

****Title:** Tan et al. vs. The Commission on Elections and the Provincial Treasurer of Negros Occidental******

****Facts:****

The case originated from the enactment of Batas Pambansa Blg. 885, an act creating a new province, Negros del Norte, from certain cities and municipalities of Negros Occidental. Petitioners, residents of Negros Occidental, filed a Prohibition case with the Supreme Court on December 23, 1985, aiming to stop the Commission on Elections (COMELEC) from conducting a plebiscite scheduled for January 3, 1986, to ratify the creation of Negros del Norte.

The law specified that the new province would comprise specific areas in the northern portion of Negros Occidental, but petitioners argued it did not meet the criteria set by the Local Government Code and contradicted constitutional mandates requiring approval in a plebiscite by the affected units. Despite the Christmas recess preventing immediate court action, the plebiscite proceeded as scheduled, prompting petitioners to modify their prayer to invalidate the plebiscite, among other requests.

The Solicitor General defended the law's legality, asserting it was constitutional and had met the Local Government Code's criteria. Furthermore, it argued the situation was moot since the plebiscite resulted in the new province's favor and subsequent appointments of its officials had already been made, asserting the areas not included in the new province were not affected units requiring participation in the plebiscite.

****Issues:****

1. Whether the exclusion of voters outside the designated territory of Negros del Norte from participating in the plebiscite violates the constitutional and Local Government Code's provisions.
2. Whether the creation of Negros del Norte as a new province met the requisites set by the Local Government Code regarding territory, population, and average annual income.
3. Whether the case became moot and academic following the conduct of the plebiscite and the proclamation of Negros del Norte.

****Court's Decision:****

The Supreme Court declared Batas Pambansa Blg. 885 unconstitutional. The Court emphasized that the formation of Negros del Norte substantially altered the boundaries of Negros Occidental, thus affecting the entire province, which warranted the participation of

all voters from Negros Occidental in the plebiscite, not just those from the areas designated to form Negros del Norte. The Court rejected the respondents' interpretation that only the voters within the proposed province were the "units affected," finding it contrary to the clear constitutional and statutory mandates.

Moreover, the Court found the enactment of the statute and conduct of the plebiscite lacked compliance with constitutional requirements, specifically noting the territory criteria for creating a new province were not satisfactorily met. The Court invalidated the plebiscite's results and the appointments of officials for the unlawfully created province.

****Doctrine:****

- The creation, division, merger, or substantial alteration of the boundaries of local government units must comply with the criteria established in the Local Government Code and obtain approval via a plebiscite involving all voters in the unit(s) affected, as mandated by the Constitution.

****Class Notes:****

- When creating, dividing, merging, or altering local government units, compliance with statutory requirements and constitutional mandates for public participation in affected units is paramount.
- The "units affected" in matters of altering local government boundaries encompass all geographical and political areas impacted by such changes, not merely the area subject to division or creation.
- Legal statutes and actions found to contravene the Constitution are subject to nullification by the judiciary, underscoring the principle of constitutional supremacy.

****Historical Background:****

This case highlights the intricate balance between legislative power, local governance autonomy, and constitutional mandates. It underscores the judiciary's role in upholding constitutional principles against expedited political maneuvers that may overlook statutory and democratic processes. Through this decision, the Supreme Court reinforced the paramount importance of adhering to constitutional provisions in local government restructuring, highlighting the necessity of broad public participation in decisions significantly affecting local governance landscapes.