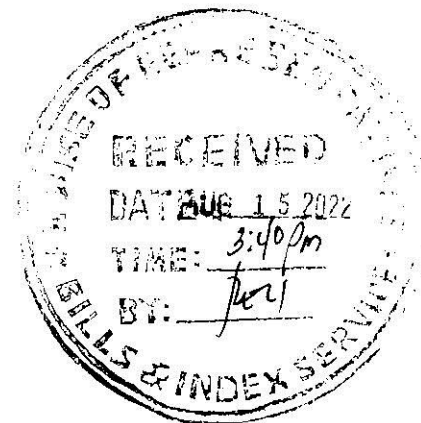


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3603



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO**

EXPLANATORY NOTE

Good governance must be repaid with new mandates while poor governance must not be allowed to persist. As the most basic political unit in the country, the Barangay is the frontliner in terms of providing for basic government services. Key officials, both from the Barangay and the Sangguniang Kabataan ("SK"), act as the vehicle to which these basic governmental services are delivered. As such, it is crucial that the mandates of these barangay officials are regularly renewed to ensure that they have the consent, trust and confidence of the constituencies that they govern.

This bill seeks to postpone the Barangay and SK Elections to May 8, 2023, instead of the original date of December 5, 2022. Since the 2022 national and local elections were just held, it is necessary to give the Commission on Elections and the electorate ample time to prepare. More than that, with the current economic climate of the country, it is paramount that government expenses be diverted to recovery.

Therefore, once approved, this bill will bring the Barangay and SK Elections back into alignment with the Local Government Code of 1991 which originally provided that these elections be held on the second Monday of May and every three years thereafter, and that the term of office starts on June 30 after every election. The intent of the Local Government Code is to set June 30 as the symbolic and concrete manifestation of having an enduring representative democracy.

Considering that several bills were already passed postponing the Barangay and SK elections, this bill aims to undo the destabilization introduced by related provisions of laws enacted after 1991, which repeatedly changed the dates of elections and starts of term of office, resulting in the extension of service of barangay officials without direct mandate from the sovereign voters as what a representative democracy should be, down to the smallest local government units — the barangays.¹

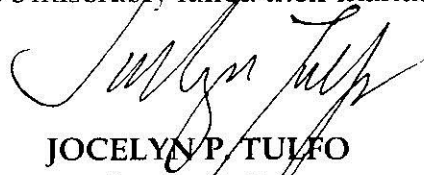
¹ <https://comelec.gov.ph/?r=References/RelatedLaws/RA7160/LGCB1/LGCBIT2/LGCBIT2Ch1>

The national and local elections of May 9, 2022 pushed through, as scheduled, despite the COVID-19 pandemic. Thus, a pandemic alone is not sufficient reason or basis for rescheduling any elections. After this bill faithfully realigns the Barangay and SK Elections to the original intent of the Local Government Code of 1991, the people's right to suffrage, at the barangay level, is protected and empowered.

Postponing the Barangay and SK Elections to May 2024 or some other date later than May 8, 2023 would prolong the agony and suffering of citizens who have not been able to exercise their right to suffrage, and worse, have not been served well and competently by their local leaders. Bad and poor governance should not be allowed to persist, especially in barangays whose leaders have miserably failed their mandates.



RALPH WENDEL P. TULFO
Representative
2nd District of Quezon City



JOCELYN P. TULFO
Representative
ACT-CIS Partylist

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3603

**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO**

1 **AN ACT POSTPONING THE BARANGAY AND SANGGUNIANG**
2 **KABATAANG ELECTIONS SCHEDULED ON DECEMBER 5, 2022 TO MAY 8,**
3 **2023, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS**
4 **AMENDED, AND FOR OTHER PURPOSES**

5 **SECTION 1. *Short Title.*** This Act shall be known as the *“Ensuring the Regularity of*
6 *Barangay and Sangguniang Kabataan Elections Act.”*

7
8 **SEC. 2. *Declaration of State Policy and Guiding Principles.*** It is hereby declared State
9 Policy and Guiding Principles on local government:

- 10
11 (1) that the sovereignty residing in the Filipino people and all government
12 authority emanating from them is manifested truthfully and refreshed
13 whenever regular local elections are conducted consistent with the 1987
14 Constitution and Republic Act No. 7160, as amended, also known as the Local
15 Government Code of 1991;
- 16
17 (2) that representative democracy and its processes are strengthened whenever the
18 regularity of peaceful and legal transfer of power from one term of office to the
19 next is consistently upheld no matter when and who are elected to national
20 positions;
- 21
22 (3) that representative democracy and its processes are diminished when
23 Barangay and Sangguniang Kabataan positions are held by appointed officials
24 outside of legal succession processes and when such appointed officials serve
25 for an extended period of time that is substantially or totally the same as
26 serving for a full term of office;
- 27
28 (4) that the maintenance of peace and order, the protection of life, liberty, and
29 property, and promotion of the general welfare, especially at the barangay

30 level, are essential for the enjoyment by all the people of the blessings of
31 democracy;

