



Republic of the Philippines
Supreme Court
 Manila

EN BANC

FLORIDA P. ROBES,
 Petitioner,

G.R. No. 257427

Present:

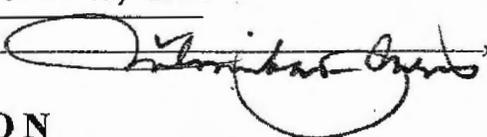
GESMUNDO, C.J.,*
 LEONEN,**
 CAGUIOA,
 HERNANDO,*
 LAZARO-JAVIER,
 INTING,***
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,****
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR.,*** and
 SINGH, JJ.

- versus -

COMMISSION ON ELECTIONS,
 Respondent.

Promulgated:

June 13, 2023

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DECISION

DIMAAMPAO, J.:

A lone legislative district given by law the right to elect its own representative in the House of Representatives shall also be entitled to its own

* On official leave.

** Acting Chief Justice per Special Order No. 2977 dated June 1, 2023.

*** No part.

**** On leave.

representation in the *Sangguniang Panlalawigan* in accordance with Section 41(b)¹ of Republic Act (RA) No. 7160.²

Via this Urgent Petition for Mandamus with Prayer for Preliminary Mandatory Injunction (Urgent Petition),³ Florida P. Robes (petitioner) seeks to compel respondent Commission on Elections (COMELEC) to allocate two seats in the *Sangguniang Panlalawigan* of the Province of Bulacan in favor of the lone legislative district of San Jose Del Monte.⁴

The diegesis of the facts is synthesized as follows:

In 2000, Congress enacted Republic Act (RA) No. 8797⁵ or the “Charter of the City of San Jose Del Monte.” It converted the Municipality of San Jose Del Monte into a component city of the Province of Bulacan. Section 58 thereof provides that the City of San Jose del Monte shall continue to be a part of the Fourth Congressional District of Bulacan Province unless otherwise provided by law.⁶

Three years after the enactment of RA No. 8797, Section 58 was amended by RA No. 9230,⁷ giving the City of San Jose Del Monte, Bulacan, the right to elect its own representative, thus:

SEC. 58. Representative District. — The City of San Jose del Monte shall have its own representative district to commence in the next national election after the effectivity of this Act. (Emphasis supplied)

¹ Section 41(b) of RA No. 7160, as amended reads:

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 Section 2 of Republic Act No. 6637. *Sangguniang barangay* members shall be elected at large. The presidents of the leagues of *sanggunian* members of component cities and municipalities shall serve as *ex officio* members of the *sangguniang panlalawigan* concerned. The presidents of the *Liga ng mga Barangay* and the *Pederasyon ng mga Sangguniang Kabataan* elected by their respective chapters, as provided in this Code, shall serve as *ex officio* members of the *sangguniang panlalawigan*, *sangguniang panlungsod*, and *sangguniang bayan*. (Emphasis supplied.)

² THE LOCAL GOVERNMENT CODE, AS AMENDED. Promulgated on October 10, 1991.

³ *Rollo*, pp. 3-25.

⁴ *Id.* at 3.

⁵ AN ACT CONVERTING THE MUNICIPALITY OF SAN JOSE DEL MONTE, BULACAN INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF SAN JOSE DEL MONTE. Approved on July 15, 2000.

⁶ Section 58 of RA No. 8797 states:

Representative District. — Until otherwise provided by law, the City of San Jose del Monte shall continue to be a part of the Fourth Congressional District of Bulacan Province.

⁷ AN ACT AMENDING SECTION 10(B) AND SECTION 58 OF REPUBLIC ACT NO. 8797, OTHERWISE KNOWN AS “AN ACT CONVERTING THE MUNICIPALITY OF SAN JOSE DEL MONTE, BULACAN INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF SAN JOSE DEL MONTE” AND PROVIDING FUNDS THEREFOR. Approved on December 18, 2003.

