



Republic of the Philippines
House of Representatives
Quezon City

NINETEENTH CONGRESS

First Regular Session

House Bill No. 1615



Introduced by Representative Albert Raymond S. Garcia

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*.

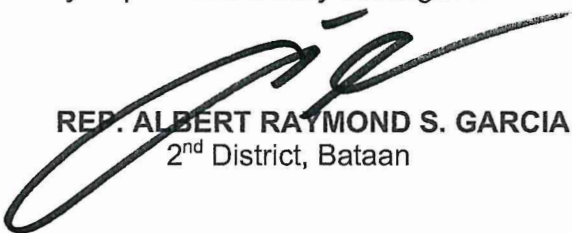
The present number of regular seats was first provided for in R.A. 6636, as amended by R.A. 6637. The determination of the number of seats was basically tied up with the income classification of the province. However, population is an indispensable component which cannot simply be ignored. After all, 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. ALBERT RAYMOND S. GARCIA
2nd 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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1 **AN ACT**
2 **PROVIDING FOR THE MANNER AND DATE OF ELECTION OF**
3 **SECTORAL REPRESENTATIVES TO THE LOCAL SANGGUNIAN**
4 **AND FOR OTHER PURPOSES**
5

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

8 **SECTION 1.** *Short Title.* – This Act shall be known as the “*Local Sectoral*
9 *Representation Act.*”
10

11 **SEC. 2.** *Declaration of Policy* – It is hereby declared the policy of the State to
12 have sectoral representation in the local legislative bodies of provinces, cities, and
13 municipalities. Toward this end, the State shall uphold the right of the people and their
14 organizations to effective and reasonable participation at all levels of social, political,
15 and economic decision-making.
16

17 **SEC. 3.** *Definition of Terms.* – As used in this Act:

18 (a) “**Coalition**” refers to an aggrupation of duly registered sectoral organizations
19 as defined in this Section and any other sector as may be determined by the *sanggunian*
20 concerned for political and/or election purposes;

21 (b) “**Indigenous Cultural Communities or Indigenous Peoples**” refer to a
22 group of people or homogenous societies identified by self-ascription and ascription by
23 others as defined under Section 3 (h) of Republic Act No. 8371 otherwise known as
24 “*The Indigenous People’s Rights Act of 1997*”;

25 (c) “**Marginalized Sector**” refers to those who are under-represented and
26 underprivileged;

27 (d) “**Sectoral Organization**” refers to a group of citizens belonging to any of the
28 following sectors: (1) women, (2) workers, (3) indigenous cultural
29 communities/indigenous peoples, (4) differently-abled persons, (5) senior citizens, (6)
30 urban poor, (7) cooperatives, or (8) such other sector as may be determined by the
31 *sanggunian* concerned; and

1 (e) “**Workers**” refers to industrial, commercial, service workers, migrant
2 workers, informal sector workers, or agricultural workers.

3
4 **SEC. 4. Election of Sectoral Representatives.** – There shall be three (3) sectoral
5 representatives each in the *sangguniang panlalawigan*, *sangguniang panlungsod* and
6 *sangguniang bayan* who shall be elected as provided for in this Act: one (1) from the
7 women’s sector; one (1) from the worker’s sector; and one (1) from any of the following
8 sectors: indigenous cultural communities/indigenous peoples, differently-abled
9 persons, senior citizens, urban poor, cooperatives or any other marginalized sector as
10 may be determined by the *sanggunian* concerned.

11 The sector to be represented in the local *sanggunians* other than women and
12 worker sectors shall be determined through a resolution approved by a majority vote of
13 the *sanggunian* concerned not later than one (1) year following the effectivity of this Act
14 taking into consideration the size and number of members of the sectors seeking
15 representation, impact of issues and concerns of the sector in relation to the overall
16 welfare and development of the local government unit, and adequacy of representation
17 in other bodies of the sectors seeking representation: *Provided*, That in local
18 government units with indigenous cultural communities or indigenous peoples, the seat
19 shall automatically be reserved to the said sector.

