

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5210**



Introduced by
BAYAN MUNA PARTYLIST REP. CARLOS ISAGANI T. ZARATE

AN ACT
PROVIDING FOR THE ELECTION OF SECTORAL REPRESENTATIVES
TO THE LEGISLATIVE BODIES OF LOCAL GOVERNMENT UNITS

EXPLANATORY NOTE

The 1987 Constitution under the Declaration of Principles and State Policies, Social Justice Clause and Local Government Clause considers the important role of the marginalized sectors in nation-building. This is precisely the reason why it expressly mandated that marginalized sectors should have a representative not only in Congress but also to the local legislative bodies of local government units to ensure their participation in crafting policies that involves the general and collective interests of the Filipino people.

This mandate was institutionalized in the enactment of the Party-List System Law and the Local Government Code. Unfortunately, only the Party-List System was implemented. The provisions of the local government code providing for sectoral representatives in local legislative bodies remained unrealized owing to the lack of an enabling law for its enforcement.

To realize this over three decades long constitutional mandate, this proposed legislation is hereby offered to bring into fruition the Constitution's vision of a balanced, democratic and well represented local legislative bodies. Through this proposed legislation, sectoral representatives of workers or peasants, as the case may be, women, urban poor, indigenous people, persons with disabilities, and all other sectoral organizations which shall be identified in the future will now be able to participate in the local elections and if elected, be able to participate in formulating programs and policies that affect not only their interests but also the interest of the entire Filipino nation.

This bill was principally authored and first filed in the 15th Congress by BAYAN MUNA Rep. Neri Colmenares, and was pending in the Committee of Suffrage and Electoral Reforms. It was refiled by BAYAN MUNA Reps. Neri Colmenares and Carlos Isagani Zarate, Gabriela Women's Party Reps. Luzviminda Ilagan and Emmi De Jesus, ACT Teachers Partylist Rep. Antonio Tinio, Anakpawis Partylist Rep. Fernando Hicap, and Kabataan Partylist Rep. Terry Ridon in the 16th Congress. The bill was then pending on the Committee on Rules.

Thus, immediate approval of this proposed legislation is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list

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Section 1. Title. – This Act shall be known as the “Local Sectoral Representation Act.”

Section 2. Declaration of Policy. – It is the declared policy of the State to provide for sectoral representations to the local legislative bodies of local government units belonging to workers or peasants, as the case may be, women, and one from any of the following sectors: urban poor, indigenous cultural communities, persons with disabilities, or any other sector which may be determined by the sanggunian concerned. This policy is embodied in Article X, Section 9 of the 1987 Constitution and Section 41, paragraph C of Republic Act 7160 or the Local Government Code.

Section 3. Election of Local Sectoral Representatives. – They shall be elected local sectoral representatives of workers, women and any one from the urban poor, indigenous people, disabled persons, or any other sector which the sanggunian concerned may determine within ninety (90) days prior to the conduct of the local elections.

Section 4. Definition of Terms. – For purposes of this Act, the terms hereunto used shall mean:

- a. **Registration and Accreditation** – is the process of registering the sectoral organization for purposes of participating in the local sectoral representation elections. The registration and accreditation shall be filed in the local elections registrar of the province, city or municipality where the sectoral organization wishes to be elected as local sectoral representative.
- b. **Sectoral organization** – means the local people’s organization which is seeking election as sectoral representative to the sanggunian of the local government unit concerned. The

organization must be duly accredited by the local government unit where it is located and operating.

- c. Nomination – is the process of identifying and selecting who will represent the sectoral organization to the local sanggunian concerned.
- d. Nominees – are those persons selected by their sectoral organization to represent the latter to the local sanggunian concerned in case they win in the local sectoral representation elections.
- e. Vacancy – means the vacant office, whether previously occupied or not, which the sectoral representative or his successor fills-up after the sectoral representative has been disqualified or disaffiliated.
- f. Sectoral Representatives – are those, after being proclaimed, qualified, and sworn, which represent the sectoral organizations.
- g. Disaffiliation – is the process of removing or expelling the sectoral representative, with just cause, in accordance with the latter's constitution and by-laws.

Section 5. Registration. – The registration of local sectoral organization, for purposes of the local sectoral representation elections, shall be held not later than one hundred eighty (180) days prior to the holding of the local regular elections. Thereafter, no application for registration shall be entertained.

