



HOUSE OF REPRESENTATIVES

House Bill No. **6125**

Introduced by REP. BEN P. EVARDONE
Lone District, Eastern Samar

EXPLANATORY NOTE

Section 384, Local Government Code, outlines the vital role of the Barangay, thus:

“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.”

Indeed, it is in the barangay that the first attempt at an out-of-court settlement of disputes is formally lodged. This is so because the Local Government Code recognizes, and seeks to preserve, the strong *bayanihan* (community) spirit and neighborliness, anchored on closely-knit immediate and extended family relations within the barangay.

Unfortunately, however, this *bayanihan* spirit has been constantly eroded by the current practice of electing barangay officials.

Barangay elections has brought animosity among neighbors, and even among family members, within the community. In some areas, the wounds of division have remained for decades. And, it has gotten worse over time, as shown by reports of certain barangay election-related acts of murder, physical injuries and violence¹, which could have actually been avoided had the barangay elections not been resorted to.

Moreover, the nonpartisan character of the Barangay has been illusory since the day of the election. In reality, candidates for a position in the barangay would go to municipal, provincial, and even national officials to solicit financial and/or material support in aid of election.

It may be worthy to mention also that previous barangay elections, including those for Sangguniang Kabataan, have proved to be expensive especially to the government.

¹<http://www.gmanetwork.com/news/story/332312/news/nation/pnp-violent-incidents-in-2013-barangay-elections-higher-than-in-2010-village-polls>

For example, for the 2013 barangay and sangguniang kabataan synchronized elections alone, COMELEC Resolution No. 9728² dated July 3, 2013 revealed that some PhP5,724,902,000.00 was needed to completely answer the budgetary requirements for the October 2013 synchronized elections, supposed to cover all the 80 provinces, 143 cities, 1,491 municipalities, 42,028 barangay and 170,000 clustered precincts. At the time, around 54,000,000 were registered voters.

This is PhP 2.5 Billion more than the 2010 barangay elections.³

These amounts could have been allocated and spent for other similarly important programs, activities and projects of the government, especially poverty-alleviation interventions at the barangay level.

For these reasons, the author seeks to do away with the practice of barangay elections by vesting the municipal or city mayor the power to appoint barangay officials.

Thus, this bill seeks to replace the current synchronized barangay elections with a more peaceful, least expensive mode of entering into public office, i.e. by appointment of punong barangays, members of sangguniang barangay, and sangguniang kabataan by the municipal or city mayor.

Under the proposal, the municipal or city mayor will appoint the punong barangay and his/her sanggunian members. However, this power of appointment is limited and subject to check. First, the Barangay Assembly nominates not more than three (3) qualified persons per position. The whole list is then submitted to the Mayor who makes the appointment. Second, the Mayor's appointment shall be subject to the concurrence by the Sangguniang Bayan or Sangguniang Panlungsod concerned.

Further, this bill makes the barangay official's tenure coterminous with the appointing Mayor, with hold-over capacity in the interest of stability of barangay governance. Such barangay official shall enjoy the same emoluments, benefits, incentives, and privileges enjoyed by barangay officials prior to the effectivity of this Act. Also, the barangay officials remain accountable in accordance with the Local Government Code and existing laws, as if they were still elected barangay officials.

On this score, immediate passage of this bill is earnestly sought.


BEN P. EVARDONE

²<http://www.comelec.gov.ph/?r=Archives/RegularElections/2013BSKE/Resolutions/res9728>

³ <http://www.gmanetwork.com/news/story/194413/news/nation/it-s-final-sk-barangay-polls-to-go-manual-with-p3-2-b-budget>

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AN ACT
MANDATING THE APPOINTMENT OF BARANGAY OFFICIALS AND FOR THIS
PURPOSE AMENDING REPUBLIC ACT NUMBERED 7160 OTHERWISE KNOWN
AS THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES AND PERTINENT
LAWS, AND FOR OTHER PURPOSES

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

Section 1. Appointing authority. — Within thirty (30) consecutive days from his
assumption into office following his election, the City or Municipal Mayor shall appoint the
barangay officials of every barangay in his City or Municipality.

For purposes of this Act, the barangay officials herein shall refer only to the Punong
Barangay and the members of the Sangguniang Barangay.

The Mayor shall rank the members of the Sangguniang Barangay concerned for
purposes of Section 5 hereof.

Section 2. Qualifications; Barangay Assembly. — No such barangay official shall
be appointed unless he possesses all the qualifications of and none of the disqualifications for
an elected barangay official as provided in the Local Government Code and existing laws.

Only such persons included in the list of nominees prepared, approved and submitted
by the Barangay Assembly shall be appointed as such barangay official. For this purpose, the
Barangay Assembly shall submit not more than three (3) nominees per position to the City or
Municipal Mayor.

