

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 104

Introduced by: **HONORABLE EDCCEL C. LAGMAN**

EXPLANATORY NOTE

The only elective positions in the Philippines whose incumbents' terms of office have been changed often and the elections for which have been postponed frequently are those of barangay officials.

In fact, the title of the barangay chieftain has also been changed a number of times, from *Cabeza de Barangay* to *Teniente del Barrio* to Barangay Captain and now to *Punong Barangay* or Barangay Chairman.

There was even a time when the choice of the barangay head was the result of an election "rumble" when the candidate for barangay kagawad or councilman who garnered the highest number of votes automatically became the barangay head.

However, history records that after the EDSA People Power Revolution, the preferred term of office for barangay officials is five (5) years.

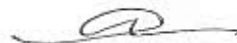
Except for the period from 09 May 1994 to 12 May 1997 which spanned only three (3) years, since 28 March 1989 to 29 October 2007, barangay officials served for a term of five years, to wit:

- a. 28 March 1989 to 09 May 1994;
- b. 12 May 1997 to 15 July 2002; and
- c. 15 July 2002 to 29 October 2007.

This preference for a 5-year term caused the filing of an avalanche of bills in the Thirteenth Congress which sought the extension to five years or an additional two years to the 3-year term provided for under Republic Act No. 9164.

These extension bills, which also proposed the resetting of the barangay elections to the last Monday of October 2007, included the following: (a) House Bill No. 1069 which was filed by Rep. Eric D. Singson; (b) House Bill No. 1276 which was authored by Rep. Rolex D. Suplico; (c) House Bill No. 1348 which was filed by Rep. Imee R. Marcos; (d) House Bill No. 1670 which was authored by Rep. Isidoro E. Real, Jr.; (e) House Bill No. 1969 which was filed by Rep. Eduardo M. Jala; (f) House Bill No. 2129 which was authored by Rep. Danilo E. Suarez; (g) House Bill No. 2358 which was filed by Rep. Rodolfo Q. Agbayani; and (h) House Bill No. 2458 which was authored by Rep. Eduardo R. Gullas.

All of these bills culminated in the postponement of the scheduled barangay elections on the last Monday of October 2005 to 29 October 2007, but unfortunately the



Senate did not agree on changing the 3-year term as provided for in Republic Act No. 9164. Hence, the scheduled elections on 25 October 2010.

This present bill seeks to revive the proposals to reinstall the 5-year term for barangay officials and accordingly postpone the barangay elections scheduled on the last Monday of October 2010 and reset the same to the last Monday of October 2012.

Considering that the set of barangay officials constitutes the pool from which city and municipal officials often come, there is merit for a longer period of five years to afford barangay officials adequate training and experience in local governance.

The longer term of office also decreases the frequency of village elections and minimizes the intense rivalries, enmities and conflicts engendered by barangay contests even among close relatives.

Moreover, there is the additional cogent and compelling reason for the extension of the terms of office of barangay officials and postponing the forthcoming barangay elections in October 2010. This is the proximity of the village elections to the immediately preceding presidential, congressional and local elections on 10 May 2010.

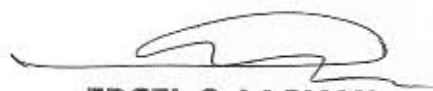
At a time when the country is yet recovering from the adverse effects of the global financial crisis and is just embarking on rehabilitation efforts consequent to the recent tragic and catastrophic typhoons, we can ill-afford to have two expensive nationwide elections in a matter of five months this year.

The barangay elections alone will cause P3 billion as appropriated in the proposed General Appropriations Act for 2010. This amount could be saved and realigned to basic socio-economic services, fund the recently amended agrarian reform program which has a budgetary shortfall of billions of pesos in 2010 alone, and/or augment the funding for the various rehabilitation projects.

Accordingly, to reiterate, this bill proposes to extend the terms of office of barangay officials ending on 29 October 2010 to 30 November 2012 and correspondingly postpone the barangay elections to the last Monday of October 2012.

This bill shall also apply to the Sangguniang Kabataan elected officials.

Approval of this bill is earnestly recommended.



EDCEL C. LAGMAN

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HOUSE BILL NO. 104

Introduced by: **HONORABLE EDCCEL C. LAGMAN**

AN ACT FURTHER AMENDING REPUBLIC ACT NO. 9164, RESETTling THE BARANGAY AND SANGGUNlANG KABATAAN ELECTIONS, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 9164, as amended by Republic Act No. 9340, is hereby further amended to read as follows:

"Section 1. *Date of Election.* – There shall be synchronized barangay and sangguniang kabataan elections which shall be held on [July 15, 2002] **OCTOBER 29, 2012.** Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October 2007 and every [three (3)] **FIVE (5)** years thereafter."

SEC. 2. Section 2 of Republic Act No. 9164 is hereby amended to read as follows:

"Section. 2. *Term of Office.* – The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be [three (3) years.] **FIVE (5) YEARS.**"

"No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, That the term of office shall be reckoned from the [1994] **1997** barangay elections. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected."

SEC. 3. Section 3 of Republic Act No. 9164 is hereby amended to read as follows:

"Section. 3. *Registration.* – For purposes of the [July 15 2002] **OCTOBER 29, 2012** synchronized barangay and sangguniang kabataan elections provided under this Act, a special registration of voters for the sangguniang kabataan shall be fixed by the Commission on Elections (COMELEC). Subsequent registration of barangay and sangguniang kabataan voters shall be governed by Republic Act No. 8189."

SEC.4. Section 4 of Republic Act No. 9164 as amended is hereby further amended to read as follows:

"Section. 4. *Assumption of Office.* – The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence on [August 15, 2002] **NOVEMBER 30, 2012** next following their elections. The term of office of the barangay and sangguniang kabataan officials elected in the October 2007 election [and subsequent elections shall commence at noon of November 30 next following their election.] **SHALL END AT NOON ON NOVEMBER 30, 2012.**

SEC. 5. Section 8 of Republic Act No. 9164 as amended is hereby further amended to read as follows:

"Section. 8. *Appropriations.* – The amount necessary for the [implementation of this Act shall be taken from the appropriation of the Commission on Elections (COMELEC) under the General Appropriations Act and/or supplementary appropriations thereafter.

"In addition, the savings of the COMELEC not exceeding Three hundred million pesos (P300,000,000.00) shall be used to augment said appropriations as authorized under COMELEC Special Provision No. 2 of Republic Act No. 9162.

"The funds mentioned above may be augmented by an amount not exceeding ten percent (10%) of the sangguniang kabataan funds reserved pursuant to Section 532(c) of Republic Act No. 7160.] **CONDUCT OF THE BARANGAY AND SANGGUNIAN KABATAAN ELECTIONS ON 29 OCTOBER 2012 SHALL BE PROVIDED FOR IN THE GENERAL APPROPRIATIONS ACT OF 2012."**

SEC. 6. *Implementing Rules and Regulations.* – The COMELEC shall promulgate such rules and regulations necessary to implement this Act.

SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of the Act, are hereby repealed or modified accordingly.

SEC. 8. *Separability Clause.* – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected and thereby remain in full force and effect.

SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspaper of general circulation.

Approved,