

**CONGRESSMAN JAMES L. CHIONGBIAN (THIRD DISTRICT, SOUTH COTABATO) ADELBERT W. ANTONINO (FIRST DISTRICT, SOUTH COTABATO), WILFREDO G. CAINGLET (THIRD DISTRICT, ZAMBOANGA DEL NORTE...**

*G.R. No. 96754. June 22, 1995*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-96754/>

---

**MENDOZA, J.:**

These suits challenge the validity of a provision of the Organic Act for the Autonomous Region in Muslim Mindanao (R.A. No. 6734), authorizing the President of the Philippines to "merge" by administrative determination the regions remaining after the establishment of the Autonomous Region, and the Executive Order issued by the President pursuant to such authority, "Providing for the Reorganization of Administrative Regions in Mindanao." A temporary restraining order prayed for by the petitioners was issued by this Court on January 29, 1991, enjoining the respondents from enforcing the Executive Order and statute in question.

The facts are as follows:

Pursuant to Art. X, §18 of the 1987 Constitution, Congress passed R.A. No. 6734, the Organic Act for the Autonomous Region in Muslim Mindanao, calling for a plebiscite to be held in the provinces of Basilan, Cotabato, Davao del Sur, Lanao del Norte, Lanao del Sur, Maguindanao, Palawan, South Cotabato, Sultan Kudarat, Sulu, Tawi-Tawi, Zamboanga del Norte, and Zamboanga del Sur, and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Puerto Princesa and Zamboanga. In the ensuing plebiscite held on November 16, 1989, four provinces voted in favor of creating an autonomous region. These are the provinces of Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. In accordance with the constitutional provision, these provinces became the Autonomous Region in Muslim Mindanao.

On the other hand, with respect to provinces and cities not voting in favor of the Autonomous Region, Art. XIX, § 13 of R.A. No. 6734 provides,

That only the provinces and cities voting favorably in such plebiscites shall be included in the Autonomous Region in Muslim Mindanao. The provinces and cities which in the plebiscite do not vote for inclusion in the Autonomous Region shall remain in the existing administrative regions: Provided, however, that the President may, by administrative determination, merge the existing regions.

Pursuant to the authority granted by this provision, then President Corazon C. Aquino issued on October 12, 1990 Executive Order No. 429, "Providing for the Reorganization of the Administrative Regions in Mindanao." Under this Order, as amended by E.O. No. 439 ?

(1) Misamis Occidental, at present part of Region X, will become part of Region IX.

(2) Oroquieta City, Tangub City and Ozamiz City, at present parts of Region X will become parts of Region IX.

- (3) South Cotobato, at present a part of Region XI, will become part of Region XII.
- (4) General Santos City, at present part of Region XI, will become part of Region XII.
- (5) Lanao del Norte, at present part of Region XII, will become part of Region IX.
- (6) Iligan City and Marawi City, at present part of Region XII, will become part of Region IX.

Petitioners in G.R. No. 96754 are, or at least at the time of the filing of their petition, members of Congress representing various legislative districts in South Cotobato, Zamboanga del Norte, Basilan, Lanao del Norte and Zamboanga City. On November 12, 1990, they wrote then President Aquino protesting E.O. No. 429. They contended that

There is no law which authorizes the President to pick certain provinces and cities within the existing regions - some of which did not even take part in the plebiscite as in the case of the province of Misamis Occidental and the cities of Oroquieta, Tangub and Ozamiz - and restructure them to new administrative regions. On the other hand, the law (Sec. 13, Art. XIX, R.A. 6734) is specific to the point, that is, that "the provinces and cities which in the plebiscite do not vote for inclusion in the Autonomous Region shall remain in the existing administrative regions".

The transfer of the provinces of Misamis Occidental from Region X to Region IX; Lanao del Norte from Region XII to Region IX, and South Cotobato from Region XI to Region XII are alterations of the existing structures of governmental units, in other words, reorganization. This can be gleaned from Executive Order No. 429, thus

Whereas, there is an urgent need to reorganize the administrative regions in Mindanao to guarantee the effective delivery of field services of government agencies taking into consideration the formation of the Autonomous Region in Muslim Mindanao.

With due respect to Her Excellency, we submit that while the authority necessarily includes the authority to merge, the authority to merge does not include the authority to reorganize. Therefore, the President's authority under RA 6734 to "merge existing regions" cannot be construed to include the authority to reorganize them. To do so will violate the rules of statutory construction.

The transfer of regional centers under Executive Order 429 is actually a restructuring (reorganization) of administrative regions. While this reorganization, as in Executive Order 429, does not affect the apportionment of congressional representatives, the same is not valid under the penultimate paragraph of Sec. 13, Art. XIX of R.A. 6734 and Ordinance appended to the 1986 Constitution apportioning the seats of the House of Representatives of Congress of the Philippines to the different legislative districts in provinces and cities.[1]

As their protest went unheeded, while Inauguration Ceremonies of the New Administrative Region IX were scheduled on January 26, 1991, petitioners brought this suit for certiorari and prohibition.

On the other hand, the petitioner in G.R. No. 96673, Immanuel Jaldon, is a resident of Zamboanga City, who is suing in the capacity of taxpayer and citizen of the Republic of the Philippines.

Petitioners in both cases contend that Art. XIX, §13 of R.A. No. 6734 is unconstitutional because (1) it unduly delegates legislative power to the President by authorizing him to "merge [by administrative determination] the existing regions" or at any rate provides no standard for the exercise of the power delegated and (2) the power granted is not expressed in the title of the law.

In addition, petitioner in G.R. No. 96673 challenges the validity of E.O. No. 429 on the ground that the power granted by Art. XIX, §13 to the President is only to "merge regions IX and XII" but not to reorganize the entire

administrative regions in Mindanao and certainly not to transfer the regional center of Region IX from Zamboanga City to Pagadian City.

The Solicitor General defends the reorganization of regions in Mindanao by E.O. No. 429 as merely the exercise of a power "traditionally lodged in the President," as held in *Abbas v. Comelec*,<sup>[2]</sup> and as a mere incident of his power of general supervision over local governments and control of executive departments, bureaus and offices under Art. X, §16 and Art. VII, §17, respectively, of the Constitution.

He contends that there is no undue delegation of legislative power but only a grant of the power to "fill up" or provide the details of legislation because Congress did not have the facility to provide for them. He cites by analogy the case of *Municipality of Cardona v. Municipality of Binangonan*,<sup>[3]</sup> in which the power of the Governor-General to fix municipal boundaries was sustained on the ground that

[such power] is simply a transference of certain details with respect to provinces, municipalities, and townships, many of them newly created, and all of them subject to a more or less rapid change both in development and centers of population, the proper regulation of which might require not only prompt action but action of such a detailed character as not to permit the legislative body, as such, to take it efficiently.

The Solicitor General justifies the grant to the President of the power "to merge the existing regions" as something fairly embraced in the title of R.A. No. 6734, to wit, "An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao," because it is germane to it.

He argues that the power is not limited to the merger of those regions in which the provinces and cities which took part in the plebiscite are located but that it extends to all regions in Mindanao as necessitated by the establishment of the autonomous region.

Finally, he invokes P.D. No. 1416, as amended by P.D. No. 1772 which provides:

1. The President of the Philippines shall have the continuing authority to reorganize the National Government. In exercising this authority, the President shall be guided by generally acceptable principles of good government and responsive national government, including but not limited to the following guidelines for a more efficient, effective, economical and development-oriented governmental framework:

- (a) More effective planning implementation, and review functions;
- (b) Greater decentralization and responsiveness in decision-making process;
- (c) Further minimization, if not, elimination, of duplication or overlapping of purposes, functions, activities, and programs;
- (d) Further development of as standardized as possible ministerial, sub-ministerial and corporate organizational structures;
- (e) Further development of the regionalization process; and
- (f) Further rationalization of the functions of and administrative relationships among government entities.

