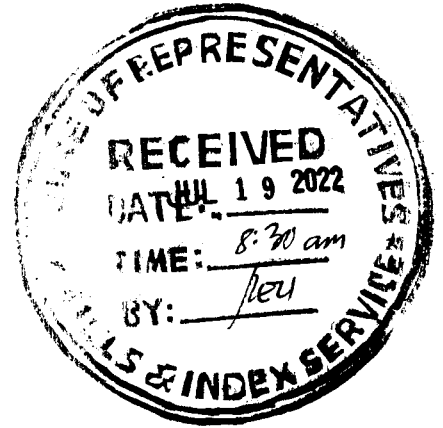




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2117



Introduced by REPRESENTATIVE AURELIO "DONG" D. GONZALES, JR.

**AN ACT
AMENDING SECTION 38 OF THE OMNIBUS ELECTION CODE, AS AMENDED, TO ALLOW
ELECTED BARANGAY OFFICIALS TO PARTICIPATE IN PARTISAN POLITICAL
ACTIVITIES**

EXPLANATORY NOTE

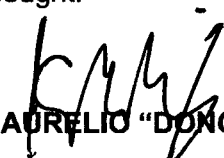
The Barangay is the smallest local government unit. Like any other local government units, it is being led by its elected officers composed of the Chairman and the Councilmen. However, despite being similarly compared with other elected local government officials, elected Barangay Officials do not enjoy the same rights as that of the former.

On 29 March 2016, the Commission on Elections (COMELEC) and Civil Service Commission (CSC) issued Joint Circular No. 001. This Joint Circular was issued to remind all public servants of their prohibition to engage in partisan political activity. It exempted all elected officials with the exclusion of elected Barangay Officials.

No law expressly prohibits elected Barangay Officials from participating in any partisan political activity, not even the Constitution. The Omnibus Election Code in Section 38 describes only the manner which Barangay elections shall be held but the same is silent on the participation of elected Barangay Officials in partisan political activity.

The intent of this Bill is to provide fairness amongst all elected local government officials and to finally give light and clarify as to what activities elected Barangay Officials are allowed or prohibited from.

The immediate passage of this Bill is earnestly sought.


REP. AURELIO "DONG" D. GONZALES, JR.
3rd District, Pampanga



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

SECTION 1. Section 38 of the Omnibus Election Code is hereby amended to read as follows:

“Sec. 38. Conduct of Elections. – The barangay election shall be non-partisan and shall be conducted in an expeditious and inexpensive manner, **PROVIDED, ELECTED BARANGAY OFFICIALS SHALL BE ALLOWED TO PARTICIPATE IN ANY PARTISAN POLITICAL ACTIVITY.**”

No person who files a certificate of candidacy shall represent or allow himself to be represented as a candidate of any political party or any other organization; and no political party, political group, political committee, civic, religious, professional, or other organization or organized group of whatever nature shall intervene in his nomination or in the filing of his certificate of candidacy or give aid or support, directly or indirectly, material or otherwise favorable to or against his campaign for election: Provided, That this provision shall not apply to the members of the family of a candidate within the fourth civil degree of consanguinity or affinity nor to the personal campaign staff of the candidate which shall not be more than one for every one hundred registered voters in his barangay: Provided, however, That without prejudice to any liability that may be incurred, no permit to hold a public meeting shall be denied on the ground that the provisions of this paragraph may or will be violated.

Nothing in this section, however, shall be construed as in any manner affecting or constituting an impairment of the freedom of individuals to support or oppose any candidate for any barangay office.”

SECTION 2. Separability Clause – If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 3. Repealing Clause – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed.

SECTION 4. Effectivity – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,