

FIFTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Second Regular Session



HOUSE OF REPRESENTATIVES
House Bill No. 5794

Introduced by Representative Ben P. Evardone
Lone District, Eastern Samar

EXPLANATORY NOTE

In previous Congresses since the effectivity of the 1987 Constitution, bills seeking postponement or resetting of the Barangay and SK Elections to a later date passed into law for various reasons, all of them equally plausible and persuasive. Invariably, the non-partisan character of the Barangay and SK polls has been the turning point in the arguments thereon.

Indeed, considering the vital role of the Barangay and SK officials in the government's endeavor to provide the people an improved quality of life, it is beyond cavil that the Barangay and SK elections must be insulated from partisan politics. This principle holds true despite the Constitutional mandate to synchronize elections.

This bill, aimed at resetting the upcoming October 2013 Barangay and SK Elections, anchors its intent primarily on the foregoing principle. Furthermore, it is believed that the postponement of the 2013 Barangay and SK Elections is now a matter of necessity.

Suffrage, or one's right to vote, is the motive power breathing life to the notions of democracy and republicanism well-entrenched in the basic principle that "sovereignty resides in the people" from whom all government authority is derived. (Article II, Section 1, 1987 Constitution).

So sacred is the right of suffrage that its disenfranchisement, in whatever manner conceivable, has consistently been declared a crime *malum in se*. Even then, reckless deprivation of this voting power, collectively or individually, intentionally or otherwise, persists in every election in the Philippines, the most recent of which occurred during the 2010 Barangay and SK polls.

News reports showed that during the 2010 Barangay and SK Elections, held barely five months after the Presidential Elections, a failure of election occurred in several barangays, effectively depriving the affected communities of their choice of leaders.

In Eastern Visayas alone, it was reported that 181 barangays, mostly in Samar Island, failed to conduct barangay elections as initially scheduled. In Western Samar, certain barangays in eight towns therein failed to hold the barangay election, including the municipalities of Almagro (23 barangays), Matuguinao (20 barangays), and Zumarraga (25 barangays). In Eastern Samar, three towns were affected—Balangiga (1 barangay), Arteche

(3 barangays), and Gen. MacArthur (8 barangays). In Northern Samar, three towns were also affected—Catarmán (28 barangays), Mondragon (6 barangays) and Las Navas (2 barangays).

The COMELEC blamed the failure of elections on the alleged delay in the printing of official ballots as a consequence of a delayed bidding which, in turn, was delayed allegedly due to the delayed release of funds for the purpose. Obviously, COMELEC attributed its failure to the lack of sufficient time to prepare for the Barangay and SK elections.

Verily, this bill stands on solid grounds, never mind the election cost to the government, which will be doubled in view of the synchronization of the ARMM Elections with the National Elections in May 2013, or tripled if the October 2013 polls proceeds.

On this score, the immediate enactment of this bill is most earnestly sought.


BEN P. EVARDONE
Representative
Lone District, Eastern Samar

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AN ACT

RESETTING THE OCTOBER 2013 BARANGAY AND SANGGUNIANG
KABATAAN ELECTIONS, FURTHER AMENDING FOR THIS PURPOSE
SECTIONS 1, 3, 4, REPUBLIC ACT NO. 9164, AS AMENDED, 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, 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.
Subsequent synchronized barangay and sangguniang kabataan elections shall
be held on the last Monday of [October 2007] **MAY 2014** and every [three
(3)] **FOUR (4)** years thereafter.”

SECTION 2. The provisions of Section 5 of Republic Act No. 9164, as amended by
Section 3 of Republic Act No. 9340, on Hold Over, shall remain in force and applicable
under this Act.

SECTION 3. Section 4 of Republic Act No. 9164, as amended by Section 2,
Republic Act No. 9340, 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, next following their elections. The term of
office of the barangay and sangguniang kabataan officials elected in the
[October 2007] **MAY 2014** election and subsequent elections shall commence
at noon of [November 30] **JUNE 30** next following their election.”

SECTION 4. *Implementing Rules and Regulations.*—The COMELEC shall promulgate such rules and regulations necessary to implement this Act.

SECTION. 5. *Repealing Clause.*— Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 6. *Effectivity Clause.*— This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines, whichever comes earlier.

Approved and adopted,

BEN P. EVARDONE
Representative
Lone District of Eastern Samar