For purposes of this Decree, the coverage of the continuing authority of the President to reorganize shall be interpreted to encompass all agencies, entities, instrumentalities, and units of the National Government, including all government owned or controlled corporations as well as the entire range of the powers, functions, authorities, administrative relationships, and related aspects pertaining to these agencies, entities, instrumentalities, and units.

2. [T]he President may, at his discretion, take the following actions:

....

(f) Create, abolish, group, consolidate, merge, or integrate entities, agencies, instrumentalities, and units of the National Government, as well as expand, amend, change, or otherwise modify their powers, functions and authorities, including, with respect to government-owned or controlled corporations, their corporate life, capitalization, and other relevant aspects of their charters.

(g) Take such other related actions as may be necessary to carry out the purposes and objectives of this Decree.

Considering the arguments of the parties, the issues are:

(1) whether the power to "merge" administrative regions is legislative in character, as petitioners contend, or whether it is executive in character, as respondents claim it is, and, in any event, whether Art. XIX, §13 is invalid because it contains no standard to guide the President's discretion;

(2) whether the power given is fairly expressed in the title of the statute; and

(3) whether the power granted authorizes the reorganization even of regions the provinces and cities in which either did not take part in the plebiscite on the creation of the Autonomous Region or did not vote in favor of it; and

(4) whether the power granted to the President includes the power to transfer the regional center of Region IX from Zamboanga City to Pagadian City.

It will be useful to recall first the nature of administrative regions and the basis and purpose for their creation. On September 9, 1968, R.A. No. 5435 was passed "authorizing the President of the Philippines, with the help of a Commission on Reorganization, to reorganize the different executive departments, bureaus, offices, agencies and instrumentalities of the government, including banking or financial institutions and corporations owned or controlled by it." The purpose was to promote "simplicity, economy and efficiency in the government."<sup>[4]</sup> The Commission on Reorganization created under the law was required to submit an integrated reorganization plan not later than December 31, 1969 to the President who was in turn required to submit the plan to Congress within forty days after the opening of its next regular session. The law provided that any reorganization plan submitted would become effective only upon the approval of Congress.<sup>[5]</sup>

Accordingly, the Reorganization Commission prepared an Integrated Reorganization Plan which divided the country into eleven administrative regions.<sup>[6]</sup> By P.D. No. 1, the Plan was approved and made part of the law of the land on September 24, 1972. P.D. No. 1 was twice amended in 1975, first by P.D. No. 742 which "restructur[ed] the regional organization of Mindanao, Basilan, Sulu and Tawi-Tawi" and later by P.D. No. 773 which further "restructur[ed] the regional organization of Mindanao and divid[ed] Region IX into two sub-regions." In 1978, P.D. No. 1555 transferred the regional center of Region IX from Jolo to Zamboanga City.

Thus the creation and subsequent reorganization of administrative regions have been by the President pursuant to authority granted to him by law. In conferring on the President the power "to merge [by administrative determination] the existing regions" following the establishment of the Autonomous Region in Muslim Mindanao, Congress merely followed the pattern set in previous legislation dating back to the initial organization of administrative regions in 1972. The choice of the President as delegate is logical because the division of the country into regions is intended to facilitate not only the administration of local governments but also the direction of executive departments which the law requires should have regional offices. As this Court observed in *Abbas*, "while the power to merge administrative regions is not expressly provided for in the Constitution, it is a power which has traditionally been lodged with the President to facilitate the exercise of the power of general

supervision over local governments [see Art. X, §4 of the Constitution]." The regions themselves are not territorial and political divisions like provinces, cities, municipalities and barangays but are "mere groupings of contiguous provinces for administrative purposes." [7] The power conferred on the President is similar to the power to adjust municipal boundaries [8] which has been described in *Pelaez v. Auditor General* [9] as "administrative in nature."

