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# **Elections in the Philippines**

## *2019 Mindanao Plebiscite*

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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January 18, 2019

# Frequently Asked Questions

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*Disclosure:*  
*These FAQs reflect decisions made by the Philippine elections authorities as of January 18, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## What is a plebiscite?

In the context of the Philippines, a plebiscite is the electoral process by which the people accept or reject the merging, creation and abolition of local government units or autonomous regions. A plebiscite can also validate a constitutional amendment or revision.

## What is the historical context of the Mindanao plebiscite?

The Autonomous Region of Muslim Mindanao (ARMM) in the Philippines was founded in 1989. Armed conflict between Moro groups seeking an independent state in Mindanao and the Government of the Philippines (GPH) have been ongoing for four decades, causing the massive displacement of people, poor governance and failed development efforts. Peace negotiations between the GPH and armed groups in Mindanao, particularly the Moro Islamic Liberation Front (MILF), finally resulted in the March 27, 2014, signing of the Comprehensive Agreement on the Bangsamoro. The Bangsamoro Basic Law was then drafted, revised and debated for several years until it was ratified by the Philippines Senate and House on July 23 and 24, 2018 respectively, and became the Bangsamoro Organic Law, which President Rodrigo Duterte signed on July 26, 2018.<sup>1</sup>

The GPH, MILF and their respective agencies are gearing up for the conduct of the Bangsamoro plebiscite, marking another key step toward the creation of the new Bangsamoro Autonomous Region.

The formation of the Bangsamoro, a new autonomous political entity that will replace the ARMM, is envisioned to maintain peace in the region where economic progress has been hindered by the effects of the decades-long armed conflict.

## What are voters voting for in the plebiscite?

The people in the Autonomous Region of Muslim Mindanao (ARMM) will vote to approve or reject the Bangsamoro Organic Law, which would establish the Bangsamoro Autonomous Region in Muslim Mindanao and thereby provide greater powers of self-government for the region, including greater fiscal autonomy, a regional government, Parliament and justice system.<sup>2</sup>

## Who can vote in the plebiscite?

Registered voters in localities covered by the proposed Bangsamoro Autonomous Region will vote in the plebiscite, which include:

- Current territory of the Autonomous Region of Muslim Mindanao consisting of the five provinces – Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi;
- City of [Isabela](#) in [Basilan](#);
- [Cotabato City](#);
- Six municipalities (towns) in [Lanao del Norte](#); and

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<sup>1</sup> <http://cnnphilippines.com/news/2018/07/26/Duterte-signs-Bangsamoro-Organic-Law.html>

<sup>2</sup> <https://www.rappler.com/nation/218401-bangsamoro-plebiscite-january-february-2019>

- 39 barangays (villages) in [North Cotabato](#).<sup>3</sup>

Voters in the entire provinces of [Lanao del Norte](#) and municipalities in [North Cotabato](#) will also have to vote on whether they consent to the six towns in Lanao del Norte and 39 villages in North Cotabato respectively seceding from their parent unit to join the proposed Bangsamoro Autonomous Region.

Additionally, adjacent local government units bordering the localities above can opt for voluntary inclusion in the plebiscite through a local government resolution or by 10 percent of registered voters in the locality filing a petition. The Philippine Commission on Elections released petitioning guidelines to be included in the plebiscite and gave local government units aspiring to participate until October 31, 2018, to comply.<sup>4</sup> This resulted in an additional 28 villages in North Cotabato being included in the plebiscite.<sup>5</sup>

## Where and when did voter registration take place?

The Philippine Commission on Elections (COMELEC) conducted satellite voter registrations in Mindanao from September 11-13, 2018, to prepare for the plebiscite on the Bangsamoro Organic Law.

The satellite registrations were held in 16 venues in the provinces of Lanao del Sur, Maguindanao, Basilan, Sulu, Tawi-Tawi, Lanao del Norte, North Cotabato, Cotabato City, Maguindanao and Isabela City in Basilan.

CCOMELEC spokesperson James Jimenez noted that more than 150,000 [former combatants](#) from the Moro Islamic Liberation Front (MILF) [registered](#) to take part in the plebiscite. In lieu of presenting a valid government ID, the COMELEC allowed for unit commanders to vouch for the former combatants who were under their command and residing in MILF camps.

According to Jimenez, a total of 2.8 million voters registered to take part in the plebiscite, which exceeded the COMELEC's target of 2.5 million.<sup>6</sup>

## Will voters be required to show a voter ID to cast their ballot?

No. As in all other elections in the Philippines, a voter's ID card will not be required to vote in the upcoming plebiscite for the ratification of the Bangsamoro Organic Law. Voters' identities will be verified through a voter list. If there is a challenge regarding the voter's identity, then the voter has to give a sworn statement affirming his or her identity.<sup>7</sup>

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<sup>3</sup> Following the voluntary petitions of adjacent areas to be included in the plebiscite, an additional 28 villages in North Cotabato will be included in the plebiscite. Therefore, in total 67 villages in North Cotabato will participate in the plebiscite and their respective municipalities as they must concur on these localities joining the BARMM.

