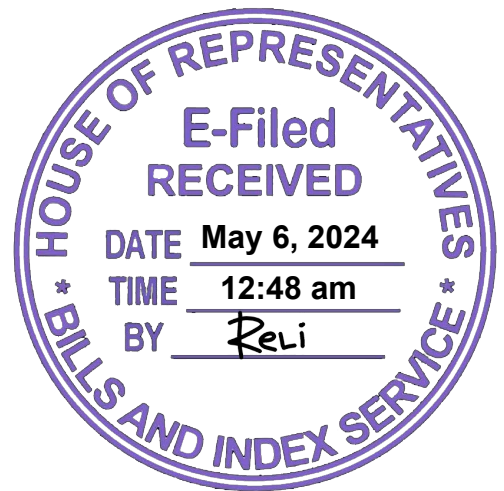


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **10344**



Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.,**
HON. MIGUEL LUIS R. VILLAFUERTE, AND
HON. BRIAN RAYMUND S. YAMSUAN

AN ACT COMPLYING WITH THE THREE-YEAR TERM OF INCUMBENT BARANGAY AND SK OFFICIALS AS MANDATED BY THE 1987 PHILIPPINE CONSTITUTION AND THE LOCAL GOVERNMENT CODE OF 1991, THEREBY RESETTING THE DECEMBER 2025 BARANGAY AND SANGGUNIAN KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT 9340, REPUBLIC ACT 10632, REPUBLIC ACT 10656, REPUBLIC ACT 10923, REPUBLIC ACT NO. 10952, AND REPUBLIC ACT 11462, AND FOR OTHER PURPOSES

This bill proposes to fix the term of the incumbent Barangay and Sangguniang Kabataan (BSK) officials, in accordance with the power vested in the legislature by Constitution in Article X, Section 8, to comply with the mandated three-year term. Specifically, it seeks to move the BSK election dates provided in RA 11462 by postponing the elections from December 2025 and every three years to October 2026 and every three years thereafter.

Article X, Section 8 of the Constitution states that, “The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms.”

Section 43 (C) of the Local Government Code states that, “**The term of office of Barangay officials and members of the Sangguniang Kabataan shall be for three (3) years**, which shall begin after the regular election of Barangay officials on the second Monday of May 1994:.

Section 2 of RA 9164 states that, “**the term of office of all barangay and Sangguniang Kabataan officials** after the effectivity of this Act **shall be three (3) years.**”

In G.R. No. 263590, *Macalintal v. COMELEC* and G.R. No. 263673, *Hidalgo, et al. v. Executive Secretary, et al*, the Supreme Court declared unconstitutional RA 11935 or the postponement of the BSK elections scheduled on December 05, 2022 to the last Monday of October 2023. However, the elections pushed through in October 2023 and the doctrine of operative fact was applied.

Understandably, the Supreme Court’s invalidation of RA 11935 meant that RA 11462 is the controlling law on the BSK elections. The Decision explains that “tenure” and “term” are not the same. It quotes the definition of term by Justice Brion as “*the time during which*

the officer may claim to hold the office as of right, and fixes the interval after which several incumbents shall succeed one another". With the invalidation of RA 11935, the Supreme Court simply respects the term set in RA 11462 in which the current one ends in December 2025.

The same Decision clarifies that the Supreme Court does not assert its power over the Congress, rather it is enforcing and upholding the supremacy of the Constitution. More importantly, it explains that, "Congress, however, is not precluded from further amending RA 9164, as amended, subject to the guidelines herein provided." The guidelines include:

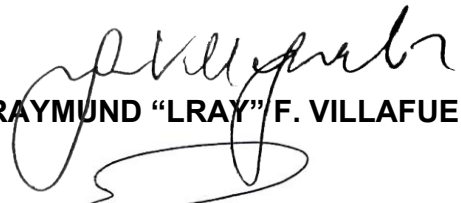
- b. The postponement must be intended to safeguard the electorate's right of suffrage;
- c. The postponement must be intended to safeguard other fundamental rights of the electorate;

The proposed resetting of the December 2025 BSKE intends to safeguard the fundamental rights of both the electorate and the incumbent BSK officials.

The right of suffrage is not only the actual exercise of the power to choose leaders through actual voting by the electorate, it further extends to the expectations of these chosen leaders to serve and fulfill their promises and platforms of government within the term provided by the law, which is THREE YEARS. In turn, because of the trust given by the electorate, the incumbent elected BSK officials shall serve and perform for three years. A shorter period is tantamount to the impairment of the expectations from the incumbents of electorate's overall exercise of their right of suffrage. It likewise diminishes the obligations of the incumbent BSK officials to serve their constituents, and lessens their accountabilities in the exercise of the power vested in them by the people's free choice.

The election of an official is not only a political contract between the elected leader and the electorate, it is also a legal and social one. It is a sacred contract that is time-bound. Thus, this proposed amendment gives the sufficiency of time for the officials to fulfill their promises and obligations in accordance with the term of three years as intended by the Constitution, RA 7160 and RA 9164.

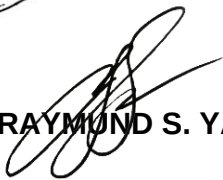
A term is meant to be served out in full. This proposal does not attempt to extend the term of office of the incumbent BSK officials, but it intends to harmonize the mandated three-year term of the incumbents and the next BSK elections. In effect, this gives the present set of BSK officials a full three years to serve and set the term for BSK officials to be every three years as mandated by the Constitution and RA 9164.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.



MIGUEL LUIS R. VILLAFUERTE



BRIAN RAYMUND S. YAMSUAN

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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 the last Monday of October 2026 and every three (3) years thereafter.”

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 November 30 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 sanggunian concerned until the next

barangay and sangguniang kabataan elections unless removed in accordance with their existing rules or for cause.

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

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,