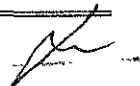


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SENATE

COMMITTEE REPORT NO. 550 RECEIVED



Submitted jointly by the Committees on Local Government and Constitutional Amendments, Revision of Codes and Laws on AUG 17 2009

Re : House Bill No. 4264.

Reporting the passage of House Bill No. 4264 in the committee level.

Sponsors : Senators Aquino III and Escudero.

MR. PRESIDENT:

The Committees on Local Government and Constitutional Amendments, Revision of Codes and Laws to which was referred House Bill No. 4264, introduced by Cong. Villafuerte, entitled:

**“AN ACT REAPPORTIONING THE COMPOSITION OF THE FIRST (1<sup>ST</sup>) AND SECOND (2<sup>ND</sup>) LEGISLATIVE DISTRICTS IN THE PROVINCE OF CAMARINES SUR AND THEREBY CREATING A NEW LEGISLATIVE DISTRICT FROM SUCH REAPPORTIONMENT.”**

have considered the same and have the honor to submit this report representing the outcome of their joint public hearings back to the Senate and recommending the consideration of the contents of this report.

**I. PREFATORY**

Article VI Section 5 of the 1987 Constitution states the principles and standards that must be followed and complied with in the creation of a new legislative district. It states:

“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.

XXXXXXXXXXXXXXXXXXXX

(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.**

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX"

The Committee on Local Government and the Committee on Constitutional Amendments, Revision of Codes and Laws conducted two joint public hearings held on **2 March 2009 and 14 May 2009** to hear the arguments advanced for the creation of a new congressional district for the Province of Camarines Sur, the arguments presented in opposition thereto and to determine whether there is sufficient compliance with the constitutional requirement of population and territorial contiguity.

During the 2 March 2009 hearing, Atty. Raul Bituon, a consultant to the Governor of Camarines Sur was present to give the position of the Office of the Governor of Camarines Sur on the proposed measure. He was however, prevented from doing so after Sens. Gordon and Arroyo questioned his lack of a written special authority to represent Gov. Villafuerte.

Subsequently, on 4 March 2009, Gov. Villafuerte wrote the Chairperson of the Committee on Local Government informing the committee that in the passage of HBN 4264 before the House of Representatives there was no consultation made with the local officials of the Province of Camarines Sur by the proponents of the bill. On 12 March 2009, the Office of the Sangguniang Panlalawigan of Camarines Sur submitted before the committee Resolution No. 052, Series of 2009 expressing its strong constitutional objection against the passage of HBN 4264. In the light of these succeeding developments after the 2 March 2009 public hearing, and in the interest of transparency, fairness and public consultation, notwithstanding the initial approval of the measure without amendments by a majority vote in the committee level, a second public hearing was conducted on 14 May 2009 to hear and receive the sentiments and positions of the local officials of Camarines Sur on the proposed creation of a new congressional district for the province.

Aside from the various local officials of Camarines Sur, the public hearings were also attended by members of the House of Representatives from Camarines Sur, officials from the Department of Budget and Management (DBM), National Statistics Office (NSO) and Land Management Bureau (LMB).

The Committee on Local Government also sought the legal assistance of Father Bernas and Dean Pacifico Agabin, both respected constitutionalists, to guide the Committee to a better understanding and appreciation of the complex constitutional issues presented by the creation of new congressional districts. Their opinions are likewise made part of the records of the Committees in deliberating House Bill No. 4264.

The members of the Committee who attended the 2 March 2009 public hearing are as follows:

1. Sen. Panfilo M. Lacson
2. Sen. Richard J. Gordon
3. Sen. Francis N. Pangilinan
4. Sen. Joker Arroyo
5. Sen. Juan Miguel Zubiri
6. Sen. Ramon "Bong" Revilla, Jr.

7. Sen. Alan Peter S. Cayetano

The members of the Committee who attended the 14 May 2009 public hearing are as follows:

1. Sen. Richard J. Gordon
2. Sen. Joker Arroyo
3. Sen. Juan Miguel Zubiri
4. Sen. Manuel "Lito" Lapid
5. Sen. Ramon "Bong" Revilla, Jr.

