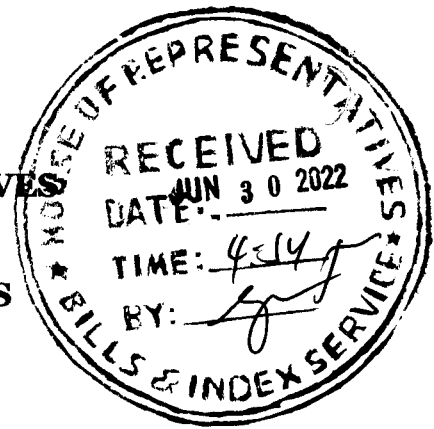


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

House Bill No. **385**



Introduced by Representative Gabriel H. Bordado, Jr.

EXPLANATORY NOTE

Republic Act 7160, otherwise known as the Local Government Code, fully recognizes the vital role of people's organization, non-government organizations, and the private sector in the arduous task of nation-building, as reflected in the following provisions:

"Section 2. Declaration of Policy (c).- It is likewise the policy of State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdiction."

"Section 3. Operative Principles of Decentralization (I). – The participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development."

"Section 27. Prior Consultation Required.- No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2(c) and 26 are complied with."

Unfortunately, more than two decades after the passage of the Local Government Code, a law has yet to be framed to institutionalize the participation of such sectors in nation-building.

This bill seeks to address this legislative paucity. Expeditious passage of this bill is sincerely being sought.


GABRIEL H. BORDADO, JR.
Third District, Camarines Sur

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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House Bill No. **385**

Introduced by Representative Gabriel H. Bordado, Jr.

“AN ACT CREATING A SYSTEM OF PARTNERSHIP BETWEEN LOCAL GOVERNMENTS AND CIVIL SOCIETY ORGANIZATIONS THROUGH THE ESTABLISHMENT OF A PEOPLE’S COUNCIL IN EVERY LOCAL GOVERNMENT UNIT, PRESCRIBING ITS POWERS AND FUNCTIONS”

SECTION 1. Short Title.– This Act shall be known as “The People Empowerment Act”

SEC. 2. Declaration of Policy. – It is hereby declared as policy of the State to ensure participation of citizens in all avenues of local governance. Likewise, the State acknowledges the value of creating a mechanism where its citizen’s views and opinions in different areas of governance may be heard and considered. Furthermore, pursuant to Article II Section 23 of the Constitution, the State recognizes the value of non-governmental, community-based, or sectoral organizations in nation building and creating an avenue to ensure their growth and development. The state also recognizes that a partnership with POs and CSOs will spur development in local government units (LGUs) as envisioned by the Local Government Code of 1991.

SEC. 3. Definition of Terms. – For the purposes of this Act:

- a) **Civil Society Organization (CSO)** refers to any organized citizens’ group including People’s Organizations (POs) and Non-Government Organizations (NGOs) such as community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations;
- b) **Local Sanggunian** refers to the local legislative body either specifically the Sangguniang Panglungsod for cities or the Sangguniang Bayan for municipalities;
- c) **People’s Organization** refers to a bona fide cooperative or association of citizens organized for purposes not contrary to law with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and

1 structure with none of its officers and members occupying elective government
2 positions.

3
4
5 **SEC. 4. Registration of CSOs.**– Any CSO in active operation for at least one year
6 may be registered in their respective city or municipality where they conduct their
7 operations and where majority of their members reside. Registration will be approved
8 by the Local Sanggunian, upon submission or compliance of the following
9 requirements:

- 10
11 a) Proof of existence and operation in the respective city or municipality they
12 are applying in for at least one year prior to the application for registration;
13
14 b) Proof of activities held in pursuit of developmental objectives or of
15 organizational activities conducted;
16
17 c) Program of activities planned for the year following the date of application
18 for registration;
19
20 d) Copies of its constitution, by-laws and/or articles of incorporation;
21
22 e) Lists of its officers and members of good standing and their respective
23 addresses;
24
25 f) Financial statement and declaration of assets and liabilities; and
26
27 g) Board resolution manifesting a decision to register and participate under
28 this Act.

29
30 A CSO whose application for registration has been approved shall be issued a
31 certificate of registration containing, among others, the terms and conditions for the
32 maintenance of its registered status.

33
34 The Local Sanggunian, however, may from time to time, and in consultation with the
35 Local People's Council, impose such other requirements and conditions for
36 registration as it may deem appropriate to best adhere to the principles of this Act.

37
38 Any CSO already accredited by the Local Government prior to the effectivity of this
39 Act need not register for purposes of this Act, unless its accreditation has in the
40 meantime been withdrawn.

