



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



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1562

Introduced by Representative WALFREDO R. DIMAGUILA, JR.

**AN ACT PROVIDING FOR THE APPORTIONMENT OF THE LONE
LEGISLATIVE DISTRICT OF BINAN CITY, LAGUNA**

EXPLANATORY NOTE

Article IV of the 1987 Constitution has prescribed the rules and standards on apportionment of legislative district under its Section 5 which provides:

Section 5. (1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of

registered national, regional, and sectoral parties or organizations. (3) 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. (4) Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section.

On the other hand, Sections 1 and 3 of the Ordinance appended to the 1987 Constitution read as follows:

Sec. 1. For purposes of the election of Members of the House of Representatives of the First Congress of the Philippines under the Constitution proposed by the 1986 Constitutional Commission and *subsequent elections, and until otherwise provided by law, the Members thereof shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila Area as follows:*

METROPOLITAN MANILA AREA

xxx xxx xxx

MAKATI one (1)

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Sec. 3. Any province that may hereafter be created, *or any city whose population may hereafter increase to more than two hundred fifty thousand shall be entitled in the immediately following election to at least one Member or such number of Members as it may be entitled to on the basis of the number of its inhabitants and according to the standards set forth in paragraph (3),*

Section 5 of Article VI of the Constitution. The number of Members apportioned to the province out of which such new province was created, or where the city, whose population has so increased, is geographically located shall be correspondingly adjusted by the Commission on Elections but such adjustment shall not be made within one hundred and twenty days before the election. (Emphases supplied)"

In construing said constitutional provisions, the Supreme Court, in the landmark case of Mariano versus COMELEC, The Municipality of Makati, et al. (G.R. No. 118627, March 7, 1995), ruled in the following wise:

"Petitioners cannot insist that the addition of another legislative district in Makati is not in accord with section 5(3), Article VI of the Constitution for as of the latest survey (1990 census), the population of Makati stands at only four hundred fifty thousand (450,000). Said section provides, *inter alia*, that a city with a population of at least two hundred fifty thousand (250,000) shall have at least one representative. Even granting that the population of Makati as of the 1990 census stood at four hundred fifty thousand (450,000), its legislative district may still be increased since it has met the minimum population requirement of two hundred fifty thousand (250,000). In fact, section 3 of the Ordinance appended to the Constitution provides that a city whose population has increased to more than two hundred fifty thousand (250,000) shall be entitled to at least one congressional representative."

On the same vein, the Supreme Court in Senator Benigno Simeon C. Aquino III, et al. versus COMELEC, G.R. No. 189793, April 7, 2010 has emphatically ruled that:

"There is no specific provision in the Constitution that fixes a 250,000 minimum population that must compose a legislative district. As already mentioned, the petitioners rely on the second sentence of Section 5(3), Article VI of the 1987 Constitution, coupled with what they perceive to

be the intent of the framers of the Constitution to adopt a minimum population of 250,000 for each legislative district. The second sentence of Section 5(3), Article VI of the Constitution, succinctly provides: "Each city with a population of at least two hundred fifty thousand, or each province, shall have at least one representative."

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Plainly read, Section 5(3) of the Constitution requires a 250,000 minimum population only for a city to be entitled to a representative, but not so for a province. The 250,000 minimum population requirement for legislative districts in cities was, in turn, the subject of interpretation by this Court in *Mariano, Jr. v. COMELEC*.²⁷

In *Mariano*, the issue presented was the constitutionality of Republic Act No. 7854, which was the law that converted the Municipality of Makati into a Highly Urbanized City. As it happened, Republic Act No. 7854 created an additional legislative district for Makati, which at that time was a lone district. The petitioners in that case argued that the creation of an additional district would violate Section 5(3), Article VI of the Constitution, because the resulting districts would be supported by a population of less than 250,000, considering that Makati had a total population of only 450,000. The Supreme Court sustained the constitutionality of the law and the validity of the newly created district, explaining the operation of the Constitutional phrase "each city with a population of at least two hundred fifty thousand," to wit:

Petitioners cannot insist that the addition of another legislative district in Makati is not in accord with section 5(3), Article VI of the Constitution for as of the latest survey (1990 census), the population of Makati stands at only four hundred fifty thousand (450,000). Said section provides, inter alia, that a city with a population of at least two hundred fifty thousand (250,000) shall have at least one representative. Even granting that the population of Makati as of the 1990 census stood at four hundred fifty thousand (450,000), its legislative district may still be increased since it has met the minimum population requirement of two hundred fifty thousand (250,000). In fact, Section 3 of the Ordinance appended to the Constitution provides that a city whose population has increased to more than two hundred fifty thousand (250,000) shall be entitled to at least one congressional representative.²⁸ (Emphasis supplied)

The Mariano case limited the application of the 250,000 minimum population requirement for cities only to its initial legislative district. In other words, while Section 5(3), Article VI of the Constitution requires a city to have a minimum population of 250,000 to be entitled to a representative, it does not have to increase its population by another 250,000 to be entitled to an additional district.

