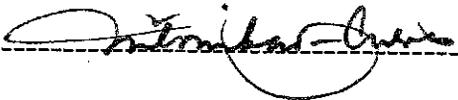


EN BANC

G.R. No. 257427 – FLORIDA P. ROBES, *petitioner*, *versus*
COMMISSION ON ELECTIONS, *respondent*.

Promulgated:

June 13, 2023

X----------X

SEPARATE CONCURRING OPINION

CAGUIOA, J.:

I concur in the *ponencia*. All circumstances considered, the city of San Jose Del Monte is entitled to its own legislative district for purposes of representation in both the *Sangguniang Panlalawigan* (*Sanggunian*) and the House of Representatives (HOR) for the 2022 National and Local Elections (NLE). Having its own legislative district, San Jose Del Monte is, thus, entitled to two (2) seats in the *Sanggunian* pursuant to Section 41(b)¹ of Republic Act (R.A.) No. 7160,² otherwise known as the Local Government Code (LGC) which entitles each district in provinces having more than five (5) districts³ to two (2) seats in the concerned provincial board.

First, R.A. No. 9230⁴ clearly provides for the city's own representative district, thus:

¹ R.A. No. 7160, Section 41(b), as amended, reads:

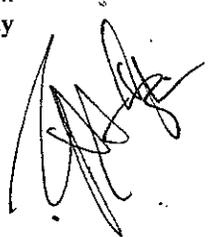
b) The regular members of the *sangguniang panlalawigan*, *sangguniang panlungsod*, and *sangguniang bayan* shall be elected by district as follows:

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 and underscoring supplied)

² Approved on October 10, 1991.

³ Bulacan Province, to which San Jose Del Monte belongs, presently has six (6) recognized legislative districts under R.A. No. 11546 excluding the lone district of San Jose Del Monte.

⁴ 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



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)

The Commission on Elections (COMELEC) argues that R.A. No. 9230 does not explicitly state that the lone district of San Jose Del Monte created therein is for purposes of electing members of Bulacan province's *Sanggunian*. However, the same reasoning may be said of the city's representation in the HOR. The law does not likewise expressly mention the HOR, yet the COMELEC construed the same as giving San Jose Del Monte its own district for purposes of the HOR elections, but not of the *Sanggunian* elections. The differential treatment does not seem to be supported by the plain language of Section 58.

To be sure, "representative district" may pertain to either or both the HOR and the *Sanggunian*. Basic is the legal maxim that where the law does not distinguish, neither should the court.⁵ Thus, the COMELEC should not have distinguished between the HOR and the *Sanggunian* by excluding the latter in its application of Section 58 and thereby denying San Jose Del Monte of its own legislative district and its two (2) seats in the *Sanggunian* elections.

Second, R.A. No. 11546⁶ which reapportioned Bulacan province into six (6) legislative districts does not exclude the lone legislative district of San Jose Del Monte created by R.A. No. 9230.

The COMELEC reasons that R.A. No. 11546 which reapportions Bulacan province into six (6) legislative districts and enumerates such six districts, does not mention the lone district of San Jose Del Monte; thus, it cannot be given its own district as the same would run contrary to R.A. No. 11546.

R.A. No. 11546 provides:

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:

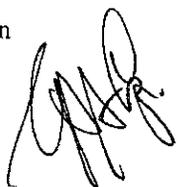
(a) First Legislative District

- (1) Calumpit;
- (2) Hagonoy;
- (3) Paombong;
- (4) Pulilan;
- (5) Bulakan; and

to be Known as the City of San Jose Del Monte and Providing Funds Therefor. Approved on December 18, 2003.

⁵ See *Spouses Villanueva v. People*, 876 Phil. 855, 865 (2020).

⁶ An Act Reapportioning the Province of Bulacan into Six (6) Legislative Districts. Approved on May 26, 2021.



- (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. (Emphasis supplied)

Indeed, it cannot be denied that R.A. No. 11546 speaks only of six (6) legislative districts and omits to mention that of San Jose Del Monte. However, this cannot be taken to mean as denying the city of its own district for the *Sanggunian* elections.

For one, the words “legislative district,” similar to “representative district,” can pertain to either or both the HOR and the *Sanggunian*. As in Section 58 of R.A. No. 9230, R.A. No. 11546 expresses no distinction between the two legislative bodies as it simply provides that Bulacan province shall have six (6) legislative districts for the 2022 NLE. Thus, assuming as valid the reasoning of the COMELEC that San Jose Del Monte is not entitled to its own district for the *Sanggunian* elections because it is not mentioned in R.A. No. 11546, then it should not likewise be entitled to such lone district for the HOR elections. The distinction that the COMELEC drew in favor of retaining the lone district of San Jose Del Monte for electing a member into the HOR but denying the same for purposes of having its own seats in the *Sanggunian* lacks basis in the law.

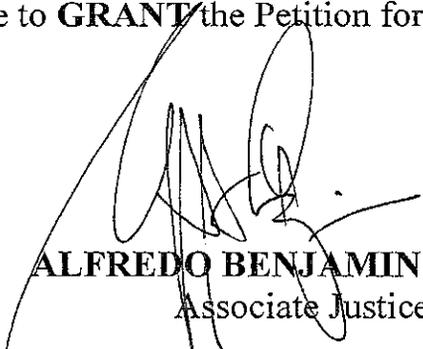
Another point is that R.A. No. 11546 does not explicitly provide that its list of legislative districts of Bulacan is exclusive or exhaustive. There is likewise nothing in the said law which impliedly or expressly

repeals R.A. No. 9230. As such, R.A. No. 11546 should be reconciled with the earlier law of R.A. No. 9230 which created the lone district of San Jose Del Monte. The result is that Bulacan province has a total of seven (7) legislative districts for both the HOR and the *Sanggunian* elections: one (1) under R.A. No. 9230 (the lone district of San Jose Del Monte), and six (6) under R.A. No. 11546.

Well-entrenched in our jurisdiction that an implied repeal of a prior statute is disfavored. It is only accepted upon the clearest proof of inconsistency so repugnant that the two laws cannot be enforced.⁷ Merely because a later enactment may relate to the same subject matter as that of an earlier statute is not of itself sufficient to cause an implied repeal of the latter, since the new law may be cumulative or a continuation of the old one.⁸ The apparently conflicting provisions of a law or two laws should be harmonized as much as possible, so that each shall be effective.⁹

This interpretation aligns more with the failure of R.A. No. 11546 to mention the city of San Jose Del Monte. To stress, inasmuch as the city is not mentioned as a lone legislative district, it is likewise not one of the enumerated cities and municipalities of the fourth district. Thus, the inclusion by the COMELEC in the fourth district of San Jose Del Monte for the *Sanggunian* elections runs counter to R.A. No. 11546.

In these lights, I vote to **GRANT** the Petition for *Mandamus*.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁷ See *De Lima v. Judge Guerrero, et al.*, 819 Phil. 616, 725 (2017).

⁸ *Valera v. Tuason, Jr.*, 80 Phil. 823, 827 (1948).

⁹ *Remo v. Secretary of Foreign Affairs*, G.R. No. 169202, March 5, 2010, 614 SCRA 281, 290.