

Title:

****Bagabuyo vs. Commission on Elections (G.R. No. 179295)****

Facts:

****STEP BY STEP****:

1. ****Introduction of Legislation****:

- On October 10, 2006, then Congressman Constantino G. Jaraula of Cagayan de Oro filed and sponsored House Bill No. 5859, "An Act Providing for the Apportionment of the Lone Legislative District of the City of Cagayan De Oro," which eventually became Republic Act (R.A.) No. 9371.

- R.A. No. 9371 increased Cagayan de Oro's legislative districts from one to two, with voters classified by their residential barangays into the first or second district for the May 2007 elections.

2. ****Enactment of RA No. 9371****:

- Section 1 of R.A. No. 9371 detailed the barangay composition of the two legislative districts.

3. ****COMELEC Implementation****:

- On March 13, 2007, the COMELEC en Banc promulgated Resolution No. 7837 to implement R.A. No. 9371.

4. ****Legal Challenge****:

- On March 27, 2007, petitioner Rogelio Bagabuyo filed a petition for certiorari, prohibition, and mandamus with a prayer for a temporary restraining order and writ of preliminary injunction, challenging the constitutionality of R.A. No. 9371 and Resolution No. 7837.

- He contended that the COMELEC could not implement R.A. No. 9371 without rules for a plebiscite, essential for dividing or converting a local government unit.

5. ****Further Inclusion of Respondents****:

- On April 10, 2008, petitioner amended the petition to include additional respondents: Executive Secretary Eduardo Ermita, Secretary of the Department of Budget and Management, Chairman of the Commission on Audit, the Mayor, and members of the Sangguniang Panglungsod of Cagayan de Oro City, and its Board of Canvassers.

6. ****Conduct of Elections****:

- The Supreme Court did not grant the petitioner's plea for a temporary restraining order or preliminary injunction, allowing the May 14 National and Local Elections to proceed under

R.A. No. 9371 and Resolution No. 7837.

7. **Arguments by Respondent (COMELEC)**:

- The respondent, represented by the Office of the Solicitor General, argued that:

- 1) the petitioner violated the “hierarchy of courts” principle,
- 2) R.A. No. 9371 merely increased representation per Section 5, Article VI of the 1987 Constitution,
- 3) the criteria under Section 10, Article X of the 1987 Constitution apply only to creation, division, merger, abolition, or alteration of local government unit boundaries,
- 4) no plebiscite was required as no alteration in territory, population, or income of Cagayan de Oro occurred according to R.A. No. 9371.

8. **Arguments by Petitioner**:

- Petitioner contended:

- 1) The petition should be cognizable by the Supreme Court per compelling reasons (citing *Del Mar v. PAGCOR*),
- 2) Reapportionment constituted a “division” requiring a plebiscite under Section 10, Article X,
- 3) Changes wrought by the act affected political and economic rights,
- 4) Voters’ rights to elect representatives were inconsistently curtailed,
- 5) Public funds were expended without a plebiscite’s approval.

Issues:

1. **Hierarchy of Courts**:

- Did the petitioner violate the rule on the hierarchy of courts, necessitating the dismissal of the instant petition?

2. **Nature of R.A. No. 9371**:

- Does R.A. No. 9371 merely provide for the legislative reapportionment of Cagayan de Oro City, or does it involve the division and conversion of a local government unit requiring a plebiscite?

3. **Equality of Representation**:

- Does R.A. No. 9371 contravene the equality of representation doctrine?

Court’s Decision:

1. **Hierarchy of Courts**:

- The Court allowed considering the petition because it involved vital national issues, such

as the validity of legislative enactments. The case fell under Rule 64 (review of COMELEC en banc resolutions) and was appropriately raised to the Supreme Court.

2. **Nature of R.A. No. 9371**:

- The Supreme Court clarified that legislative reapportionment does not equate to the creation, division, merger, abolition, or alteration of a local government unit boundary. Apportionment involves assigning legislative seats based on population, not altering governmental structures. The Constitution mandates plebiscites for changes in local government units but not for legislative apportionments. Hence, implementing R.A. No. 9371 did not require a plebiscite.

3. **Equality of Representation**:

- The Court underscored that legislative districts are to be based on the number of inhabitants, not registered voters. Reviewing latest census data, the Court noted an inevitable population disparity between the created districts but held that absolute mathematical equality is not required by the Constitution. Legislative districts only need to be “as far as practicable, continuous, compact, and adjacent territory.” Therefore, slight population discrepancies between districts do not violate the equality of representation principle.

Doctrine:

- **Legislative District Apportionment**:

- Legislative apportionment is designed solely to ensure equal representation based on population across districts (Article VI, Section 5, 1987 Constitution).

- A plebiscite is constitutionally required only for changes to local government units—creation, division, merger, abolition, or altering boundaries—not for legislative reapportionments (Article X, Section 10, 1987 Constitution).

Class Notes:

1. **Legislative Apportionment Principles (Article VI, Section 5)**:

- Basis: Population (not registered voters).

- Requirements: Continuous, compact, and adjacent as far as practicable.

- No plebiscite required for apportionment or reapportionment.

2. **Local Government Unit Changes (Article X, Section 10)**:

- Actions necessitating plebiscites: Creation, division, merger, abolition, alteration of boundaries.

- Basis: Local Government Code mandated by the plebiscite requirement.

Historical Background:

- The Philippines inherited legislative apportionment from American governance structures, focusing on equal representation.
- Distinction of local government units' changes requiring plebiscites originated from legislation pre-1973, becoming constitutionally enshrined with the 1973 Constitution.