

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

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **4911**



Introduced by Hon. Leni Gerona-Robredo

EXPLANATORY NOTE

My husband died in a plane crash off the coast of Masbate in August of 2012. He was revered as a servant leader who advocated good governance. He was a simple man. He listened to his people. And he led the crafting of programs that allowed people to participate in the governance process.

Every day since I was elected Representative of my district, I vowed to continue and elevate his legacy. I vowed to institutionalize the various programs he introduced to uphold good governance.

One of his legacies was instilling direct people participation in Naga City's system of governance during his term as Mayor of Naga. Through the Empowerment Ordinance of Naga City, the Naga City People's Council (NCPC) was created allowing civil society participation in the governance process. Not only were they given seats in each *Sanggunian* committee, they were also given the power to vote on key measures at the committee level.

The creation of the NCPC paved the way for Naga's unprecedented progress. Civil society served as partner in determining key development programs. They served as firsthand sources in pinpointing issues that needed immediate attention. They served as a guide in the crafting of City development plans.

The ordinance also paved the way to supplement the government's resources. Through the participation of civil society, the City government was able to have access to a pool of talent and resources that were previously untapped. Because of the participation of trained professionals, infrastructure projects were strategically built and positioned and programs were geared toward specific goals, for health and education for instance.

The proposed "People Empowerment [Bill] of 2014" seeks to mimic this kind of governance strategy. It will push for an environment where people can participate in policy and decision-making processes countrywide. After all, the

people should be given a venue where they can decide on things that are good for them.

Governance is not solely about government anymore. It is about society as a whole. It is about us working collectively to raise our community out of its challenges.

From crafting policies, to planning our programs, and monitoring project implementation and accomplishments, we need to share power with our people.

This is the legacy of my husband. His work in Naga has proven that this is our way to progress. He showed us that a people-led government is the answer to our development woes.

It is on this note that I seek the immediate passage of this bill.



Leni Gerona-Robredo
Representative, Third District of Camarines Sur

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AN ACT CREATING A SYSTEM OF PARTNERSHIP BETWEEN LOCAL GOVERNMENTS AND CIVIL SOCIETY ORGANIZATIONS THROUGH THE ESTABLISHMENT OF A PEOPLE'S COUNCIL IN EVERY LOCAL GOVERNMENT UNIT, PRESCRIBING ITS POWERS AND FUNCTIONS

Section 1. *Short Title.* – This Act shall be known as “The People Empowerment Act of 2014”

Section 2. *Declaration of Policy.* – It is hereby declared as policy of the State to ensure participation of citizens in all avenues of local governance. Likewise, the State acknowledges the value of creating a mechanism where its citizen's views and opinions in different areas of governance may be heard and considered. Furthermore, pursuant to Article II Section 23 of the Constitution, the State recognizes the value of non-governmental, community-based, or sectoral organizations in nation building and creating an avenue to ensure their growth and development. The state also recognizes that a partnership with POs and CSOs will spur development in local government units (LGUs) as envisioned by the Local Government Code of 1991.

Section 3. *Definition of Terms.* – For the purposes of this Act:

- a) **Civil Society Organization (CSO)** refers to any organized citizens' group including People's Organizations (POs) and Non-Government Organizations (NGOs) such as community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations;
- b) **Local Sanggunian** refers to the local legislative body either specifically the Sangguniang Panglungsod for cities or the Sangguniang Bayan for municipalities;
- c) **People's Organization** refers to a bona fide cooperative or association of citizens organized for purposes not contrary to law with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure with none of its officers and members occupying elective government positions.

Section 4. *Registration of CSOs.* – Any CSO in active operation for at least one year may be registered in their respective city or municipality where they conduct

their operations and where majority of their members reside. Registration will be approved by the Local Sanggunian, upon submission or compliance of the following requirements:

- a) Proof of existence and operation in the respective city or municipality they are applying in for at least one year prior to the application for registration;
- b) Proof of activities held in pursuit of developmental objectives or of organizational activities conducted;
- c) Program of activities planned for the year following the date of application for registration;
- d) Copies of its constitution, by-laws and/or articles of incorporation;
- e) Lists of its officers and members of good standing and their respective addresses;
- f) Financial statement and declaration of assets and liabilities; and
- g) Board resolution manifesting a decision to register and participate under this Act.

