

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5361



Introduced by Congressman Lord Allan Jay Q. Velasco

EXPLANATORY NOTE

This bill seeks to postpone the October 2017 barangay and sangguniang kabataan elections to the fourth Monday of October 2018.

In view of the administration's war on drugs and the current revelations regarding the involvement of illegal drug syndicates in funding local politicians in the campaign, President Rodrigo Duterte has expressed the need to postpone the barangay and sangguniang kabataan elections scheduled on the last Monday of October 2016 to avoid those implicated in the illegal drug trade from occupying seats of power. Upon the expiration of the original extended term on October 2017, every seat in the barangay and sangguniang kabataan should be deemed vacated. Such vacancy in the office should be filled-up by the President through the exercise of his power to appoint. The power to appoint belongs to the President and such power is found in no less than the 1987 Constitution, specifically in Section 16 of Article VI.

The scheduled synchronized barangay and sangguniang kabataan elections in October 2016 is by virtue of Republic Act (RA) No. 9164, as amended, an RA 10923. But since the war on drugs has yet to be won and the presence of narcopoliticians in our government is not yet completely eliminated, it is more practical to move the next scheduled elections to 2018.

This bill aims to address the above concerns by proposing to move the upcoming October 2017 barangay and sangguniang kabataan elections to the fourth Monday of October 2018. This postponement will give the current administration more time to investigate and prosecute the local barangay officials who are involved in the nefarious drug trade. In the interim, the appointments made by the President will ensure that there will be continuity in the governance of all local government units and that such appointed officials are free from any ties with the drug syndicates of this country.

In view of the foregoing, the approval of this bill is highly recommended.

LORD ALLAN JAY Q. VELASCO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5361

Introduced by Congressman Lord Allan Jay Q. Velasco

**AN ACT POSTPONING THE OCTOBER 2017 BARANGAY AND
SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340,
REPUBLIC ACT NO. 10656, AND REPUBLIC ACT NO. 10923, AND
FOR OTHER PURPOSES**

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

Section 1. Section 1 of Republic Act No. 9164, as amended by Republic Act No. 9340, Republic Act No. 10656, and Republic Act No. 10923, is hereby further amended to read as follows:

“SECTION 1. Date of Election. There shall be synchronized barangay and sangguniang kabataan elections, which shall be held on July 15, 2002.

Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October 2007 and every three (3) years thereafter.

PROVIDED, THAT THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS ON OCTOBER 31, 2017 SHALL BE POSTPONED TO THE FOURTH MONDAY OF OCTOBER 2018. SUBSEQUENT SYNCHRONIZED BARANGAY ELECTIONS SHALL BE HELD EVERY THREE (3) YEARS THEREAFTER.”

Section 2. Section 5 of Republic Act No. 9164 as amended by Republic Act No. 9340 and Republic Act No. 10923 or the “hold-over” provision is hereby repealed and replaced by the following section:

“SECTION 5. Upon the expiration of the original extension on the fourth Monday of October 2017, all positions of the barangay and sangguniang kabataan officials are deemed vacated by virtue of the expiration of their term. The President shall be given the power to appoint the officials to all vacated positions, and these appointed officials shall continue to assume office until the next scheduled elections in 2018.

Section 3. The amount necessary for the implementation of this Act shall be taken from the appropriations of the Commission on Elections (COMELEC) under the General Appropriations Act and/or supplementary appropriations thereafter.

Section 4. Implementing Rules and Regulations- The COMELEC shall, within thirty (30) days after the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

Section 5. Separability Clause- If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provisions not affected shall remain in full force and effect.

Section 6. Repealing Clause -All laws, Presidential Decrees, Executive Orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 7. Effectivity Clause - This act shall take effect immediately after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.