

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

16th Congress

House Bill No. **3349**



Introduced by: HON. OSCAR S. RODRIGUEZ

EXPLANATORY NOTE

This bill seeks to abolish the election of barangay officials; declaring all barangay elective positions as appointive, amending for that purpose sections 39, 41, 42 and 43 of the Republic Act 7160, otherwise known as the Local Government Code of 1991. The holding of barangay elections became a highly political event, created alarming situations, marred by violence, massive vote-buying, and divisiveness even among family members.

Omnibus Election Code provides that “ barangay election shall be non-partisan and shall be conducted in an expeditious and inexpensive manner.” However, contrary to what is happening nowadays, barangay elections became highly political. It even crept into the family level creating divisiveness among members of the same family who are fighting to be elected in the same position.

Moreover, far from being inexpensive as mandated by the Election Code, it has become costly as it can dissipate the resources of the candidates' families for election campaign, instead of using the same for their families' needs. Sadly, the mounting expenses of election is not only used for campaign alone but for massive vote-buying. What compounded the problem is that once elected, not few barangay officials engage in corruptions in order to recover their so-called “capital” or prepare for the next election, among other reasons.

This is the main reason why many barangay projects intended for the delivery of basic social services were not implemented. Instead, a sizable amount of the barangay funds, particularly Internal Revenue Allotment (IRA) are mainly utilized on allowances, salaries, bogus projects and other questionable disbursements.

Another good reason for abolishing barangay elections is to remove one source of political conflict. In this years' barangay election alone, there were already alarming reports that candidates were gunned down by unidentified assailants. The proverbial "guns, goons and gold" oftentimes determines the outcome of the election.

Section 3, Article X of the 1987 Constitution provides, "The Congress shall 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 mechanism of recall, initiative, and referendum, allocate among the different local government units, their powers, responsibilities and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions, and duties of local officials, and all other matters relating to the organization and operation of the local units."

The above-stated constitutional provision provides for the power of the Congress to amend the provisions of the Local Government Code in order to abolish barangay election and declare all barangay positions as appointive positions. It must be emphasized that this bill seek to abolish only the election of barangay officials and not the abolition of barangay as a local government unit. The powers, responsibilities and resources of the barangay as provided in the Code remain the same.

This bill proposes that the power of appointment of barangay officials should be given to city or municipal mayors of the city or municipality to which the barangay is a component barangay. Despite the increased power given to the barangays under the present Code, they remain under the supervision of the Cities or Municipalities to which they are component barangays as clearly stated in Section 32 of the said Code. In addition, Sections 329 to 334 of the same Code mandates the submission to the City or Municipal Government the barangay annual development plans and programs and budget proposal for approval. Likewise, Section 57 provides that barangay ordinances are required to be forwarded to the respective Sanggunian for review.

Furthermore, Section 384 of the same Code provides, "Role of the barangay as the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community, and as a forum wherein the

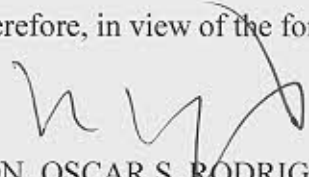
collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.”

As the primary planning and implementing unit, barangays act as conduit of the the Cities or Municipalities in the delivery of basic services to their constituents. Barangay officials similarly function as managers in a Corporation; proposing plans and programs and monitoring that such will be properly implemented.

The appointment of barangay officials by the city or municipal mayors ensure harmony among officials of the City and barangay. This will encourage the effective implementation of programs and projects for the delivery of basic services. It is prevalent that when barangay officials are identified with the political rival of the incumbent, barangay projects and programs are not realized.

Lastly, even during the deliberation of the Local Government Code of 1991, there were already a suggestion from the pricipal author, the former Senator Aquilino Pimentel that “the barangay be recognized merely as socioeconomic not a political unit.

Therefore, in view of the foregoing, the approval of this bill is earnestly sought.



HON. OSCAR S. RODRIGUEZ

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

16th Congress

House Bill No. 3349

Introduced by: HON OSCAR S. RODRIGUEZ

AN ACT

ABOLISHING THE ELECTION OF BARANGAY OFFICIALS, DECLARING
ALL ELECTIVE BARANGAY POSITIONS AS APPOINTIVE POSITIONS;
AMENDING FOR THAT PURPOSE SECTIONS 39, 40, 41, 42, AND 43 OF R.A.
7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Section 39, 40, 41, 42, and 43 of Republic Act 7160 are hereby
amended to read as follows:

“Section 39. *Qualifications.*

(a) An elective local official must be a citizen of the Philippines; a registered voter in the barangay, municipality, city or province or, in the case of a member of the Sangguniang Panlalawigan, Sangguniang Panlungsod or Sanggunian Bayan, the district where he intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.

