



## LEGAL SERVICE

DILG OPINION NO. 5 S. 2011

MAR 11 2011

**HON. GELACIO R. MANALANG**  
Mayor, City of Tarlac

Dear Mayor Manalang,

This has reference to your letter dated 24 February 2011 seeking this Department's opinion on several issues pertaining to the conversion of the City of Tarlac from a Component City into a Highly-Urbanized City.

In said letter, you declared that the Municipality of Tarlac was converted to its present status as a Component City of the Province of Tarlac by virtue of Republic Act No. 8593, which conversion was ratified by the affected residents in a plebiscite held on 18 April 1998. Subsequently, the previous administration moved for conversion into a highly urbanized city and was able to secure a Presidential Proclamation (940 dated 27 October 2005) entitled "CONVERTING THE CITY OF TARLAC FROM A COMPONENT CITY INTO A HIGHLY-URBANIZED CITY", signed by then President Gloria Macapagal-Arroyo. However, said conversion was not ratified by the affected residents in a plebiscite held on 18 February 2006.

On the basis of the non-ratification of the city's conversion, you would like to be clarified on the requirements for the conversion of a component city into a highly-urbanized city as well as the effects thereof in order to aid you in your bid for such conversion.

More particularly, you are seeking elucidation on the following issues:

1. Whether or not there is a limitation on the number of times that a component city may bid for conversion into an HUC;
2. Whether or not there is a prohibition on the number of times that a plebiscite may be conducted for the purpose of ratifying a city's conversion into an HUC. If, for instance, a component city lost in an HUC plebiscite, could it still hold another plebiscite and when? Could that city make use of the same Presidential Proclamation for the purpose of holding the second plebiscite or it would have to secure a new one?
3. Whether or not the minimum income requirement for conversion of a component city into an HUC remains at P50 million based on the 1991 constant price;

(2) *Compliance with the foregoing indicators shall be attested by:*

- (i) *The Secretary of finance as to the income requirement in the case of provinces and cities, and the provincial treasurer in the case of municipalities;*
- (ii) *The Administrator of the National Statistics Office (NSO) as to the population requirement; and*
- (iii) *xxx.*

In relation to this, SECTION 452 of the LGC and paragraph (a), Article 12, Rule II of the IRR state that the income and population requirements before a component city may be converted into a highly-urbanized city are P50,000,000.00 and 200,000, respectively. Said provisions have not been subject to amendment or revision as of date. Be that as it may, assistance of the DOF and the NSO would be sensible for your proper guidance in regard to the compliance with the requisites mentioned.

It is worthy to note that the 2000 constant price you mentioned in query number 4, as found in Republic Act 9009 (RA 9009) cannot be made applicable to the conversion of a component city into a highly-urbanized city for the reason that RA 9009 specifically applies only to the requirements for the conversion of a municipality or a cluster of barangays into a component city.

In reply to query numbers 6 and 8, paragraph 4 of Section 5, ARTICLE VI of the 1987 Constitution is explicit when it states that the Congress shall make a reapportionment of legislative districts based on the standards provided in the same section. Thus, the entitlement of a newly converted highly-urbanized city to a separate congressional seat, as well as its number of legislative seats must be provided for through a law duly enacted by Congress. Consequently, a component city does not automatically have a separate or additional legislative seat upon its conversion into a highly-urbanized city.

As regards question number 7, please be advised that this Department has already issued Legal Opinion Number 55, series of 2005, which substantially deals with the same issue on whether the registered voters of a newly converted highly-urbanized city are automatically prohibited from voting for elective provincial officials. A copy of said Legal Opinion is hereto attached for your reference.

Coming now to questions 1 and 2, you are seeking clarification as to the limitation on the number of times that a component city may bid for conversion into a highly-urbanized city and the likelihood that the same Presidential Proclamation may be used for the purpose of conducting a second plebiscite, after failure to ratify the conversion in an earlier plebiscite.