Subsequently, in 2021, Congress passed RA No. 11546,⁸ reapportioning the Province of Bulacan into six legislative districts. The composition of the six legislative districts is provided in Section 1 of RA No. 11546, viz.:

SECTION 1. The Province of Bulacan is hereby reapportioned into six (6) legislative districts to take effect in the 2022 national and local elections. Each legislative district of the province shall now be composed of the following:

- (a) First Legislative District
 - (1) Calumpit;
 - (2) Hagonoy;
 - (3) Paombong;
 - (4) Pulilan;
 - (5) Bulakan; and
 - (6) City of Malolos.

- (b) Second Legislative District
 - (1) Baliuag;
 - (2) Bustos; and
 - (3) Plaridel.

- (c) Third Legislative District
 - (1) San Ildefonso;
 - (2) San Miguel;
 - (3) San Rafael; and
 - (4) Doña Remedios Trinidad.

- (d) Fourth Legislative District
 - (1) Obando;
 - (2) Marilao; and
 - (3) City of Meycauayan.

- (e) Fifth Legislative District
 - (1) Guiguinto;
 - (2) Balagtas;
 - (3) Pandi; and
 - (4) Bocaue.

- (f) Sixth Legislative District
 - (1) Sta. Maria;
 - (2) Norzagaray; and
 - (3) Angat.

Moreover, Section 3 of the same law delegated to the COMELEC the power to issue rules and regulations to implement the law. Accordingly, the COMELEC issued Resolution No. 10707.⁹ Section 6 thereof states that the

⁸ AN ACT REAPPORTIONING THE PROVINCE OF BULACAN INTO SIX (6) LEGISLATIVE DISTRICTS. Approved on May 26, 2021.

⁹ IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11546, OTHERWISE KNOWN AS AN ACT REAPPORTIONING THE PROVINCE OF BULACAN INTO SIX (6) LEGISLATIVE DISTRICTS. Promulgated on July 7, 2021.

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qualified voters of the City of San Jose Del Monte, although a lone legislative district, shall continue to vote for members of the *Sangguniang Panlalawigan* in the Fourth Legislative District of Bulacan:

SECTION 6. Allocation of Seats for Elective Members of the Sangguniang Panlalawigan. – Pursuant to Section 41 (b) of R.A. No. 7160, as amended by R.A. No. 8553, **each of the six (6) Legislative Districts** in the Province of Bulacan shall have **two (2) Members in the Sangguniang Panlalawigan. Qualified voters of the City of San Jose del Monte shall continue to vote for Members of the Sangguniang Panlalawigan in the Fourth Legislative District of the Province of Bulacan.** (Emphasis supplied.)

Thereupon, petitioner wrote the COMELEC requesting clarification or amendment of the above Section 6. Petitioner posited that since RA No. 11546 increased the number of legislative districts in the Province of Bulacan to seven (including the lone district of San Jose Del Monte), then all legislative districts should be allocated with two members in the *Sangguniang Panlalawigan*, including the lone district of San Jose Del Monte, in accordance with Section 41(b) of RA No. 7160, as amended by RA No. 8553.¹⁰

In due course, the COMELEC issued a reply¹¹ to petitioner denying her request.¹² The COMELEC ruled that the lone legislative district of San Jose Del Monte is ineligible to have its separate representation in the *Sangguniang Panlalawigan* because of the following grounds:

1. Section 2 of RA No. 9230 only provided the City of San Jose Del Monte its own representative district thereby constituting the City of San Jose Del Monte into a lone legislative district. **It did not, in anyway, have the effect of reapportioning the entire Province of Bulacan into several legislative districts;**
2. **[E]ven in RA No. 11546 — the law which apportioned the entire Province of Bulacan into several legislative districts — the Lone Legislative District of the City of San Jose Del Monte was remarkably eliminated and not mentioned,** thereby depriving it of the opportunity of being allocated with its own seats in the *Sangguniang Panlalawigan* of Bulacan; and
3. **[T]here is no provision in RA No. 9230 which expressly gives the City of San Jose Del Monte separate representation in the Sangguniang Panlalawigan of Bulacan.**¹³ (Emphasis supplied.)