(b) Candidates for the position of governor, vice governor or member of the Sangguniang Panlalawigan, or mayor, vice mayor or member of the Sangguniang Panlungsod of highly urbanized cities must be at least twenty-three (23) years of age on election day.

(c) Candidates for the position of mayor or vice mayor of independent component cities, component cities or municipalities must be at least twenty-three (23) years of age on election day.

(d) Candidates for the position of member of the Sangguniang Panlungsod or Sangguniang Bayan must be at least eighteen (18) years of age on election day.

(e) Candidates for appointment to the position of punong barangay or member of the Sangguniang Barangay must be at least eighteen (18) years of age on THE DATE OF APPOINTMENT.

(f) Candidates for appointment to the Sangguniang Kabataan must be at least fifteen (15) years of age but not less than eighteen (18) years of age on THE DATE OF APPOINTMENT.

PROVIDED THAT THE QUALIFICATIONS OF CANDIDATES FOR THE POSITION OF BARANGAY OFFICIALS SHALL BE APPLICABLE UPON THEIR APPOINTMENT.

Section 40. *Disqualifications.* The following persons are disqualified from running for any elective positions:

(a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(b) Those removed from office as a result of an administrative case;

(c) Those convicted by final judgment for violating the oath of allegiance to the Republic;

(d) Those with dual citizenship;

(e) Fugitives from justice in criminal or nonpolitical cases here or abroad;

(f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of this Code;

(g) The insane or feeble-minded

THE ABOVE-ENUMERATED DISQUALIFICATIONS SHALL BE APPLICABLE IN THE APPOINTMENT OF BARANGAY OFFICIALS.

Section 41. *Manner of Election OR APPOINTMENT.*

(a) The governor, vice governor, city mayor, city vice mayor, municipal mayor, AND municipal vice mayor shall be elected at large in their respective units by the qualified voters therein. PUNONG BARANGAY SHALL BE APPOINTED BY THE CITY OR MUNICIPAL

MAYOR OF THE CITY OR MUNICIPALITY TO WHICH THE BARANGAY IS A COMPONENT BARANGAY.

(b) The regular members of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan shall be elected by district as follows:

First and second-class provinces shall have ten (10) regular members; third and fourth class provinces, six (6): Provided, That in provinces having more than five (5) legislative districts, each district shall have two (2) sangguniang panlalawigan members, without prejudice to the provisions of Section 2 of Republic Act No. 6637. SANGGUNIANG BARANGAY MEMBERS SHALL BE APPOINTED BY THE CITY OR MUNICIPAL MAYOR OF THE CITY OR MUNICIPALITY TO WHICH THE BARANGAY IS A COMPONENT BARANGAY, AND SHALL BE COTERMINUS WITH THEIR TERM OF OFFICE. The Presidents of the league of Sangguniang members of component cities and municipalities shall serve as ex officio members of the Sangguniang Panlungsod, Sangguniang Panglungsod and Sangguniang Bayan (as amended by R.A. 8553).

(c) In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: urban poor, indigenous cultural communities, disabled persons or any other sector as may be determined by the sanggunian concern within ninety (90) days prior to the holding of the next local elections, as may be provided for by law. The Comelec shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.

Section 42. *Date of Election or Appointment.* – Unless otherwise provided by law, the elections for local officials shall be held every three (3) years on the second Monday of May. IN CASE OF BARANGAY OFFICIALS, THEIR APPOINTMENT SHALL BE EFFECTIVE ON THE ASSUMPTION OF OFFICE OF THE CITY OR MUNICIPAL MAYORS OF THE CITY OR MUNICIPALITY TO WHICH THE BARANGAY IS A COMPONENT BARANGAY.

Section 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 APPOINTIVE 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 *barangay* officials WHOSE SHALL BE COTERMINUS WITH THE TERM OF OFFICE OF OF THE CITY OR MUNICIPAL MAYOR OF THE CITY OR MUNICIPALITYTO WHICH SUCH BARANGAY IS A COMPONENT BARANGAY.”

SEC. 2. All laws, issuances, rules and regulations inconsistent with the provision of this act is hereby amended, repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of national circulation.

Approved,