

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 8284



Introduced by Representatives DAN S. FERNANDEZ and MARLYN B. ALONTE

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, the Province of Laguna was reapportioned into four (4) congressional districts. The constituent municipalities of the First District at the time were Binan, San Pedro and Sta. Rosa. All the said local government units have since become cities by law.

First class provinces, such as Laguna, were each allocated a total of “ten (10) elective members for their respective Sangguniang Panlalawigan”, by virtue of Section 4 of Republic Act No. 6636, as amended. Under this scheme, the First District of Laguna was allocated a total of three elective members for the Sangguniang Panlalawigan.

The passage of Republic Act No. 10658 on March 27, 2015 separated from the First District the city of Binan, which first elected its separate representative beginning in the 2016 elections. However, the Commission on Elections has decided that for purposes of electing Sangguniang Panlalawigan Members, Binan remains part of the province’s First [Sangguniang Panlalawigan] District (see Comelec Resolution No. 9982 [Annex “B”] dated August 18, 2015).

The passage of Republic Act No. 11395 on August 28, 2019 will have the effect of separating from the First District the city of Sta. Rosa, which will elect its separate representative beginning in the 2022 elections. Similar to the situation of Binan, however, the Comelec has decided that for purposes of electing Sangguniang Panlalawigan Members, Sta. Rosa remains part of the province’s First [Sangguniang Panlalawigan] District.

It must be noted that the Comelec action in both situation appears to be an incorrect interpretation and implementation of the law. Section 3 (a) of Republic Act No. 7166 explicitly states that "For provinces with two (2) or more legislative districts, the elective members of the Sangguniang Panlalawigan shall be elected by legislative districts." When, in its *whereas clause*, Comelec Resolution 9982 cited or reproduced the very same provision, it omitted the word "legislative" so much so that the said provision was rendered to read that the subject election would be done "by districts." Apparently, this was resorted to so as to justify the Comelec's position that election of the SP Members would be done on the basis of "Sangguniang Panlalawigan" districts and not by "legislative" districts. It may be concluded therefore that the stand of the Comelec at least on this point is not compliant with our election law.

Further, it may be observed that the Comelec's interpretation and implementation of the provision of the law in the matter of election of the SP Members does not make much sense, inasmuch as they tend to defeat or at least to water down the effects of the separation of Binan and Sta. Rosa from the First District. The Comelec resolutions, in effect, force the LGUs of San Pedro, Binan and Sta. Rosa to retain their erstwhile status of being lumped together as one district, for purposes of SP election, although denominated, this time, as a "Sangguniang Panlalawigan" district.

The instant measure therefore is in the nature of a curative or remedial legislation, designed to correct an error in the exercise of a quasi-legislative function by an administrative agency. It allows the cities of San Pedro, Sta. Rosa and Binan (that is, the voters therein) to elect one (1) Member each for the Sangguniang Panlalawigan. By dividing the three (3) allocated seats for what used to be the First District of Laguna into one (1) seat per city, we are merely complying with Section 3 (a) of Republic Act No. 7166 which states that "the number of seats shall be apportioned equitably."

For the foregoing reasons and in view of the fast approach of the 2022 synchronized national and local elections, the immediate passage of this bill is respectfully recommended.



HON. DAN S. FERNANDEZ
First District of Laguna



HON. MARLYN B. ALONTE
Lone District of Binan

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Introduced by Representatives **DAN S. FERNANDEZ** and **MARLYN B. ALONTE**

AN ACT
PROVIDING FOR THE MANNER OF ELECTION OF THE ELECTIVE
MEMBERS OF THE SANGGUNIANG PANLALAWIGAN OF LAGUNA
REPRESENTING THE CITIES OF SAN PEDRO, STA. ROSA AND
BINAN

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

SECTION 1. *Manner of Election of the Elective Members of the Sangguniang Panlalawigan of Laguna Representing the Cities of San Pedro, Sta. Rosa and Binan.* – In the next national and local elections after the effectivity of this Act, qualified voters in the cities of San Pedro, Sta. Rosa and Binan, shall vote separately for one (1) Member of the Sangguniang Panlalawigan of Laguna per each city.

SEC. 2. *Implementing Rules and Regulations.* – The Commission on Elections shall issue the necessary rules and regulations to implement this Act within thirty (30) days after its effectivity.

SEC. 3. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 4. *Repealing Clause.* – All laws, rules and regulations which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,