's nakedness is, then, exposed to all to behold!

The good choice for Malacanan is either to endorse/anoint candidates as usual or for the first time to allow the provinces and the clans sort their feudal politics to elect their leadership in the ARMM.

The best option for government if it chooses NOT to endorse anyone is ensure, with full support of the COMELEC, CSO, PNP and AFP, that the playing field is, more or less, level for the clan politics to choose the leaders for the next three years.

COMELEC need not buy new machines. The ARMM elections can go MANUAL since people will elect only FIVE candidates - Governor, Vice Governor and three Members of the RLA in each congressional district. In fact it can be reduced to FOUR Candidates only since the vote for Governor is also a vote for the Vice Governor (They are voted as a team.). The real cheating begins in the book of voters. It should order a NEW REGISTRATION for the entire ARMM.

In conclusion, I appeal both to the President and the members of Congress to respect the law and be guided by the very spirit of autonomy and self-determination in RA 9054.