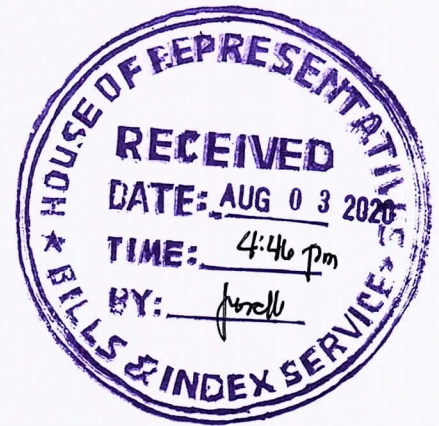




Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 7248

Introduced by Representative Jose Enrique Garcia III

EXPLANATORY NOTE

The 1987 Constitution encouraged decentralization to grant greater autonomy to local government units (LGUs) in recognition of their right to self-government, to make them self-reliant, and to improve their administrative and technical capabilities.¹ To realize these aspirations, the Constitution mandates the national government to ensure that decentralization contributes to the continuing improvement of the performance of local government units and the quality of community life.

More than twenty-eight (28) years after the advent of Republic Act (RA) 7160 or the Local Government Code (LGC) of 1991, a meaningful decentralization of power in favor of LGUs is yet to fully accord the genuine enjoyment of local autonomy. While broader powers were conferred to the LGUs to create their own sources of revenue and were guaranteed their just share in the national taxes collected by the National Government, the exercise of powers particularly those for the general welfare remain constricted by national laws and policies that tend to limit rather than grant greater autonomy to LGUs in recognition of their right to self-government, make them self-reliant, and improve their administrative and technical capabilities.³⁴ This prevented LGUs from truly exercising their right to self-government and address the different needs of their constituents. Hence, there is a need to further foster genuine and meaningful local autonomy by strengthening the delegated power of LGUs under Section 16 of the LGC, which embodies the general welfare clause.

Concomitantly, central to the exercise of the powers conferred under Section 16 of the LGC are the local *sanggunians* to whom the legislative powers and whose membership is characterized by constituent representation. In the case of the *sangguniang panlalawigan*, R.A. 7160, as amended, fixes the number of regular members based on the classification of the province determined via the income level prescribed by the Department of Finance. Specifically, Section 41(b) of R.A. 7160, as amended by R.A. 8553, provides:

“(b) The regular members of the *sangguniang panlalawigan*, *sangguniang panlungsod*, and *sangguniang bayan* shall be elected by district as follows:

¹ *Mandanas, et al. v. Ochoa, et al. and Garcia v. Ochoa, et al.*, G.R. Nos. 199802 and 208488, 3 July 2018, citing *Disomangcop v. Datumanong*, G.R. No. 149848, 25 November 2004, 444 SCRA 203, 227.

“First and second-class provinces shall have ten (10) regular members; third and fourth-class provinces, eight (8); and fifth and sixth-class provinces, six (6): xxx. (Emphasis supplied)

Notably, fifth and sixth-class provinces only have six (6) regular members in their respective *sanggunians*. On the other hand, municipalities have a minimum of eight (8) regular members in their *sangguniang bayan*. Given the relatively larger constituency which *sangguniang panlalawigan* members represent, this condition alone makes a lot of sense to increase the number of regular seats in the *sangguniang panlalawigan*.

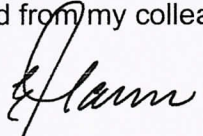
The present number of regular seats was first provided for in R.A. 6636, as amended by R.A. 6637. The determination of the number of seats was basically tied up with the income classification of the province. However, population is an indispensable component which cannot simply be ignored. After all, the purpose of electing members of the *sangguniang panlalawigan* is representation. Thus, under Section 41(b) of R.A. 7160, as amended, provinces with more than five (5) legislative districts were apportioned two (2) *sangguniang panlalawigan* members for each district.

The population of the Philippines in 1987 was about 57.313 million.² Understandably, the previous apportionment of *sanggunian* representation under R.A. 6636, as amended, was influenced by income and population levels at that time. After more than three decades, however, the country's population has grown to 108.713 million³ as of 27 November 2019. Obviously, a corresponding increase of representation in the *sangguniang panlalawigan* is logical.

In representation terms, the larger number of representatives translate to a greater voice for the constituents represented. The district constituents would have more members speaking for them and voting in the *sanggunian*. Therefore, the increase in the number of regular seats cannot but be a quantitative and proportional improvement in the representation of constituents in the *sangguniang panlalawigan*.

The proposed increase in number of regular members in the *sangguniang panlalawigan* offer greater and more representative choice for voters. It assures better representation for ventilating, articulating and crystalizing issues affecting government administration and obtaining solutions thereto. It also enhances initiatives that promote development of the districts they represent and secure the general welfare of their constituencies

Support for this bill is, therefore, earnestly requested from my colleagues.


REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan

² <https://www.indexmundi.com/facts/philippines/population>; last accessed on 29 October 2019.

³ <https://www.worldometers.info/world-population/philippines-population/>; last accessed on 27 November 2019.



