

CORDILLERA REGIONAL ASSEMBLY MEMBER ALEXANDER P. ORDILLO, (BANAUE), IFUGAO PROVINCIAL BOARD. MEMBER CORAZON MONTINIG., (MAYOYAO), FORMER VIC-MAYOR MARTIN UDAN (BANAUE), MUNICIPA...

G.R. No. 93054. December 04, 1990

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The question raised in this petition is whether or not the province of Ifugao, being the only province which voted favorably for the creation of the Cordillera Autonomous Region can, alone legally and validly constitute such Region,

The antecedent facts that gave rise to this petition are as follows:

On January 30, 1990, the people of the provinces of Benguet, Mountain Province, Ifugao, Abra and Kalinga Apayao and the city of Bagnio cast their votes in a plebiscite held pursuant to Republic Act No. 6766 entitled "An Act Providing for an Organic Act for the Cordillera Autonomous Region."

The official Commission on Elections (COMELEC) results of the plebiscite showed that the creation of the Region was approved by a majority of 5,889 votes in only the Ifugao Province and was overwhelmingly rejected by 148,676 votes in the rest of the provinces and city above-mentioned.

Consequently, the COMELEC, on February 14, 1990, issued Resolution No. 2259 stating that the Organic Act for the Region has been approved and/or ratified by majority of the votes cast only in the province of Ifugao. On the same date, the Secretary of Justice issued a memorandum for the President reiterating the COMELEC resolution and provided:

“xxx[A]nd considering the proviso in Sec. 13(A) that only the provinces and city, voting favorably shall be included in the CAR, the province of Ifugao being the only province which voted favorably - then, alone, legally and validly constitutes, the CAR.” (Rollo, p. 7)

As. a result of this, on March 8, 1990, Congress enacted Republic Act No. 6861 setting the elections in the Cordillera Autonomous Region of Ifugao on the first Monday of March 1991.

Even before the issuance of the COMELEC resolution, the Executive Secretary on February 5, 1990 issued a Memorandum granting authority to wind up the affairs of the Cordillera Executive Board and the Cordillera Regional Assembly created under Executive Order No. 220.

On March 9, 1990, the petitioner filed a petition with COMELEC to declare the non-ratification of the Organic Act for the Region. The COMELEC merely noted said petition.

On March 30, 1990, the President issued Administrative Order No. 160 declaring among others that the Cordillera Executive Board and Cordillera Regional Assembly, and all the offices created under Executive Order No. 220

were abolished in view of the ratification of the Organic Act.

The petitioners maintain that there can be no valid Cordillera Autonomous Region in only one province as the Constitution and Republic Act No. 6766 require that the said Region be composed of more than one constituent unit.

The petitioners, then, pray that the Court: (1) declare null and void COMELEC resolution No. 2259, the memorandum of the Secretary of Justice, the memorandum of the Executive Secretary, Administrative Order No. 160, and Republic Act No. 6861 and prohibit and restrain the respondents from implementing the same and spending public funds, for the purpose and (2) declare Executive Order No. 220 constituting the Cordillera Executive Board and the Cordillera Regional Assembly and other offices to be still in force and effect until another organic law for the Autonomous Region shall have been enacted by Congress and the same is duly ratified by the voters in the constituent units. We treat the Comments of the respondents as an answer and decide the case.

This petition is meritorious.

The sole province of Ifugao cannot validly constitute the Cordillera Autonomous Region.

It is explicit in Article X, Section 15 of the 1987 Constitution that:

"Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordillera consisting of provinces, cities, municipalities, and geographical areas, sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines" (Underlining Supplied)

The keywords provinces, cities, municipalities and geographical areas connote that "region" is to be made up of more than one constituent unit. The term "region" used in its ordinary sense means two or more provinces. This is supported by the fact that the thirteen (13) regions into which the Philippines is divided for administrative purposes are groupings of contiguous provinces. (Integrated Reorganization Plan (1972), which was made as part of the law of the land by P.D. No. 1; P.D. No. 742) Ifugao is a province by itself. To become part of a region, it must join other provinces, cities, municipalities, and geographical areas. It joins other units because of their common and distinctive historical and cultural heritage, economic and social structures and other relevant characteristics. The Constitutional requirements are not present in this case.

The well-established rule in statutory construction that the language of the Constitution, as much as possible should be understood in the sense it has in common use and that the words used in constitutional provisions are to be given their ordinary meaning except where technical terms are employed, must then, be applied in this case. (See *Baranda v. Gustilo*, 165 SCRA 757, 770, [1988]; *J.M. Tuason & Co., Inc. v. Land Tenure Administration*, 31 SCRA 413, 422-423 [1970])

Aside from the 1987 Constitution, a reading of the provisions of Republic Act No. 6766 strengthens the petitioner's position that the Region cannot be constituted from only one province.

Article III. Sections 1 and 2 of the Statute provide that the Cordillera Autonomous Region is to be administered by the Cordillera government consisting of the Regional Government and local government units. It further provides that:

"SECTION 2. The Regional Government shall exercise powers and functions necessary for the proper governance and development of all provinces, cities, municipalities, and barangay or ili within the Autonomous Region xxx."

From these sections, it can be gleaned that Congress never intended that a single province may constitute the autonomous region. Otherwise, we would be faced with the absurd situation of having two sets of officials, a set of provincial officials and another set of regional officials exercising their executive and legislative powers over exactly the same small-area.

Article V. Sections 1 and 4 of Republic Act 6766 vest the legislative power in the Cordillera Assembly whose members shall be elected from regional assembly districts apportioned among provinces and the cities composing the Autonomous Region.

