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REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS

EDUCATION AND INFORMATION DEPARTMENT



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Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

IN THE MATTER OF THE EFFECT OF THE DECISION OF THE SUPREME COURT IN THE CASE OF "RODOLFO G. NAVARRO, ET. AL., vs. EXECUTIVE SECRETARY EDUARDO ERMITA representing the President of the Philippines, ET. AL." (G.R. No. 180050), DECLARING THE CREATION OF THE PROVINCE OF DINAGAT ISLANDS AS UNCONSTITUTIONAL THEREBY REVERTING SAID PROVINCE TO ITS PREVIOUS STATUS AS PART OF THE PROVINCE OF SURIGAO DEL NORTE.

Jose A.R. Melo	Chairman
Rene V. Sarmiento	Commissioner
Nicodemo T. Ferrer	Commissioner
Lucenito N. Tagle	Commissioner
Armando C. Velasco	Commissioner
Elias R. Yusoph	Commissioner
Gregorio Y. Larrazabal	Commissioner

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Promulgated: March 9, 2010

RESOLUTION NO. 8790

WHEREAS, Dinagat Islands, consisting of seven (7) municipalities, were previously components of the First Legislative District of the Province of Surigao del Norte. In December 2006 pursuant to Republic Act No. 9355, the Province of Dinagat Island was created and its creation was ratified on 02 December 2006 in the Plebiscite for this purpose;

WHEREAS, as a province, Dinagat Islands was, for purposes of the May 10, 2010 National and Local Elections, allocated one (1) seat for Governor, one (1) seat for Vice Governor, one (1) for congressional seat, and ten (10) Sangguniang Panlalawigan seats pursuant to Resolution No. 8670 dated 16 September 2009;

WHEREAS, the Supreme Court in G.R. No. 180050 entitled "Rodolfo G. Navarro, et. al., vs. Executive Secretary Eduardo Ermita as representative of the President of the Philippines, et. al." rendered a Decision, dated 10 February 2010, declaring Republic Act No. 9355 unconstitutional for failure to comply with the criteria for the creation of a province prescribed in Sec. 461 of the Local Government Code in relation to Sec. 10, Art. X, of the 1987 Constitution;

WHEREAS, respondents intend to file Motion for Reconsideration on the above decision of the Supreme Court;

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WHEREAS, the electoral data relative to the: (1) position for Member, House of Representatives representing the lone congressional district of Dinagat Islands, (2) names of the candidates for the aforementioned position, (3) position for Governor, Dinagat Islands, (4) names of the candidates for the said position, (5) position of the Vice Governor, (6) the names of the candidates for the said position, (7) positions for the ten (10) Sangguniang Panlalawigan Members and, (4) all the names of the candidates for Sangguniang Panlalawigan Members, have already been configured into the system and can no longer be revised within the remaining period before the elections on May 10, 2010.

NOW, THEREFORE, with the current system configuration, and depending on whether the Decision of the Supreme Court in Navarro vs. Ermita is reconsidered or not, the Commission **RESOLVED**, as it hereby **RESOLVES**, to declare that:

- a. If the Decision is reversed, there will be no problem since the current system configuration is in line with the reconsidered Decision, meaning that the Province of Dinagat Islands and the Province of Surigao del Norte remain as two (2) separate provinces;
- b. If the Decision becomes final and executory before the election, the Province of Dinagat Islands will revert to its previous status as part of the First Legislative District, Surigao del Norte.

But because of the current system configuration, the ballots for the Province of Dinagat Islands will, for the positions of Member, House of Representatives, Governor, Vice Governor and Members, Sangguniang Panlalawigan, bear only the names of the candidates for the said positions.

Conversely, the ballots for the First Legislative District of Surigao del Norte, will, for the position of Governor, Vice Governor, Member, House of Representatives, First District of Surigao del Norte and Members, Sangguniang Panlalawigan, show only candidates for the said position. Likewise, the whole Province of Surigao del Norte, will, for the position for Governor and Vice Governor, bear only the names of the candidates for the said position.

Consequently, the voters of the Province of Dinagat Islands will not be able to vote for the candidates of Members, Sangguniang Panlalawigan and Member, House Representatives, First Legislative District, Surigao del Norte, and candidates for Governor and Vice Governor for Surigao del Norte. Meanwhile, voters of the First Legislative District of Surigao del Norte, will not be able to vote for Members, Sangguniang Panlalawigan and Member, House of Representatives, Dinagat Islands. Also, the voters of the whole Province of Surigao del Norte, will not be able to vote for the Governor and Vice Governor, Dinagat Islands. Given this situation, the Commission will postpone the elections for Governor, Vice Governor, Member, House of Representatives,



First Legislative District, Surigao del Norte, and Members, Sangguniang Panlalawigan, First Legislative District Surigao del Norte, because the election will result in failure to elect, since, in actuality, there are no candidates for Governor, Vice Governor, Members, Sangguniang Panlalawigan, First Legislative District, and Member, House of Representatives, First Legislative District (with Dinagat Islands) of Surigao del Norte.

- c. If the Decision becomes final and executory after the election, the Province of Dinagat Islands will revert to its previous status as part of the First Legislative District of Surigao del Norte.

The result of the election will have to be nullified for the same reasons given in Item "b" above. A special election for Governor, Vice Governor, Member, House of Representatives, First Legislative District of Surigao del Norte, and Members, Sangguniang Panlalawigan, First District, Surigao del Norte (with Dinagat Islands) will have to be conducted.

Let the Education and Information Department cause the publication of this Resolution in at least two (2) newspapers of general circulation, and furnish copies thereof to the Regional Election Director, CARAGA Region, Provincial Election Supervisors of Surigao Del Norte and Dinagat Islands, and to all department/offices in the Main Office of the Commission.

Let the Office of the Executive Director implement this Resolution.

SO ORDERED.


JOSE A. R. MELO
Chairman

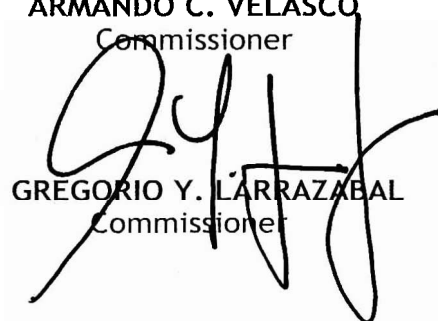

RENE V. SARMIENTO
Commissioner


NICODEMO T. FERRER
Commissioner


LUCENITO N. TAGLE
Commissioner

On Official Business
ARMANDO C. VELASCO
Commissioner


ELIAS R. YUSOPH
Commissioner


GREGORIO Y. LARRAZABAL
Commissioner

