

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

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2415

Introduced by Rodolfo C. Fariñas

EXPLANATORY NOTE

This Bill seeks to rationalize the terms of office of barangay and sangguniang kabataan officials to six (6) years, with the hope that in due time, the Constitution will be amended to likewise provide for a 6-year term for all other elected officials.

A review of the history of the terms of office of barangay officials supports the purpose of this Bill.

Pursuant to Sec. 6 of Batas Pambansa Blg. 222, "a Punong Barangay (Barangay Captain) and six Kagawads ng Sangguniang Barangay (Barangay Councilmen), who shall constitute the presiding officer and members of the Sangguniang Barangay (Barangay Council) respectively" were first elected on May 17, 1982. They had a term of six years which began on June 7, 1982.

The Local Government Code of 1983 also fixed the term of office of local elective officials at six years. Under this Code, the chief officials of the barangay were the punong barangay, six elective sangguniang barangay members, the kabataang barangay chairman, a barangay secretary and a barangay treasurer.

B.P. Blg. 881, the Omnibus Election Code, reiterated that barangay officials "shall hold office for six years," and stated that their election was to be held "on the second Monday of May nineteen hundred and eighty eight and on the same day every six years thereafter." [Emphasis supplied.]

The 1987 Philippine Constitution extended constitutional recognition to barangays under Article X, Section 1 by specifying barangays as one of the territorial and political subdivisions of the country, supplemented by Section 8 of the same Article X, which provides:

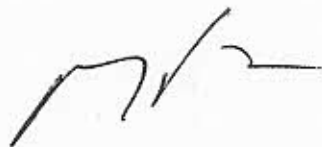
SEC. 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected. [Emphasis supplied.]

After the effectivity of the 1987 Constitution, the barangay election originally scheduled by Batas Pambansa Blg. 881 on the second Monday of May 1988 was reset to "the second Monday of November 1988 and every five years thereafter by RA No. 6653." Section 2 of RA No. 6653 changed the term of office of barangay officials and introduced a term limitation as follows:

officials — due to expire at noon of November 30, 2005 under RA No. 9164 — to noon of November 30, 2007.

As can be seen above, the three-year terms of local elective officials, as well as members of the House of Representatives, only came to existence under the 1987 Constitution, obviously as a "hang-over" from martial law. To be holding elections of barangay and sangguniang kabataan officials every three (3) years is not only expensive but divisive.

For this reason alone, the Constitution needs to be amended to provide for a uniform term of office for the President and senators, on one hand, and for members of the House of Representatives and all other local elective officials, on the other.

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**AN ACT AMENDING REPUBLIC ACT NO. 9340, RESETTling
THE BARANGAY AND SANGGUNIANg KABATAAN
ELECTIONS, AND FOR OTHER PURPOSES.**

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

"SECTION 1. Date of Elections. — There shall be synchronized barangay and sangguniang kabataan elections which shall be held on second Monday of May 2012, and on the same day every six (6) years thereafter."

SECTION 2. Section 4 of Republic Act No. 9340 is hereby amended to read as follows:

"SEC. 4. Assumption of Office. — The terms of office of the barangay and sangguniang kabataan officials elected under this Act shall commence at noon of June 30 next following their election."

SECTION 3. Hold Over. — All incumbent barangay and all sangguniang kabataan officials shall remain in office unless sooner removed or suspended for cause until their successors shall have been elected and qualified: Provided, however, That barangay and all sangguniang kabataan officials who are ex-officio members of the sangguniang bayan, sangguniang panlungsod or sangguniang panlalawigan, as the case may be, shall continue to serve as such members in the sanggunian concerned until the next synchronized barangay and sangguniang kabataan elections. The Liga ng mga Barangay at the municipal, city, and provincial levels shall, within thirty (30) days after the next barangay election, conduct elections for ex officio positions in the sanggunians under the supervision of the Department of the Interior and Local Government.

SECTION 4. Implementing Rules and Regulations. — The Commission on Elections (COMELEC) shall promulgate such rules and regulations necessary to implement this Act.

SECTION 5. Repealing Clause. — All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly

SECTION 6. 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. 2. The term of office of barangay officials shall be for five (5) years from the first day of January following their election. Provided, however, That no kagawad shall serve for more than two (2) consecutive terms.

The election date set by RA No. 6653 on the second Monday of November 1988 was postponed, yet, again to March 28, 1989 by RA No. 6679 whose pertinent provision states:

SEC. 1. The elections of barangay officials set on the second Monday of November 1988 by Republic Act No. 6653 are hereby postponed and reset to March 28, 1989. They shall serve a term which shall begin on the first day of May 1989 and ending on the thirty-first day of May 1994.

There shall be held a regular election of barangay officials on the second Monday of May 1994 and on the same day every five (5) years thereafter. Their term shall be for five (5) years which shall begin on the first day of June following the election and until their successors shall have been elected and qualified; Provided, That no barangay official shall serve for more than three (3) consecutive terms.

The barangay elections shall be nonpartisan and shall be conducted in an expeditious and inexpensive manner.

More than two (2) years after the 1989 barangay elections, RA No. 7160 (the Local Government Code) introduced the following changes in the law:

SEC. 43. Term of Office. — (a) The term of office of all local elective officials elected after the effectivity of this Code shall be three (3) years, starting from noon of June 30, 1992 or such date as may be provided for by law, except that of elective barangay officials: Provided, That all local officials first elected during the local elections immediately following the ratification of the 1987 Constitution shall serve until noon of June 30, 1992.

(b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the 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 concerned was elected.

(c) The term of office of barangay officials and members of the sangguniang kabataan shall be for three (3) years, which shall begin after the regular election of barangay officials on the second Monday of May 1994.

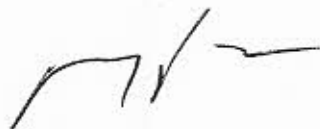
On February 14, 1998, RA No. 8524 changed the three-year term of office of barangay officials under Section 43 of the LGC to five (5) years.

On March 19, 2002, RA No. 9164 again fixed the term of office of barangay officials at three (3) years on the reasoning that the barangay officials should not serve a longer term than their supervisors.

However, another change was introduced three years after or on July 25, 2005 when RA No. 9340 extended the term of the then incumbent barangay

SECTION 7. Effectivity Clause. — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,

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