

**FRANCISCO JAVIER O. CARAM AND THE LABAN NG
DEMOKRATIKONG PILIPINO, PETITIONERS, VS. COMMISSION ON
ELECTIONS AND ILOILO PROVINCIAL BOARD OF CANVASSERS,
RESPONDENTS.***G.R. No. 105214. August 30, 1993*

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-105214/>**QUIASON, J.:**

This is a petition for mandamus to compel the Commission on Elections (COMELEC) to conduct special elections for the Sub-province of Guimaras, Province of Iloilo and in areas in the Second Congressional District of Iloilo, which were directly affected by the conversion of the Sub-province of Guimaras into a full-pledged province, for the purpose of electing the Governor, Vice-Governor, Members of the Sangguniang Panlalawigan representing the Second District of the Province of Iloilo and the Congressman for the Second Congressional District of said province. The petition also asked for the issuance of a temporary restraining order to stop the Provincial Board of Canvassers of the Province of Iloilo from canvassing and proclaiming the results of the elections for the Office of the Governor, Vice-Governor, Members of the Sangguniang Panlalawigan representing the Second District of the Province of Iloilo and the Congressman of the Second Congressional District of said province (Rollo, pp. 2-7).

The petition, in substance, alleged that the COMELEC had no authority to exclude the voters of the Sub-province of Guimaras to vote for the Governor, Vice-Governor and the Members of the Sangguniang Panlalawigan of the Province of Iloilo. It also alleged that the COMELEC failed to properly disseminate information regarding the right of the Sub-province of Guimaras to vote for a Congressman for the Second Congressional District of Iloilo with the result that almost one-third of the registered voters of the sub-province were not able to exercise the right to vote.

The Local Government Code, which took effect on January 1, 1992, provided, inter alia, for the conversion of the Sub-province of Guimaras into a province and the holding of the plebiscite, wherein voters of the Province of Iloilo and the Sub-province of Guimaras were asked to resolve the issue of the conversion of the sub-province to a regular province, simultaneously with the national elections on May 11, 1992.

On May 11, 1992, when the official ballots of the three municipalities were distributed for the purpose of the 1992 national elections, the ballots did not contain any provisions for the election of the Governor, Vice-Governor and the Members of the Sangguniang Panlalawigan representing the Second District of the Province of Iloilo.

Section 462 of the Local Government Code, providing for the conversion of the then existing sub-provinces into regular provinces, reads:

"Sec. 462. Existing Sub-provinces. - Existing sub-provinces are hereby converted into regular provinces upon approval by a majority of the votes cast in a plebiscite to be held in the said sub-provinces and the original provinces directly affected. The plebiscite shall be conducted by the Comelec simultaneously with the national

elections following the effectivity of this Code.

The new legislative districts created as a result of such conversion shall continue to be represented in Congress by the duly-elected representatives of the original districts out of which said new provinces or districts were created until their own representatives shall have been elected in the next regular congressional elections and qualified.

The incumbent elected officials of the said sub-provinces converted into regular provinces shall continue to hold office until June 30, 1992. Any vacancy occurring in the offices occupied by said incumbent elected officials, or resulting from expiration of their terms of office in case of a negative vote in the plebiscite results, shall be filled by appointment by the President. The appointees shall hold office until their successors shall have been elected in the regular local elections following the plebiscite mentioned herein and qualified. After effectivity of such conversion, the President shall fill up the position of governor of the newly-created province through appointment if none has yet been appointed to the same as herein before provided, and shall also appoint a vice-governor and the other members of the sangguniang panlalawigan, all of whom shall likewise hold office until their successors shall have been elected in the next regular local elections and qualified.

All qualified appointive officials and employees in the career service of the said sub-provinces at the time of their conversion into regular provinces shall continue in office in accordance with civil service law, rules and regulations."

On April 15, 1992, the COMELEC promulgated Resolution No. 2410, providing the rules and regulations to govern the conduct of the plebiscite in the Province of the Iloilo and Sub-province of Guimaras.

Pursuant to Section 4 of the said Resolution, the official ballots used in the elections in the Province of Iloilo and Sub-province of Guimaras included at the bottom thereof the following question:

"DO YOU VOTE FOR THE APPROVAL OF THE CONVERSION OF THE SUB-PROVINCE OF GUIMARAS INTO A REGULAR PROVINCE, PURSUANT TO SECTION 462, REPUBLIC OF THE ACT NO. 7160?"

The official ballots also provided an appropriate space for the voter's response to the question.

The Provincial Board of Canvassers of Iloilo issued a certificate dated May 22, 1992, proclaiming that the conversion of the Sub-province of Guimaras to a regular province was ratified and approved by the voters in a plebiscite held in the Province of Iloilo and the Sub-province of Guimaras on May 11, 1992 by a vote of 283,224 against 42,524.

In *Grino v. Commission on Elections*, 213 SCRA 672, we held that the COMELEC had no authority to exclude the voters of the Sub-province of Guimaras from voting for the positions of the Governor, Vice-Governor, and Members of the Sangguniang Panlalawigan representing the Second District of the Province of Iloilo because under Section 462 of the Local Government Code, it was only in the case where the voters ratified the conversion of the Sub-province of Guimaras to a regular province that the President was empowered to appoint the officials of the newly created province. The Court noted that the lawmakers failed to foresee that in the event the negative vote in the plebiscite prevailed, the Sub-province of Guimaras would continue to be a part of the Province of Iloilo and be represented by the officials of the province elected in the May 11, 1992 elections. However, considering that the "Yes" votes in the plebiscite prevailed, we ruled that it would serve no useful purpose to undo what the COMELEC had done and that there would be no legal basis to call special elections to give a chance to the voters of the Sub-province of Guimaras to vote for the provincial officials of the Province of Iloilo.

Petitioners have not shown the basis of their claim that about one-third of the voters in the Sub-province of Guimaras were not able to vote for a Congressman.

The official ballots used in the Sub-province of Guimaras contained a space for the voting of a Congressman for the Second Congressional District of Iloilo. That was a clear indication that the Guimaras voters could vote for said official.

In allowing the voters in the Sub-province of Guimaras to vote for a Congressman for the Second Congressional District of Iloilo, the COMELEC merely followed to the letter the provisions of Section 462 of R.A. 7160 that:

"The new legislative districts created as a result of such conversion shall continue to be represented in congress by the duly-elected representatives of the original districts out of which said new provinces or districts were created until their own representatives shall have been elected in the next regular congressional elections and qualified."

There was no evidence to show that one-third of the voters of the Sub-province of Guimaras were not able to vote for a Congressman for the Second Congressional District of Iloilo due to the lack of dissemination of information that they could do so. In the absence of such evidence, the only conclusion that can be deduced was that those who did not vote for the position of congressman, merely abstained from voting for the said position. The right to abstain from voting for a position deserves the same respect as the exercise of the right to vote. To compel the COMELEC to conduct a special election for the position of congressman as demanded by petitioners would be to nullify the decision of the voters who cast their votes in the May 1992 elections and who, according to petitioner constituted two-thirds of the voters in the sub-province.

WHEREFORE, the petition is DISMISSED, with costs against petitioner.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Puno, and Vitug, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.