There is, therefore, no abdication by Congress of its legislative power in conferring on the President the power to merge administrative regions. The question is whether Congress has provided a sufficient standard by which the President is to be guided in the exercise of the power granted and whether in any event the grant of power to him is included in the subject expressed in the title of the law.

First, the question of standard. A legislative standard need not be expressed. It may simply be gathered or implied. [10] Nor need it be found in the law challenged because it may be embodied in other statutes on the same subject as that of the challenged legislation. [11]

With respect to the power to merge existing administrative regions, the standard is to be found in the same policy underlying the grant to the President in R.A. No. 5435 of the power to reorganize the Executive Department, to wit: "to promote simplicity, economy and efficiency in the government to enable it to pursue programs consistent with national goals for accelerated social and economic development and to improve the service in the transaction of the public business." [12] Indeed, as the original eleven administrative regions were established in accordance with this policy, it is logical to suppose that in authorizing the President to "merge [by administrative determination] the existing regions" in view of the withdrawal from some of those regions of the provinces now constituting the Autonomous Region, the purpose of Congress was to reconstitute the original basis for the organization of administrative regions.

Nor is Art. XIX, §13 susceptible to charge that its subject is not embraced in the title of R.A. No. 6734. The constitutional requirement that "every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof" [13] has always been given a practical rather than a technical construction. The title is not required to be an index of the content of the bill. It is a sufficient compliance with the constitutional requirement if the title expresses the general subject and all provisions of the statute are germane to that subject. [14] Certainly the reorganization of the remaining administrative regions is germane to the general subject of R.A. No. 6734, which is the establishment of the Autonomous Region in Muslim Mindanao.

Finally, it is contended that the power granted to the President is limited to the reorganization of administrative regions in which some of the provinces and cities which voted in favor of regional autonomy are found, because Art. XIX, §13 provides that those which did not vote for autonomy "shall remain in the existing administrative regions." More specifically, petitioner in G.R. No. 96673 claims:

The questioned Executive Order No. 429. . . distorted and, in fact, contravened the clear intent of this provision by moving out or transferring certain political subdivisions (provinces/cities) out of their legally designated regions. Aggravating this unacceptable or untenable situation is EO No. 429's effecting certain movements on areas which did not even participate in the November 19, 1989 plebiscite. The unauthorized action of the President, as effected by and under the questioned EO No. 429, is shown by the following dispositions: (1) Misamis Occidental, formerly of Region X and which did not even participate in the plebiscite, was moved from said Region X to Region IX; (2) the cities of Ozamis, Oroquieta, and Tangub, all formerly belonging to Region X, which likewise did not participate in the said plebiscite, were transferred to Region IX; (3) South Cotabato, from Region XI to Region XII; (4) General Santos City, from Region XI to Region XII; (5) Lanao del Norte, from Region XII to Region IX; and (6) the cities of Marawi and Iligan from Region XII to Region IX. All of the said provinces and

cities voted "NO", and thereby rejected their entry into the Autonomous Region in Muslim Mindanao, as provided under RA No. 6734.[15]

The contention has no merit. While Art. XIX, §13 provides that "The provinces and cities which do not vote for inclusion in the Autonomous Region shall remain in the existing administrative regions," this provision is subject to the qualification that "the President may by administrative determination merge the existing regions." This means that while non-assenting provinces and cities are to remain in the regions as designated upon the creation of the Autonomous Region, they may nevertheless be regrouped with contiguous provinces forming other regions as the exigency of administration may require.

The regrouping is done only on paper. It involves no more than a redefinition or redrawing of the lines separating administrative regions for the purpose of facilitating the administrative supervision of local government units by the President and insuring the efficient delivery of essential services. There will be no "transfer" of local governments from one region to another except as they may thus be regrouped so that a province like Lanao del Norte, which is at present part of Region XII, will become part of Region IX.

