

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City

4 SIXTEENTH CONGRESS
5 Third Regular Session

6 HOUSE BILL NO. 6495



7
8 Introduced by Representative Jerry P. Treñas
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12 EXPLANATORY NOTE
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15 The barangay, as the basic unit of the country's social structure, should be insulated from
16 the influence of partisan politics. Unfortunately, the next Barangay election is scheduled on the
17 same year as the nationwide national and local elections on May 9, 2016. The politics and
18 inherent divisiveness of the 2016 national and local elections will greatly influence the conduct
19 and outcome of the next barangay elections, unless if postponed to a non-election year.
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23 It was noted by the Supreme Court, in the case of *Occeña vs. Comelec*, that there are
24 good reasons for insulating the barangay from the divisive and debilitating effects of a partisan
25 political campaign, as the barangay captain and the barangay council also act as agencies for
26 neutral community actions such as distribution of basic necessities, conducting plebiscites and
27 settling local disputes. Hence, the High Tribunal noted that "it would definitely enhance the
28 objective and impartial discharge of their duties for barangay officials to be shielded from
29 political loyalty."¹
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31 Moreover, the postponement of the 2016 barangay elections will allow the incumbent
32 barangay officials to continue to implement their projects and initiatives. Scheduling a
33 nationwide barangay elections too soon will disrupt the continuity of the programs and the
34 implementation of projects in the various barangays all over the country. Hence, it is best to
35 schedule the next barangay election on the last Monday of October 2018.
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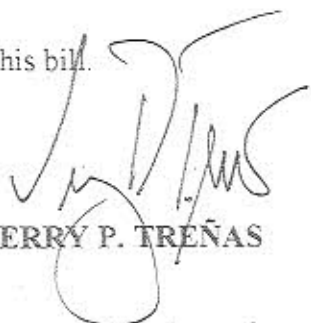
37 It is also necessary to schedule the next elections five years after, instead of three years,
38 in order to insulate the elections from the national and local elections (which take place every
39 three years). Consequently, the term of the elected officials and the synchronized barangay and
40 sangguniang kabataan elections must likewise be extended to five years.
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42 The power of Congress to determine both the term of office and the term limitations has
43 been affirmed by the Supreme Court when R.A. 9164 was questioned before the High Tribunal,
44 in the case of *COMELEC vs. Conrado Cruz, et al.* The Supreme Court noted that "Congress has
45 plenary authority under the Constitution to determine by legislation not only the duration of the
46 term of *barangay* officials, but also the application to them of a consecutive term limit."

¹ *Occeña vs. Comelec*, G.R. No. L-60258 (January 31, 1984)

1 Moreover, the High Tribunal observed the“textually demonstrable commitment by the 1987
2 Constitution to Congress of the authority to determine the *term duration* and *limitation* of
3 *barangay* officials under the Constitution.”²
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5 In view of the foregoing, I highly encourage the approval of this bill.

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JERRY P. TREÑAS

²G.R. No. 186616 (November 20, 2009) (emphasis supplied).

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13
14 AN ACT RESETTING THE 2016 BARANGAY ELECTIONS TO THE LAST MONDAY
15 OF OCTOBER 2018, AND EVERY FIVE YEARS THEREAFTER, AND SETTING THE
16 TERM OF OFFICE OF ELECTED BARANGAY AND SANGGUNIAN KABATAAN
17 OFFICIALS TO FIVE YEARS.

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

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21 **Section 1.** Section 1 of Republic Act No. 9164, *An Act Providing for Synchronized Barangay and*
22 *Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise*
23 *known as the "Local Government Code of 1991", and for other purposes*, is hereby amended as
24 follows:

25 **Section 1. Date of Election.**— ~~[There shall be synchronized~~
26 ~~barangay and sangguniangkabataan elections which shall be held~~
27 ~~on July 15, 2002. Subsequent synchronized barangay and~~
28 ~~sangguniangkabataan elections shall be held on the last Monday of~~
29 ~~October and every three (3) years thereafter.]~~ The next
30 synchronized barangay and sangguniang kabataan elections
31 shall be held on the last Monday of October 2018, and the
32 subsequent elections shall be held every five (5) years from the
33 preceding barangay and sangguniang kabataan elections.
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35 **Section 2.** Section 2 of Republic Act No. 9164, *An Act Providing for Synchronized Barangay and*
36 *Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise*
37 *known as the "Local Government Code of 1991", and for other purposes*, is hereby amended as
38 follows:

39 **Section 2. Term of Office.**—The term of office of all barangay and
40 sangguniang kabataan officials ~~[after the effectivity of this Act]~~
41 shall be ~~[three (3)]~~ five (5) years.

42 No barangay elective official shall serve for more than ~~[three~~
43 ~~(3)]~~ three (3) consecutive terms in the same position: ~~[Provided,~~
44 ~~however, That the term of office shall be reckoned from the 1994~~

barangay elections.] Provided, that 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 43 (c) of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, is hereby amended as follows:

Section 43.*Term of Office.* -

(c) The term of office of barangay officials and members of the sangguniang kabataan shall be for ~~three (3)~~ five (5) years [which shall begin after the regular election of barangay officials on the second Monday of May 1994]. No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, that 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 4.Section 429 of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines, is hereby amended as follows:

Section 429.*Term of Office.* - The sangguniang kabataan chairman and members shall hold office for a period of ~~three (3)~~ five (5) years, unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office.

Section 5. All incumbent Barangay officials shall remain in office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

Section 6. The Commission on Elections shall promulgate the implementing rules and regulations necessary to implement this Act.

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 thereby remain in full force and effect.

Section 8.*Repealing Clause.* - All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Section 9.*Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,