\*\*\*Those who voted for the approval of House Bill No. 4264 without amendment were Sens. Joker Arroyo, Richard Gordon, Panfilo M. Lacson, Juan Miguel Zubiri and Ramon "Bong" Revilla, Jr., Sen. Francis N. Pangilinan abstained from voting. A summary of the votation is found at the end of the report.

## II. ARGUMENTS IN OPPOSITION TO HOUSE BILL NO. 4264

### A. STATEMENTS OF SENATOR AQUINO III

- The last portion of Art. VI Section 5 (1) states that, "each city with a population of at least 250,000, or each province, shall have at least one representative." It appears that based on this provision, there are criteria and standards that should be observed in congressional redistricting and a further reading of the records of the Constitutional Commission suggests that the existence of the same. In October 30, 1986 session, in his sponsorship speech for the legislative department, Commissioner Davide said the following: "The ordinance fixes at 200 the number of legislative districts which are in turn apportioned among the provinces and cities with a population of at least 250,000. And the Metropolitan Manila area in accordance with the number of their respective inhabitants on the basis of a uniform and progressive ratio. The population is based on the 1986 projection with the 1980 official enumeration as the point of reckoning. This projection indicates that our population is more or less 56 million."
- In the light of the *Sema decision* and of the recent reversal of the *cityhood laws* by the Supreme Court, the Committee should be more particular in ensuring that the bills pending before it are scrutinized in a fashion that takes constitutional principles and rules paramount. This reduces the constitutional challenges of the law, if the bill is later be passed by Congress, and narrows down risk that the Supreme Court will strike it down as unconstitutional.
- The phrase, "apportioned among the provinces, cities, Metropolitan Area in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio", state that a criterion on population is applicable to all congressional districts, hence there is a population number that would be required for each of these districts.
- Requiring cities to reach the 250,000 population threshold and maintaining that the same rule does not apply to congressional districts in provinces that have a population of more than 250,000 would be contrary to the doctrine of equality of representation.
- Contrary to the position of Sen. Joker Arroyo and Cong. Villafuerte that the 250,000 population is required only for the initial district and succeeding districts need not have the equivalent number of 250,000, a footnote in the

*Mariano decision*<sup>1</sup> states that by 1994 Makati already had a population in excess of 500,000. So that by the elections of 1995, they would have already met the 250,000 population per district.<sup>2</sup>

## B. STATEMENTS OF GOV. LUIS RAYMUND VILLAFUERTE

- HB 4264 was passed in the House of Representatives with an apparent absence or lack of consultation with the affected stakeholders and public officials affected in the province.
- There is no genuine clamor for the redistricting of the first and second congressional districts. The district being divided is represented by incumbent Rep. Dato Arroyo and the people of Camarines Sur have not *heard directly from Rep. Arroyo on what his reasons are for the proposed division of the district.*
- HBN 4264 did not tackle the issue of district representation in the Sangguniang Panlalawigan. The bill should have determined the amount of representation in the newly apportioned districts in the Sanggunian.
- The reapportioned first district as envisioned by HB 4264 falls unmistakably short of the requisite minimum population for the creation of additional congressional district. The proponents singular and exclusive reliance on the Supreme Court decision in the Mariano case is inappropriate. There is absolutely nothing in the aforementioned disposition by the Supreme Court which would suggest that reapportionment of legislative districts for provinces need not comply with the 250,000 population requirement.
- The view that the minimum 250,000 population requirement is mandatory for a province that seeks to increase the number of its congressional representation is supported by at least two eminent constitutionalists in the persons of Father Bernas and Dean Agabin.
- The objection is supported by Resolution No. 052 passed by the Sangguniang Panlalawigan and by the Presidents of the Camarines Sur Mayors League, Vice Mayors League, Councilors League, Association of Barangay Captains and the President of the CamSur Chamber of Commerce.<sup>3</sup>

## C. OPINION OF FATHER JOAQUIN BERNAS AND DEAN PACIFICO AGABIN ON REDISTRICTING:

### a. FATHER JOAQUIN BERNAS:

#### *Population requirement:*

- Legislative districts other than provinces have a population of 250,000. The *Mariano* decision is not a good guide. Although the 1990 census indicated that the population of Makati was 450,000, the Court said that the number could have increased by the time the law was passed. In the absence of evidence to the contrary, the Court assumed that Congress must have checked the matter before passing the law.

