

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

**Thirteenth Congress
First Regular Session**

HOUSE BILL NO. 4406



Introduced by Honorable Arthur D. Defensor

EXPLANATORY NOTE

Section 9 Article X of the Constitution mandates that legislative bodies of local governments shall have sectoral representation as may be prescribed by law.

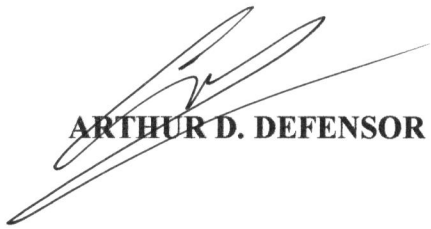
In *Supangan, Jr. vs. Hon. Luis T. Santos* [G.R. No. 84663, August 24, 1990], the Supreme Court speaking of the constitutional provision in question had the occasion to rule that "the phrase 'as may be prescribed by law' is not prospective in character. Section 9 commands that all legislative bodies of local governments must have sectoral representatives among its members, and the appointment or designation of individuals thereto must be done in accordance with provisions of law, whether that law exists or has still to be passed. But in this case that law already exists in B.P. Blg. 337..."

The Court continued: "The phrase in question should, therefore, be understood to mean as prescribed by such law that governs the matter at the time this Constitution is ratified or that could be enacted thereafter. The phrase does not and cannot, by its very wording, restrict itself to the uncertainty of future legislation. This interpretation would defeat the very purpose of immediately including sectoral representatives in the law-making bodies of local governments."

Indeed, the enabling law already exists. Section 41 of the the Local Government Code (Republic Act No. 7160), in part, 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." (Section

However, after almost two decades since the ratification of the 1987 Constitution and more than ten years since the Local Government Code took effect no election for sectoral representation in the local legislative bodies has been conducted. Further compounding the matter, R.A. No. 7887 (February 20, 1995) which instituted reforms in certain local elective positions stated 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.*" (Emphasis supplied)

Section 9, Article X of the Constitution was purposely intended to give meaning to the goal of democratizing the political process in local government through the concept of sectoral representation and supplements the mechanism of recall, initiative and referendum. (Record of the Constitutional Commission, August 16, 1986) Hence, this bill intends to put in place the statutory framework for the election of sectoral representation in local government bodies.



ARTHUR D. DEFENSOR

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

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

SECTION 1. *Title.* - This Act shall be known as the "Local Sectoral Representation Act of 2005."

SEC. 2. *Declaration of Policy* - It is hereby the policy of the State to uphold the right of the people and their organizations to an effective and reasonable participation at all levels of social, political and economic decision-making. Toward this end, a system for the manner and date of election of sectoral representatives shall be established for the marginalized sectors in the provincial, city, and municipal sanggunians.

SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall mean:

- 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 group, indigenous peoples and cultural communities, differently-abled persons, senior citizens, victims of calamities and disasters, and 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” refer to industrial, commercial, service workers, peasants, farmers or fisherfolks;
- 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 sectoral representatives each in the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan who shall be elected pursuant to this Act: one (1) from the women sector, one (1) from 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, 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 the society; Provided, further, That the youth shall not be among the sector to be chosen by the sanggunian as they are already represented by the Sanggunian Kabataan as provided under Republic Act No. 7160.

In the case 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.

SEC. 5. *Date of Election.* – The first election for the sectoral representatives shall be held simultaneously with the local elections on the second Monday of May 2007 and every three (3) 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 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 election for the sectoral representatives: 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.

SEC. 7. *Registration.* – Any sectoral organization or coalition 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 eighty (180) days before the elections, 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 and 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, municipal hall setting the same 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 coalition 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.

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 religious sect or denomination, organization or association organized solely for religious purposes;
- b) It advocates violence or unlawful means;
- c) It is a foreign organization;
- d) It is receiving support from a 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 statement 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.

SEC. 9. *Certified List of Registered Sectoral Organizations and Coalitions.* – The Commission shall not later than sixty (60) days before elections, prepare a certified list of sectoral organizations 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.

SEC. 10. *Nomination of Sectoral Representatives.* - Each registered sectoral organization 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 his nomination, or becomes incapacitated.

SEC. 11. *Qualification of Sectoral Nominees.* – No person may be nominated as sectoral representatives 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 provincial sanggunian or eighteen (18) years of age on the day of election in any other case;
- e) A bonafide 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. *Disqualification 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 violation of the oath of allegiance to the Republic of 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 of government owned and controlled corporations shall be considered ipso facto resigned from his office upon acceptance of his nomination as nominee of a candidate for sectoral representation.

SEC. 14. *Manner of Voting.* – Every voter shall be entitled to a vote for each of the position 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 (3) years: Provided that, if the sectoral organization or coalition that nominated them is dissolved or disbanded, then the position held by these elected sectoral representatives shall be deemed vacant.

SEC. 16. *Effect of Change of Affiliation.* – Any elected sectoral representative who changes his organizational affiliation during his term of office shall forfeit his seat:

Provided that, if he or she changes organizational affiliation within six (6) months before the date of election, he shall not be eligible for nomination as sectoral representative under any other sectoral organization or coalition.

SEC. 17. *Vacancy.* - In case of 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 nominees to the Commission; *Provided that*, such nominee is not disqualified under this Act; *Provided further that*, the procedure will likewise apply if the vacancy is caused by the recall of the nominee by the organization or coalition 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 sanggunians.

SEC. 19. *Voters' Education.* - The Commission, together with and in support of accredited citizens' arms, shall carry out a continuing and systematic campaign through newspapers of general circulation, radio and other media forum, 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. *Accommodation.* - The inclusion of local sectoral representatives for fourth, fifth, sixth class municipalities shall not increase the number of seats in the sanggunian as presently provided by law unless the 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.

SEC. 21. *Implementing Rules and Regulation.* - The Commission shall promulgate the implementing rules and regulation necessary to carry out the purpose of this Act which shall be published in a newspaper of general circulation.

SEC. 22. *Separability Clause.* - If any or part of this act is declared unconstitutional or illegal, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SEC. 23. *Repealing Clause.* - Section 441 paragraph (c) of Republic Act 7160, otherwise known as the "Local Government Code of 1991" is hereby amended. Republic Act No. 8553 is also hereby repealed. All laws, decrees, executive orders, including rules and regulations promulgated thereunder, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 24. *Effectivity.* - This Act shall take effect fifteen (15) days after the publication in two (2) newspaper of general circulation.

Approved,