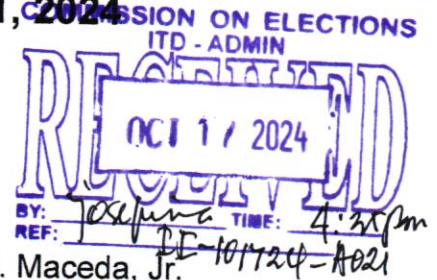




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**EXCERPT FROM THE MINUTES OF THE REFERENDUM/
CONSULTATION OF THE COMMISSION ON ELECTIONS
HELD ON OCTOBER 01, 2024**

Chairman George Erwin M. Garcia
Commissioner 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



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**24-0772. IN THE MATTER OF THE CONCURRENT RESOLUTION NO. 26
OF THE CONGRESS OF THE PHILIPPINES**

This pertains to the Concurrent Resolution No. 26 of the Congress of the Philippines, transmitted by Atty Renato N. Bantug, Jr., Secretary of the Senate, to the Office of Chairman George Erwin M. Garcia.

The pertinent portion of the Concurrent Resolution No. 26 of the Congress of the Philippines reads:

"Resolved by the Senate of the Philippines, the House of Representatives concurring, To include in the two (2) Legislative Districts of the City of Taguig and Municipality of Pateros the ten (10) Enlisted Men's Barrios (EMBO) barangays in the manner herein decreed in order not to disenfranchise the registered voters therein, and confirm the increase to twelve (12) of the number of councilors in each councilor district of the City of Taguig for purposes of equitable representation."

The Commission notes and acknowledges receipt of the hereto attached and forming integral part hereof, **Concurrent Resolution No. 26 of the Congress of the Philippines**, entitled, "**CONCURRENT RESOLUTION INCLUDING THE TEN (10) ENLISTED MEN'S BARRIOS (EMBO) BARANGAYS IN THE TWO (2) LEGISLATIVE DISTRICTS OF THE CITY OF TAGUIG AND MUNICIPALITY OF PATEROS IN ORDER NOT TO DISENFRANCHISE THE REGISTERED VOTERS THEREIN AND CONFIRMING THE INCREASE TO TWELVE (12) OF THE NUMBER OF COUNCILORS IN EACH COUNCILOR DISTRICT OF THE CITY OF TAGUIG FOR PURPOSES OF FAIR AND EQUITABLE REPRESENTATION**"

which is likewise consistent with **COMELEC Resolution No. 11069**, entitled, *“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”*, promulgated on 25 September 2024. *WE* reiterate the dispositive portion of COMELEC Resolution No. 11069 which resolves to adopt the following:

- (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.

Recently, the Office of the Deputy Executive Director for Operations, the Law Department and the Election Records and Statistics Department submitted comments on Concurrent Resolution No. 26 which are hereto attached and forming integral part hereof.

The legal bases on this matter, as pointed by the Deputy Executive Director for Operations in Memorandum No. 24-0872 (3155), are as follows:

**Section 6, Chapter II of the
Local Government Code¹**

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 necessarily includes the authority to allocate existing barangays to the legislative district where they shall belong for electoral purposes.

**Section 458² in Relation to Section 16³
of the Local Government Code**

*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 by virtue of the Supreme Court ruling in the case of **Municipality of Makati (Now City of Makati) vs. Municipality of Taguig (Now City of Taguig)**⁴. The Ordinance finds premise in Section 5, Article II⁵ of the 1987 Constitution.*

¹ 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.

² 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

³ 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

⁴ G.R. No. 235316, December 1, 2021

⁵ 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.

The enactment of City Ordinance No. 144 was for the promotion of the general welfare of the inhabitants of Taguig, which is essential for the people to enjoy the blessings of democracy.

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

The Philippines, as a republican and a democratic country⁶, 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 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.

The adoption of Concurrent Resolution No. 26 by the Senate and House of the Representatives is an affirmation of COMELEC Resolution No. 11069. Such adoption gives more weight to COMELEC Resolution No. 11069 because there is now a legislative action from the Congress agreeing with the Commission's position in the apportionment of the ten (10) EMBO barangays in the two (2) legislative districts of the City Government of Taguig.

