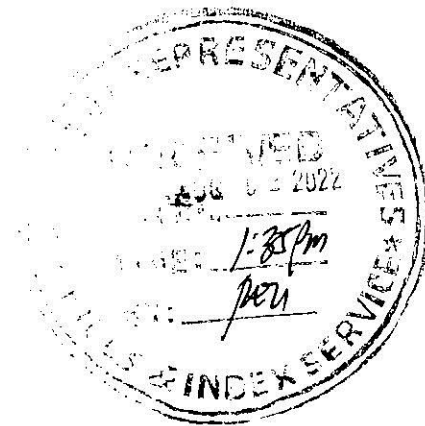




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2984



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

AN ACT
FIXING THE TERM OF OFFICE OF BARANGAY AND SANGGUNIANG KABATAAN
ELECTED OFFICIALS TO FIVE YEARS, AND AS A RESULT, POSTPONING THE
DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN
ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS
AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT
NO. 10656, REPUBLIC ACT NO. 10923, REPUBLIC ACT NO. 10952 AND REPUBLIC
ACT NO. 11462, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill seeks to fix the current term of office of barangay and sangguniang kabataan (SK) elected officials from three years to five years—limiting it to two consecutive terms, and to postpone the upcoming December 5, 2022 barangay and SK elections.

The 1987 Constitution does not prohibit Congress from fixing the term of office of barangay and SK elected officials. As an exercise of its legislative power, Congress may introduce, amend or repeal laws to specifically change their term of office.

There have been plenty of proposals from previous Congresses to amend the term of office of barangay and SK officials from three years to five years. It has its roots on R.A. No 8524, which amended Republic Act No. 7160 or the Local Government Code, as amended, which states that "no local elected officials shall serve for more than three (3) consecutive terms in the same position" and that "the term of barangay official and sangguniang kabataan shall be for five (5) years". However, this law was repealed by R.A. No. 9164 when it restricted barangay and SK officials to a three (3) year, three (3) term length of service.

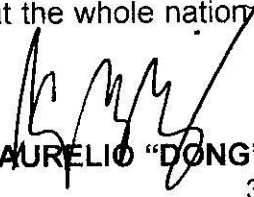
Barangays are our first line of defense in the grassroots level. And a three-year term is very short for deserving officials. They should be given enough time to implement their priority projects and programs, which are herculean in nature.

With the postponement of the 2020 barangay and SK elections pursuant to Republic Act No. 11462, the incumbent officials were able to redirect their time to fulfill their mandate especially during the onset of the COVID-19 pandemic. They were at the forefront of the national government efforts to curtail this global health emergency. It proves that the continuity of service leads to effective implementations of programs, policies and projects.

Amidst the recent economic hardships brought about by record-high inflation, hikes in oil prices, ongoing battle with the COVID-19 pandemic, and the extensive damage by the recent earthquakes in the North, there is an urgent need to prioritize our budget to address these concerns. The P8,441,280,000 total budget for the conduct of the December 2022 barangay ang sangguniang kabataan elections would make the most significant impact on providing relief to our struggling countrymen.

In line with the administration's goal of making the most out of our public funds, this measure likewise seeks to postpone the upcoming barangay and SK elections until such time that it will be economically and politically feasible. The billions of pesos to be used in the preparation and conduct of elections could be utilized instead on more worthwhile endeavors, particularly in extending aid to the Filipino people as we struggle to deal with the global economic challenges vis-à-vis the threat of climate change.

It is the firm belief of this representation that the whole nation stands to benefit from this important piece of legislation.


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



HOUSE BILL NO. 2984

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

AN ACT
FIXING THE TERM OF OFFICE OF BARANGAY AND SANGGUNIANG KABATAAN ELECTED OFFICIALS TO FIVE YEARS, AND AS A RESULT, POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT NO. 10656, REPUBLIC ACT NO. 10923, REPUBLIC ACT NO. 10952 AND REPUBLIC ACT NO. 11462, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 9164, as amended 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 (3) years thereafter:

PROVIDED, THAT THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS ON DECEMBER 5, 2022 SHALL BE POSTPONED TO THE FIRST MONDAY OF DECEMBER 2023. SUBSEQUENT ELECTIONS SHALL BE HELD ON DECEMBER 4, 2028, MONDAY, AND EVERY FIRST MONDAY OF DECEMBER FIVE (5) YEARS THEREAFTER."

SEC. 2. Section 2 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

SEC. 2. *Term of Office.* - The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be [~~three (3)~~] **FIVE (5)** years.

No barangay elective official shall serve for more than [~~three (3)~~] **TWO (2)** consecutive terms in the same position: Provided, however, That the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

ALL BARANGAY AND SANGGUNIANG KABATAAN ELECTED OFFICIALS ON THEIR LAST AND FINAL TERMS SHALL BE PROHIBITED TO BE A CANDIDATE TO THE SAME POSITION: *PROVIDED, THAT BARANGAY AND SANGGUNIANG KABATAAN ELECTED OFFICIALS IN THEIR FIRST OR SECOND TERMS SHALL BE ELIGIBLE TO BE A CANDIDATE OF THE SAME POSITION, PROVIDED, FURTHER, IT WILL BE THEIR LAST AND FINAL TERMS IF THEY ARE VOTED IN OFFICE UNDER THIS ACT.*

SEC. 2. Section 4 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

“SEC. 4. Assumption of Office. – The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence at noon of June 30 next following their election: **PROVIDED, HOWEVER, THAT THE TERM OF OFFICE OF THE BARANGAY AND SANGGUNIANG KABATAAN OFFICIALS ELECTED ON THE FIRST MONDAY OF DECEMBER 2023 ELECTIONS AND SUBSEQUENTLY THEREAFTER, SHALL COMMENCE AT NOON OF DECEMBER 31 NEXT FOLLOWING THEIR ELECTION.”**

SEC. 3. Hold-Over. – Until their successors shall have been duly elected and qualified, all incumbent barangay and sangguniang kabataan officials shall remain in office, unless sooner removed or suspended for cause: *Provided*, That barangay and sangguniang kabataan officials who are ex officio members of the sangguniang bayan, sangguniang panlungsod, or sangguniang panlalawigan as the case may be, shall continue to serve as such members in the sangguniang concerned until the next barangay and sangguniang kabataan elections.

SEC. 4. Appropriations. – The amount necessary for the implementation of this Act shall be taken from the appropriations of the Commission on Elections (COMELEC) under the General Appropriations Act and/or supplementary appropriations thereafter.

SEC. 5. Repealing Clause – All laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof, which are contrary to and inconsistent with any provisions of this Act, are hereby repealed, amended or modified accordingly.

SEC. 6. Separability Clause – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 7. Effectivity. – This Act shall take effect immediately following the completion of its publication either in the Official Gazette or in two (2) newspapers of general circulation.

Approved,