

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7167



Introduced by REPRESENTATIVE REYNALDO V. UMALI

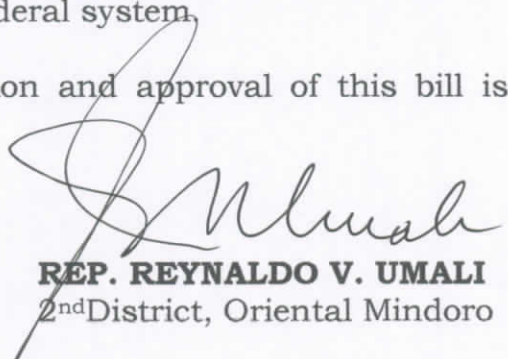
EXPLANATORY NOTE

The Constitution is the fundamental law of the land that establishes guiding principles and systems of government. As such, it must be respected and must not be trivialized by amending or revising it in a lackadaisical manner. Any amendment and/or revision of the Constitution will entail change in the wordings of the law, altering basic principles and systems the Philippine government system, and will require the conduct of plebiscite for ratification. Hence, Constitutional change must be done with utmost diligence; placing attention and resources to it to ensure that changes will be comprehensive and extensive to cover the intended fundamental law.

On January 17, 2018, the House of Representatives adopted House Concurrent Resolution No. 009 to constitute the Senate and the House of Representatives into a Constituent Assembly for the purpose of proposing amendments to, or revision of the Constitution. Based on the timeline set forth by the Constituent Assembly, the proposed new federal charter may be submitted as a referendum simultaneously with the scheduled Barangay and SK elections this May 2018. Considering these circumstances, the schedule is too cramped if the elections will be held simultaneously with the plebiscite for the proposed Federal Constitution.

The government has been pushing for a shift to a federal form of government as a means to address issues particularly in the strife-torn Mindanao. Postponing anew the upcoming Barangay and Sangguniang kabataan (SK) elections this May 2018 will give Congress more time to determine the proper structure of the government when it transitions into a federal system.

In view thereof, early consideration and approval of this bill is earnestly sought.


REP. REYNALDO V. UMALI
2nd District, Oriental Mindoro

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HOUSE OF REPRESENTATIVES
CONGRESS OF THE PHILIPPINES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
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House Bill No. 7167

Introduced by REPRESENTATIVE REYNALDO V. UMALI

AN ACT
POSTPONING THE MAY 14, 2018 BARANGAY AND SANGGUNIAN
KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC
ACT NO. 10656, REPUBLIC ACT 10923 AND REPUBLIC ACT NO. 10952
AND FOR OTHER PURPOSES.

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

Section 1. Section 1 of Republic Act 9164, as amended by Republic Act 9340, Republic Act 10656, Republic Act 10923 and Republic Act 10952, 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 years thereafter: *Provided*, That the *barangay* and *sangguniang kabataan* elections on [October 23, 2017 shall be postponed to] the 2nd Monday of May 2018 **SHALL BE POSTPONED TO THE SECOND MONDAY OF MAY 2019**. Subsequent synchronized *barangay* and *sangguniang kabataan* elections shall be held on the second Monday of May 2022 and every three (3) years thereafter.”

Section 2. Section 4 of Republic Act No. 9164, as amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10923 and Republic Act No. 10952, is hereby further amended to read as follows:

“SECTION 4. Assumption of Office. - The term of office of the *barangay* and *sangguniang kabataan*

elections and subsequently thereafter, shall commence at noon of June 30 next following their elections.”

Section 3. Section 5 of Republic Act 9164, as amended by Republic Act 9340, Republic Act 10656, Republic Act 10923 and Republic Act No. 10952, is hereby further amended to read as follows:

“SECTION 5. *Hold Over.* - Until their successors shall have been duly elected and qualified, all incumbent barangay officials shall remain in office, unless sooner removed or suspended for cause: *Provided*, That barangay official who are *ex officio* members of the sangguniang bayan, sangguniang panglungsod, or sangguniang panlalawigan, as the case may be, shall continue to serve as such members in the sanggunian concerned until the next barangay election. The Liga ng mga Barangay at the municipal, city, and provincial levels shall not later than [July 31, 2018] **THIRTY (30) DAYS AFTER THE NEXT BARANGAY ELECTION**, conduct elections for *ex officio* positions in the sanggunians under the supervision of the Department of the Interior and Local Government.”

Section 4. *Ban of Government Projects.* - The construction or maintenance of barangay-funded roads and bridges shall be prohibited for the period of ten (10) days immediately preceding the date of election, the provision of Section 261, paragraphs (v) and (w) of the Omnibus Election Code to the contrary notwithstanding.

Section 5. *Prohibition on Appointments of Government Officials and Employee.* - The appointment or hiring of new employees, creation of new position, promotion, or giving of salary increases, remuneration or privileges in the barangay shall be prohibited for the period of ten (10) days immediately preceding the election, the provisions of Section 261, paragraph (g), of the Omnibus Election Code to the contrary notwithstanding.

Section 6. *Use of Appropriations.* - The amount of Six billion ninety million three hundred twenty-four thousand three hundred twenty-five pesos and sixteen centavos (P6,090,324,325.16) shall be considered as continuing appropriations and shall be used exclusively for the conduct of the barangay and sangguniang kabataan registration and elections in May 2019.

Section 7. *Use of Sangguniang Kabataan Fund.* - Until the new sangguniang kabataan officials shall have been duly elected and qualified, the sangguniang barangay shall not use the sangguniang kabataan fund except for youth development and empowerment programs as provided in Republic Act No. 10742, otherwise known as "The Sangguniang Kabataan Reform Act of 2015".

Section 8. 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 9. 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 10. Repealing Clause. - All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 11. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,