

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1798

Introduced by: HON. JOSE R. PING-AY AND HON. CRESENTE C. PAEZ

EXPLANATORY NOTE

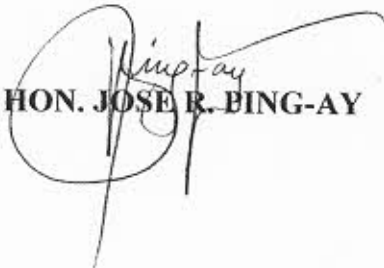
The 1987 Philippine Constitution provides that "Legislative bodies of local government units shall have sectoral representation as may be prescribed by law" (Art. X, Sec. 9).

The Local Government Code of 1991 (R.A. 7160) has provided that in the local sanggunians "... 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 for by law."

In 1995, however, Congress enacted R. A. 7887 which, among others, clarified that there is a need for another law, other than the Local Government Code of 1991, for the conduct of elections for local sectoral representatives.

More than twenty years after our people ratified the Constitution that gave them the mandate for local sectoral representation, there is still no enabling law that authorizes the election of sectoral representatives and we still do not have elected sectoral representatives in our local legislative bodies. This has frustrated the popular mandate for broader participation of our people and has diminished the democratization of our legislative processes.

Hence, the approval of this bill is earnestly urged.


HON. JOSE R. PING-AY


HON. CRESENTE C. PAEZ

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HOUSE BILL NO. 1798

Introduced by: REP. JOSE R. PING-AY AND HON. CRESENTE C. PAEZ

**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 2010.”

SECTION 2. Declaration of Policy. – It is the policy of the State to have sectoral representatives belonging to the 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 organization 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 which are bound by a common vision or purpose with an internal structure of accountability to the membership, including but not limited to the women sector, workers, indigenous peoples and cultural communities, cooperatives, differently-abled persons, senior citizens, and the urban poor.
- (b) “Coalition” refers to an aggregation of COMELEC registered organizations and accredited under R. A. 7941.
- (c) “Marginalized sectors” refers to the fourteen (14) basic sectors as enumerated in R. A. 8425.
- (d) “COMELEC” refers to the Commission on Elections.

SECTION 4. Elections of Local Sectoral Representatives.

- (a) 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 from any of the basic sectors of R. A. 8425, except the youth sector.
- (b) In determining the qualified sectors to participate in the local sectoral elections, the local chapters of the COMELEC accredited Party-list groups registered under R. A.

7941 shall submit its local chapter officers and list of at least twenty-five (25) members to the local COMELEC Office not later than one (1) year prior to the holding of the next local elections for purposes of including them as candidates for the three (3) sectoral representatives of the local sanggunian. Such submission shall be attested to by their respective Party-list President, Secretary General, or by any authorized Party-list Officer: *Provided*, that the youth sector shall not be among the basic sectors in as much as there is already a youth representative in the local sanggunians by virtue of the representation of the Sangguniang Kabataan under R. A. 7160, as amended. The local COMELEC Office shall promulgate an omnibus resolution accrediting these local Party-list chapters for the local sectoral elections.

- (c) A Municipal chapter of a Party-list shall have at least twenty-five (25) members on top of the chapter officers who are the President, Vice President, Secretary, Treasurer, Auditor, and Press or Public Relations Officer. A City chapter shall have Vice Presidents for every congressional district. A Provincial chapter is one which is composed of at least all the chapter officers of at least the majority of the municipalities and component cities of the province plus at least twenty five other members who may also be members of the municipal or component city chapter.
- (d) Sectoral representatives of the local sanggunians shall be elected at large. A voter is entitled to vote for three (3) local Party-list chapters for which the top three (3) Party-lists shall be declared winner and whose top nominees shall be proclaimed members of the local sanggunian.
- (e) The first election for the local sectoral representatives shall be simultaneous with the local election immediately after the approval of this Act. Subsequent elections of sectoral representatives shall be three (3) years thereafter.

SECTION 5. *Manifestation to Participate in the Elections.* – A local Party-list chapter which has already been accredited by the local COMELEC shall file its manifestation to participate in the local elections for sectoral representatives not later than one hundred fifty (150) days prior to the next elections. Such manifestation shall be accompanied by a certification authorizing its participation in the local sectoral elections by the Party-list President, Secretary General or any authorized Party-List Officer. The COMELEC shall, after due notice and hearing, resolve said manifestation, including a motion for reconsideration, within thirty (30) days from the date of its submission for resolution, but in no case later than ninety (90) days before elections.

SECTION 6. *Certified List of Registered Sectoral Organizations.* – The COMELEC shall, not later than sixty (60) days before elections, prepare a certified list of accredited local sectoral organizations which have applied and manifested their desire to participate in the elections for local sectoral representation to the local sanggunians and distribute forthwith copies thereof to all accredited local Party-list chapters, and furnish all precincts for posting in the polling places on election day.

SECTION 7. *Nomination of Sectoral Representatives.* – Each qualified sectoral organization shall submit to the COMELEC not later than forty-five (45) days before the elections, a list of three (3) 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 the sectoral representative in the immediately preceding election. No change of names or alteration of the order of the nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominees die, withdraw in writing, or become incapacitated.

SECTION 8. *Qualification of Sectoral Representative.* – No person may be nominated as sectoral representative unless he is:

- (a) A citizen of the Republic 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 the election in 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.

SECTION 9. *Disqualification 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; and
- (d) Persons declared insane or *non compos mentis* by competent authority.

SECTION 10. *Nominees Holding Appointive Office.* – Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), 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 acceptance of his nomination as the nominee of a candidate for sectoral representation.

SECTION 11. *Manner of Voting.* – Every voter shall be entitled to vote for three (3) sectoral organizations reserved for the sectoral representatives in the local sanggunians.

SECTION 12. *Term of Office.* – The term of office of sectoral representatives shall be three (3) years or until he or she changes organizational affiliation, whereupon he/she shall be replaced by the next in rank in the list of nominees submitted to the local COMELEC.

SECTION 13. *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 election, he or she shall not be eligible for nomination as sectoral representative under any other sectoral organization or coalition.

SECTION 14. *Vacancy.* – In case a permanent vacancy in the seats reserved for sectoral representative 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 he/she represents.

SECTION 15. *Rights of Sectoral Representatives.* – Sectoral Representatives shall be entitled to the same salaries, emoluments, rights, privileges and benefits as the other members of the sanggunian.

SECTION 16. *Voter's Education.* – The COMELEC, 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 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 17. *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 COMELEC shall fix other periods and dates in order to ensure the election of sectoral representatives: *Provided, however*, That this provision shall not be construed to allow the Commission to delay or cancel the elections for sectoral representatives in the year 2010.

SECTION 18. *Accommodation.* – The inclusion of local 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 election and shall henceforth be applicable in the succeeding elections.

SECTION 19. *Rules and Regulations.* – The COMELEC 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 20. *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 21. *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 hereunder, which are inconsistent with provisions of this Act, are hereby amended, repealed or modified accordingly.

SECTION 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved.