

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
First Regular Session

HOUSE BILL NO. 655



Introduced by: HON. MA. VICTORIA R. SY-ALVARADO

EXPLANATORY NOTE

This bill seeks to establish a lone congressional district for the City of Malolos. It intends to address the growing necessity of the historic city and urgently respond to the challenge and complexity of its growth and development.

Having grown to be a busy and bustling key component city of the province of Bulacan, it is high time for the provincial capital to have its own representation in Congress separate and distinct from the first congressional district of the province. The City of Malolos has now over 250,000 residents. It has greatly progressed and developed, and its economy blossomed into industries ranging from agriculture to light-medium industrial.

In due recognition of the significance and historic role of the City of Malolos in its contribution to our nation building and statehood, the prominence of our forefathers' struggle against imperial colonizers, Malolos now more than ever must be granted legislative imprimatur for the creation of its own congressional representation.

During the early years of our republic, then President Emilio Aguinaldo declared Malolos as the capital of the Philippines, the single most momentous act signifying the start of our indigenous government and state capacity. The single most important accomplishment of the new Philippine Republic was the convening, drafting and promulgation of what was to be known as the Malolos Constitution, thus setting with the strength of legal mandate of our country as the very first democratic and republican state in Asia.

The city's cultural and historical heritage crafted its own growth and development. In full service to its roots, Malolos gracefully transformed and evolved from a simple town into a full-fledged city. Republic Act No. 8754, otherwise known as An act initiating the conversion of the Municipality of Malolos into a component city, the City of Malolos ushered in new life to its people and society. Opportunities and advancements were made and a new, vibrant and progressive Malolos was born. The City government prides itself with its readiness to meet the needs of the new Malolos with efforts focused on the delivery of adequate and essential services catered for social welfare, business and industrial growth, public utilities and responsive governance. Comes now 2010, the city with over 250,000 inhabitants is now more than ever ready, willing and able to undertake a new phase in its development—having its own congressional district.

Representation in Congress is indispensable in ensuring continued and sustainable growth and development of the City. Being a major contributor to our heritage, our economy and our national pride,

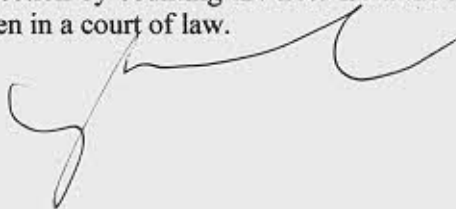
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by these the City deserves to have a voice in our national government. Add to this the needs parallel to its growth: health and nutrition, availability and access to basic social services, the right to free primary and secondary education and access to quality tertiary education, housing and urban facilities, public peace and security, disaster preparedness, job opportunities and provision for conducive business environment. The city must keep pace to the demands of a modern metropolis. Having its own representative in Congress is not just a right; it is a demand for the city's survival.

Our Constitution is clear and unambiguous, "Each legislative district shall comprise, as far as practicable, contiguous, compact and adjacent territory. **Each city with a population of at least two hundred fifty thousand**, or each province, **shall have at least one representative.**"¹ Way back the year 2008, the National Statistics Office has issued a certification that the projected population of the City of Malolos may reach more than 250,000 for the year 2010. The 14th Congress already passed into law RA 9591, granting the city its own congressional district. Unfortunately, the honorable Supreme Court found it unconstitutional for reason that even if they compound the growth rate yearly, "the population of Malolos of 223,069 as of 1 August 2007 grow to only 249,333 as of 1 August 2010." It is most unfortunate that the Court substituted its own judgment without deferring to the expertise of the National Office of the National Statistics Office over the matter of Population Counting and more still without regard to its co-equal branch of government as there is legislative finding of fact, with the enactment of RA 9591 into law, that the City of Malolos is entitled and constitutionally mandated to have its own congressional district. Noteworthy on this is the dissent by the Honorable Justice Roberto A. Abad, joined by his esteemed colleagues, the now Chief Justice Renato C. Corona, Justice Antonio Eduardo B. Nachura, Justice Teresita J. Leonardo-De Castro, Justice Diosdado M. Peralta and Justice Lucas P. Bersamin. Partly, the honorable justice said:

"b. RA 9591 is based on a "legislative" finding of fact that Malolos will have a population of over 250,000 by the year 2010. The rules of legislative inquiry or investigation are unique to each house of Congress. Neither the Supreme Court nor the Executive Department can dictate on Congress the kind of evidence that will satisfy its law-making requirement. It would foolhardy for the Court to suggest that the legislature consider only evidence admissible in a court of law or under the rules passed by the Office of the President. Obviously, the Judicial Department will resist a mandate from Congress on what evidence its courts may receive to support its decisions.