A CSO whose application for registration has been approved shall be issued a certificate of registration containing, among others, the terms and conditions for the maintenance of its registered status.

The Local Sanggunian, however, may from time to time, and in consultation with the Local People's Council, impose such other requirements and conditions for registration as it may deem appropriate to best adhere to the principles of this Act.

Any CSO already accredited by the Local Government prior to the effectivity of this Act need not register for purposes of this Act, unless its accreditation has in the meantime been withdrawn.

Section 5. *Registration Deemed Inactive.* – A registered CSO is required to submit, by January 31 of every year, a list of accomplishments of the previous year and its plans for the current year. Any CSO who fails to comply for two (2) consecutive years, shall automatically have its registration deemed inactive.

Any CSO whose registration has been deemed inactive may not avail of the Rights and Privileges of registered CSOs contained in Section 7 of this Act.

CSOs may reactivate their registration upon submission of documents they lack.

Section 6. *Committee on Registration of CSOs.* –

There shall be a Committee on Registration of CSOs in each Local Sanggunian of all cities and municipalities. It is mandated to perform the following functions:

- a) Receive and process applications for registration;
- b) Monitor compliance with the conditions for registration;
- c) Initiate legislative measures for the effective performance of its tasks.

The Local People's Council, once formally organized, shall be entitled to a two-seat representation in the Committee.

Section 7. *Rights and Privileges of Registered CSOs.* - Registered CSOs may enjoy the following rights and privileges:

- a) Enter into joint ventures and other cooperative undertakings with the Local Government to engage in the delivery of certain basic services, capability-building and livelihood projects;
- b) Develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people within the framework of equitable and sustainable development;
- c) Receive assistance from the Local Government for economic, socially-oriented, environmental, good governance, or cultural projects to be implemented within their territorial jurisdiction;
- d) Join and become part of the Local People's Council.

Section 8. Creation of Local People's Councils. – A Local People's Council, composed of accredited CSOs, shall be created. For this purpose, the Committee on Registration of CSOs of each Local Sanggunian shall, not later than ninety (90) days from the effectivity of this Act, call for a convention of all accredited CSOs to facilitate the formal organization of the Local People's Council. Thereafter, the organized group shall file a petition for recognition to the Local Sanggunian.

A Local People's Council shall be formally created upon approval by the Local Sanggunian of the petition for recognition.

Section 9. Structure and Rules of the Local People's Council. – Each Local People's Council shall determine its own organizational structures and internal rules, but shall at all times provide for adequate consultation mechanisms for purposes of obtaining the views and suggestions of all political parties or movements, government employees' organizations, other non-accredited but legitimate CSOs, and accredited CSOs which are not members of the Council;

Provided, that no political party, government employees' organization or non-registered CSOs may be nominated by the Council for membership in the LGU's special bodies nor may they be granted the rights and privileges of accredited CSOs under this Act; and,

Provided further, that no provision herein shall be interpreted to prohibit the Council from changing its name or from being organized for purposes other than those indicated in this Act.

Section 10. Recognition of the Local People's Council by the Local Sanggunian. – Only one Local People's Council shall be recognized by each Local Sanggunian. The Local Sanggunian is mandated to award recognition to a People's Council within thirty days from the filing of a petition for recognition.

Section 11. Withdrawing Recognition of the Local People's Council. – The Local Sanggunian can withdraw the recognition granted to the Local People's Council, only upon action of a petitioner, and based on the following grounds:

- a) That the Local People's Council allowed itself or any of its member organizations to engage primarily in, or to be used primarily for, partisan political activities;

- b) Other grounds to be provided for in the Implementing Rules and Regulations of this Act.

The Local Sanggunian shall not entertain and exercise jurisdiction over internal and/or inter-organizational conflicts within the Local People's Council.