¹⁰ Rollo pp. 7-9.

¹¹ The reply letter dated September 2, 2021 was signed by Executive Director Bartolome J. Sinocruz, Jr.

¹² Rollo, pp. 39-40.

¹³ *Id.*

Aggrieved, petitioner seeks succor *via* this Urgent Petition,¹⁴ imploring the Court to direct the COMELEC to amend Section 6 of Resolution No. 10707. Petitioner supplicates the allocation of two seats in favor of the lone district of San Jose Del Monte in the *Sangguniang Panlalawigan* of the Province of Bulacan.¹⁵

In its Comment,¹⁶ the Office of the Solicitor General (OSG), as counsel for the COMELEC, refutes that a petition for *mandamus* is not the proper remedy to assail the Resolution issued by the COMELEC in the exercise of its quasi-legislative function.¹⁷ Even assuming that *mandamus* is the correct remedy, the OSG avers that the Urgent Petition failed to establish the requisites of *mandamus*.

In her Reply,¹⁸ petitioner reiterated her arguments in her Urgent Petition.

The jugular issue posed for this Court's adjudication can be encapsulated thusly – *Is the lone legislative district of San Jose Del Monte entitled to its own representatives in the Sangguniang Panlalawigan of the Province of Bulacan?*

THE COURT'S RULING

The Petition for Mandamus is a proper remedy to assail the COMELEC's refusal to amend Section 6 of Resolution No. 10707

Section 3, Rule 65 of the Rules of Court provides when the remedy of *mandamus* may lie, *viz.*:

Sec. 3. *Petition for mandamus.* – When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

¹⁴ *Rollo*, pp. 3-29.

¹⁵ *Id.* at 24.

¹⁶ *Id.* at 45-67.

¹⁷ *Id.* at 51.

¹⁸ *Id.* at 75-86.

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The petition shall also contain a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

There are two scenarios by which the writ of *mandamus* will issue: (1) when any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station; or (2) when any tribunal, corporation, board, officer or person unlawfully excludes another from the use and enjoyment of a right or office to which the other is entitled.¹⁹

In order for *mandamus* to prosper in the *first* scenario, the following requisites must be present: (a) the plaintiff has a clear legal right to the act demanded; (b) it must be the duty of the defendant to perform the act, because it is mandated by law; (c) the defendant unlawfully neglects the performance of the duty enjoined by law; (d) the act to be performed is ministerial, not discretionary; and (e) there is no appeal or any other plain, speedy and adequate remedy in the ordinary course of law.²⁰

Petitioner has duly proven the existence of the foregoing requisites.

Foremost, petitioner, as a resident, taxpayer, registered voter, and the incumbent representative of the lone legislative district of San Jose Del Monte, has shown her clear legal right to demand the election of two members who will represent the lone legislative district of San Jose Del Monte to the *Sangguniang Panlalawigan*.

The right of the people to choose those who will govern them is primordial, sacred, and the bedrock of the nation's constitutional democracy. The paramount importance given to the people's right of suffrage emanates from the constitutional declaration that sovereignty resides in the people and all government authority emanates from them.²¹ Preserving the sanctity of the right of suffrage ensures that the State derives its power from the consent of the governed.²²

Under Section 3²³ of RA No. 11546, Congress delegated to COMELEC the power to issue rules and regulations to implement the law, an exercise of COMELEC's quasi-legislative power.²⁴ It is in the nature of subordinate legislation that allows administrative bodies to implement the broad policies laid down in a statute by filling in the details which the legislature may not have the opportunity or competence to provide. The Congress finds it

¹⁹ See *Del Rosario v. Shaikh*, G.R. No. 206249, December 10, 2019, 927 SCRA 431, 440-441.

²⁰ See *Id.* at 441.

²¹ Section 1, Article II of the 1987 Philippine Constitution provides —
SECTION 1. The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.