41
42
43 **SEC. 5.Registration Deemed Inactive.** – A registered CSO is required to submit, by
44 January 31 of every year, a list of accomplishments of the previous year and its plans
45 for the current year. Any CSO who fails to comply for two (2) consecutive years, shall
46 automatically have its registration deemed inactive.

47
48 Any CSO whose registration has been deemed inactive may not avail of the Rights
49 and Privileges of registered CSOs contained in Section 7 of this Act.
50

1 CSOs may reactivate their registration upon submission of documents they lack.

2
3
4 **SEC. 6. Committee on Registration of CSOs.** – There shall be a Committee on
5 Registration of CSOs in each Local Sanggunian of all cities and municipalities. It is
6 mandated to perform the following functions:

- 7
8 a) Receive and process applications for registration;
9
10 b) Monitor compliance with the conditions for registration; and
11
12 c) Initiate legislative measures for the effective performance of its tasks.
13

14 The Local People's Council, once formally organized, shall be entitled to a two-seat
15 representation in the Committee.
16

17
18 **SEC. 7. Rights and Privileges of Registered CSOs.** - Registered CSOs may enjoy
19 the following rights and privileges:
20

- 21 a) Enter into joint ventures and other cooperative undertakings with the Local
22 Government to engage in the delivery of certain basic services, capability-
23 building and livelihood projects;
24
25 b) Develop local enterprises designed to improve productivity and income, diversify
26 agriculture, spur rural industrialization, promote ecological balance, and enhance
27 the economic and social well-being of the people within the framework of
28 equitable and sustainable development;
29
30 c) Receive assistance from the Local Government for economic, socially-oriented,
31 environmental, good governance, or cultural projects to be implemented within
32 their territorial jurisdiction;
33
34 d) Join and become part of the Local People's Council.
35
36

37 **SEC. 8. Creation of Local People's Councils.** – A Local People's Council,
38 composed of accredited CSOs, shall be created. For this purpose, the Committee on
39 Registration of CSOs of each Local Sanggunian shall, not later than ninety (90) days
40 from the effectivity of this Act, call for a convention of all accredited CSOs to facilitate
41 the formal organization of the Local People's Council. Thereafter, the organized group
42 shall file a petition for recognition to the Local Sanggunian.
43

44 A Local People's Council shall be formally created upon approval by the Local
45 Sanggunian of the petition for recognition.
46

47
48 **SEC. 9. Structure and Rules of the Local People's Council.** – Each Local People's
49 Council shall determine its own organizational structures and internal rules, but shall
50 at all times provide for adequate consultation mechanisms for purposes of obtaining

1 the views and suggestions of all political parties or movements, government
2 employees' organizations, other non-accredited but legitimate CSOs, and accredited
3 CSOs which are not members of the Council;

4 *Provided*, that no political party, government employees' organization or non-
5 registered CSOs may be nominated by the Council for membership in the LGU's
6 special bodies nor may they be granted the rights and privileges of accredited CSOs
7 under this Act; and,
8

9 *Provided further*, that no provision herein shall be interpreted to prohibit the Council
10 from changing its name or from being organized for purposes other than those
11 indicated in this Act.
12
13

14 **SEC. 10. Recognition of the Local People's Council by the Local Sanggunian. –**
15 Only one Local People's Council shall be recognized by each Local Sanggunian. The
16 Local Sanggunian is mandated to award recognition to a People's Council within thirty
17 days from the filing of a petition for recognition.
18
19

20 **SEC. 11. Withdrawing Recognition of the Local People's Council. –** The Local
21 Sanggunian can withdraw the recognition granted to the Local People's Council, only
22 upon action of a petitioner, and based on the following grounds:
23

- 24 a) That the Local People's Council allowed itself or any of its member organizations
25 to engage primarily in, or to be used primarily for, partisan political activities;
26
27 b) Other grounds to be provided for in the Implementing Rules and Regulations of
28 this Act.
29

30 The Local Sanggunian shall not entertain and exercise jurisdiction over internal and/or
31 inter-organizational conflicts within the Local People's Council.
32
33

34 **SEC. 12. Powers and Responsibilities of the Local People's Council. -** Upon
35 recognition, the Local People's Council may, in accordance with its policies and
36 internal rules, exercise the following powers and responsibilities:
37

- 38 a) Elect or appoint, from among its member organizations, its
39 representatives to all Local Government bodies, boards, councils,
40 committees, task forces special government bodies and other similar work
41 groups which the Local Government or national laws may hereinafter
42 create. Member organizations elected or appointed to represent the Local
43 People's Council shall have the sole prerogative to choose, from among
44 their bona fide members, the persons who shall sit in the boards, councils,
45 committees, task forces and/or special bodies concerned. Unless
46 otherwise provided herein, such representatives shall not exceed twenty-
47 five (25) percent of the membership of the board, council, committee, task
48 force or special body;
49