20 The sector identified pursuant to the immediately preceding paragraph other
21 than indigenous cultural communities/indigenous peoples shall continue to be
22 represented in the local *sanggunians* until the *sanggunian* concerned shall have
23 determined that a new sector emerged to have a better right of representation. Such
24 determination shall be made not later than one (1) year following the effectivity of this
25 Act.

26 The manner of selection and representation of indigenous cultural communities
27 or indigenous peoples in local *sanggunians* shall continue to be governed by “*The*
28 *Indigenous People’s Rights Act of 1997*” and the rules and regulations promulgated to
29 implement the same.

30 **SEC. 5. Date of Election.** – The first election of sectoral representatives in the
31 *sangguniang panlalawigan* shall be held simultaneously with the next national and local
32 elections after the effectivity of this Act. The sectoral representatives in the
33 *sangguniang panlungsod* and *sangguniang bayan* shall be elected three (3) years
34 thereafter.

35
36 **SEC. 6. Registration.** – Any sectoral organization or coalition which has been in
37 existence for at least one (1) year at the time of the effectivity of this Act, is duly
38 registered with the Securities and Exchange Commission (SEC), or the Department of
39 Labor and Employment (DOLE), or any other national government agencies or local
40 government units, and with a membership of not less than two hundred (200) registered
41 voters in the province or highly urbanized city, and not less than fifty (50) registered
42 voters in any other city or municipality where it seeks to be a candidate, shall file with
43 the appropriate provincial, city or municipal election officer, not later than nine (9)
44 months on the day of the election, a petition for registration and manifestation duly
45 verified by its president or secretary stating its intention to participate in the election of
46 sectoral representative, attaching thereto its constitution, by-laws, platform or program
47 of government, list of officers, coalition agreement, if any, and other relevant information
48 as the Commission on Elections (COMELEC) may prescribe.

1 The failure to submit the formal requirements prescribed in the preceding
2 paragraph shall be a ground for dismissal of the petition, *motu proprio*, by the election
3 officer concerned. Otherwise, the election officer shall immediately post the verified
4 petition in the office of the election officer and in the bulletin board of the provincial, city
5 or municipal hall, setting the same for hearing at an appointed time and date.

6 The election officer shall, after due notice and hearing, resolve said petition
7 within thirty (30) days from the date of its submission for resolution. In case of dismissal
8 or denial of the petition, the sectoral organization or coalition concerned may file a
9 motion for reconsideration within five (5) days from receipt of the decision. The election
10 officer shall resolve the motion within five (5) days.

11 If the motion for reconsideration is denied, the aggrieved party may, within five
12 (5) days from receipt of the resolution, appeal such denial before the regional election
13 officer in case of decisions rendered by election officers of provinces, highly urbanized
14 cities and independent cities, and before the provincial election officer, in case of
15 decisions rendered by election officers of other cities and municipalities. The regional
16 or provincial election officer shall render decision within fifteen (15) days from receipt of
17 the appeal but in no case later than the deadline for the filing of certificates of candidacy.
18 The decision of the regional or provincial election officer, as the case may be, shall be
19 final, executory and non-appealable.

20 The provincial, city or municipal chapters of registered provincial, regional or
21 national sectoral organizations or coalitions shall be deemed registered: *Provided*, That
22 the local chapters shall notify and submit a proof of chapter affiliation and registration
23 of such provincial, regional or national sectoral organization or coalition to the provincial,
24 city or municipal election officer: *Provided, further*, That provincial, city or municipal
25 sectoral organizations or coalitions shall have chapters in at least twenty-five percent
26 (25%) of the total number of municipalities or cities of a province where it seeks to be a
27 candidate for *sangguniang panlalawigan*: *Provided, finally*, That each chapter shall
28 have a membership of not less than fifty (50) registered voters.

