

****Title:**** Torralba v. Municipality of Sibagat, 231 Phil. 357 (1989)

****Facts:****

The case emanates from the creation of the Municipality of Sibagat, Province of Agusan del Sur, through Batas Pambansa Blg. 56, enacted on February 1, 1980. The statute separated multiple barangays from the Municipality of Bayugan to establish the new independent Municipality of Sibagat.

The relevant provisions of Batas Pambansa (BP) 56 include:

1. Separation of barangays to form the new municipality;
2. Detailed boundaries of the new municipality;
3. Seat of government in Barangay Sibagat;
4. Application of existing municipal laws to the new municipality;
5. Requirement for ratification through plebiscite within ninety days and appointments of officials by the President.

Petitioners, residents, and taxpayers of Butuan City, including Clementino Torralba, a member of the Sangguniang Panglunsod, contested the constitutionality of BP 56. They argued that it violated Section 3, Article XI of the 1973 Constitution, which mandates the creation of local government units to follow criteria established by the Local Government Code.

At the time the statute was enacted, the Local Government Code was not yet in existence (enacted only on February 10, 1983). However, a plebiscite among the local populace of affected areas approved the creation of the new municipality, and subsequently, appointed officials assumed office.

****Issues:****

1. Whether the creation of the Municipality of Sibagat under BP 56, without a prior established Local Government Code, complied with Section 3, Article XI of the 1973 Constitution.
2. Whether the plebiscite conducted for the creation of the new municipality was valid and compliant with constitutional mandates.

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

****Issue 1: Creation of the Municipality Without a Local Government Code****

The Supreme Court ruled that the absence of a Local Government Code did not impair the legislative power to create municipalities at the time BP 56 was enacted. Section 3, Article XI of the 1973 Constitution does not explicitly mandate that the creation, division, merger, or alteration of municipal boundaries can only be executed post-enactment of the Local Government Code. The legislative authority remains comprehensive excluding subsequent criteria specified in the eventual code.

****Issue 2: Validity of the Plebiscite****

The plebiscite was conducted in the areas directly affected by the municipality's creation and received approval, which satisfies constitutional requirements. The Court differentiated this case from the precedent set in *Tan v. COMELEC*, where the plebiscite's limited scope violated constitutional mandates. Here, no such restriction or procedural negligence occurred, thus the plebiscite was valid.

****Doctrine:****

The power to create municipal corporations is a legislative prerogative that remains effective notwithstanding the absence of a Local Government Code. The creation, alteration, or dissolution of such entities before the Code's existence is constitutionally sound as long as there is plebiscitary approval from the affected areas.

****Class Notes:****

- ****Key Elements:****

- Legislative power to create municipalities.
- Requirements for plebiscite approval.
- Temporal applicability of constitutional provisions.

- ****Relevant Provisions:****

- ****1973 Constitution:**** Section 3, Article XI
- Creation of local government units subject to approval by plebiscite.
- ****Batas Pambansa Blg. 56:****
- Process for forming municipalities without a preceding Local Government Code.

****Historical Background:****

At the time of BP 56's enactment, the Philippines was under the 1973 Constitution. The Local Government Code, an essential legislative instrument for defining criteria for local

government unit formation, had not yet been passed. This legislative vacuum created a context where the legislature exercised its inherent authority to create municipalities, provided the procedures such as plebiscite approval adhered to constitutional mandates. This case explored legislative persistence in local governance amid constitutional textual analysis and statutory enactment precedents.