

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H.B. No. 1354

Introduced by **Honorable Del R. de Guzman**

EXPLANATORY NOTE

Local sectoral representation is one of the most significant democratization provisions in the 1987 Constitution as well as in the 1991 Local Government Code. It allows representatives from local sectoral groups especially those belonging to the marginalized to be elected as members of the local *sanggunians* and participate in local legislations. It intends to expand the composition of local *sanggunians* by democratizing electoral and political opportunities in consonance with the social justice provisions of the Constitution. By allowing the people to choose their sectoral organizations, the representation of the marginalized sectors in the local *sanggunians* will be ensured.

Section 9, Art. X of the 1987 Constitution states that "[l]egislative bodies of local governments shall have sectoral representation as may be prescribed by law." Section 41 (c) of R.A. No. 7160 or the LGC, on the other hand states that "... there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the *sanggunians* concerned within ninety (90) days prior to the holding of the next local elections as may be provided by law." It's also states that COMELEC shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.

While previous attempts were made by the COMELEC to set the date and call the first elections for sectoral representatives through various resolutions (Resolutions Nos. 2515 and 2573 -- calling for the special elections in 1993; Resolution Nos. 2573 -- where elections for sectoral representatives would coincide with the 1995 national and local elections), no elections to date has been conducted.

In 1995, Congress enacted R.A. No. 7887, which instituted certain electoral reforms. The last par. of Sec. 1 thereof states that the "COMELEC shall promulgate rules and regulations to effectively implement the *"provisions of law which may hereafter be enacted providing for the election of sectoral representatives."* This provision apparently strengthened COMELEC's position not to push through with the planned elections in deference to Congress.

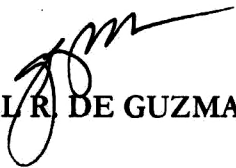
Six years after, Congress has yet to pass an enabling law that will pave the way for the conduct of elections for local sectoral representatives. The constitutional and statutory mandate for such elections has not been implemented simply because of the absence of an

enabling law that will provide the manner and mandate of election of sectoral representatives to the local sanggunians.

This bill if enacted into law will serve as the enabling law for the unimplemented constitutional and statutory policy on local sectoral representation. The salient feature of the bills includes: (a) election of (3) sectoral representatives each in the Sangguniang Panlalawigan, Sangguniang Bayan, Sangguniang Panlungsod - - one (1) from the women sector, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, and elderly; (b) the first election will be on the second Monday of May 2004 and every three years thereafter; (c) requirement of the registration of sectoral organizations/coalitions to qualify in elections; (d) qualification of sectoral nominees; (e) forfeiture of seat by any elected sectoral representative who changes his organizational affiliation during his term of office; and (f) conduct of voters' education.

For the past ten years since the enactment of the Local Government Code, there has been a marked increase in interest by civil society in local governance. This augurs well in instilling greater accountability in governance, but also in promoting innovative governance in partnership with an empowered civil society. The implementation of local sectoral representation is an important institutional mechanism for attaining his objective.

Hence, the approval of the bill is most earnestly sought.



DEL R. DE GUZMAN

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress of the
First Regular Session

House Bill No. **1354**

Introduced by Honorable Del R. de Guzman

AN ACT
PROVIDING FOR THE MANNER AND DATE OF ELECTION OF
SECTORAL REPRESENTATIVES TO THE LOCAL SANGGUNIAN
AND FOR OTHER PURPOSE

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

SECTION 1. Title. - This Act shall be known as the "Local Sectoral Representation Act of 2004."

SECTION 2. Declaration of Policy. - It is the policy of the State to have sectoral representatives belonging to marginalized sectors in the provincial, city and municipal Sanggunians. It is likewise the policy of the State to uphold the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

SECTION 3. Definition of Terms. - For purposes of this Act:

- (a) "Sectoral organization" refers to a group of citizens belonging to any sector as may be determined by the Sanggunian concerned which are bound by a common vision or purpose and an internal structure of accountability to the membership but not limited to the women sector, workers groups, indigenous peoples and cultural communities, differently-abled persons, senior citizens, victims of calamities and disasters, children and the urban poor;
- (b) "Coalition" refers to an aggrupation of duly registered sectoral organizations enumerated above and any other sector as may be determined by the Sanggunian concerned for political and/or election purposes;

- (c) "*Workers*" refers to industrial, commercial, service workers, peasants, farmers or fisherfolk;
- (d) "*Marginalized sector*" refers to those who are underrepresented and underprivileged;
- (e) "*Commission*" refers to the Commission on Elections.