Section 6. Who may apply for registration? – Any sectoral organization belonging to workers, peasants, women, urban poor, indigenous people, persons with disabilities, and any other sectoral or people's organization shall manifest their willingness to participate in the local sectoral representation elections and cause the registration of their sectoral organization by submitting a letter indicating their intent to participate in any local election registrar of the Commission on Elections which has jurisdiction over the local government unit they wish to be elected.

In registering their sectoral or people's organization, the organization must submit a petition for registration, list of members with their complete addresses, organization's constitution and by-laws, certificate of registration issued by concerned government agencies, and general program of action. Provided, that all members named in the list submitted should be bona fide residents of the local government unit concerned. Provided, further, that in case a sectoral organization belongs to a duly registered national federation or association, said national federation or association shall certify the membership of the local sectoral organization in lieu of the certificate of registration issued by concerned government agencies.

The local election registrar of the Commission on Elections shall cause the registration or dismissal of the application for registration of the local sectoral organization within thirty (30) days after receiving the petition for registration and its attachments.

In case the application for registration is dismissed, the local election registrar shall furnish the applicant of its decision stating the grounds, as herein provided, for its dismissal.

Section 7. Dismissed application for registration, Remedies. – Any local sectoral organization whose application was dismissed is given five (5) days from receipt of the decision to file for a motion for reconsideration. If the motion for reconsideration is denied, the aggrieved party is given ten (10) days within which to file an appeal before the regional election officer, in case of a province and highly urbanized and independent cities; and provincial election officer, in case of a component city or municipality.

The decision of the regional election officer and of the provincial election officer, as the case may be, shall be final and executory. No appeal shall be entertained by the regional and provincial election officers if the ten (10) day reglementary period or a fraction thereof falls within the one hundred eighty (180) day prohibitory period prior to the holding of regular local elections.

Section 8. Qualification and Disqualification, Grounds. – a) Qualification - Sectoral organizations intending to participate in the local sectoral representation elections must possess the following qualifications:

1. They must be a duly registered or accredited local sectoral or people's organization;
2. They must be in existence for at least one (1) year prior to the conduct of the regular local elections.
3. They must not adhere and advocate violence of any type, directly or indirectly, nor support any organization directly or indirectly adhering and advocating the same.
4. They must uphold the Constitution of the Republic of the Philippines and all the laws enacted in accordance with it including their implementing rules and regulations.

b) Disqualification – Sectoral organizations not possessing or adhering to any of the conditions enumerated in the preceding Section shall be disqualified from participating in the local sectoral representation elections. The Commission on Elections may *motu proprio*, or upon petition of any person or organization, disqualify any sectoral organization if they find that the sectoral organization is wanting of any of the enumerated qualifications. Provided, however, that sectoral organizations may only be disqualified after due hearing has been conducted for the purpose.

Section 9. Registration and Accreditation, When and Where to file. - a) Petition for registration and accreditation shall be filed in the local offices of the Commission on Elections. For sectoral organizations wishing to participate in the provincial local sectoral representation elections, the petition shall be filed in the provincial election registrar. For sectoral organizations wishing to participate in the city or municipal local sectoral representation elections, the petition shall be filed in the city or municipal election registrars, where applicable.

b) The petition for registration and accreditation must be filed not later than one hundred eighty (180) days prior to the conduct of the local regular elections.

c) The local election registrar shall render its decision within thirty (30) days upon receipt of the petition. It shall cause the publication of the petition in a conspicuous place in the provincial, city, or municipal hall and shall promulgate the same within ten (10) days in any newspaper of general circulation in said province, city, or municipality.

Section 10. Nomination of Sectoral Representatives. – Nominees of sectoral organizations shall be nominated in accordance with their constitution and by-laws, provided, that the nominees shall possess all the qualifications enumerated under Section 11 of this Act. Provided, further, that the names of the nominees shall be submitted at least one month prior to the conduct of the regular or special local elections to the same local election registrar where the sectoral organization concerned was accredited and registered.

Section 11. Qualification and Disqualification of Nominees. – a) Aside from being a member of the sectoral organization, nominees of sectoral organizations must possess the following qualifications:

1. He must be a natural born Filipino citizen;
2. He must be a resident for at least three (3) years of the local government unit concerned;
3. He must be a registered voter of his locality prior to the conduct of the regular local elections;
4. He must be able to read and write;
5. He must not be a member of any major political parties as accredited by the Commission on Elections;
6. He must belong to the sector he wish to represent and must not be an incumbent elected or appointed official upon his nomination;
7. His income and assets must be at par with the income and assets of the sector he wish to represent;
8. He must not be convicted, with finality, of any crime punishable with at least one year of imprisonment.
9. He has no pending case in any administrative, quasi-judicial or judicial agencies involving moral turpitude.