<sup>4</sup> <https://news.mb.com.ph/2018/12/24/voters-id-not-needed-in-bol-plebiscite-comelec/>

<sup>5</sup> <http://www.pna.gov.ph/articles/1059051>

<sup>6</sup> <https://www.rappler.com/nation/218690-ex-milf-fighters-take-part-bangsamoro-plebiscite-comelec>

<sup>7</sup> <https://news.mb.com.ph/2018/12/24/voters-id-not-needed-in-bol-plebiscite-comelec/>

## When and where will voting take place?

The plebiscite for the ratification of the Bangsamoro Organic Law will be conducted on January 21 and February 6, 2019.

On January 21, the plebiscite will be conducted in areas comprising the Autonomous Region of Muslim Mindanao (ARMM) as well as Isabela City in Basilan and Cotabato City.

On February 6, the entire province of Lanao del Norte will vote on the inclusion of six towns in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). These towns previously asked to be included in the ARMM, but failed to get the province's approval. It was decided that since these localities had previously requested inclusion in the ARMM to automatically include these areas' in the vote for inclusion in the BARMM. For the same reason, the municipalities of Aleosan, Carmen, Kabacan, Midsayap, Pikit and Pigkawayan in the province of North Cotabato will vote on the inclusion of 39 villages in the BARMM. All other areas contiguous to any of the Bangsamoro core areas were allowed to ask for inclusion in the BARMM either by way of local government resolution or at least 10 percent of the registered voters submitting a petition.<sup>8</sup> The Philippine Commission on Elections (COMELEC) gave neighboring localities until October 31, 2019, to file petitions for voluntary inclusion. According to the COMELEC, out of 103 petitions for inclusion in the proposed Bangsamoro territory, 28 villages from North Cotabato were approved.<sup>9</sup> Thus, the above-mentioned municipalities in North Cotabato with the addition of Tulumán municipality will vote on the inclusion of 67 villages in the BARMM. According to COMELEC spokesperson James Jimenez, those disapproved were either not contiguous to the ARMM or failed to meet the requirements.<sup>10</sup>

According to COMELEC Resolution No. 10464, voting shall start at 7:00 a.m. and end at 3:00 p.m. on plebiscite day. "After closing time, voters who are within 30 meters in front of polling place will still be allowed to vote," explained COMELEC.<sup>11</sup>

## What will the ballot look like?

Residents of Isabela City and Cotabato City will only vote on one question: whether they will be included in the proposed Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).<sup>12</sup>

Voters in Basilan, will have to answer two questions: whether Isabela City should be included in the BARMM, and whether the Bangsamoro Organic Law (BOL) should be ratified.<sup>13</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> <http://www.mindanews.com/peace-process/2019/01/67-villages-in-7-north-cot-towns-will-vote-in-feb-6-bangsamoro-plebiscite/>

<sup>10</sup> Ibid.

<sup>11</sup> <http://www.pna.gov.ph/articles/1057838>

<sup>12</sup> <http://cnnphilippines.com/news/2019/01/14/comelec-changes-ballots-bangsamoro-plebiscite.html>

<sup>13</sup> Ibid.

Voters in the Autonomous Region of Muslim Mindanao, will only be asked whether the BOL should be ratified.<sup>14</sup>

Voters in the entire province of [Lanao del Norte](#) and municipalities in [North Cotabato](#) will vote if they consent to the towns in Lanao del Norte and villages in North Cotabato that have requested to be included in the BARMM should be allowed to join the BARMM.<sup>15</sup>

Voters in six towns of Lanao del Norte and 67 villagers of North Cotabato will vote for whether to join the BARMM.<sup>16</sup>

## Will voting be manual or automated?

The conduct of voting will be manual as the voter will write “yes” or “no” or its equivalent in any dialect to the question(s) on the ballot in the space provided.<sup>17</sup> According to Philippine Commission on Elections spokesperson James Jimenez, an “X” or check mark will not be accepted to prevent fraud, as such marks are too easily replicated.

## When is the campaign period?

The campaign period for the plebiscite started on December 7, 2018, with peace rallies from all over the country including in Cotabato City and Manila. The campaign period will end on January 19, 2019.