- 32
- 33 (5) that the autonomy of local governments is effectively upheld when the conduct
34 of Barangay and Sangguniang Kabataan Elections is held on a regular three-
35 year term;
- 36
- 37 (6) that regularity of Barangay and Sangguniang Kabataan Elections helps
38 guarantee equal access to opportunities for public service;
- 39
- 40 (7) that honesty and integrity in the public service is renewed when Barangay and
41 Sangguniang Kabataan officials are regularly elected so they can serve with
42 fresh mandates;
- 43
- 44 (8) that the regularity of Barangay and Sangguniang Kabataan Elections are
45 positive and effective measures against graft and corruption; and
- 46
- 47 (9) that a more responsive and accountable local government structure is fostered
48 with each regularly-held Barangay and Sangguniang Kabataan Elections.
49

50 **SEC. 3. *Postponement of the Barangay and Sangguniang Kabataan Elections.*** Section
51 1 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

52

53 "Section 1. *Date of Election.* – There shall be synchronized barangay and
54 sangguniang kabataan elections, which shall be held on July 15, 2002.
55 Subsequent synchronized barangay and sangguniang kabataan
56 elections shall be held on the last Monday of October 2007 and every
57 three (3) years thereafter: *Provided*, That the barangay and sangguniang
58 kabataan elections on the second Monday of May 2020 shall be
59 postponed to [~~December 5, 2022~~] MAY 8, 2023. Subsequent
60 synchronized barangay and sangguniang kabataan elections shall be
61 held on the first Monday of [~~December 2025~~] MAY 2026 and every three
62 (3) years thereafter[.]; PROVIDED, FINALLY, THAT NO BARANGAY
63 AND SANGGUNIANG KABATAAN ELECTIONS HELD AFTER MAY
64 8, 2023 SHALL BE POSTPONED EXCEPT IN THE EVENT OF FORMAL
65 DECLARATION OF WAR, IMMINENT OR ACTUAL INVASION, OR
66 STATE OF NATIONAL CALAMITY DUE TO WIDESPREAD
67 NATURAL DISASTER, BUT EXCLUDING ANY PANDEMIC."

68

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

71

72 "Sec. 4. *Assumption of Office.* – The term of office of the barangay and
73 sangguniang kabataan officials elected under this Act shall commence
74 at noon of June 30 next following their election. [~~Provided, however,~~
75 ~~That the term of office of the barangay and sangguniang kabataan~~

76 ~~officials elected in the December 5, 2022 elections and subsequently~~
77 ~~thereafter, shall commence at noon of January 1 next following their~~
78 ~~election.]"~~
79

80 **SEC. 5. Succession and Filling Up of Vacancies.** For Sangguniang Kabataan elective
81 positions, Section 19 of Republic Act No. 10742, as amended by Republic Act No.
82 11768, specifically on Succession and Filling Up of Vacancies, shall apply whenever
83 any vacancy occurs until the newly-elected Sangguniang Kabataan officials assume
84 office at the start of their term on June 30, 2023. For Barangay elective positions, the
85 pertinent provisions of the Omnibus Election Code (Batas Pambansa Blg. 881) shall
86 apply whenever any vacancy occurs from December 5, 2022 to until the newly-elected
87 Barangay officials assume office at the start of their term on June 30, 2023.
88

89 **SEC. 6. Continuing Registration of Eligible Voters.** The Commission on Elections is
90 hereby authorized to carry on with its Continuing Registration of Voters intended for
91 the elections of December 5, 2022. This amends Section 8 of Republic Act No. 8189,
92 otherwise known as "The Voter's Registration Act of 1996" but only as a singular
93 exception for the purposes provided under this Act.
94

95 **SEC. 7. Registration and Voting of Eligible Young Voters and Older Voters in Conflict**
96 **with the Law.** The Commission on Election shall ensure that eligible younger voters
97 and older voters in conflict with the law, but confined to detention facilities at the city
98 and municipal level jails and detention facilities, shall be registered as voters and
99 enabled to vote within those facilities for the Barangay and Sangguniang Kabataan
100 Elections in accordance with laws, rules, and regulations.
101

102 **SEC. 8. Extension of the Applicability of the FY 2022 General Appropriations Act.** The
103 amounts appropriated in Republic Act No. 11639 FY 2022 General Appropriations Act
104 (GAA) for the conduct of the Barangay and Sangguniang Kabataan Elections on
105 December 5, 2022 are hereby authorized for applicability to the new date of elections
106 for the purposes indicated in Republic Act No. 11639 and subject to the relevant
107 special and general provisions thereof.
108

109 **SEC. 9. Appropriations.** Additional appropriations for the conduct of the Barangay
110 and Sangguniang Kabataan Elections on May 8, 2023 shall be included in
111 appropriations for the Commission on Elections in the General Appropriations Act
112 for Fiscal Year 2023.
113

114 **SEC. 10. Repealing Clause.** All other laws, acts, presidential decrees, executive orders,
115 issuances, presidential proclamations, rules and regulations or parts thereof, which
116 are contrary to and inconsistent with any provision of this Act, are hereby repealed,
117 amended or modified accordingly.
118

119 **SEC. 11. Separability Clause.** - If for any reason or reasons, any part or provision of
120 this Act shall be declared as unconstitutional or invalid, the other parts of provisions
121 hereof which are not affected thereby shall continue to be in full force and effect.

122

123 **SEC. 12. *Effectivity.*** – This Act shall take effect immediately upon its publication.

124

125 Approved,