- b) A nominee is disqualified if he lacks any of the qualifications enumerated in the preceding subsection.

Section 12. Election of Local Sectoral Representatives, Manner of. – a) Sectoral organizations participating in the local sectoral representation elections shall be elected at large during the regular local elections. Provided, that sectoral organizations shall be grouped according to the sector they intend to represent and shall be voted in accordance with the same sectoral aggrupation. Provided, further, that no candidate sectoral organization can participate in two different sectoral aggrupation.

b) The candidate sectoral organization which garnered the highest number of votes for the sector it sought election and wish to represent shall be proclaimed winner and shall be entitled to a seat in the Sanggunian concerned.

c) Pre-proclamation protest is not allowed under this Act. All protests shall be filed within fifteen (15) days after the proclamation of the winning sectoral organization in the local election registrar concerned who shall act upon said protests within sixty (60) days upon receipt. The decision of the local election registrar shall be appealable to the Regional Director in case of a province or independent cities, and to the Provincial Election Registrar in case of component cities and municipalities. The decision of the Provincial Election Registrar shall be appealable to the Regional Director while the latter's decision shall be subject to review by the Commission en banc.

Section 13. Vacancy/Removal of Local Sectoral Representative. – There shall be vacancy in any of the following conditions:

- a. He has been convicted, with finality, of a crime punishable by at least one year of imprisonment;
- b. He has been expelled from the sectoral organization he represents after finding just cause and in accordance with its constitution and by-laws;
- c. Loss of trust and confidence of his sectoral organization.

In the event that a Local Sectoral Representative is removed under paragraph (c) of this section, the sectoral organization concerned shall notify within fifteen (15) days the Sangguniang Bayan in which the removed Local Sectoral Representative sits of the removal and the name of his subsequent replacement in accordance with Section 14 of this Act.

Section 14. Replacement in case of Vacancy, Manner of. – In case of a permanent vacancy caused by the death, incapacity, disqualification, or removal of the sitting Local Sectoral Representative, the same shall be filled-up by the second, third, fourth and fifth nominee, as the case may be, of the sectoral organization where the deceased, incapacitated or disqualified representative is affiliated. The Sangguniang Bayan shall cause the replacement of the incapacitated, disqualified, or removed Local Sectoral Representative within fifteen (15) days from receipt of the notice from the sectoral organization.

Section 15. Term of office. – The term of office of local sectoral representatives shall coincide with the terms of office of other local elective officials unless found later to be disqualified under Section 11 of this Act or his representation revoked by his sectoral organization.

Section 16. Rights, benefits and other entitlements. – Local sectoral representatives shall have the same rights, benefits, salaries, emoluments, and other entitlements enjoyed by other members of the provincial, city, and municipal sanggunians provided under the Local Government Code of 1991, as amended.

Section 17. Disaffiliation of nominee, Effect of. – In the event that the nominee has disaffiliated himself voluntarily or involuntarily from the sectoral organization he represents, he shall automatically be removed from office and cease from representing his sectoral organization. He shall be replaced in accordance with Section 14 of this Act.

Section 18. Implementing Rules and Regulation. – The Commission on Elections and the Department of the Interior and Local Government are hereby mandated to cause the creation of the Implementing Rules and Regulation within six (6) months after the approval of this Act.

Section 19. Separability Clause. – Any provision of this Act found and declared to be inconsistent with the Constitution shall not affect other provisions not found and declared unconstitutional.

Section 20. Repealing Clause. – The provisions of Section 446, paragraph (b), Section 457, paragraph (b) and Section 467, paragraph (b) of the Local Government Code of 1991, as amended, are hereby modified. Likewise, Republic Act Numbered 8553 and all other laws, presidential decrees, executive orders and rules and regulation inconsistent and repugnant with the provisions of this Act are hereby modified and repealed, accordingly.

Section 21. Construction. – All doubts concerning the application and implementation of this Act, including its implementing rules and regulations shall be construed in favor of providing sectoral representations to the local legislative bodies of local government units.

Section 22. Effectivity. – This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,