



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session
2269

HOUSE BILL NO. _____



Introduced by **Representative Francisco Jose F. Matugas II**

EXPLANATORY NOTE


This bill is part of several amendments to the Local Government Code (the "Code") approved by the House of Representatives during the 17th Congress and transmitted to the Senate as early as 19 September 2017. It seeks to amend Section 461 (b) of the Code, by adding a *proviso* on the land area requirement on the creation of a province.

Sections 442 (b) and 450 (b) of the Code explicitly provides, as one of the requisites for the creation of a municipality and city, that "the requirement on land area shall not apply where the municipality [city] proposed to be created is composed of one (1) or more islands."

While this is so unequivocally provided in the aforementioned Sections, the same is conspicuously missing in Section 461 of the Code or the section providing for the creation of a province.

This bill in effect will correct this seeming anomaly in the law by adding exactly the same provision that applies to the creation of a municipality or a city to that on the creation of a province.

In view of the foregoing, approval of this bill is earnestly recommended.


FRANCISCO JOSE F. MATUGAS II
Surigao del Norte, First District
(Siargao Island)



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session
2269
HOUSE BILL NO. _____

Introduced by **Representative Francisco Jose F. Matugas II**

AN ACT
RATIONALIZING THE LAND AREA REQUIREMENT FOR THE
CREATION OF A PROVINCE, AMENDING FOR THE PURPOSE
SECTION 461 (B) OF REPUBLIC ACT NO. 7160, AS AMENDED,
OTHERWISE KNOWN AS THE “LOCAL GOVERNMENT CODE OF 1991”

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 461 (b) of Republic Act. No. 7160, as amended,
2 otherwise known as the “Local Government Code of 1991”, is hereby amended to
3 read as follows:

4 “Section 461. *Requisites for Creation.* – (a) A province may be
5 created if it has an average annual income, as certified by the
6 Department of Finance, of not less than Twenty million pesos
7 (P20,000,000.00) based on 1991 constant prices and either of the
8 following requisites:

9 “(i) a contiguous territory of at least two thousand (2,000) square
10 kilometers, as certified by the Lands Management Bureau; or

11 “(ii) a population of not less than two hundred fifty thousand
12 (250,000) inhabitants as certified by the National Statistics Office:

13 *Provided, That,* the creation thereof shall not reduce the land
14 area, population, and income of the original unit or units at the time of
15 said creation to less than the minimum requirements prescribed
16 herein.

1 “(b) THE TERRITORIAL JURISDICTION OF A NEWLY-
2 CREATED PROVINCE SHALL BE PROPERLY IDENTIFIED BY
3 METES AND BOUNDS. THE REQUIREMENT ON LAND AREA
4 SHALL NOT APPLY WHERE THE PROVINCE PROPOSED TO
5 BE CREATED IS COMPOSED OF ONE (1) OR MORE ISLANDS.

6 The territory need not be contiguous if it comprises two (2) or more
7 islands or is separated by a chartered city or cities which do not
8 contribute to the income of the province.

9 “(c) The average annual income shall include the income accruing to
10 the general fund, exclusive of special funds, trust funds, transfers and
11 non-recurring income.”

12 SEC. 2. The Department of Interior and Local Government (DILG) shall issue
13 the necessary rules and regulations within sixty (60) days after the effectivity of
14 this Act.

15 SEC. 3. All laws, decrees, executive orders, rules and regulations which are
16 inconsistent with this Act are hereby repealed, amended, or modified accordingly.

17 SEC. 4. This Act shall take effect fifteen (15) days after its publication in the
18 *Official Gazette* or in a newspaper of general circulation.

19 *Approved,*

lgcamendment\billgcamendmentlandarea.docx