²² *Kabataan Party-List Rep. Palatino, et al. v. Commission on Elections*, 623 Phil. 159, 165 (2009).

²³ SECTION 3. The Commission on Elections (COMELEC) shall issue the necessary rules and regulations to implement this Act.

²⁴ See *Bedol v. COMELEC*, 621 Phil. 498, 510 (2009).

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impracticable, if not impossible, to anticipate situations that may be met in carrying the law into effect.²⁵ In *Calalang v. Williams*,²⁶ the Court noted that the legislature cannot delegate its power to make the law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government.²⁷ There are many things upon which wise and useful legislation must depend which cannot be known to the law-making power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.²⁸

Nevertheless, in exercising its power of subordinate legislation, the COMELEC cannot extend the law or expand its coverage. The disquisition of the Court in *Lokin, Jr. v. COMELEC, et al.*²⁹ edifies thusly—

The COMELEC, despite its role as the implementing arm of the Government in the enforcement and administration of all laws and regulations relative to the conduct of an election, has **neither the authority nor the license to expand, extend, or add anything to the law it seeks to implement** thereby. The IRRs the COMELEC issues for that purpose should always **accord with the law** to be implemented, and **should not override, supplant, or modify the law**. It is basic that the IRRs should remain consistent with the law they intend to carry out.³⁰ (Emphasis supplied.)

The COMELEC can only create rules and regulations that are germane to the objects and purposes of the law it will implement. These rules should not contradict but must be in *full* conformity with the standards prescribed by the law.³¹ In this regard, it is rudimentary that *mandamus* is a remedy to compel the performance of *purely ministerial* acts. The peremptory Writ of *Mandamus* would not be available if, in the first place, there is no clear legal imposition of a duty upon the office or officer sought to be compelled to act, or if it is sought to control the performance of a discretionary duty.³² Ministerial functions are those which an officer or tribunal performs in the context of a given set of facts, **in a prescribed manner and without regard to the exercise of his own judgment** upon the propriety or impropriety of the act done.³³

Thus, when COMELEC promulgated Resolution No. 10707 to implement RA No. 11546, it had no power to change nor modify the provisions thereof and cannot, by all means, steer away from the mandates of

²⁵ See *Sobrejuanite-Flores v. Pilando, Jr., et al.*, G.R. No. 251816, November 23, 2021.

²⁶ 70 Phil. 726 (1940).

²⁷ *Id.* at 732.

²⁸ *Sobrejuanite-Flores v. Pilando, Jr. et al.*, G.R. No. 251816, November 23, 2021.

²⁹ 635 Phil. 372 (2010).

³⁰ *Id.* at 399.

³¹ See *Quezon City PTCA Federation, Inc. v. Department of Education*, 781 Phil. 399, 424 (2016).

³² *Del Rosario v. Shaikh*, G.R. No. 206249, December 10, 2019, 927 SCRA 431, 441.

³³ *Cawad, et al. v. Sec. Abad, et al.*, 764 Phil. 705, 722-723. Emphasis added.

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the law which it seeks to implement. It is in this sense that the quasi-legislative power of the COMELEC is ministerial.

*The legislative history of
RA No. 11546*

In denying the request of petitioner to amend Section 6 of Resolution No. 10707, which mandates qualified voters of the City of San Jose Del Monte to continue to vote for members of the *Sangguniang Panlalawigan* in the fourth district of the Province of Bulacan, the COMELEC ratiocinated that RA No. 11546 reapportioned Bulacan into merely six legislative districts, entitling them to two seats each in the *Sangguniang Panlalawigan*.

The COMELEC's thesis is tenuous.

As earlier adumbrated, in 2003, RA No. 9230 accorded the City of San Jose Del Monte its own representative district, constituting the City of San Jose Del Monte as a lone legislative district.

All the same, RA No. 11546, which effectively reapportioned the entire Province of Bulacan, noticeably left out the lone legislative district of San Jose Del Monte, thereby listing only *six* legislative districts to the exclusion of the Lone District of San Jose Del Monte.

