



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

**IN THE MATTER OF THE DISTRICT
APPORTIONMENT OF THE TEN (10)
EMBO BARANGAYS OF TAGUIG
CITY FOR PURPOSES OF ELECTING
THE REPRESENTATIVES TO THE
HOUSE OF REPRESENTATIVES
AND MEMBERS OF THE
SANGGUNIANG PANLUNGSOD IN
THE UPCOMING 12 MAY 2025
LOCAL ELECTIONS**

Garcia, G.M., *Chairman*
Inting, S.B., *Commissioner*
Casquejo, M.S. *Commissioner*
Ferolino, A.P., *Commissioner*
Bulay, R.E., *Commissioner*
Maceda, E.P., *Commissioner*
Celis, N.J., *Commissioner*

x ----- x *Promulgated: 25 September 2024*

RESOLUTION NO. 11069

WHEREAS, on 16 September 2024, the *Sangguniang Panlungsod* of the City of Taguig passed Ordinance No. 144, entitled, "*An Ordinance Including the Ten (10) EMBO Barangays in the Two (2) Legislative and Councilor Districts of the City of Taguig and Increasing the Number of Councilors in Each District to Twelve (12) for Purposes of Voting the Representatives to the House of Representatives and the Elective Members of the Sangguniang Panlungsod*".

WHEREAS, on 18 September 2024, the Election Records and Statistics Department submitted its comment on this matter to the Commission *En Banc* which reads:

"The Office of the Deputy Executive Director for Operations has forwarded to us a copy of Ordinance No. 144, approved 16 September 2024 by the Sangguniang Panlungsod of the City of Taguig and entitled 'An Ordinance Including the Ten (10) EMBO Barangays in the Two (2) Legislative and Councilor Districts of the City of Taguig, and Increasing the Number of Councilors in Each District to Twelve (12); for Purposes of Voting the Representatives to the House of Representatives and the Elective Members of the Sangguniang Panlungsod'.

The seventeenth Whereas clause of En Banc Resolution No. 11050, very well cites Section 3 (a)(b) and (c) of Republic Act No. 7166, paragraph of which states, among other things, that the number and election of elective members of the Sangguniang Panlungsod and Sangguniang Bayan in the Metro Manila Area, City of Cebu, City of Davao and any other city with two (2) or more legislative districts shall continue to be governed by the provisions of Sections 2 and 3 of Republic Act No. 6636.

In turn, afore-cited Secs. 2 and 3 of R.A. 6636 provides that, again, among other things, for purposes of the local elections on 18 January 1988, the City of Manila, the City of Quezon and the City of Caloocan shall have six (6) councilors for each of the representative district, the City of Pasay and the then Municipalities of Makati, Parañaque, Pasig, Marikina, and Valenzuela, each of which comprises a representative district, shall have twelve (12) councilors each to be elected at large, and all other municipalities of the Metro Manila Area shall have ten (10) councilors each, with the exception of Pateros which shall have eight (8) councilors, to be elected at large by their respective qualified voters.

Subsequently, Sec. 3 (d) of R.A. 7166 provides that beginning with the regular elections in 1995, elective members of the Sangguniang Panlungsod and Sangguniang Bayan shall be elected by districts. R. A. No. 8553 was subsequently enacted, amending Sec. 41 (b) of R.A. No. 7160, the Local Government Code, and now provides that the regular members of sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan shall be elected by districts.

Taguig City was converted into a highly-urbanized city through the aegis of R.A. No. 8487, Sec. 61 of which provides for a legislative district for the Municipality of Pateros and Taguig's first councilor district, and a new legislative district corresponding to the second councilor district.

Through the instant Ordinance No. 144, the ten EMBO barangays are now to be inserted, or added, to the present two councilor districts. These 10 EMBO barangays have a population of 336,783 as of the 2020 census; such number of inhabitants in fact would suffice for a separate, or for a third councilor district, if not a third legislative district.

Considering that the members of the sangguniang panlungsod are in a better position or vantage view of how to sufficiently and adequately address their constituents' needs for basic services and other requirements, we submit to their wisdom on the distribution of the EMBO barangays, with the presumption that such aggregation of the barangays comprises a compact, contiguous and adjacent territory.

Moreover, given the increase in the general population of Taguig City with the addition of the EMBO barangays, an increase in the number of elective members of the sangguniang panlungsod is indeed a necessity, as more voters must be represented and served by the city government.

Accordingly, it is humbly suggested that herein Ordinance No. 144 be considered, for an (1) increase in the number of seats for the sangguniang panlungsod, from eight to twelve for each councilor district, (2) re-districting of the City of Taguig, and (3) amend Resolution No. 11050 insofar as the allocation of seats for the sangguniang panlungsod of Taguig City. It is however, recommended, that the additional seats for Taguig City be treated as pro hac vice.

Respectfully submitted."

