

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6222

Introduced by: Rep. V. Dennis M. Socrates

EXPLANATORY NOTE

Sections 69 to 75, Chapter 5, Title II, Book I of Republic Act No. 7160, as amended, purport to provide a mechanism for the recall of local elective officials: essentially, by way of a petition signed by a percentage of the voting population ranging from ten percent (10%) up to twenty-five percent (25%), depending on the total number, and subject to verification by the COMELEC. Upon compliance with the formal procedural and substantive initiatory requirements, COMELEC is mandated by these provisions to conduct the recall-election, which can only be held once in the term of the elective local official and only within the period starting one year after his assumption to office up to and excluding the beginning of the one year immediately preceding the next regular local election.

Considering that, under the present state of the law, local elective officials are elected only to a term of three years, the time-frame for holding recall elections actually consists of less than one year—from July 1 to the second Monday of May of his second year—which has proven to be too short for COMELEC, especially in the event that petitions for recall are filed several local government units in a given term, which is almost always going to be the case, and considering that COMELEC also has to prepare for the conduct of the ensuing regular elections. Indeed, on March 7, 2012, COMELEC Resolution No. 9374, discontinuing action on all the thirty-eight petitions for recall all over the country which were then pending, because of lack of time and material resources.

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Section 3, Article X of the Constitution, mandates Congress to “enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization *with effective mechanisms of recall* (italics ours),” the present mechanism provided by Sections 69 to 75, Chapter 5, Title II, Book I of Republic Act No. 7160, as amended, has proven to be ineffective—not the least because of the extreme brevity of the term of office of our local elective officials and the narrowness of the time-frame available for recall.

Under the circumstances, to leave the subject provisions of RA 7160, as amended, in place, would be to allow a detraction from the stability, predictability, and objectivity of legally demandable rights, and to open the floodgates to “discriminatory enforcement” or at least allow the mechanism of recall to be contingent on the subjective disposition of our COMELEC Commissioners, whoever they may be at that moment. This cannot be the “effective” mechanism contemplated in Section 3, Article X of the Constitution; and, until such time as such a mechanism can be conceived and drawn, it is respectfully submitted that a repeal of Sections 69-75, Chapter 5, Title II, Book I, of RA 7160, as amended, were warranted.

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**AN ACT ABOLISHING THE EXISTING MECHANISM OF RECALL IN THE
LOCAL GOVERNMENT CODE, AND REPEALING FOR THAT PURPOSE
SECTIONS 69 TO 75 OF RA 7160, AS AMENDED**

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

SECTION 1. Sections 69 to 75, Chapter 5, Title II, Book I of Republic
Act No. 7160, as amended, are hereby repealed.

SECTION 2. All other laws or parts thereof contrary to or inconsistent
with this act are hereby repealed or amended accordingly.

SECTION 3. This act shall take effect fifteen (15) days from its
publication in at least two (2) national newspapers of general circulation

Approved,

Handwritten signature