



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

Seventeenth Congress
1ST Regular Session

HOUSE BILL NO. 2994

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 16 AUG 2016

TIME: 3:30 PM

BY: peli

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced By:

REP. FRANCISCO JOSE F. MATUGAS II, 1ST District, Surigao del Norte

REP. PROSPERO A. PICHAY JR., 1ST District, Surigao del Sur

REP. JOHNNY T. PIMENTEL, 2ND District, Surigao del Sur

EXPLANATORY NOTE

This bill, which was approved by the House of Representatives of the 16th Congress and is now refiled, seeks the amendment of Section 461 (b) of the Local Government Code of 1991 ("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 respectively, 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 even out 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


PROSPERO A. PICHAY JR.


JOHNNY T. PIMENTEL



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**AN ACT AMENDING SECTION 461, PARAGRAPH (b) OF 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, otherwise known as the
2 *Local Government Code of 1991* is hereby amended to read as follows:

3
4 “Section 461. *Requisites for Creation.*

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

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

13
14 (ii) a population of not less than two hundred fifty thousand
15 (250,000) inhabitants as certified by the National Statistics Office:
16

1 Provided, That, the creation thereof shall not reduce the land area,
2 population, and income of the original unit or units at the time of
3 said creation to less than the minimum requirements prescribed
4 herein.

5 **(b) THE TERRITORIAL JURISDICTION OF A NEWLY-CREATED**
6 **PROVINCE SHALL BE PROPERLY IDENTIFIED BY METES AND**
7 **BOUNDS. THE REQUIREMENT ON LAND AREA SHALL NOT**
8 **APPLY WHERE THE PROVINCE PROPOSED TO BE CREATED IS**
9 **COMPOSED OF ONE (1) OR MORE ISLANDS.** The territory need not
10 be contiguous if it comprises two (2) or more islands or is separated by a
11 chartered city or cities which do not contribute to the income of the
12 province.

13
14 (c) The average annual income shall include the income accruing to
15 the general fund, exclusive of special funds, trust funds, transfers and
16 non-recurring income."

17
18 **Sec. 2. Repealing Clause.** All laws, presidential decrees, executive orders
19 presidential proclamations, issuances, rules and regulations or parts thereof which
20 are inconsistent with the provisions of this Act are hereby repealed or amended
21 accordingly.

22
23 **Sec. 3. Effectivity Clause.** - This act shall take effect fifteen (15) days from its
24 publication in the *Official Gazette* or in a newspaper of general circulation.

25
26 Approved,