<sup>1</sup> Mariano vs. Comelec 242 SCRA 211

<sup>2</sup> Transcript of Stenographic Notes Ctsotto III-1 page 6, 14 May 2009

<sup>3</sup> Transcript of Stenographic Notes MelNovero I-1 page 1-4, 14 May 2009

- All congressional districts, except newly created provinces with a population of less than 250,000, shall have a minimum of 250,000 population for its creation and short of it there is good reason to disapprove any bill for its creation.
- A lone district province may be given a second congressional seat provided that its population has grown to at least 500,000.
- The 250,000 population set forth in the Constitution is the population standard which lawmakers should strictly adhere to in creating a congressional district.
- The population standard or specific population requirement for the creation of congressional districts is in consonance with the principle of proportional representation.

b. DEAN PACIFICO AGABIN:

*Population requirement:*

- The debates in the Constitutional Commission show that it was the intent of the Commissioners to divide provinces and cities into 200 districts on the basis of a population then of 55 million, except for provinces. Under the present Constitution, therefore, the principle of proportional representation mandates that congressional districts shall be apportioned on the ratio of one representative for every 250,000 inhabitants, except for provinces, as provided in Sec.3 of the Ordinance appended in the Constitution.
- It is the intention of the framers of the Constitution to allot or ascribe one (1) representative for every 250,000 inhabitants. Father Bernas noted that on the basis of the population of 55 million, the result achieved was roughly one representative for every 250,000. This is borne out by the Record of the Commission.

III. ARGUMENTS IN SUPPORT OF HOUSE BILL NO. 4264

a. STATEMENTS OF SEN. JOKER ARROYO

- The provinces under consideration are the following:

Province	Population	Present No. Of Districts	Proposed No. Of Districts	Increase in Districts
Camarines Norte	513,785	1	2	1
<b>Camarines Sur</b>	<b>1,693,821</b>	<b>4</b>	<b>5</b>	<b>1</b>
Cavite	2,856,765	3	7	4

- Sen. Arroyo noted that there are at least nine provinces with less than 250,000 population but has its own congressional representation pursuant to the Constitution.
- In other words, a city must have at least 250,000 inhabitants, but the Constitution does not require any population requirement for a province."
- The Census of 2007 indicates that Camarines Sur has a population of 1,693,821. It is entitled to six districts even on the mistaken standard of 250,000, which is not required for provinces. It asks for only five districts.<sup>4</sup>

<sup>4</sup> Transcript of stenographic notes MTCajandab II-1 page 2-6, 2 March 2009

## b. STATEMENTS OF REP. LUIS VILLAFUERTE

- Based on the census of 2007, Camarines Sur has now a population of 1,693,821, which entitles them to six congressional districts. But as proposed, they were only asking for one additional district (total of five). As proposed to be divided, the remaining first district will have 163 barangays while the second with 158. So more or less, it is a fair and equitable geographic reapportionment. And they have the support of the mayors of all the municipalities of the first and second district. The territories as divided are compact, contiguous, and adjacent to each other.
- In the *Mariano decision*, Makati City only had 450,000, the issue that was raised, is it required that any additional seat must also require 250,000 even in the case of a city? The Supreme Court said no. What the constitution simply meant, according to the Supreme Court, is that the initial seat, the first seat, must have 250,000 but the succeeding seats need not have another 250,000. The Supreme Court justified the same as constitutionally viable because the requirement of 250,000 was for the initial seat. But once that requirement has been complied with for the initial seat, succeeding seats need not anymore have the equivalent number of 250,000. This is the decision of the Supreme Court in the case of *Mariano vs. Comelec*.”
- **In the case of provinces, there is no specific minimum requirement of population.** This appears in the records of the Constitutional Commission, “as explained by Commissioner Soc Rodrigo of the Constitutional Commission, under the present provision of the Constitution, every province regardless of the population is entitled to one seat”. This was confirmed during the interpellation on the floor of by then Commissioner Hilario Davide, when asked in response to an inquiry, he said categorically that it is the intention of the language of the Constitution that a province is without qualification. And he emphasized that regarding the province there is no requirement as to population. This is contained in the comment of Commissioner Rodrigo on page 136, July 23, 1986, Volume II, Records of the Constitutional Commission. And with respect to the comment of Commissioner Davide, that is contained in page 137 and repeated in page 147, the records of the Constitutional Commission dated July 23, 1986.”<sup>5</sup>