WHEREAS, on 23 September 2024, the Office of the Deputy Executive Director for Operations likewise submitted its comment on this matter to the Commission *En Banc* which reads:

“This pertains to the attached recently issued Ordinance No. 144 of the Government City of Taguig wherein the ten (10) EMBO Barangays from Makati City were included in the two (2) legislative districts of Taguig City, to wit:

First Legislative and Councilor District:

- 1. Comembo;*
- 2. Pembo; and*
- 3. Rizal*

Second Legislative and Councilor District:

- 1. Cembo;*
- 2. South Cembo;*
- 3. East Rembo;*
- 4. West Rembo;*
- 5. Pitogo;*
- 6. Post Proper Northside; and*
- 7. Post Proper Southside*

It is respectfully submitted that in apportioning the ten (10) EMBO barangays to the two (2) legislative and councilor districts of Taguig, the Sangguniang Panlungsod did not violate the constitutional proscription that only congress can create legislative districts. These two (2) legislative and councilor districts are already existing and there are no new or additional districts created.

We are aware that Congress is about to issue a joint resolution adopting City Ordinance No. 144. Pending the issuance and implementation of said joint resolution, we respectfully submit our comment on the matter, to wit:

Section 6, Chapter II of the Local Government Code provides:

Section 6, Chapter II of the Local Government Code reads:

Section 6. Authority to Create Local Government Units. A local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the sangguniang panlalawigan or sangguniang panlungsod concerned in the case of a barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this Code. (Emphasis ours)

Thus, the City Government of Taguig would be well within its powers to effect the inclusion of the ten (10) EMBO barangays to its two (2) legislative districts by virtue of City Ordinance No. 144. By implication, if the Sangguniang Panlungsod of Taguig is empowered by law to create, divide, merge, or abolish barangays within its territorial jurisdiction, such power, in our humble opinion, necessarily includes the authority to allocate existing barangays to the legislative district where they shall belong for electoral purposes.

On its face, the inclusion of the EMBO barangays may appear to be an amendment to the City Charter of Taguig. However, as correctly mentioned in the tenth (10th) Whereas clause of City Ordinance No. 144, the Sangguniang Panlungsod is empowered to enact ordinances to advance the general welfare of the city and its inhabitants.

This is a case of first impression. The initial response of the Commission En Banc is to recognize the existence of the 2nd Legislative District of Makati with only three (3) barangays, while the ten (10) EMBO barangays transferred to Taguig were not given any legislative representation in COMELEC Resolution No. 24-0322. With all due respect, this effectively disenfranchised the voters of these EMBO barangays from voting for a legislative representative. What the Taguig City Council did in distributing the ten (10) barangays to the two (2) existing legislative districts is to provide the voters of the ten (10) barangays with proper representation in the House of Representatives. As between COMELEC Resolution No. 24-0322 and City Ordinance No. 144, it would appear that the latter gives more meaning to the constitutional provision on proper representation.

It must be pointed out that the situation before us is unique and there seems to be no specific legal provision applicable to a situation wherein the Supreme Court determined several barangays to be within the territorial boundaries of another city. Couple that to the proximity of the May 12, 2025 NLE and BPE, the urgency of the action of the City Government of Taguig conforms with the intent of the Local Government Code when it granted to local governments police power through the general welfare clause under Section 16 of said law.

**Section 458 in Relation to
Section 16 of the Local
Government Code**

Section 458 of the Local Government Code reads, to wit:

Section 458. Powers, Duties, Functions and Compensation.

- (a) The sangguniang panlungsod, as the legislative body of the city, shall **enact ordinances**, approve resolutions and appropriate funds for the **general welfare of the city and its inhabitants** pursuant to Section 16 of this Code xxx (Emphasis ours)

On the other hand, Section 16 of the Local Government Code reads, to wit:

Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. xxx (Emphasis ours)

As discussed by the Supreme Court in the case of *Municipality of Makati (Now City of Makati) vs. Municipality of Taguig (Now City of Taguig)*, Taguig City presented evidence that is more convincing and worthier of belief than that proffered by Makati. Consequently, it was ruled that Taguig has a superior claim to the disputed areas, which are the ten (10) EMBO barangays. In relation to the foregoing, City Ordinance No. 144 was enacted to promote the general welfare of the inhabitants of the ten (10) EMBO barangays which have been declared to be within the jurisdiction of Taguig. Said Ordinance finds premise in Section 5, Article II of the 1987 Constitution, which reads:

*SECTION 5. The maintenance of peace and order, the protection of life, liberty, and property, and **the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.** (Emphasis ours)*

Hence, the general welfare enshrined in the 1987 Constitution is superior to any statute that may controvert the issuance and validity of City Ordinance No. 144.

The Philippines as a Democratic and Republican State in Relation to the Constitutional Right of Suffrage

We recognize that City Ordinance No. 144 corresponds to the state policy under Section 1, Article II of the 1987 Constitution - that the Philippines is a republican and a democratic state. Accordingly, it is respectfully recommended that the Commission fully support City Ordinance No. 144 in view of the fundamental principles and constitutional rights under the 1987 Constitution, which are involved in this novel situation. The basic state principle of republicanism supports the notion that the registered voters of the ten (10) EMBO should be represented in the House of Representatives.

