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Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
<http://www.dilg.gov.ph>

19 MAR 2019

DILG OPINION NO. 13 S. 2019

MR. MARILOU A. ONITA
President, Samahan Nagkakaisang Maralita
Homeowners Association Incorporation
Villa Rosa Homes, San Pedro City, Laguna

Dear Mr. Onita:

This has reference to your letter dated 9 November 2018 requesting for this Department to issue an official document signifying that Villa Rosa Homes is now part of barangay Estrella

The herein concern arose from your confusion as to why Villa Rosa Homes is no longer part of Barangay San Vicente. In your letter, according to you, Villa Rosa Homes has been under the jurisdiction of Barangay San Vicente since 1996. However, when you sought for a certification as per request by the Social Housing Finance Corporation, the said barangay declined to provide such document as Villa Rosa Homes is now part of Barangay Estrella. Per your letter, the herein issue is germane to the outcome of July 2012 referendum, the result of which is unclear in your end. Hence, you sought for an official document pertinent to the matter.

Before we answer the herein query, we deem it proper to invite your attention to the pertinent provision of the Local Government Code of 1991, to wit:

"A local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the sangguniang panlalawigan or sangguniang panlungsod concerned in the case of a barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this Code."

Corollary thereto, Section 10 of the same code provides:

"No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite. Said plebiscite shall be

conducted by the Commission on Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date."

In the afore-quoted law, it is clear that boundaries of political unit can be altered. However, it must conform to the requirements of law such as a valid ordinance passed by the concerned sangguniang panlungsod and a plebiscite conducted to the affected barangay. Lacking concurrence of these two requisites or any alteration of boundaries of a political unit that is not in accordance with the law shall not be given effect.

In the herein case, per confirmation with the Commission on Elections (COMELEC) there was no plebiscite conducted altering the boundaries of the herein concerned political unit nor was there a record of an ordinance or law enacted to the effect. Hence, we are of the opinion that Villa Rosa Homes still belongs to Barangay San Vicente.

We hope to have assisted you accordingly.

Thank you.

Very truly yours,
BY AUTHORITY OF THE SECRETARY
MARTIN B. DIÑO
Undersecretary for Barangay Affairs

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Copy furnished:
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