29
30 **SEC. 7. Refusal or Cancellation of Registration.** – The provincial, city or
31 municipal election officer may, *motu proprio*, or upon verified complaint of any interested
32 party, refuse or cancel, after due notice and hearing, the registration of any sectoral
33 organization or coalition on any of the following grounds:

34 (a) It is a religious sect or denomination, organization or association organized
35 solely for religious purposes;

36 (b) It advocates violence or unlawful means to seek its goal;

37 (c) It is a foreign organization;

38 (d) It receives support from any foreign government, foreign political party,
39 foundation, organization, whether directly or through any of its officers or members or
40 indirectly through third parties for partisan election purposes;

41 (e) It is affiliated or receives support from major political parties accredited by the
42 COMELEC;

43 (f) It violates or fails to comply with laws, rules and regulations relating to
44 elections;

45 (g) It declares untruthful statements in its petition;

46 (h) It was dissolved, absorbed by or merged with another sectoral organization;

47 and

48 (i) It fails to participate in the last two (2) consecutive elections.
49

1 **SEC. 8. *Manifestation to Participate in Elections.*** – Any sectoral organization or
2 coalition already registered with the COMELEC need not register anew. However, such
3 organization shall file with the provincial, city or municipal election officer, not later than
4 nine (9) months before every election, a manifestation of its intention to participate in
5 the elections of sectoral representatives: *Provided, That* a coalition may run only for
6 one and the same sector in a province, city or municipality: *Provided, further, That* no
7 member-organization of the coalition which has manifested its desire to participate in
8 the elections shall be eligible to run in the same local government unit.

9 **SEC. 9. *Certified List of Registered Sectoral Organizations and Coalitions.*** –
10 The provincial, city and municipal election officer shall, not later than sixty (60) days
11 before election, prepare a certified list of sectoral organizations and coalitions which
12 have applied or manifested their desire to participate in the election of sectoral
13 representatives to the local *sanggunians* and distribute copies thereof to all precincts
14 for posting in the polling places on election day. The names of the nominees shall not
15 be shown on the certified list.

16 **SEC. 10. *Nomination of Sectoral Representative.*** – Each registered sectoral
17 organization or coalition shall submit to the provincial, city or municipal election officer
18 concerned not later than forty-five (45) days before the election, a list of nominees,
19 ranking them as the first, second and third nominees.

20 No person shall be nominated in more than one (1) list. Only persons who have
21 given their consent in writing may be included in the list. The list shall not include any
22 candidate for any elective office or a person who has lost in any national or local election
23 other than that of sectoral representative in the immediately preceding election. No
24 change of names or alteration of the order of nominees shall be allowed after the same
25 are submitted to the COMELEC except in cases where the nominee dies, withdraws in
26 writing, or becomes incapacitated.

27 **SEC. 11. *Qualifications of Sectoral Nominees.*** – No person may be nominated
28 as sectoral representative unless such nominee is:

29 (a) A citizen of the Philippines;

30 (b) A registered voter in the city or municipality where the nominee intends to be
31 elected;

32 (c) A resident therein for at least one (1) year immediately preceding the day of
33 the election;

34 (d) At least twenty-three (23) years of age, for *sangguniang panlalawigan* and
35 *sangguniang panlungsod* of highly urbanized cities, and at least eighteen (18) years of
36 age, for *sangguniang panlungsod* of other cities and *sangguniang bayan*, on the day of
37 election;

38 (e) A bona fide member of sectoral organization or coalition which the nominee
39 seeks to represent for at least ninety days preceding the day of the election; and

40 (f) Able to read and write Filipino or any other local dialect of the local government
41 unit where he or she seeks to be elected.

1 **SEC. 12. Disqualification of Sectoral Nominees.** - The following are disqualified
2 as nominees for sectoral representatives:

3 (a) Those sentenced by final judgment of an offense involving moral turpitude or
4 an offense punishable by imprisonment of one (1) year or more, within two (2) years
5 after serving the sentence;

6 (b) Those removed from office by final judgment in an administrative case;

7 (c) Those convicted by final judgment for violating the oath of allegiance to the
8 Republic of the Philippines;

9 (d) Those with dual citizenship;

10 (e) Fugitives from justice in criminal or nonpolitical cases here or abroad;

11 (f) Permanent residents in a foreign country or those who have acquired the right
12 to reside abroad and continue to avail of the same right;

13 (g) Members of major political parties accredited by the Commission or
14 incumbent elected officials upon their nomination;

15 (h) Those whose income and assets are way beyond the average income and
16 assets of the members of the sector they seek to represent; and

17 (g) Persons declared insane by competent authority.