The regrouping of contiguous provinces is not even analogous to a redistricting or to the division or merger of local governments, which all have political consequences on the right of people residing in those political units to vote and to be voted for. It cannot be overemphasized that administrative regions are mere groupings of contiguous provinces for administrative purposes, not for political representation.

Petitioners nonetheless insist that only those regions, in which the provinces and cities which voted for inclusion in the Autonomous Region are located, can be "merged" by the President.

To be sure Art. XIX, §13 is not so limited. But the more fundamental reason is that the President's power cannot be so limited without neglecting the necessities of administration. It is noteworthy that the petitioners do not claim that the reorganization of the regions in E.O. No. 429 is irrational. The fact is that, as they themselves admit, the reorganization of administrative regions in E.O. No. 429 is based on relevant criteria, to wit: (1) contiguity and geographical features; (2) transportation and communication facilities; (3) cultural and language groupings; (4) land area and population; (5) existing regional centers adopted by several agencies; (6) socio-economic development programs in the regions and (7) number of provinces and cities.

What has been said above applies to the change of the regional center from Zamboanga City to Pagadian City. Petitioners contend that the determination of provincial capitals has always been by act of Congress. But as, this Court said in *Abbas*,<sup>[16]</sup> administrative regions are mere "groupings of contiguous provinces for administrative purposes, . . . [They] are not territorial and political subdivisions like provinces, cities, municipalities and barangays." There is, therefore, no basis for contending that only Congress can change or determine regional centers. To the contrary, the examples of P.D. Nos. 1, 742, 773 and 1555 suggest that the power to reorganize administrative regions carries with it the power to determine the regional center.

It may be that the transfer of the regional center in Region IX from Zamboanga City to Pagadian City may entail the expenditure of large sums of money for the construction of buildings and other infrastructure to house regional offices. That contention is addressed to the wisdom of the transfer rather than to its legality and it is settled that courts are not the arbiters of the wisdom or expediency of legislation. In any event this is a question that we will consider only if fully briefed and upon a more adequate record than that presented by petitioners.

WHEREFORE, the petitions for certiorari and prohibition are DISMISSED for lack of merit.

**SO ORDERED.**

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Francisco, JJ., concur.

---

[1] Rollo, p. 23-24, Petition (G.R. No. 96754).

**[2] 179 SCRA 287 (1989).**

[3] 36 Phil. 549 (1917).

[4] R.A. No. 5435, §1.

[5] §4.

[6] INTEGRATED REORGANIZATION PLAN, Ch. II, Art. I, § 1.

[7] Supra note 2 at 300-01. Abbas in fact sustained the constitutionality of Art. XIX, § 13 of R.A. No. 6734 against claims that it contravened Art. X, §10 of the Constitution which requires approval by a majority of the votes in a plebiscite of the merger of provinces, cities, municipalities and barangays.

[8] Act No. 1748.

[9] 122 Phil. 965, 973-4 (1965). See also *Government of the Philippine Islands v. Municipality of Binangonan*, 34 Phil. 518 (1916); *Municipality of Cardona v. Municipality of Binangonan*, 36 Phil. 547 (1917).

[10] *Edu v. ERICTA*, 35 SCRA 481 (1970).

[11] See *Rabor v. Civil Service Commission*, G.R. No. 111812, May 31, 1995.

[12] R.A. No. 5435, §1.

[13] Art. VI, §26(1).

[14] *Sumulong v. COMELEC*, 73 Phil. 288 (1941); *Association of Small Landowners in the Philippines v. Secretary of Agrarian Reform*, 175 SCRA 365 (1992).

[15] Petitioner's Memorandum, G.R. No. 96673, pp. 5-6.

[16] Supra note 2 at 300.

**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.