

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 715

Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

The barangay, endemic to Philippine socio-economic setting, is the key political unit that plays a crucial and fundamental role in the implementation of government policies and projects.

Section 384 of our Local Government Code of 1991 states that, "As a basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community." Likewise, it is "a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled."

In the conduct of Barangay elections from 1989 to the present, Batas Pambansa Bilang 881, otherwise known as the Omnibus Election Code specifies that such elections are non-partisan. Section 38 of the Omnibus Election Code further states that "no person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional, or other organization or organized group of whatever nature shall intervene in the nomination or in the filing of the certificate of candidacy or give aid or support, directly or indirectly, material or otherwise, favorable to or against the campaign for election."

While this clause in the law ideally sets the premise in the conduct of unbiased elections, certain realities and circumstances that regularly and normally occur during each election period speaks of partisan intervention, particularly in the fielding and financing of the candidates vying for barangay positions.

Pragmatically speaking, the conduct of barangay elections is political in nature. Whenever Barangay elections are held in the Philippines, candidates vying for positions in the barangay level openly show, whether directly or indirectly, that they are being supported by certain political organizations or political parties. It can not be denied that Barangay elections are used by various political parties and political organizations to field in candidates, providing them with a political machinery during the campaign period and, invariably ask for the winning candidates' projects and undertakings after election.

Thus, amending Section 38 of the Omnibus Election Code is hereby proposed to finally adapt the law into the political reality and nature of this country. The time has come to finally stop the political hypocrisy that has long hampered the growth of our country and the maturity of our Filipino voters.

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

JUDY J. SYJUCO

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AN ACT
AMENDING CERTAIN SECTIONS OF BATAS PAMBANSA BILANG 881 OTHERWISE KNOWN AS THE OMNIBUS ELECTION CODE OF THE PHILIPPINES

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

SECTION 1. Section 38 of Batas Pambansa Blg. 881 is hereby deleted to read as follows:

[Sec. 38. Conduct of Elections—The barangay election shall be non-partisan and shall be conducted in an expeditious and inexpensive manner.

No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional, or other organization or organized group of whatever nature shall intervene in his nomination or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material or otherwise, favorable to or against his campaign for election: *Provided*, That this provision shall not apply to the members of the family of candidate within the fourth civil degree of consanguinity or affinity nor to the personal campaign staff of the candidate which shall not be more than one for every one hundred registered voters in his barangay: *Provided, however*, That without prejudice to any liability that may be incurred, no permit to hold a public meeting shall be denied on the ground that the provisions of this paragraph may or will be violated.

Nothing in this section, however, shall be construed as in any manner affecting or constituting an impairment of the freedom of individuals to support or oppose any candidate for any barangay office.]

SECTION 2. All laws, rules and regulations thereof, inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,