## IV. CHAIRMAN’S EXPLANATION OF DISSENTING VOTE:

- As confirmed by the constitutional experts consulted by the Committee on Local Government, Father Bernas and Dean Agabin, the Constitution did provide for specific standards and requirements for the creation of a congressional district.
- **The intent of the Constitutional Commission is for the legislative districts to be “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”.** This constitutional intent appeared in the text of Art. VI Section 5(1) of the 1987 Constitution and these are the criteria and standards that should be observed in congressional redistricting. These criteria and standards equally apply to cities and provinces. Hence we have the concept of progressive ratio and proportional representation expounded by the Commissioners of the Constitutional Commission.

<sup>5</sup> Transcript of Stenographic Notes, Aliccatimbang III-1 page 1-4, 2 March 2009

- On the population requirement, Article VI Section 5 (1) states that legislative districts are apportioned in accordance with the number of their respective inhabitants and subparagraph (3) of the same section states that the population standard is 250,000. **A reading of the debate of the constitutional commissioners, and as affirmed by Father Bernas, reveals that it was their intention to make 250,000 a threshold population for the creation of a congressional district.** It is evident from the exchanges of the commissioners when they referred to “districts” as composing of 300,000 (proposed) or 250,000 (approved) inhabitants.
- Therefore, “if a city is smaller than the minimum size required, it will simply be represented as one of the districts within the province” (*Record of the Deliberations of the Constitution 176, 593-594 as cited in Bernas, The 1987 Constitution of the Republic of the Philippines: A Commentary, Quezon City: 2003, p.680*). Therefore, to say that the 250,000 number of inhabitants as mentioned in the Constitution does not refer to the population requirement of a congressional district but to the entitlement of a city to a separate congressional representative is an inaccurate interpretation of the intent of the framers.
- Hence, for a city or a province to qualify for an increase in its district representative, it is imperative that the increase in its population must be such as to satisfy the population requirement of 250,000 and the configuration of the territory of the new district must be compact, contiguous and adjacent.

#### V. SUMMARY OF VOTATION IN THE COMMITTEE:

##### A. AFFIRMATIVE VOTE:

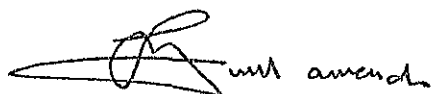
1. Sen. Joker Arroyo
2. Sen. Juan Miguel Zubiri
3. Sen. Richard Gordon
4. Sen. Panfilo M. Lacson
5. Sen. Ramon “Bong” Revilla, Jr.,

##### B. ABSTENTION:

1. Sen. Francis N. Pangilinan.

Respectfully submitted:

Chairmen:



**FRANCIS “CHIZ” G. ESCUDERO**  
 Committee on Constitutional  
 Amendments, Revision of Codes  
 and Laws  
*Vice-Chairman*, Committee on  
 Local Government

**BENIGNO S. AQUINO III**  
 Committee on Local Government  
*Member*, Committee on  
 Constitutional Amendments,  
 Revision of Codes and Laws

Members:

**MAR ROXAS**

Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

**RODOLFO G. BIAZON**

Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

**ANTONIO "SONNY" F. TRILLANES IV**

Committee on Local Government

**PANFILO M. LACSON**

Committee on Local Government

  
**LOREN B. LEGARDA**

Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

**M.A. MADRIGAL**

Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

  
**RICHARD J. GORDON**

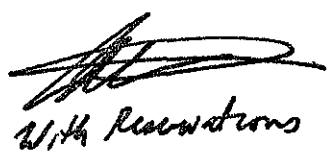
Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

  
**RAMON BONG REVILLA JR.**

Committee on Local Government

  
**JOKER P. ARROYO**


Committee on Local Government  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

  
**ALAN PETER "COMPAÑERO" S.  
CAYETANO**

Committee on Local Government

  
**MANNY VILLAR**

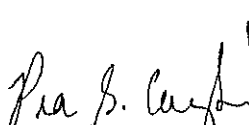
Committee on Local Government


  
**MANUEL "LITO" M. LAPID**

Committee on Constitutional





Amendments, Revision of Codes  
and Laws

*with reservation*  
  
COMPAÑERA PIA S. CAYETANO  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws

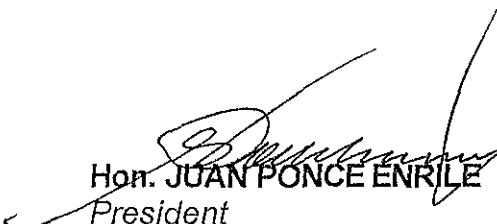
  
FRANCIS N. PANGILINAN  
Committee on Constitutional  
Amendments, Revision of Codes  
and Laws  
*with reservation/ amendments*

Ex-Officio Members:

  
JINGGOY EJERCITO ESTRADA  
President Pro-Tempore  
*w/ serious reservations*

  
JUAN MIGUEL F. ZUBIRI  
Majority Leader

AQUILINO Q. PIMENTEL JR.  
Minority Leader

  
Hon. JUAN PONCE ENRILE  
President  
Senate of the Philippines  
Pasay City

CONGRESS OF THE PHILIPPINES  
FOURTEENTH CONGRESS  
*First Regular Session*



## HOUSE OF REPRESENTATIVES

H. No. 4264

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BY REPRESENTATIVE VILLAFUERTE, PER COMMITTEE REPORT NO. 624

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AN ACT REAPPORTIONING THE COMPOSITION OF THE FIRST (1<sup>ST</sup>)  
AND SECOND (2<sup>ND</sup>) LEGISLATIVE DISTRICTS IN THE  
PROVINCE OF CAMARINES SUR AND THEREBY CREATING  
A NEW LEGISLATIVE DISTRICT FROM SUCH  
REAPPORTIONMENT

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

1           SECTION 1. The composition of the current First (1<sup>st</sup>) and Second (2<sup>nd</sup>)  
2 Legislative Districts in the Province of Camarines Sur is hereby reapportioned  
3 in order to create an additional legislative district to commence in the next  
4 national elections after the effectivity of this Act.

5           SEC. 2. In furtherance of the reapportionment mandated by this Act,  
6 the municipalities of Libmanan, Minalabac, Pamplona, Pasacao and San  
7 Fernando of the current First (1<sup>st</sup>) Legislative District are hereby consolidated  
8 with the municipalities of Gainza and Milaor of the current Second (2<sup>nd</sup>)  
9 Legislative District, to comprise the new legislative district authorized under  
10 this Act.

11           SEC. 3. The result of the reapportionment described in this Act are  
12 summarized as follows:

1 (a) First District – The remaining municipalities in the current First  
2 (1<sup>st</sup>) Legislative District shall continue to be designated as the First (1<sup>st</sup>)  
3 Legislative District, composed of the following municipalities: Del Gallego,  
4 Ragay, Lupi, Sipocot and Cabusao;

5 (b) Second District – This new legislative district shall be composed  
6 of the municipalities enumerated in Section 2 hereof;

7 (c) Third District – The current Second (2<sup>nd</sup>) Legislative District shall  
8 be renamed as the Third (3<sup>rd</sup>) Legislative District, composed of the following:  
9 Naga City and the municipalities of Pili, Ocampo, Camaligan, Canaman,  
10 Magarao, Bombon and Calabanga;

11 (d) Fourth District – The current Third (3<sup>rd</sup>) Legislative District,  
12 without any change in its composition, shall be renamed as the Fourth (4<sup>th</sup>)  
13 Legislative District, composed of the following municipalities: Caramoan,  
14 Garchitorena, Goa, Lagonoy, Presentacion, Sangay, San Jose, Tigaon,  
15 Tinambac and Siruma; and

16 (e) Fifth District – The current Fourth (4<sup>th</sup>) Legislative District,  
17 without any change in its composition, shall be renamed as the Fifth (5<sup>th</sup>)  
18 Legislative District, composed of the following: Iriga City and the  
19 municipalities of Baao, Balatan, Bato, Buhi, Bula and Nabua.

20 SEC. 4. *Rules and Regulations.* – The Commission on Elections shall  
21 issue the necessary rules and regulations to implement this Act.

22 SEC. 5. *Repealing Clause.* – All laws, rules and regulations which are  
23 inconsistent with this Act are hereby repealed, amended or modified  
24 accordingly.

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

Approved,