

HOUSE BILL NO. 6072

EXPLANATORY NOTE

In view of the mandate granted to Congress, six (6) barangay-related laws have been enacted by Congress since 1987. The Local Government Code of the Philippines³ set the term of

³ Republic Act 7160 (October 10, 1991)

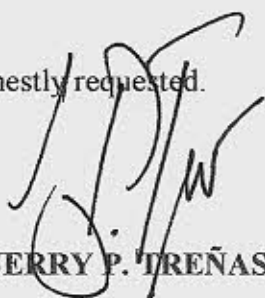
barangay and sangguniangkabataan officials to three (3) years, with barangay officials having a three (3) consecutive term limit. Prior to the Local Government Code, Republic Act 6653⁴ set the term of barangay officials to five (5) years. Republic Act 8524⁵ again reverted the term of barangay and sangguniangkabataan officials to five (5) years. On March 19, 2002, Republic Act 9164⁶ returned the term of barangay and sangguniangkabataan officials to three (3) years.

The power of Congress to determine both the term of office and the term limitations has been affirmed by the Supreme Court when R.A. 9164 was questioned before the High Tribunal, in the case of *COMELEC vs. Conrado Cruz, et al.* The Supreme Court noted that "Congress has plenary authority under the Constitution to determine by legislation not only the duration of the term of *barangay* officials, but also the application to them of a consecutive term limit." Moreover, the High Tribunal observed the "textually demonstrable commitment by the 1987 Constitution to Congress of the authority to determine the *term duration* and *limitation* of *barangay* officials under the Constitution."⁷

It is therefore evident that Congress repeatedly changed the term limit of barangay and sangguniangkabataan officials in order to adjust to the ever-changing needs and political context of the country's barangays. In view of the current situation, it is wise to amend existing laws in order to allow barangay and sangguniangkabataan officials to have a five (5) year term. By doing so, the concerned officials will be able to continue their programs for their respective barangays and constituents, without the hindrance of frequent and costly reelections, which occurs every three years. A five-year term allows for continuity, and reduces political bickering at the barangay level. It must be noted that the barangays must be insulated from the divisive and debilitating effects of a partisan political campaign, as the Barangay Captain and the Barangay Council also act as agencies for neutral community actions such as distribution of basic necessities, conducting plebiscites and settling local disputes.⁸

In addition, this bill seeks to limit the service of elected barangay officials to two (2) consecutive terms. By doing so, barangay officials will be prohibited from occupying their positions for 15 years, since current laws allow barangay officials to serve for three (3) consecutive terms.

Considering the merits of this bill, the approval hereof is earnestly requested.



JERRY P. TREÑAS

⁴R.A. 6653 AN ACT TO POSTPONE THE MAY 9, 1988 BARANGAY ELECTIONS TO THE SECOND MONDAY OF NOVEMBER THIS YEAR AND FOR OTHER PURPOSES (May 6, 1988).

⁵R.A. 8524 AN ACT CHANGING THE TERM OF OFFICE OF BARANGAY OFFICIALS AND MEMBERS OF THE SANGGUNIANG KABATAAN FROM THREE (3) YEARS TO FIVE (5) YEARS, AMENDING FOR THE PURPOSE SECTION 43 OF REPUBLIC ACT NUMBERED SEVEN THOUSAND ONE HUNDRED SIXTY, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND FOR OTHER PURPOSES (February 14, 1998)

⁶R.A. 9164 AN ACT PROVIDING FOR SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AND FOR OTHER PURPOSES (March 19, 2002)

⁷G.R. No. 186616 (November 20, 2009) (emphasis supplied).

⁸*Occena vs. Comelec*, G.R. No. L-60258 (January 31, 1984)

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6072

Introduced by Honorable Jerry P. Treñas

AN ACT SETTING THE TERM OF OFFICE OF ELECTED BARANGAY AND SANGGUNIANG KABATAAN OFFICIALS, AMENDING SECTION 43 OF REPUBLIC ACT NO. 7160 AND SECTIONS 1 AND 2 OF REPUBLIC ACT NO. 9164, AND FOR OTHER PURPOSES.

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

Section 1. Section 43 (c) of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, is hereby amended as follows:

Section 43. Term of Office. -

(c) The term of office of barangay officials and members of the sangguniang kabataan shall be for ~~three (3)~~ five (5) years [, which shall begin after the regular election of barangay officials on the second Monday of May 1994]. No barangay elective official shall serve for more than two (2) consecutive terms in the same position: Provided, that 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.

Section 2. Section 429 of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, is hereby amended as follows:

Section 429. Term of Office. - The sangguniang kabataan chairman and members shall hold office for a period of ~~[three (3)]~~ five (5) years, unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office.

Section 3. Sections 1 of Republic Act No. 9164, *An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise known as the "Local Government Code of 1991"*, and for other purposes, is hereby amended 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 and every three (3) years thereafter.]~~ Synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October every five (5) years from the preceding barangay and sangguniang kabataan elections.

Section 4. Section 2 of Republic Act No. 9164, *An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise known as the "Local Government Code of 1991"*, and for other purposes, is hereby amended 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)]~~ five (5) years.

No barangay elective official shall serve for more than ~~[three (3)]~~ two (2) consecutive terms in the same position: ~~[Provided, however, That the term of office shall be reckoned from the 1994 barangay elections.]~~ Provided, that 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.

Section 5: Applicability. - The term of office for barangay and sangguniang kabataan officials prescribed under this Act shall be applicable to all elected barangay and sangguniang kabataan officials on the next barangay and sangguniang kabataan elections immediately succeeding the date of effectivity of this Act. The two (2) consecutive term limit shall likewise be effective from the barangay and sangguniang kabataan elections immediately succeeding this Act's date of effectivity.

The synchronized barangay and sangguniang kabataan elections to be held on the last Monday of October every five (5) years stated in Section 3 of this Act, which amends Section 1 of Republic

Act 9164, shall be reckoned from the barangay and sangguniang kabataan elections immediately succeeding the date of effectivity of this Act.

Section 6. The Commission on Elections shall promulgate the implementing rules and regulations necessary to implement this Act.

Section 7. *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.

Section 8. *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 9. *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,