This glaring incongruity calls to fore the application of the cardinal rule in statutory construction that where a statute is susceptible of several interpretations or where there is ambiguity in its language, there is no better means of ascertaining the will and intention of the legislature than that which is afforded by the history of the statute. By looking at and investigating the legislative history of the statute, the court will be able to arrive at its correct interpretation. For this purpose, the Court may take judicial notice of the origin and history of the statute which it is called upon to construe and apply, and of the facts which affect its derivation, validity, and operation.³⁴

Appositely, the legislative history of RA No. 11546 divulges the irrefutable truth that it was indeed the intention of the legislators to reapportion the Province of Bulacan into *seven* legislative districts, including the lone legislative district of San Jose Del Monte.

The explanatory note of House Bill (HB) No. 5866, the precursor of R.A No. 11546, states that:

This bill proposes for the reapportionment of the legislative districts in the Province of Bulacan from the current four (4) to seven (7), with the Constitution providing for in:

³⁴ See RUBEN E. AGPALO, STATUTORY CONSTRUCTION 173 (2009).

x x x x

The Province of Bulacan was initially divided into four (4) legislative districts on February 1987 under the guidelines set by the Constitution.

x x x x

But in the recent years, the erstwhile Municipalities of San Jose, Malolos and Meycauayan were converted into cities during the years 2000, 2002, and 2006 in that order.

And by virtue of Republic Act 9230 which amended RA 8797 (An Act Converting the Municipality of SJDM, Bulacan into a Component city to be known as the City of San Jose Del Monte), separated the said city from the Fourth District of Bulacan whereafter became the Lone District of San Jose del Monte in 2003 after satisfying the requisites of the law.

x x x x

As of the moment Bulacan has a total of five legislative districts, the original four districts of the Province of Bulacan and the lone district of San Jose del Monte comprising such.

x x x x

This bill aims to address the lack of representation of the Province of Bulacan in Congress given the population increase since the Constitution's inception in 1987.

x x x x

Withal, Section 1 of HB No. 5866 enumerated the proposed seven legislative districts comprising the Province of Bulacan, thus:

Section 1. Redistricting – The Province of Bulacan is hereby reapportioned into seven (7) Legislative districts as follows:

- A. First District: Calumpit, Hagonoy, Paombong, Pulilan, Bulakan, City of Malolos
- B. Second District: Baliuag, Bustos, Plaridel, Guiguinto
- C. Third District: San Ildefonso, San Miguel, San Rafael, Dona Remedios Trinidad
- D. Fourth District: Obando, Marilao and the City of Meycauayan
- E. Fifth District: Balagtas, Pandi, Bocaue
- F. Sixth District: Sta. Maria, Norzagaray, Angat
- G. **Lone District of City of San Jose del Monte**

Still and all, when HB No. 5866 was referred to the House Committee on Local Government, the Committee recommended the approval of HB No. 6867 in substitution of HB No. 5866. HB No. 6867 excluded the lone district of San Jose Del Monte from the composition of the six legislative districts

comprising the Province of Bulacan, which was later retained in the approved RA No. 11546.

Section 1 of HB No. 6867 lists the Province of Bulacan's six legislative districts, viz.:

SECTION 1. The Province of Bulacan is hereby reapportioned into six (6) legislative districts to take effect in the 2022 national and local elections. Each legislative district of the province shall now be composed of the following:

(a) First Legislative District

- (1) Calumpit;
- (2) Hagonoy;
- (3) Paombong;
- (4) Pulilan;
- (5) Bulakan; and
- (6) City of Malolos.

(b) Second Legislative District

- (1) Baliuag;
- (2) Bustos; and
- (3) Plaridel.

(c) Third Legislative District

- (1) San Ildefonso;
- (2) San Miguel;
- (3) San Rafael; and
- (4) Doña Remedios Trinidad.

(d) Fourth Legislative District

- (1) Obando;
- (2) Marilao; and
- (3) City of Meycauayan.