18
19 **SEC. 13. Nominees Holding Appointive Office.** – Any person holding appointive
20 office or position in the government, including active members of the Armed Forces of
21 the Philippines (AFP), the Philippine National Police (PNP), and other law enforcement
22 agencies and officers and employees of government-owned or controlled corporations
23 and their subsidiaries shall be considered *ipso facto* resigned from office upon
24 acceptance of the nomination as a candidate for the position of sectoral representative.

25
26 **SEC. 14. Manner of Voting.** – The sectoral representatives shall be voted at
27 large. Every registered voter shall be entitled to vote for each of the positions reserved
28 for sectoral representatives in the local *sanggunians*: *Provided*, That a vote cast for a
29 sectoral organization or coalition not entitled to be voted upon shall not be counted.

30
31 **SEC. 15. Term of Office.** – The sectoral representatives shall be elected for a
32 term of three (3) years. No sectoral representative shall serve for more than three (3)
33 consecutive terms in the same position. Voluntary renunciation of the office for any
34 length of time or any term sharing arrangement among nominees within the sector shall
35 not be considered as an interruption in the continuity of service for the full term for which
36 the sectoral representative concerned was elected.

37 If the sectoral organization or coalition which nominated a sectoral
38 representative is dissolved or disbanded during one's incumbency, the representative
39 shall, *ipso facto*, lose representation, and the seat shall be deemed vacant.

40
41 **SEC. 16. Effect of Change, Termination of Affiliation.** – Any elected sectoral
42 representative who changes organizational affiliation or whose affiliation in the
43 organization represented is terminated by that organization during sectoral
44 representatives tenure in office, shall forfeit the seat and shall not be eligible for
45 nomination by any other sectoral organization or coalition.

46
47 **SEC. 17. Vacancy.** – In case a permanent vacancy in any of the seats for sectoral
48 representatives occurs, the vacancy shall be immediately filled by the next nominee of
49 the organization or coalition represented by the person who caused the vacancy as
50 appearing in the list of nominees submitted to the provincial, city or municipal election

1 officer pursuant to Section 10 of this Act. Provided, That the successor shall serve only
2 the unexpired portion of the term of the vacated office.

3 In case the list of nominees is exhausted, the sectoral organization or coalition
4 concerned shall submit the name of an additional nominee to the provincial, city or
5 municipal election officer concerned: *Provided*, That the new nominee is not disqualified
6 under this Act: *Provided, further*, That this procedure shall equally apply if the vacancy
7 is caused by the recall of the nominee by the organization or coalition he represents.

8
9 **SEC. 18. Rights of Sectoral Representatives.** – Sectoral Representatives shall
10 be entitled to the same salaries, emoluments, rights, privileges, and benefits enjoyed
11 by regular members of the *sanggunian*.

12
13 **SEC. 19. Voters' Education.** – The Commission shall carry out a continuing and
14 systematic campaign through newspapers of general circulation, radio and other media
15 forms, as well as through seminars, symposia, and other non-traditional means to
16 educate the public and fully inform the electorate about the election of sectoral
17 representatives.

18
19 **SEC. 20. Rules and Regulations.** – The Commission shall promulgate the rules
20 and regulations necessary to carry out the purposes of this Act.

21
22 **SEC. 21. Separability Clause.** – If any part or provision of this Act is declared
23 invalid or unconstitutional, the other parts or provisions not affected shall continue to be
24 in full force and effect.

25
26 **SEC. 22. Repealing Clause.** – Sections 41(c), 446(b), 457(b) and 467(b) of
27 Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" are
28 hereby amended. All other laws, presidential decrees, executive orders, rules and
29 regulations contrary to or inconsistent with the provisions of this Act are hereby repealed
30 or amended accordingly.

31 **SEC. 23. Effectivity** – This Act shall take effect fifteen (15) days after its
32 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.