

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2062



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

A version of this bill was filed by the late Representative Pedro P. Romualdo in the previous Congress. This proposed measure seeks to reset the 2013 Barangay and Sangguniang Kabataan ("SK") elections from October this year to October 2014 and adjust the term of office of elected barangay and SK officials from three (3) years to five (years). The term limit of such officials are likewise sought to be changed from three (3) to two (2) consecutive terms.

In Resolution No. 9739, promulgated on 10 July 2013, the COMELEC revealed that the amount appropriated by Congress in the 2013 General Appropriations Act for the conduct of the 2013 Barangay and SK Elections is "insufficient to defray all the necessary and reasonable expenses to successfully hold and manage [the same] and to ensure that the said elections are honest, orderly, peaceful, and credible." Hence, the Commission has required barangays to set aside funds to augment the appropriations of the Commission for the conduct of the 2013 Barangay and SK Elections. It is highly doubtful that, at this time of the year, all barangays have such funds ready and available to contribute to the COMELEC. That the Commission must have a sufficient and the proper amount of funds necessary to conduct orderly elections cannot be overemphasized. With the COMELEC lacking the financial resources to conduct barangay and Sangguniang Kabataan elections this year, it would be most prudent for Congress to reset such elections to next year, as well as appropriate the right amount needed for the COMELEC to properly conduct the same.

Moreover, the 2013 National and Local Elections have recently been concluded. However, much work related to such elections remains to be done. For instance, there still are 2013 Election-related tasks and actions still pending before the Commission on Elections (the "COMELEC" or the "Commission") and the courts. It would be best if the Commission and the courts are given more time to finish such tasks and dispose of such actions before they are once again burdened with election-related activities and proceedings.

Finally, while barangay and SK elections are non-partisan, experience has shown that the rivalries between candidates and their supporters in such elections can be very intense and full of enmity. With the acrimony from the 2013 National and Local Elections still lingering, it is not well-advised to hold another divisive electoral activity so soon. The country needs a respite from heated, antagonistic, and bruising electoral contests.

With regard to the adjustment of the terms of office of elected barangay and SK officials, a longer term of office means that barangays, as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, will not be very

frequently subjected to the stresses and pressures of politicking and electoral competition. Besides, present law allows the recall or removal of ineffective or erring elective barangay officials. However, an extension in the duration of the terms of office of elected barangay and SK officials should likewise include a change in their term limits. Hence, under this proposed measure, such officials may only serve two (2) consecutive terms in the same position. Incumbent elective barangay and SK officials shall continue to serve and remain in office until their successors shall have been elected and qualified as provided under Section 5 of Republic Act No. 9164, as amended by Republic Act No. 9340.

In view of all the foregoing and the period of time left before the month of October arrives, the favourable support of the Members of Congress for the immediate passage of this bill is earnestly requested.



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INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

AN ACT
FURTHER AMENDING REPUBLIC ACT NO. 9164, AS AMENDED, RESETTING THE
BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, ADJUSTING THE
TERMS OF OFFICE AND TERM LIMITS OF ELECTED BARANGAY OFFICIALS,
AND FOR OTHER PURPOSES

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

Section 1. Section 1 of Republic Act No. 9164, as amended by Republic Act No. 9340, is hereby amended to read as follows:

Section 1. Date of Election. – There shall be synchronized barangay and Sangguniang Kabataan elections which shall be held on THE LAST MONDAY OF OCTOBER 2014 [~~July 15, 2002. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October 2007]~~ and EVERY FIVE (5) [~~three (3)~~] years thereafter.

Section 2. Section 2 of Republic Act No. 9164 is hereby amended to read as follows:

Section 2. Term of Office. – The term of office of all ELECTIVE barangay and Sangguniang Kabataan officials after the effectivity of this Act shall be FIVE (5) [~~three (3)~~] years.

No ELECTIVE BARANGAY AND SANGGUNIANG KABATAAN [~~barangay elective~~] official shall serve for more than TWO (2) [~~three (3)~~] consecutive terms in the same position. [~~Provided, however, That the term of office shall be reckoned from the 1994 barangay elections.~~] 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 3. Section 4 of Republic Act No. 9164, as amended by Republic Act No. 9340 is hereby amended to read as follows:

Section 4. Assumption of Office. – The term of office of the barangay and Sangguniang Kabataan officials elected IN THE OCTOBER 2014 ELECTIONS AND SUBSEQUENT ELECTIONS SHALL COMMENCE AT NOON OF NOVEMBER 30 NEXT FOLLOWING THEIR ELECTION [~~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 election and subsequent elections shall commence at noon of November 30 next following their election].~~

Section 4. Section 8 of Republic Act No. 9164, as amended by Republic Act No. 9340, is hereby amended to read as follows:

Section 8. Appropriations – The amount necessary for the implementation of this Act shall be taken from the appropriations of the Commission on Elections (COMELEC) under the General Appropriations Act and/or supplementary appropriations thereafter.

~~[In addition, the savings of the COMELEC not exceeding Three hundred million pesos (P300,000,000.00) shall be used to augment said appropriations as authorized under COMELEC Special Provision No. 2 of Republic Act No. 9162.]~~

~~[The funds mentioned above may be augmented by an amount not exceeding ten percent (10%) of the sangguniang kabataan funds reserved pursuant to Section 532(e) of Republic Act No. 7160.]~~

Section 5. Application of New Term Limit. – For the purpose of applying the two (2) term limit provided for in this Act, those officials who have been elected to and served for three (3) consecutive terms in the same position shall no longer be eligible for reelection to such position in the 2014 synchronized barangay and Sangguniang Kabataan Elections. Those who have been elected to and served for two (2) consecutive terms in the same position shall be eligible for reelection to such position for one (1) more term of five (5) years in the 2014 synchronized barangay and Sangguniang Kabataan elections. *Provided, However, That* the first term of office for those officials who were elected to their first term in the 2010 synchronized barangay and Sangguniang Kabataan elections shall not be counted in the application of the new term limit.

Section 6. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof, that are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

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 shall remain in full force and effect.

Section 8. Effectivity Clause. - This Act shall take effect immediately after its publication in two (2) newspapers of general circulation in the Philippines.

Approved,