SECTION 4. *Election of Sectoral Representatives.* – There shall be three (3) sectoral representatives each in the Sangguniang Panlalawigan, Sangguniang Bayan and Sangguniang Panlungsod who shall be elected pursuant to this Act: one (1) from the women sector; one (1) from the workers; and one (1) from any of the following sectors: indigenous peoples and cultural communities, differently-abled persons, senior citizens, victims of calamities and disasters, children, and urban poor or any other sector as may be determined by the sanggunian concerned not later than one (1) year prior to the holding of the next local elections: *Provided that*, such third sector shall likewise belong to the marginalized sectors of society; *Provided further that*, the youth shall not be among the sector to be chosen by the sanggunian because they are already represented by the Sanggunian Kabataan as provided for under Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as amended.

In cases of provinces, cities or municipalities with more than one district, Sectoral representatives shall be elected at large.

The third sector determined by the Sanggunian shall remain in force unless the sanggunian concerned determines a new sector. In the event that the sanggunian fails to determine the third sector in the first local sectoral elections, the third slot shall be contested by any of the other sectors enumerated in this section.

SECTION 5. *Date of Election.* – The first election for sectoral representatives shall be held simultaneously with the local elections on the second Monday of May 2007 and every three years thereafter.

SECTION 6. *Manifestation to Participate in the Elections.* – Any sectoral organization or coalition already registered with the Commission need not register anew. However, such organization may file with the Commission, not later than one hundred and twenty (120) days before every election, a manifestation of its intention to participate in the elections for sectoral representative: *Provided that*, a coalition may run only for one and the same sector in a province, city or municipality; *Provided further that*, no member-organization of the coalition which has manifested its desire to participate in the elections shall be eligible to run in the same local government.

SECTION 7. Registration. - Any sectoral organization or coalition which has been in existence for at least one (1) year at the time of effectivity of this Act, duly registered with the Securities and Exchange Commission (SEC), or the Department of Labor and Employment, or with government agencies concerned, or with local government units concerned, and with a membership of not less than twenty five (25) registered voters within the municipality or city where it seeks to be a candidate, shall file with the Commission, not later than one hundred and eighty (180) days before the election, a petition for registration and manifestation duly verified by its president or secretary stating its desire to participate in the election for sectoral representative, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement, if any, and other relevant information as the Commission may require.

Failure to submit the aforecited formal requirements may be a ground for dismissal, *motu proprio* by the Commission of its petition; Otherwise, the Commission shall immediately post the verified petition in the office of the election officer and in the bulletin board of the provincial, city or municipal hall setting the same for hearing at an appointed time and date.

The Commission shall, after due notice and hearing, resolve said petition, including a motion for its reconsideration, within thirty (30) days from the date of its submission for resolution, but in no case later than one hundred twenty (120) days before election.

The provincial, city or municipal chapters of registered provincial, regional or national sectoral organizations or coalitions shall be deemed registered: *Provided that*, the local chapters shall notify and submit a proof of chapter affiliation and registration of such provincial, regional or national sectoral organization or coalition to the provincial, city or municipal Election Officer; *Provided further that*, provincial, regional and national sectoral organizations or coalitions shall have chapters in at least twenty five percent (25%) of the total number of municipalities or cities of a province where it seeks to be a candidate for Sanggunian Panlalawigan; *Provided finally that*, each chapter shall have a membership of not less than twenty five (25) voters.

SECTION 8. Refusal or Cancellation of Registration. - The Commission, may *motu proprio*, or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any sectoral organization or coalition on any of the following grounds:

- (a) It is a religious sect or denomination, organization or association organized solely for religious purposes;
- (b) It advocates violence or unlawful means to seek its goal;

- (c) It is foreign organization;
- (d) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (e) It violates or fails to comply with laws, rules and regulations relating to elections;
- (f) It declares untruthful statements in its petition;
- (g) It was dissolved, absorbed by or merged with other sectoral organizations; and
- (h) It failed to participate in the last two (2) consecutive elections.

SECTION 9. *Certified List of Registered Sectoral Organizations and Coalitions.* – The Commission shall, not later than sixty (60) days before election, prepare a certified list of sectoral organizations and coalitions which have applied or manifested their desire to participate in the election of sectoral representatives to the local sanggunians and distribute copies thereof to all precincts for posting in the polling places in election day. The names of the nominees shall not be shown on the certified list.