1 b) Participation of the Local People's Council or any of its member
2 organization in the conception, implementation and evaluation of
3 government activities and functions shall be without compensation or
4 remuneration. The Local Government, however, shall provide for the
5 necessary office spaces, facilities and/or equipment for said participation
6 of the Council;
7

8 c) Representatives of the Local People's Council may observe, vote and
9 participate in the deliberation, conceptualization, implementation and
10 evaluation of projects, activities and programs of the Local Government,
11 propose legislations and participate and vote at the committee level of the
12 Local Sanggunian.
13

14 d) The Local People's Council shall also elect a representative for the
15 provincial level.
16
17

18 **SEC. 13. Creation of a Provincial People's Council.** - A Provincial People's Council
19 shall be created and recognized by the Sangguniang Panlalawigan. The Provincial
20 People's Council shall be composed of all representatives to the provincial level from
21 the Local People's Councils within the Province's jurisdiction.
22

23 The Provincial People's Council shall elect, from within its ranks, a representative who
24 will sit on the Sanggunian Panlalawigan and shall exercise the duties and powers of a
25 Provincial Board member.
26
27

28 **SEC. 14. Non-Partisan Nature of the Local and Provincial People's Council** - The
29 Local or Provincial People's Council shall not engage in, or allow itself or its member
30 organizations to be used for purposes of partisan politics and shall adopt such
31 measures to ensure that it is adequately shielded from any political partisanship or
32 influence.
33

34 For purposes of this Act, partisan politics shall refer to any activity statement or
35 manifestation which solely or primarily serves to campaign for or against any particular
36 political party or any candidate for any elective public office.
37
38

39 **SEC. 15. Amendment of the Composition of Local Government Units.** - The
40 existing compositions of the committees, boards, councils, task forces, special bodies
41 of all Local Governments are hereby amended and modified to accommodate the
42 membership and participation therein of the Local People's Council or its
43 representatives as herein mandated.
44
45

46 **SEC. 16. Right to Self-Organization.** – Pursuant to to Article XIII, Section 15 of the
47 Constitution, CSOs are recognized as independent and autonomous self-help
48 organizations. They are encouraged to organize into formal cooperatives, labor union,
49 interest groups, non-government organizations, sectoral organizations and/or people's
50 organizations in furtherance of their constitutionally mandated role of enabling the

1 people to pursue and protect, within the democratic framework, their legitimate and
2 collective interests and aspirations through peaceful and lawful means.

3
4 Furthermore, the Department of Local and Interior Government (DILG) and LGUs are
5 mandated to assist, and support efforts of the people towards self-organization to
6 address their common concerns, to promote their common welfare, and/or to serve
7 their localities or their communities and interests.

8
9
10 **SEC. 17. Funding.** – The funds needed for the capacity building of CSOs shall be
11 included in the annual budget of the DILG. The funds necessary for the maintenance
12 and operational expenses of Local People's Council, in relation to participation in local
13 governance, shall be included in the annual budgets of respective LGUs.

14
15
16 **SEC. 18. Information Boards And Suggestion Boxes.** – Information boards and
17 suggestion boxes shall be provided, maintained and controlled by the Local
18 Government Unit in each barangay, at the public plazas, city hall compound, public
19 markets, schools, government offices, and at such public places accessible to the
20 people, which boards and boxes shall be other than those maintained by the
21 barangays and the national government, and shall be controlled solely by the Local
22 Government Unit.

23
24 Local Governments are mandated to respond within 15 working days to the
25 suggestions filed by citizens in suggestion boxes.

26
27
28 **SEC. 19. Implementing Rules and Regulations.-** Within one hundred twenty (120)
29 days from the effectivity of this Act, the DILG, LGUs, in consultation with CSOs that
30 have experience working with Local Governments, shall determine effective ways and
31 methods for the implementation of this Act and craft the Implementing Rules and
32 Regulations.

33
34
35 **SEC. 20. Separability Clause.** - If any provision of this Act is declared invalid or
36 unconstitutional, the other provisions, not affected thereby, shall remain valid and
37 subsisting.

38
39
40 **SEC. 21. Repealing Clause.** - All laws, presidential decrees, executive orders,
41 proclamations and/or administrative regulations, which are inconsistent with the
42 provisions of this Act are hereby amended, modified, superseded or repealed
43 accordingly.

44
45
46 **SEC. 22. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
47 publication in the Official Gazette or at least two newspapers of general circulation.

Approved.