(e) Fifth Legislative District

- (1) Guiguinto;
- (2) Balagtas;
- (3) Pandi; and
- (4) Bocaue.

(f) Sixth Legislative District

- (1) Sta. Maria;
- (2) Norzagaray; and
- (3) Angat.

The approval of HB No. 6867 as a substitute bill came about when, during the Committee hearing, one of the authors of the bill, Representative Lorna Silverio (Rep. Silverio) proposed an amendment to HB No. 5866, seeking to transfer the Municipality of Guiguinto, Bulacan from the second legislative district to the newly-created fifth legislative district. The following exchanges between the Committee members transpired:

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REP. SILVERIO: Mr. Chair, before we approve, 'no, I would like to be transparent here. As I said earlier, there were some negotiations that went on when we presented this with the Mayors' League, 'no. and I would like to make a motion to amend our bill at this point, 'no. Upon consultation with the President of the Mayors' League of Bulacan and with due concurrence with Congressman Gavini "Apol" Pancho of the Second District, this Representation would like to present an amendment to our bill in which the Municipality of Guiguinto be considered to be a part of the newly created Fifth District, to include the Municipalities of Balagtas, Pandi and Bocaue, instead of being retained in the Second District under our submitted bill. I so move, Mr. Chairman. Thank you.

THE CHAIRPERSON: So, I would like to be clear on this. For the First District of Bulacan, having a population of 717,820...820...the First District will comprise Malolos City, Bulakan, Calumpit, Hagonoy, Paombong, and Pulilan. So, now, for the proposed Second Legislative District, Guiguinto will now be transferred to the Fifth Legislative District. So, the Second Legislative District of Bulacan will comprise the three towns of Baliuag, Bustos and Plaridel. Is it correct, the Honorable Author?

REP. SILVERIO: Yes, Mr. Chair. Thank you.

THE CHAIRPERSON: For the Third Legislative District will have a population of 375,671 to comprise the Municipalities of San Ildefonso, San Rafael, San Miguel and Doña Remedios Trinidad.

REP. SILVERIO: Yes, Mr. Chair.

THE CHAIRPERSON: For the Fourth Legislative District with a population of 490,000, Marilao, Meycauayan City and Obando.

REP. SILVERIO: Yes, Mr. Chair.

THE CHAIRPERSON: And as mentioned a while ago, the Fifth Legislative District. So, there will now be a change in the population. So...

REP. SILVERIO: And another district.

THE CHAIRPERSON: The Sixth Legislative District, Sta. Maria, Norzagaray and Angat. **And of course, the Seventh Legislative District is the Lone District of San Jose del Monte.**

x x x³⁵

As can be distilled from the aforementioned deliberations between Rep. Silverio and the Chairperson of the Committee, Congress never intended the lone legislative district of San Jose Del Monte to be left out. In fact, throughout the law's legislative history, the lawmakers were consistent in including the lone legislative district of San Jose Del Monte in the list of the Province of Bulacan's legislative districts. Thus, in breathing life into RA No.

³⁵ Committee on Local Government, Committee Hearing, March 10, 2020, 18th Congress.

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11546, the original intent of the lawmakers, as embodied in HB No. 5866, should be given profuse weight and credence. The intent of the statute is the law itself, as held by the Court in *Torres v. Limjap*.³⁶

If a statute is valid, it is to have effect according to the purpose and intent of the lawmaker. The intent is the vital part, the essence of the law, and the primary rule of construction is to ascertain and give effect to that intent. The intention of the legislature in enacting a law is the law itself, and must be enforced when ascertained, although it may not be consistent with the strict letter of the statute. Courts will not follow the letter of a statute when it leads away from the true intent and purpose of the legislature and to conclusions inconsistent with the general purpose of the act. Intent is the spirit which gives life to a legislative enactment. In construing statutes, the proper course is to start out and follow the true intent of the legislature and to adopt that sense which harmonizes best with the context and promotes in the fullest manner the apparent policy and objects of the legislature.³⁷

The lone legislative district of San Jose Del Monte is entitled to its own representatives in the Sangguniang Panlalawigan

Section 41(b) of RA No. 7160, as amended by RA No. 8553, illuminates that *Sangguniang Panlalawigan* members are elected by **district**:

(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 Section 2 of Republic Act No. 6637 x x x. (Emphasis supplied.)