Although, Concurrent Resolution No. 26 is not a law, it is an expression of the sense of both Houses and deserves recognition and holds weight.

Thus, there being a consensus among the Local Government Unit, the Senate, the House of Representatives and the Commission, coupled with constitutional guarantee to the primordial right of suffrage of the registered voters of the ten (10) EMBO barangays, the indisputable conclusion is that

⁶ Section 1, Article II, 1987 Constitution

the registered voters therein can **VIE FOR** and **BE VOTED UPON** for local and national positions.

As held in the case of ***Romualdez vs. COMELEC***, residence, for election purposes, is used synonymously with domicile. The term residence is synonymous with domicile which imports not only intention to reside in a fixed place but also personal presence in that place, coupled with conduct indicative of such intention.

Upon finality of the decision in the case of ***Municipality of Makati (Now City of Makati) vs Municipality of Taguig (Now City of Taguig), G.R. No. 235316, 1 December 2021***, the residents of the ten (10) EMBO barangays, by operation of law, became residents of the City of Taguig.

In sum, COMELEC Resolution No. 11069 and Minute Resolution No. 24-0763 emphasized the apportionment of the ten (10) EMBO barangays to the respective existing legislative districts of the City of Taguig so that those registered voters therein who may be inclined to run for an elective position may know where to file. The present concurrent Resolution No. 26 of the Congress of the Philippines not only stressed the right of the registered voters therein to run for public office but also their right to vote.

WHEREFORE, PREMISES CONSIDERED, to give flesh and not only lip service to the *raison d'être* of Ordinance No. 144 and Concurrent Resolution No. 26 of the Congress of the Philippines, the Commission, after due deliberation, **RESOLVED**, as it hereby **RESOLVES**, that the registered voters of the ten (10) EMBO barangays have the right to **VOTE** and **VIE** for any elective position as long as they possess all the qualifications and none of the disqualifications as a voter and candidate.

FURTHER RESOLVES to effect the changes in the seat allocation and apportionment of the ten (10) EMBO barangays in the concerned existing legislative districts of the City of Taguig and hence, **DIRECTS** the following departments:

- (1) **Election Records and Statistics Department (ERSD)** to **INCLUDE** the ten (10) EMBO barangays to their respective legislative districts following the allocation as provided for in Concurrent Resolution No. 26, 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

Furthermore, the proper barangay code and the allocation of forms and supplies for the legislative and councilor districts shall also be provided for;

- (2) **Election and Barangay Affairs Department (EBAD)** and the **Election Officer (EO) of Taguig City** to **EFFECT** the administrative transfer of the voting records of the ten (10) EMBO barangays to the proper legislative and councilor districts in the City of Taguig and to prepare the polling precincts of their voters for the May 12, 2025 NLE and BPE; and

(3) Information Technology Department (ITD) to REFLECT the changes in the database and in the Election Management System (EMS) for purposes of the automated elections.

Let the Office of the Deputy Executive Director for Operations, the Law Department, the Election and Barangay Affairs Department, the Information Technology Department and the Election Records and Statistics Department implement this Resolution.

The Education and Information Department is directed to cause the widest dissemination of this Resolution and the Information Technology Department is directed to post this Resolution in the official COMELEC website.

SO ORDERED.


GEORGE ERWIN M. GARCIA
CO00048057
Chairman


SOCORRO B. INTING
Commissioner


MARLON S. CASQUEJO
Commissioner


AIMEE P. FEROLINO
Commissioner


REY E. BULAY
Commissioner

The exceptional and unprecedented circumstances of the case, and the exigency of time, compels us to subscribe to the Comment Resolution as the final word on the matter. The failure to heed this imprimatur, whose regularity as an official action is presumed, may be construed as dereliction of our administrative duty and risks the disenfranchisement of 208,716 Taguiganos.

ERNESTO FERDINAND P. MACEDA, JR.
Commissioner


NELSON J. CELIS
Commissioner

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

cc: The Chairman
All Commissioners
The Executive Director
Deputy Executive Director for Operations
Deputy Executive Director for Administration
Law Department
Election Records and Statistics Department
Election and Barangay Affairs Department
Information Technology Department