We quote the discussion of the Supreme Court on the matter in the case of *Macalintal vs. Commission on Elections*, to wit:

xxx

*Unquestionably, thus, the **right of suffrage is a treasured right in a republican democratic society:** the right to voice one's choice in the election of those who make the laws and those who implement them is indispensable in a free country that its absence will render illusory other rights, even the most basic. xxx*

Verily, by its very nature, the right of suffrage stands on a higher - if not distinct-plane such that it is accorded its own Article under the Constitution, separate from the other fundamental rights.

Because of the fundamental and indispensable role that the right of suffrage plays in the preservation and enjoyment of all other rights, it is protected in various international instruments.

*Foremost of these instruments is the **Universal Declaration of Human Rights (UDHR)** which, in **Article 21** thereof, declares that "[e]veryone has the right to take part in the government of his country, directly or through freely chosen representatives." xxx*

*Similarly, the **International Covenant on Civil and Political Rights (ICCPR)**, under **Article 25** thereof, affirms the "right and the opportunity [of every citizen], without any of the distinctions mentioned in article 2 and without unreasonable restrictions" to "take part in the conduct of public affairs, directly or through freely chosen representatives." (Emphasis ours)*

In conclusion, the Philippines, as a republican and a democratic country, grants its citizens the Right of Suffrage. Consequently, the people, who are the sovereign, exercise their sovereignty through their duly elected representatives. On this score, it is our humble belief that the action of the City Government of Taguig in passing the City Ordinance No. 144 is an affirmation of the Constitutional Right to Suffrage of their registered voters and the republican nature of our state, which ensures that their voters will be properly represented in the national legislature.

*In the case of **Social Justice Society vs. Atienza**, the Supreme Court held that the implementation of an ordinance is a ministerial duty and may be compelled by the filing of a writ of mandamus. Furthermore, the Court also discussed that statutes and ordinances are presumed valid unless and until the courts declare the contrary in clear and unequivocal terms. xxx The presumption is all in favor of validity. The reason for this is obvious: The action of the elected representatives of the people cannot be lightly set aside. The councilors must, in the very nature of things, be familiar with the necessities of their particular municipality and with all the facts and circumstances which surround the subject and necessitate action. The local legislative body, by enacting the ordinance, has in effect given notice that the regulations are essential to the well being of the people. xxx*

Furthermore, the inclusion of the ten (10) EMBO barangays in the legislative districts of Taguig via City Ordinance No. 144 for purposes of voting for their legislative district representatives and district sangguniang panlungsod members is warranted by the urgency of the situation in view of the proximity of the May 12, 2025 NLE and BPE. We see this as the most legally feasible approach under the circumstances.

As regards its effect on COMELEC Resolution No. 11050, it must be noted that City Ordinance No. 144 was not yet enacted at the time the said resolution was promulgated. Therefore, there was a significant event that occurred which will now justify the amendment of the resolution. To address the incongruence of both issuances, it is respectfully recommended that the changes in the list of barangays in the 1st and 2nd Legislative District of Taguig be reflected in an amended COMELEC Resolution. Furthermore, the ripple effect of increasing the number of seats for the Sangguniang Panlungsod of the City Government of Taguig from eight (8) to twelve (12) for each councilor district should also be reflected therein.

For Your Honor's consideration."

NOW THEREFORE, after due deliberation, the Commission *En Banc*, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code, the Administrative Code of 1987 and other relevant statutes, hereby **RESOLVES** to **ADOPT** the herein recommendations of the Election Records and Statistics Department (ERSD) and the Office of the Deputy Executive Director for Operations (ODEDO) to favorably consider Ordinance No. 144 of the Government City of Taguig for the:

- (1) Increase in the number of seats for the Sangguniang Panlungsod, from eight (8) to twelve (12) for each councilor district;
- (2) Inclusion of the ten (10) EMBO barangays in the first and second legislative and councilor districts of the City of Taguig as follows:

First Legislative and Councilor District:

1. Comembo;
2. Pembo; and
3. Rizal

Second Legislative and Councilor District:

1. Cembo;
2. South Cembo;
3. East Rembo;
4. West Rembo;
5. Pitogo;
6. Post Proper Northside; and
7. Post Proper Southside

- (3) Amendment of Resolution No. 11050 insofar as the allocation of seats for the Sangguniang Panlungsod of Taguig City is concerned.

Let the Office of the Deputy Executive Director for Operations and the Election Records and Statistics Department implement this Resolution.

Let the Education and Information Department cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines and its widest dissemination and let the Information Technology Department post this Resolution in the official COMELEC website.

SO ORDERED.

GEORGE ERWIN M. GARCIA
Chairman

SOCORRO B. INTING
Commissioner

MARLON S. CASQUEJO
Commissioner

AIMEE P. FEROLINO
Commissioner

REY E. BULAY
Commissioner

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner

NELSON J. CELIS
Commissioner

CERTIFICATION

APPROVED for publication on **25 September 2024.**


CONSUELO B. DIOLA
Director IV

This Resolution can be verified at this number (02)85272987; email address comsec@comelec.gov.ph.