Section 12. Powers and Responsibilities of the Local People's Council. - Upon recognition, the Local People's Council may, in accordance with its policies and internal rules, exercise the following powers and responsibilities:

- a) Elect or appoint, from among its member organizations, its representatives to all Local Government bodies, boards, councils, committees, task forces special government bodies and other similar work groups which the Local Government or national laws may hereinafter create. Member organizations elected or appointed to represent the Local People's Council shall have the sole prerogative to choose, from among their bona fide members, the persons who shall sit in the boards, councils, committees, task forces and/or special bodies concerned. Unless otherwise provided herein, such representatives shall not exceed twenty-five (25) percent of the membership of the board, council, committee, task force or special body;
- b) Participation of the Local People's Council or any of its member organization in the conception, implementation and evaluation of government activities and functions shall be without compensation or remuneration. The Local Government, however, shall provide for the necessary office spaces, facilities and/or equipment for said participation of the Council;
- c) Representatives of the Local People's Council may observe, vote and participate in the deliberation, conceptualization, implementation and evaluation of projects, activities and programs of the Local Government, propose legislations and participate and vote at the committee level of the Local Sanggunian.
- d) The Local People's Council shall also elect a representative for the provincial level.

Section 13. Creation of a Provincial People's Council. - A Provincial People's Council shall be created and recognized by the Sangguniang Panlalawigan. The Provincial People's Council shall be composed of all representatives to the provincial level from the Local People's Councils within the Province's jurisdiction.

The Provincial People's Council shall elect, from within its ranks, a representative who will sit on the Sanggunian Panlalawigan and shall exercise the duties and powers of a Provincial Board member.

Section 14. Non-Partisan Nature of the Local and Provincial People's Council - The Local or Provincial People's Council shall not engage in, or allow itself or its member organizations to be used for purposes of partisan politics and shall adopt such measures to ensure that it is adequately shielded from any political partisanship or influence.

For purposes of this Act, partisan politics shall refer to any activity statement or manifestation which solely or primarily serves to campaign for or against any particular political party or any candidate for any elective public office.

Section 15. *Amendment of the Composition of Local Government Units.* - The existing compositions of the committees, boards, councils, task forces, special bodies of all Local Governments are hereby amended and modified to accommodate the membership and participation therein of the Local People's Council or its representatives as herein mandated.

Section 16. *Right to Self-Organization.* - Pursuant to to Article XIII, Section 15 of the Constitution, CSOs are recognized as independent and autonomous self-help organizations. They are encouraged to organize into formal cooperatives, labor union, interest groups, non-government organizations, sectoral organizations and/or people's organizations in furtherance of their constitutionally mandated role of enabling the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

Furthermore, the Department of Local and Interior Government (DILG) and LGUs are mandated to assist, and support efforts of the people towards self-organization to address their common concerns, to promote their common welfare, and/or to serve their localities or their communities and interests.

Section 17. *Funding.* - The funds needed for the capacity building of CSOs shall be included in the annual budget of the DILG. The funds necessary for the maintenance and operational expenses of Local People's Council, in relation to participation in local governance, shall be included in the annual budgets of respective LGUs.

Section 18. *Information Boards And Suggestion Boxes.* - Information boards and suggestion boxes shall be provided, maintained and controlled by the Local Government Unit in each barangay, at the public plazas, city hall compound, public markets, schools, government offices, and at such public places accessible to the people, which boards and boxes shall be other than those maintained by the barangays and the national government, and shall be controlled solely by the Local Government Unit.

Local Governments are mandated to respond within 15 working days to the suggestions filed by citizens in suggestion boxes.

Section 19. *Implementing Rules and Regulations.* - Within one hundred twenty (120) days from the effectivity of this Act, the DILG, LGUs, in consultation with CSOs that have experience working with Local Governments, shall determine effective ways and methods for the implementation of this Act and craft the Implementing Rules and Regulations.

Section 20. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions, not affected thereby, shall remain valid and subsisting.

Section 21. *Repealing Clause.* - All laws, presidential decrees, executive orders, proclamations and/or administrative regulations, which are inconsistent with the

provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

Section 22. *Effectivity Clause.* This Act shall take effect fifteen days after its publication in the Official Gazette or at least two newspapers of general circulation.