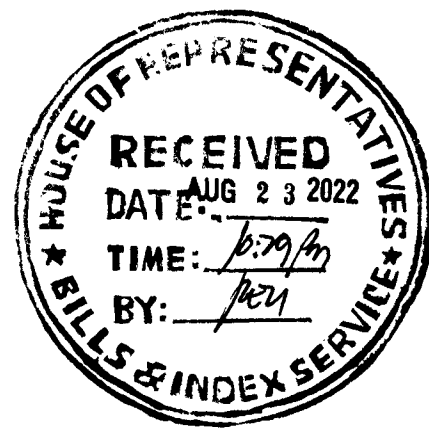


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 3946



**Introduced by Representatives DANILO RAMON S. FERNANDEZ,
MARLYN B. ALONTE-NAGUIAT and MA. RENE ANN
LOURDES G. MATIBAG**

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 (ref. Comelec Resolution No. 9982 dated August 18, 2015).

The passage of Republic Act No. 11395 on August 28, 2019 had the effect of separating from the First District the city of Sta. Rosa, which elected 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 is in the nature of a curative or remedial legislation, designed to actually correct two (2) errors in the exercise of a quasi-legislative function by an administrative agency:

(1) *In the manner of election of representative to the Sangguniang Panlalawigan of Laguna*, it allows the voters in the cities of San Pedro, Sta. Rosa and Binan to elect the SP Members by “legislative districts”, as provided by law, and not by the legally tenuous mode of electing by “Sangguniang Panlalawigan district”; and

(2) *In the number of allocated seats for representatives to the Sangguniang Panlalawigan*, it allows the voters in the cities of San Pedro, Sta. Rosa and Binan to elect two (2) SP Members each as provided by law, instead of the usual one (1).

Section 41 (b) of Republic Act No. 7160 (the Local Government Code of 1991), as amended by R. A. No. 8553, provides:

(a) x x x

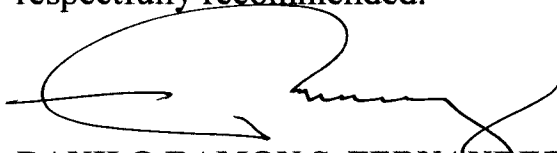
(b) The regular members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan shall be elected by district as follows:

First and second-class provinces shall have ten (10) regular members; third and fourth-class provinces, eight (8); and fifth and sixth-class provinces, six (6): **Provided, That in provinces having more than five (5) legislative districts, each district shall have two (2) Sangguniang Panlalawigan members, without prejudice to the provisions of Sec. 2 of Republic Act No. 6637 x x x (Emphasis supplied).**

The Province of Laguna, a first class province, is presently composed of seven legislative districts namely: First Legislative District (Lone Legislative District of the City of San Pedro), Second Legislative District, Third Legislative District, Fourth Legislative District, Lone Legislative District of the City of Biñan, Lone Legislative District of the City of Sta. Rosa and the Lone Legislative District of the City of Calamba.

Since the two (2) representations to the Sangguniang Panlalawigan per legislative district is already provided by law, there is no more need to file an amendatory legislation for that purpose (notwithstanding the current practice of allowing only one SP Member ideally for each of the city-legislative districts of San Pedro, Binan and Sta. Rosa. It remains a ministerial duty for the Commission on Elections to implement.

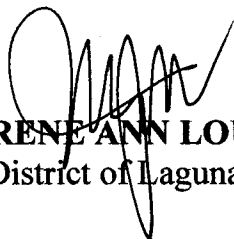
For the foregoing reasons, the immediate passage of this bill is respectfully recommended.



DANILO RAMON S. FERNANDEZ
Lone District of Sta. Rosa



MARLYN B. ALONTE-NAGUIAT
Lone District of Binan



MA. RENE ANN LOURDES G. MATIBAG
First District of Laguna

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 3946

**Introduced by Representatives DANILO RAMON S. FERNANDEZ,
MARLYN B. ALONTE-NAGUIAT and MA. RENE ANN
LOURDES G. MATIBAG**

**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. The cities of San Pedro, Sta. Rosa and Binan, all in the Province of Laguna, shall each be entitled to two (2) Members of the *Sangguniang Panlalawigan*. In the next national and local elections after the effectivity of this Act, qualified voters in the said cities shall vote separately for two (2) Members of the *Sangguniang Panlalawigan*.

SEC. 2. The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 3. Within thirty (30) days from the effectivity of this Act, the Commission on Elections shall promulgate the rules and regulations for the implementation of this Act.

SEC. 4. All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof which are contrary to and inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

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

Approved,