## Was voter education conducted?

Philippine Commission on Elections Commissioner Al Parreño, Presidential Peace Adviser Carlito Galvez Jr. and Bangsamoro Transition Commission Chairman Ghazali Jaafar signed a Memorandum of Agreement on December 12, 2018, for the conduct of a voter education and information campaign on the plebiscite.<sup>18</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> RA 11054 provides under Section 3 of Article XV that any of the municipalities of Balo-i, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the Province of Lanao del Norte that votes favorably for its inclusion in the BARMM shall form part of it “provided that the majority of the votes cast in the Province of Lanao del Norte shall be in favor of the inclusion of the municipality in the Bangsamoro Autonomous Region.” In the same section, the law also provides that any of the barangays (villages) in the municipalities of Kabacan, Carmen, Aleosan, Pigcawayan, Pikit, and Midsayap that would vote favorably for inclusion in the BARMM shall be part of it “provided that the majority of the votes cast in the municipality to which the barangay belongs shall be in favor of the inclusion of the barangay in the Bangsamoro Autonomous Region.” <http://www.mindanews.com/peace-process/2019/01/67-villages-in-7-north-cot-towns-will-vote-in-feb-6-bangsamoro-plebiscite/>

<sup>16</sup> Ibid.

<sup>17</sup> <http://www.pna.gov.ph/articles/1057838>

<sup>18</sup> <https://www.philstar.com/nation/2018/12/22/1878916/ballot-printing-bangsamoro-plebiscite-completed#WLP3CWSHmQwzxrEK.99>

## Who will observe the plebiscite?

According to the Philippine Commission on Elections, at least 25 international observers from the European Union, Australia, Japan, Canada and the United States are going to witness the plebiscite for the ratification of the Bangsamoro Organic Law on January 21 and February 6.<sup>19</sup>

## What measures have been taken to ensure a free and fair election?

Philippine Commission on Elections (COMELEC) spokesperson James Jimenez gave assurance that the COMELEC is taking measures to prevent fraud in the plebiscite.

“One of them... is the training of teachers to make sure that if the need arises, they can summon police personnel in the polling places,” he said.<sup>20</sup>

On December 28, 2018, the COMELEC signed a Memorandum of Agreement with the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to ensure that the upcoming plebiscite for the Bangsamoro Organic Law ratification will be peaceful.<sup>21</sup> Ten thousand AFPs and multiple PNP special forces will deploy to hot spots to ensure peaceful elections.<sup>22</sup>

## Is the plebiscite constitutional?

The constitutionality of the plebiscite was challenged in a petition before the Supreme Court of the Philippines for a temporary restraining order against the Bangsamoro Organic Law (BOL) plebiscite. The petition was filed by the provincial government of Sulu, led by Governor Abdusakur Tan II and the Philippine Constitutional Association.<sup>23</sup> The Supreme Court denied this petition.<sup>24</sup>

The issue was whether the BOL violates Article X, Section 18 of the 1987 Constitution, which authorized only one Organic Law to establish the Autonomous Region of Muslim Mindanao (ARMM). Solicitor General Jose Calida argues that it does not, as the BOL will replace or amend the current Organic Law and Congress has the power to repeal or amend the law. Calida also refuted the petitioner’s claim that the BOL should have the approval of Sulu and other provinces under the ARMM, through majority voting as separate units. He said this is not required by the Constitution.<sup>25</sup>

## What will happen after the plebiscite?

If the Bangsamoro Organic Law is ratified, a Bangsamoro Transition Commission (BTC) will be formed. The BTC will have 80 members appointed by the president. The Bangsamoro Parliament will be formed

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<sup>19</sup> <https://www.philstar.com/nation/2018/12/23/1879172/international-observers-monitor-bangsamoro-plebiscite>

<sup>20</sup> <https://www.philstar.com/nation/2018/12/22/1878916/ballot-printing-bangsamoro-plebiscite-completed#WLP3CWsHmQwzxrEK.99>

<sup>21</sup> <https://www.bworldonline.com/comelec-inks-moa-with-afp-pnp/>

<sup>22</sup> <https://news.mb.com.ph/2019/01/10/more-than-10000-soldiers-to-be-deployed-for-bol-plebiscite/>

<sup>23</sup> Read more at <https://www.philstar.com/headlines/2019/01/09/1883572/no-tro-vs-bangsamoro-plebiscite#wCi6wjTvE8clrdpf.99>

<sup>24</sup> <http://www.pna.gov.ph/articles/1058826>

<sup>25</sup> <https://www.philstar.com/headlines/2019/01/09/1883572/no-tro-vs-bangsamoro-plebiscite#wCi6wjTvE8clrdpf.99>

afterward through elections. The Parliament will have 80 members – 50 percent representing various political parties, 40 percent representing various districts and 10 percent representing sectoral groups.<sup>26</sup>

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<sup>26</sup> <http://www.bangsamoroonline.com/index.php>