This Bill seeks the creation of the First and Second Legislative Districts of the City of Binan, Laguna by apportioning the 24 barangays comprising the Lone Legislative District of Biñan City, Laguna. Accordingly, Barangays Casile, Malaban, San Antonio, Poblacion, Sto. Domingo, San Jose, Dela Paz, Canlalay, San Vicente, Soro-soro, Tubigan and San Francisco shall comprise the First Legislative District while Barangays Bungahan, Sto. Tomas, Mamplasan, Ganado, Loma, Timbao, Langkiwa, Zapote, Malamig, Biñan, Platero and Sto. Niño shall comprise the Second Legislative District.

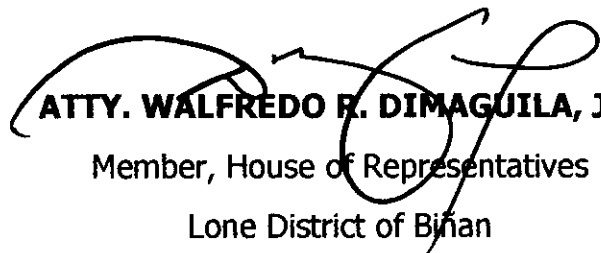
The population of the proposed First Legislative District stands at **223,120**, with a total registered voters of **130,250** and with a National Tax Allotment of **P240,881,742.00**. On the other hand, the population of the proposed Second Legislative District stands at **226,259** with a total of **93,241** registered voters and a National Tax Allotment of **P229,236,129.00**.

As of today, the total population of the City of Biñan stands at 518,132. With its annual population growth rate, by 2028 National and Local Elections its population is expected to grow at approximately more than 580,000.

In terms of geographical area of responsibility, the barangays comprising the First and Second Legislative Districts are contiguous, compact and adjacent territory as shown by the Google Map hereto attached for ready reference.

The creation of additional legislative district by apportioning Lone Legislative District of Biñan City will effectively give the city equal representation by having two congressmen in the House of Representatives, each one representing more than 250,000 constituents in the 2025 National and Local Elections. Such creation would also accord its constituents easy access in terms of public service and give them fair and equitable share in the nation's wealth and resources.

Having said all of the foregoing, passage and approval of this Bill is fervently sought.


ATTY. WALFREDO R. DIMAGUILA, JR.
Member, House of Representatives
Lone District of Biñan



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**AN ACT PROVIDING FOR THE APPORTIONMENT OF THE LONE
LEGISLATIVE DISTRICT OF BINAN CITY, LAGUNA**

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

1 **SECTION 1. - Apportionment of the Lone Legislative District of Binan**
2 **City, Laguna.** The Lone Legislative District of the City of Binan, Laguna is hereby
3 apportioned to commence at the next national and local elections after the effectivity
4 of this Act. Henceforth, Barangays Casile, Malaban, San Antonio, Poblacion, Sto.
5 Domingo, San Jose, Dela Paz, Canlalay, San Vicente, Soro-Soro, Tubigan and San
6 Francisco shall comprise the First Legislative District while barangays Bungahan, Sto.

7 Tomas, Mamplasan, Ganado, Ganado, Loma, Timbao, Langkiwa, Zapote, Malamig,
8 Biñan, Platero and Sto. Nino shall comprise the Second Legislative District.

10 **SECTION 2. Election of Sangguniang Panlungsod.** - In the next national
11 and local elections to be held after the effectivity of this Act, there shall be elected
12 eight (8) members of the Sangguniang Panlungsod from each Legislative District.

14 **SECTION 3. Incumbent Representative.** - The incumbent Representative
15 of the Lone Legislative District of Binan City, Laguna shall continue to represent said
16 district until the expiration of her term of office.

18 **SECTION 4. Implementing Rules and Regulations.** - The Commission on
19 Elections shall issue the necessary rules and regulations to implement this Act.

21 **SECTION 5. Repealing Clause.** - All laws, rules, and regulations inconsistent
22 with the provisions of this Act are hereby repealed, amended, or modified accordingly.

24 **SECTION 6. Effectivity.** - This Act shall take effect fifteen (15) days after its
25 publication in at least two (2) newspapers of general circulation.

APPROVED.