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House Bill No. 7248

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AN ACT
FURTHER STRENGTHENING THE AUTONOMY OF LOCAL GOVERNMENT UNITS,
AMENDING FOR THE PURPOSE SECTION 16 AND SECTION 41 OF REPUBLIC ACT NO.
7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991"

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

1 **SECTION 1.** Section 16 of Republic Act No. 7160 is hereby amended to read as follows:

2 **"SEC. 16. General Welfare.** – Every local government unit shall exercise
3 the powers expressly granted, those necessarily implied therefrom, as well as
4 powers necessary, appropriate, or incidental for its efficient and effective
5 governance, and those which are essential to the promotion of the general
6 welfare. Within their respective territorial jurisdictions, local government units
7 shall **HAVE, TO THE EXTENT NECESSARY, FULL POWERS AND**
8 **AUTHORITY TO ADOPT ORDINANCES THAT SHALL** ensure [support],
9 among other things, the preservation and enrichment of culture, promote health
10 and safety, enhance the right of the people to a balanced ecology, encourage
11 and support the development of appropriate and self-reliant scientific and
12 technological capabilities, improve public morals, enhance economic prosperity
13 and social justice, promote full employment among their residents, maintain
14 peace and order, and preserve the comfort and convenience of their inhabitants.
15 **FOR THIS PURPOSE, NATIONAL LAWS PROVIDING FOR POLICIES AND**
16 **REGULATIONS COVERING THE AFOREMENTIONED AREAS SHALL BE**
17 **UNDERSTOOD AS PRESCRIBING ONLY THE MINIMUM REQUIREMENTS**
18 **AND SHALL BE WITHOUT PREJUDICE TO THE LOCAL GOVERNMENT**
19 **UNITS' POWER TO IMPOSE STRICTER POLICIES AND REGULATIONS**
20 **WITHIN THEIR RESPECTIVE JURISDICTIONS TO ENSURE THE EFFECTIVE**
21 **AND MEANINGFUL PRESERVATION OF THE GENERAL WELFARE."**

22 **SEC. 2.** Section 41(b) of Republic Act No. 7160, as amended by Republic Act No. 8553,
23 is hereby further amended to read as follows:

1 “(b) The regular members of the sangguniang panlalawigan, sangguniang
2 panlungsod, and sangguniang bayan shall be elected by district as follows:
3

4 “First and second-class provinces shall have **NOT MORE THAN** [ten (10)]
5 **FOURTEEN (14)** regular members; third and fourth-class provinces, **NOT MORE**
6 **THAN** [eight (8)] **TWELVE (12)**; and fifth and sixth-class provinces, **NOT MORE**
7 **THAN** [six (6)] **TEN (10)**: *Provided, That, in provinces having more than five (5)*
8 *legislative districts, each district shall have* **NOT MORE THAN** [two (2)] **THREE**
9 **(3)** sangguniang panlalawigan members[, without prejudice to the provisions of
10 Sec. 2 of Republic Act No. 6637. Sangguniang barangay members shall be
11 elected at large. The presidents of the leagues of sanggunian members of
12 component cities and municipalities shall serve as *ex officio* members of the
13 sangguniang panlalawigan concerned. The presidents of the liga ng mga
14 barangay and the pederasyon ng mga sangguniang kabataan elected by their
15 respective chapters, as provided in this Code, shall serve as *ex officio* members
16 of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang
17 bayan].

18 **“ALL CITIES AND MUNICIPALITIES SHALL CONTINUE TO HAVE**
19 **THEIR RESPECTIVE NUMBER OF ELECTIVE MEMBERS AS PROVIDED IN**
20 **EXISTING LAWS.**

21 “Sangguniang barangay members shall be elected at large. The
22 presidents of the leagues of sanggunian members of component cities and
23 municipalities shall serve as *ex officio* members of the sangguniang panlalawigan
24 concerned. The presidents of the liga ng mga barangay and the pederasyon ng
25 mga sangguniang kabataan elected by their respective chapters, as provided in
26 this Code, shall serve as *ex officio* members of the sangguniang panlalawigan,
27 sangguniang panlungsod, and sangguniang bayan.”

28 **SEC. 3.** The sangguniang panlalawigan concerned shall determine the number of
29 additional members to be elected taking into consideration the population and the availability of
30 funds of the province. Once increased pursuant to this Act, the number of sangguniang
31 panlalawigan members shall not thereafter be reduced.

32 **SEC. 4.** The apportionment of the increased number of regular seats in the sangguniang
33 panlalawigan shall continue to be governed by the provisions of Section 3 of Republic Act No.
34 7166.

35 **SEC. 5.** The election of the additional regular members of the sangguniang
36 panlalawigan as provided for in this Act shall be held in the next local elections following the
37 effectivity of this Act.

38 **SEC. 6.** The Department of the Interior and Local Government and the Commission on
39 Elections shall separately issue appropriate rules and regulations to implement the provisions
40 of this Act.

41 **SEC. 7.** If, for any reason, any part or provision of this Act is declared invalid or
42 unconstitutional, the remaining parts or provisions not affected shall remain in full force and
43 effect.

44 **SEC. 8.** All laws, presidential decrees, executive orders, rules and regulations, or part
45 or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed
46 or modified accordingly.

1 **SEC. 9.** This Act shall take effect fifteen (15) days after its publication in the Official
2 Gazette or in a newspaper of general circulation.

3 **Approved.**