

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2209



Introduced by Akbayan! Party List Representatives **LORETTA ANN P. ROSALES, MARIO JOYO AGUJA and ANA THERESIA HONTIVEROS-BARAQUEL**

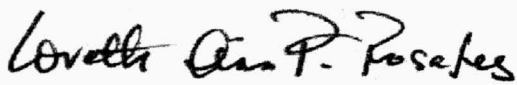
EXPLANATORY NOTE

The Constitution and the Local Government Code of 1991 provide that there shall be sectoral representatives in the local *sanggunians*. However, it is sad to note that the mandated political empowerment of the grassroots or basic sectors of Philippine society has not been fully realized with the failure of Congress to enact a law that would provide for the manner and date of elections for sectoral representatives.

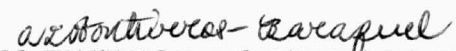
One of the contentious issues that has derailed the election of sectoral representatives in the local *sanggunians* is budgetary concerns. The local government units, as the argument goes, especially the fourth, fifth and sixth class municipalities, cannot afford the necessary regular expenditures that would be incurred with the election of sectoral representatives.

To address the issue, these representations propose to amend Section 41 (c) of the Local Government Code to the effect that sectoral representatives in the local *sanggunians* shall be at large, provided that the total number of elective positions in the *sangguniang bayan* and *sangguniang panlungsod* concerned shall not exceed the total number of seats prescribed by law except in cities where the *sanggunian* members are elected by legislative districts as provided by law.

The immediate approval of this bill is earnestly requested.


Rep. LORETTA ANN P. ROSALES


Rep. MARIO JOYO AGUJA


Rep. ANA THERESIA HONTIVEROS-BARAQUEL

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AN ACT
PROVIDING FOR THE MANNER AND DATE OF ELECTION OF SECTORAL REPRESENTATIVES TO THE LOCAL SANGGUNIANs AND FOR OTHER PURPOSES

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

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

SEC. 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.

SEC. 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 including 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, informal sector workers, peasants, farmers or fisherfolk;

- (d) *Marginalized sector* refers to those who are underrepresented and underprivileged.
- (e) *Commission* refers to the Commission on Elections;

SEC. 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 sectoral elections, the third slot shall be contested by any of the other sectors enumerated in this section.

SEC. 5. *Date of Election.* - The first election for local sectoral representatives shall be held simultaneously with the local elections on the second Monday of May 2004 and every three years thereafter.

SEC. 6. *Manifestation to Participate in the Elections.* - Any sectoral organization or coalition already registered with the Commission need not register anew. However, such organization shall file with the Commission, not later than one hundred 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 a coalition which has manifested its desire to participate in the elections shall be eligible to run in the same local government.

SEC. 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, 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 eighty (180) days before the election, a petition for registration and manifestation duly verified by its president or secretary stating its intention 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 aforementioned formal requirements shall 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, city or municipal 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 25 registered voters.

Sec. 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 a 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 fails to participate in the last two (2) consecutive elections.

SEC. 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 on election day. The names of the nominees shall not be shown on the certified list.

SEC. 10. *Nomination of Sectoral Representative.* – 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 a person who has lost his bid for an elective office other than sectoral representative in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same are submitted to the Commission except in cases where the nominee dies, withdraws in writing, or becomes incapacitated.

SEC. 11. *Qualifications of Sectoral Nominees.* - No person may be nominated as sectoral representative unless such nominee is:

- (a) A citizen of the Philippines;
- (b) A registered voter in the city or municipality where he or she 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 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.

SEC. 12. *Disqualifications of Sectoral Nominees.* – The following are disqualified as nominees 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

SEC. 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.

SEC. 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.

SEC. 15. **Term of Office.** - The term of office of sectoral representatives shall be three 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.

SEC. 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 or she shall not be eligible for nomination as sectoral representative under any other sectoral organization or coalition.

SEC. 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.

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

SEC. 19. **Voter's 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.

SEC. 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 2004.

SEC.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 be henceforth be applicable in the succeeding elections.

SEC. 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.

SEC. 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.

SEC. 24. **Repealing Clause.** - Section 41 paragraph (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 rules and regulations promulgated thereunder, which are inconsistent with the provisions of this Act, are hereby amended, repealed or modified accordingly.

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

Approved,