If we follow the respondent's position, the members of such Cordillera Assembly shall then be elected only from the province of Ifugao creating an awkward predicament of having two legislative bodies - the Cordillera Assembly and the Sangguniang Panlalawigan - exercising their legislative powers over the province of Ifugao. And since Ifugao is one of the smallest provinces in the Philippines, population-wise, it would have too many government, officials for so few people.

Article XII, Section 10 of the law creates a Regional Planning and Development Board composed of the Cordillera Governor, all the provincial governors and city mayors or their representatives, two members of the Cordillera Assembly, and members representing the private sector. The Board has a counterpart in the provincial level called the Provincial Planning and Development Coordinator. The Board's functions (Article XII, Section 10, par. 2, Republic Act No. 6766) are almost similar to those of the Provincial Coordinator's (Title Four, Chapter 3, Article 10, Section 220 (4), Batas Pambansa Big. 337 - Local Government Code). If it takes only one person in the provincial level to perform such functions while on the other hand it takes an entire Board to perform almost the same tasks in the regional level, it could only mean that a larger area must be covered at the regional level. The respondent's theory of the Autonomous Region being made up of a single province must, therefore, fail.

Article XXI, Section 13 (B) (c) allotting the huge amount of Ten Million Pesos (P10,000,000.00) to the Regional Government for its initial organizational requirements can not be construed as funding only a lone and small province.

These sections of Republic Act No. 6766 show that a one province Cordillera Autonomous Region was never contemplated by the law creating it.

The province of Ifugao makes up only 11% of the total population of the areas enumerated in Article I, Section 2 (b) of Republic Act No. 6766 which include Benguet, Mountain Province, Abra, Kalinga-Apayao and Baguio City. It has the second smallest, number of inhabitants from among the provinces and city above mentioned. The Cordillera population is distributed in round figures as follows: Abra, 185,000; Benguet, 486,000; Ifugao, 149,000; Kalinga - Apayao, 214,000; Mountain Province, 116,000; and Baguio City, 183,000; Total population of these five provinces and one city; 1,332,000 according to the 1990 Census (Manila Standard, September 30, 1990. p. 14)

There are other provisions of Republic Act No. 6766 which are either violated or which cannot be complied, with. Section 16 of Article V calls for a Regional Commission on Appointments with the Speaker as Chairman and six (6) members coming from different provinces and cities in the Region. Under the respondents view, the Commission would have a Chairman and only one member. It would never have a quorum. Section 3 of Article VI calls for cabinet members, as far as practicable, to come from various provinces and cities of the Region. Section 1 of Article VII creates a system of tribal courts for the various indigenous cultural communities of the Region. Section 9 of Article XV requires the development of a common regional language based upon the various languages and dialects in the region which regional language in turn is expected to enrich the national language.

The entirety of Republic Act No. 6766 creating the Cordillera Autonomous Region is infused with provisions which rule against the sole province of Ifugao constituting the Region.

To contemplate the situation envisioned by the respondent would not only violate the letter and intent of the Constitution and Republic Act No. 6766 but would also be impractical and illogical.

Our decision in *Abbas, et al. v. COMELEC* (G.R. No. 89651, November 10, 1989), is not applicable in the case at bar contrary to the view of the Secretary of Justice.

The *Abbas* case laid down the rule on the meaning of majority in the phrase "by majority of the vote's cast by the constituent units called for the purpose" found in the Constitution, Article X, Section 18. It stated:

xxx xxx xxx

"xxx [I]t is thus, clear that what is required by the Constitution is simple majority of votes approving the Organic Act in individual constituent units and not a double majority of the votes in all constituent units put together, as well as in 'the individual constituent units.

This was the pronouncement, applied by the Secretary of Justice, in arriving at his conclusion stated in his Memorandum for the President that:

xxx xxx xxx

"xxx [i]t is believed that the creation of the Cordillera Autonomous Region (CAR) as mandated by R.A. No. 6766 became effective upon its approval by the majority of the votes cast in the province of Ifugao. And considering the proviso in Section 13 (a) that only the provinces and city voting favorably shall be included in the CAR, the province of Ifugao being the only province which voted favorably - can, alone, legally and validly constitute the CAR." (Rollo" p. 40)

The plebiscites mandated by the Constitution and Republic Act. No. 6766 for the Cordillera and Republic Act No. 6734 for the Autonomous Region in Muslim Mindanao determine. (1) whether there shall be an autonomous region in the Cordillera and in Muslim Mindanao and (2) which provinces and cities, among those enumerated in the two Republic Acts, shall comprise said Autonomous Regions. (See III, Record of the Constitutional Commission, 487-492 [1986]).

The *Abbas* case established the rule to follow on which provinces and cities shall comprise the autonomous region in Muslim Mindanao which is, consequently, the same rule to follow with regard to the autonomous region in the Cordillera. However, there is nothing in the *Abba's* decision which deals with the issue on whether an autonomous region, in either Muslim Mindanao or Cordillera could exist despite the fact that only one province or one city is to constitute it.

Stated in another way, the issue in this case is whether the sole province of Ifugao can validly and legally constitute the Cordillera Autonomous Region. The issue is not whether the province of Ifugao is to be included in the Cordillera Autonomous Region. It is the first issue which the Court answers in the instant case.

WHEREFORE, the petition is hereby GRANTED. Resolution No. 2259 of the Commission on Elections, insofar as it upholds the creation of an autonomous region, the February 14, 1990 memorandum of the Secretary of Justice, the February 5, 1990 memorandum of the Executive Secretary, Administrative Order No. 160, and Republic Act. No. 6861 are declared null and void while Executive Order No. 220 is declared to be still in force and effect until properly repealed or amended.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Cruz, Paras, Gancayco, Padilla, Bidin, Sarmiento, Grino-Aquino, Medialdea, and Regalado, JJ., concur.

Felliciano, J., on leave.

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