c. At any rate, the certification issued by the NSO Region III Director, whose office has jurisdiction over Malolos City, partakes of official information based on official data. That Malolos had a population of 175,291 as of May 1, 2000 is, as the certification states, based on the 2000 census of population conducted by the NSO. The President of the Philippines proclaimed and declared that census official under Proclamation 28 dated April 18, 2001. On the other hand, the population growth rate of 3.78% used in the 2010 population projection for Malolos derived from the difference between the results of the official population census taken in 1995 and that taken in 2000. The Regional Director did not make the projection by counting the trees from the mountaintops. The data are based on evidence that is admissible even in a court of law.

A handwritten signature in black ink, appearing to be a stylized 'G' followed by a flourish.

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HOUSE BILL NO. 655

Introduced by **HON. MA. VICTORIA R. SY-ALVARADO**

**AN ACT AMENDING SECTION 57 OF REPUBLIC ACT NO. 8754, OTHERWISE KNOWN AS
THE CHARTER OF THE CITY OF MALOLOS**

Be it adopted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Legislative District – Section 57 of Republic Act No. 8754, otherwise known as the Charter of the City of Malolos is hereby amended as follows::

“Sec. 57 {Representative] Legislative District – {Until otherwise provided by law,] {The City of Malolos shall {continue to be a part of the First Congressional District of Bulacan Province] **HAVE ITS OWN LEGISLATIVE DISTRICT TO COMMENCE IN THE NEXT NATIONAL ELECTION AFTER THE EFFECTIVITY OF THIS ACT.**”

Sec. 2. The incumbent representative of the First District of the Province of Bulacan shall continue to represent the City of Malolos until the new representative of the lone district of the City of Malolos shall have been elected and qualified

Sec. 3. Rules and Regulations – The Commission on Elections shall issue the necessary rules and regulations to implement this Act..

Sec. 4. Repealing Clause - All laws, rules and regulations inconsistent with this Act, are hereby repealed, amended or modified, accordingly.

Sec. 5. Effectivity - This Act shall take effect after fifteen days following the completion of its publication in the Official Gazette or in a newspaper of general circulation.



The majority opinion claims that the NSO Regional Director's projection of the population of Malolos by 2010 is erroneous. Given that the total population of Malolos as of May 1, 2000 was 175,291 and its growth rate was 3.78% per year, its population will grow, according to the dissenting opinion, to only 241,550 in 2010.

But the majority opinion uses the following formula: $175,291 \times 37.80\%$ (arrived at by multiplying the 3.78 annual growth rate by 10 for the 10 years between 2000 and 2010) = 241,550. It uses a growth rate of 37.80% per 10 years to substitute for the stated official growth rate of 3.78% per year. It ignores logic and the natural cumulative growth of population.

In contrast, the NSO Regional Director's computation applies the growth rate of 3.78% per year, which is more logical in that the base is adjusted annually to reflect the year to year growth. Thus:

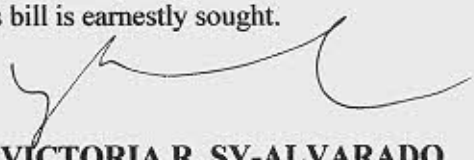
Base	Rate	Growth	Year
175,291 x	3.78% =	181,917	2001
181,917 x	3.78% =	188,793	2002
188,793 x	3.78% =	195,929	2003
195,929 x	3.78% =	203,335	2004
203,335 x	3.78% =	211,021	2005
211,021 x	3.78% =	218,998	2006
218,998 x	3.78% =	227,276	2007
227,276 x	3.78% =	235,867	2008
235,867 x	3.78% =	244,783	2009
244,783 x	3.78% =	254,036	2010

(Emphasis Supplied)

If I may now call again my colleagues in the House of Representative to now and again give their full support and backing in defending the constitutional rights of our people and assert our right and constitutional power as a collective body, as the Philippine legislature, to be accorded respect as to our determination of facts, grant the power of legislative act to this bill. A separate congressional district for the city can, in fulfillment of their constitutional right and social justice and equity, sustain and continue its own growth and development. The historic town deserves its renaissance. Our democracy and republic owes it to the city, the home of our independence and political self-determination, to ensure that it too be granted a voice amidst our national political arena.

In view of the foregoing, the approval of this bill is earnestly sought.

With these reasons, the immediate passage of this bill is earnestly sought.


MA. VICTORIA R. SY-ALVARADO
Representative
 First District of Bulacan