1 It is understood that the Barangay Assembly herein refers to the Barangay Assembly
2 duly constituted pursuant to the Local Government Code: Provided that, no person shall be
3 allowed to participate in such assembly unless he/she is a registered voter resident in the said
4 barangay for at least six (6) months prior to such assembly and able to generally understand
5 the proceedings in the assembly.
6

7 **Section 3. Concurrence of Sanggunian.** — After the appointment of such barangay
8 officials, the Mayor shall, within three (3) consecutive working days, submit to the
9 Sangguniang Panlungsod or Sangguniang Bayan, as the case may be, the list of the newly
10 appointed barangay officials for the concurrence of the majority of all members of the
11 sanggunian concerned: Provided that, the lack of such concurrence shall not bar the barangay
12 official so appointed from assuming and exercising the functions of his office; provided further,
13 that after thirty (30) consecutive days from receipt of notice of submission of the list of the
14 newly appointed barangay officials, the lack of concurrence thereof shall *ipso facto* be deemed
15 concurrence by the Sangguniang Bayan or Sangguniang Panlungsod concerned.
16

17 **Section 4. Tenure of Barangay Official.** — The duly appointed barangay official
18 shall serve in a coterminous capacity with the appointing Mayor, unless such barangay official
19 dies, becomes permanently disabled, resigns, or is sooner removed for cause in accordance
20 with the rules governing the removal of elected barangay officials under the Local Government
21 Code and existing laws: Provided, however, that the death, permanent disability, resignation,
22 removal from office of the appointing Mayor prior to the expiration of his term, shall not affect
23 the tenure of such appointed barangay officials.
24

25 **Section 5. Succession.** — In case of death, permanent disability, resignation or removal
26 of a barangay official, the rule of succession for barangay officials under the Local Government
27 Code shall apply. The ranking of barangay officials made by the appointing Mayor pursuant to
28 Section 1 hereof shall be observed.
29

30 **Section 6. Filling of vacancies.** — In case of death, permanent disability, resignation
31 or removal of a barangay official, the vacancy created thereby shall be filled in accordance with
32 the provisions of the Local Government Code and related laws and issuances.
33

1 **Section 7. Hold-over.** — Notwithstanding the provisions of Section 4 hereof, every
2 duly-appointed barangay official shall remain in office until the newly elected Mayor, other
3 than the appointing Mayor referred to in Section 1 hereof, appoints a new barangay official.
4

5 **Section 8. Emoluments, incentives, privileges.** — Such duly appointed barangay
6 officials referred to in Section 1 hereof shall continue to enjoy and receive emoluments,
7 benefits, privileges, and incentives enjoyed and received by barangay officials pursuant to
8 existing laws, ordinances, rules and regulations before the effectivity of this Act.
9

10 **Section 9. Accountability.** — Whenever applicable, existing provisions of the Local
11 Government Code and related laws pertaining to accountability, discipline, suspension and
12 removal of elected barangay officials, shall remain in full force and effect.
13

14 **Section 10. LGC Application.** — Any deficiency under this Act shall be supplied by
15 the provisions of the Local Government Code and relevant laws.
16

17 **Section 11. Transitory provision.** — Unless sooner removed or suspended for cause
18 provided under the Local Government Code and applicable existing laws, all incumbent
19 barangay officials shall remain in office until their successors shall have been appointed
20 pursuant to this Act within sixty (60) days from July 1, 2019: Provided that, all barangay
21 officials who are currently ex officio members of the sangguniang bayan, sangguniang
22 panlungsod or sangguniang panlalawigan, as the case may be, shall continue to serve as such
23 members in the sanggunian concerned until The Liga Ng Mga Barangay at the municipal, city,
24 and provincial levels shall have conducted elections, within thirty (30) days after the lapse of
25 the sixty-day period herein provided, for the ex officio positions in the sanggunians under the
26 supervision of the Department of the Interior and Local Government.
27

28 **Section 12. Implementing Rules and Regulations.** — Within sixty (60) days from the
29 effectivity of this Act, the Department of Interior and Local Government (DILG) shall
30 promulgate the rules and regulations to implement this Act.
31

32 **Section 13. Repealing Clause.** – All laws, decrees, executive orders, and rules and
33 regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed
34 or modified accordingly.

1 **Section 14. Separability Clause.** — Whenever any item or provision in this Act is
2 declared unconstitutional, in whole or in part, such item or provision not affected thereby shall
3 remain in force.

4
5 **Section 15. Effectivity Clause.** — This Act shall take effect on the day following its
6 publication in at least two (2) national newspapers of general circulation.

7 *Approved*