A legislative district is the basis for the election of a member of the House of Representatives and members of the local legislative body.³⁸ As such, “representative district” may pertain to either or both the House of Representatives and the *Sangguniang Panlalawigan*. The COMELEC, therefore, veered away from the exacting provisions of Section 41(b) of RA No. 7160 when it recognized the representation of the lone legislative district of San Jose Del Monte in the House of Representatives, yet concurrently dismissed its consequential significance in the determination of entitlement to representation in the *Sangguniang Panlalawigan*.

³⁶ 56 Phil. 141 (1931).

³⁷ *Id.* at 145-146.

³⁸ See *Bagabuyo v. COMELEC*, 593 Phil. 678, 696 (2009).

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In sooth, to uphold COMELEC's stance would create an unfounded and inaccurate distinction between the manner of electing a member of the House of Representatives and the *Sangguniang Panlalawigan* by excluding the members of the Provincial Board from the application of Section 58 of RA No. 8797, as amended by RA No. 9230. This erroneous interpretation would effectively deny the lone legislative district of San Jose del Monte of its status as a full-fledged legislative district for purposes of entitling it to two seats in the *Sangguniang Panlalawigan*. Section 41(b) of RA No. 7160 does not distinguish between the manner of electing a member of the House of Representatives and the *Sangguniang Panlalawigan*. Where the law does not distinguish, neither should this Court.³⁹

Ineludibly, owing to the nature of San Jose Del Monte as a lone legislative district, the qualified voters therein have the right to elect their own representatives in the *Sangguniang Panlalawigan* as much as they have the right to be represented in the House of Representatives. Stated otherwise, it cannot remain clustered with the municipalities or cities in the fourth legislative district of Bulacan for purposes of electing its board members.

Finally, given that the basis of the prayer for the issuance of a Writ of Preliminary Mandatory Injunction is inextricably intertwined with the postulations raised in the main Petition, the Court finds no necessity to belabor the same.

IN LIGHT OF THE FOREGOING DISQUISITIONS, the Urgent Petition for *Mandamus* with Prayer for Preliminary Mandatory Injunction is hereby **GRANTED**. A Writ of *Mandamus* is **ISSUED, DIRECTING** the Commission on Elections to **AMEND** Section 6 of Resolution No. 10707 to conform with Section 41(b) of Republic Act No. 7610 by allocating two seats in the *Sangguniang Panlalawigan* of the Province of Bulacan for the lone legislative district of San Jose Del Monte.

SO ORDERED."

JAPAR B. DIMAAMPAO
Associate Justice

³⁹ See *Gov. Javier v. COMELEC, et al.*, 777 Phil. 700, 717 (2016).

WE CONCUR:

On official leave

ALEXANDER G. GESMUNDO

Chief Justice

*See separate
Opin*

see separate opinion

MARVIC M.V.F. LEONEN

Acting Chief Justice

ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

On official leave

RAMON PAUL L. HERNANDO

Associate Justice

AMY C. LAZARO JAVIER

Associate Justice

No Part

HENRI JEAN PAUL B. INTING

Associate Justice

RODIL V. ZALAMEDA

Associate Justice

MARIO V. LOPEZ

Associate Justice

SAMUEL H. GAERLAN

Associate Justice

RICARDO R. ROSARIO

Associate Justice

On Leave

JHOSEP Y. LOPEZ

Associate Justice

JOSE MIDAS P. MARQUEZ

Associate Justice

No Part

ANTONIO T. KHO, JR.

Associate Justice

MARIA FILOMENA D. SINGH

Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court.



MARVIC M.V.F. LEONEN
Acting Chief Justice