

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

HOUSE BILL NO. **5510**



Introduced by: **HON. JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO**

EXPLANATORY NOTE

The Barangay is the basic unit of the country's political, social, and economic structure. It serves as the frontliners for the delivery of the essential services of the government. The elections in October this year (2017) if held, would disrupt the continuity of the programs initiated nonetheless by the President. Realistically speaking, the positive momentum carried out by the government can again be placed on halt, if partisan politics and inherent divisiveness become the spotlight again in the local scene. Fresh from an election year (2016) which was National and Local, it is not a good time to exercise politicking but instead focus on the implementation of programs that will benefit the community as a whole. Therefore, it is thereby recommended that the elections be held on the last Monday of May 2018 to establish neutrality and to effectively discharge their duties impartially.

The Supreme Court noted that "Congress has the plenary authority under the Constitution to determine by legislation not only the duration of the term barangay officials, but also the application to them of a consecutive term limit". This was demonstrated by the SC's ruling on the case questioning the jurisdiction of Congress in COMELEC v Conrado Cruz et al, about the term limitations applicable. In this scenario, it is best that the subsequent elections should be held five years instead of three years in order to isolate them further from the National and Local elections and the terms of the current elected officials (Barangay and SK) be extended to five years.

In view of the foregoing, approval of this bill is earnestly sought.

JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO

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Introduced by: **HON. JOSE ANTONIO R. SY-ALVARADO**

AN ACT RESETTING THE 2017 BARANGAY ELECTIONS TO THE LAST MONDAY OF MAY 2018, AND EVERY FIVE YEARS THEREAFTER, AND SETTING THE TERM OF OFFICE OF ELECTED BARANGAY AND SANGGUNIANG KABATAAN OFFICIALS TO FIVE YEARS

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

Section 1. Date of Election – The next synchronized Barangay and Sangguniang Elections shall be held on the last Monday of May 2018, and the subsequent elections shall be held every five (5) years from the preceeding Barangay and Sangguniang Kabataan elections.

Section 2. Section 2 of Republic Act No. 9164, An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, otherwise known as "Local Government Code of 1991", and for other purposes, is hereby amended as follows:

Section 2. Term of Office – The term of office of all Barangay and Sangguniang Kabataan Officials shall be five (5) years.

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 3. Section 43 (c) of Republic Act 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 five (5) years. 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 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,