SECTION 10. *Nomination of Sectoral Representatives.* – Each registered sectoral organization or coalition shall submit to the Commission not later than forty-five (45) days before the election a list of nominees, ranking them as the first, second and third nominees.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or any person who has lost his bid for an elective office other than sectoral representatives in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the Commission except in cases where the nominee dies, or withdraws in writing his nomination, or becomes incapacitated.

SECTION 11. *Qualifications of Sectoral Nominees.* – No person may be nominated as sectoral representative unless he is:

- (a) A citizen of the Philippines;
- (b) A registered voter in the city or municipality where he intends to be elected;

- (c) A resident therein for at least one (1) year immediately preceding the day of the election;
- (d) At least twenty-one (21) years of age on the day of election in the case of a nominee for a provincial sanggunian or eighteen (18) years of age on the day of the election in any other case;
- (e) A bona-fide member of the registered sectoral organization or coalition, which the nominee seeks to represent for at least ninety (90) days preceding the day of the election; and
- (f) Able to read and write Filipino or any other local language or dialect.

SECTION 12. *Disqualifications of Sectoral Nominees.* – The following are disqualified as nominee for sectoral representatives:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office by final judgment in an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (d) Persons declared insane or *non compos mentis* by competent authority.

SECTION 13. *Nominees Holding Appointive Office.* – Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, the Philippine National Police, and other law enforcement agencies and officers and employees in government owned and/or controlled corporations shall be considered *ipso-facto* resigned from his office upon the acceptance of his nomination as the nominee of a candidate for sectoral representation.

SECTION 14. *Manner of Voting.* – Every voter shall be entitled to a vote for each of the positions reserved for the sectoral representatives in the local sanggunians: *Provided that*, a vote cast for a sectoral organization or coalition not entitled to be voted upon shall not be counted.

SECTION 15. *Term of Office.* – The term of office of sectoral representatives shall be three (3) years: *Provided that*, if the sectoral organization or coalition which nominated them is dissolved or disbanded, then the positions held by these elected sectoral representatives shall be deemed vacant.

SECTION 16. *Change of Affiliation, Effect of.* – Any elected sectoral representative who changes his organizational affiliations during his term of office shall forfeit his seat: *Provided that*, if he or she changes organizational affiliation within six (6) months before the election, he shall not be eligible for nomination as sectoral representative under any other sectoral organization or coalition.

SECTION 17. *Vacancy.* – In case a permanent vacancy in the seats reserved for sectoral representatives occurs, the vacancy shall be filled automatically by the next nominee of the organization or coalition represented by the person who caused the vacancy, who shall then serve the unexpired term. If the list is exhausted, the sectoral organization or coalition concerned shall submit additional nominees to the Commission; *Provided that*, such new nominee is not disqualified under this Act; *Provided further that*, this procedure will likewise apply if the vacancy is caused by the recall of the nominee by the organization or coalition that they represent.

SECTION 18. *Rights of Sectoral Representatives.* – Sectoral Representatives shall be entitled to the same salaries, emoluments, rights, privileges and benefits as members of the sanggunians.

SECTION 19. *Voters' Education.* – The Commission, together with and in support of accredited citizen's arms, shall carry out a continuing and systematic campaign through newspapers of general circulation, radio and other media forms, as well as through seminars, symposia, and other non-traditional means to educate the public and fully inform the electorate about the election of sectoral representatives.

SECTION 20. *Designation of Other Dates for Certain Pre-Election Acts.* – If it is no longer possible to observe the periods and dates prescribed by this Act for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure the election of sectoral representatives: *Provided however that*, his provision shall not be construed to allow the Commission to delay or cancel the elections for sectoral representatives in the year 2007.

SECTION 21. *Accommodation.* – The inclusion of local sectoral representatives for fourth, fifth and sixth class municipalities shall not increase the number of seats in the sanggunian as presently provided for by law unless a local government unit, by resolution, declares that there are available funds for such additional seats: *Provided that*, such resolution will be adopted one (1) year prior to the next local election and shall henceforth be applicable in the succeeding elections.

SECTION 22. *Rules and Regulations.* – The Commission shall promulgate rules and regulations necessary to carry out the purposes of this Act which shall be published in a newspaper of general circulation and/or website.

SECTION 23. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared unconstitutional or illegal, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 24. *Repealing and Amending Clause.* – Section 41 paragraphs (c) of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991” is hereby amended. Republic Act No. 8553 is hereby repealed. All laws, presidential decrees, executive orders, including the rules and regulations promulgated thereunder, which are inconsistent with the provisions of this Act, are hereby amended, repealed or modified accordingly.

SECTION 25. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,