



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10747

**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
AURELIO "DONG" D. GONZALES JR., MANUEL JOSE "MANNIX" M. DALIPE,
FERDINAND ALEXANDER A. MARCOS, YEDDA MARIE K. ROMUALDEZ,
JUDE A. ACIDRE AND FAUSTINO "INNO" A. DY V**

EXPLANATORY NOTE

The pronouncement of the Supreme Court in *Macalintal vs. COMELEC* (G.R. No. 263590) and *Hidalgo, et al vs. Executive Secretary et al* (G.R. 263673) is not lost in the authors of this proposed measure.

Clearly, the High Court set forth guidelines and principles as regards any government action that seeks to postpone any elections. To wit:

- 1) *The right of suffrage requires the holding of honest, genuine, regular, and periodic elections. Thus, postponement of the elections is the exception.*
- 2) *The postponement of the election must be justified by reasons sufficiently important, substantial, or compelling under the circumstances:*
 - a) *The postponement must be intended to guarantee the conduct of free, honest, orderly, and safe elections;*
 - 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; or*
 - d) *Such other important, substantial, or compelling reasons that necessitate the postponement of the election, i.e., necessitated by*

public emergency, but only if and to the extent strictly required by the exigencies of the situation.

(1) Reasons such as election fatigue, purported resulting divisiveness, shortness of existing term, and/or other superficial or farcical reasons, alone, may not serve as important, substantial, or compelling reasons to justify the postponement of the elections. To be sufficiently important, the reason for the postponement must primarily be justified by the need to safeguard the right of suffrage or other fundamental rights or required by a public emergency situation.

3) The electorate must still be guaranteed an effective opportunity to enjoy their right of suffrage without unreasonable restrictions notwithstanding the postponement of the elections.

4) The postponement of the elections is reasonably appropriate for the purpose of advancing a sufficiently important, substantial, or compelling governmental reasons.

a) The postponement of the elections must be based on genuine reasons and only on objective and reasonable criteria.

b) The postponement must still guarantee that the elections will be held at regular periodic intervals that are not unduly long.

(1) The intervals must still ensure that the authority of the government continues to be based on the free expression of the will of the electorate.

(2) Holding the postponed elections at a date so far remote from the original election date may serve as badge of the unreasonableness of the interval that may render questionable the genuineness of the reasons for the postponement.

c) The postponement of the election is reasonably narrowly tailored only to the extent necessary to advance the government interest.

5) The postponement must not violate the Constitution or existing laws.

One thing remains clear in *Macalintal*. The Supreme Court did not prohibit the postponement of the Barangay and Sangguniang Kabataan Elections but, on the contrary, merely set criteria to be met if the Congress deems it necessary to postpone the same.

Briefly, this bill seeks to prescribe the term of office of elective barangay officials and Sangguniang Kabataan officials to six (6) years keeping in mind the guidelines set by the Court. In effect, this bill proposes to extend the term of the incumbent barangay and SK

officials who were elected in October 2023 until 2029.

Keeping in mind the guidelines in *Macalintal*, the author proffers the following:

First, Congress is deemed to possess plenary power for all purposes of civil government. Except as limited by the Constitution, either expressly or impliedly, legislative power embraces all subjects and extends to all matters of general concern or common interest.¹

In relation to this, the 1987 Constitution expressly grants to Congress the power to fix the term of office of barangay officials. In fact, Congress in the past has enacted several Republic Acts that prescribed the terms of office of barangay officials and set the dates of Barangay and Sangguniang Kabataan Elections.

The Supreme Court in *Macalintal* did not and never intended to clip this power of its co-equal branch.

Second, the Court in *Macalintal* repeatedly emphasized that any postponement should not infringe the right to suffrage of the people.

With this proposed measure, the right of suffrage of the people will not be infringed upon because they will continue to exercise their right to choose their barangay and SK leaders. Rather, it is only the date when they will exercise such right which shall be modified. Moreover, the conduct of Barangay and Sangguniang Kabataan Elections shall continue to be held periodically and at regular intervals.

With a prolonged and fixed term of six years, this proposed measure gives more essence to the right of suffrage because the people can enjoy a more sustained leadership under the leaders they choose. At the same time, the people's recourse to remove non-performing local officials will still be available under our laws.

Third, the Court stated in *Macalintal* that the postponement is intended to advance sufficiently important, substantial, or compelling governmental reasons.

The reason for the numerous postponements of the barangay and SK elections in the past has been mainly anchored on the budgetary requirements in its conduct that often coincide with the national elections. For the 2023 barangay and SK elections alone, the COMELEC spent P18 billion with no indications of this amount going downwards.

With this proposal of setting the terms of the incumbent barangay and Sangguniang Kabataan officials to six years or until 2029 and making it the regular interval, the barangay and Sangguniang Kabataan elections will not coincide with the national elections, thus:

¹ Kida vs Senate of the Philippines. G.R. No. 196271. October 18, 2011

National and Local Elections	Proposed Barangay and Sangguniang Kabataan Elections (every six years thereafter)
2025	2029
2028	2035
2031	2041
2034	2047
2037	2053
2040	2059
2043	2065
2046	2071
2049	2077
2052	2083
2055	2089
2058	2095

In making sure that the barangay and SK elections do not coincide with the national elections, the government ensures that these sets of officials remain apolitical as intended by law and that budgetary expenditure on elections is distributed.

On a final note, The 1987 Constitution expressly grants to Congress the power to fix the term of office of barangay officials. Section 8, Article X of the Constitution provides:

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. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

The Constitutional provision is not merely an authority but a directive to Congress to determine by law the term of office of barangay officials. Determining by law necessarily requires considering the ever-evolving needs of the communities. Presently, it has become imperative that programs be sustained insulated by the disruptive effects of a short term in office.

Sustainability of growth at the local level requires the length of time that the framers of the Constitution intended for the Chief Executive.

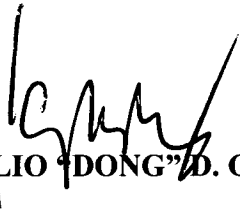
A longer term allows these barangay officials to do long-term planning and implement sustainable projects and programs leading to more vibrant community improvements. The stability that the extension may bring can lead to better continuity in

policies, thus ensuring that initiatives are seen through to completion and evaluated for effectiveness. With more time in office, barangay officials can deepen their understanding of local issues and deepen their relationship with their constituents. Overall, a six-year term can enhance the quality and efficiency of local governance.

In view of the foregoing reasons, the immediate passage of this bill is sought.



FERDINAND MARTIN G. ROMUALDEZ



AURELIO "DONG" D. GONZALES, JR.



MANUEL JOSE "MANNIX" M. DALIPE



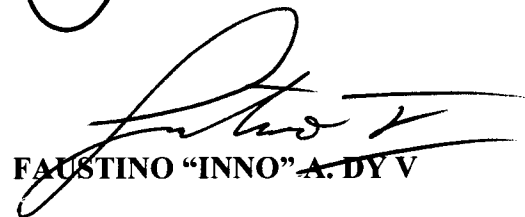
FERDINAND ALEXANDER A. MARCOS



YEDDA MARIE K. ROMUALDEZ



JUDE A. ACIDRE



FAUSTINO "INNO" A. DY V



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10747

**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
AURELIO "DONG" D. GONZALES JR., MANUEL JOSE "MANNIX" M. DALIPE,
FERDINAND ALEXANDER A. MARCOS, YEDDA MARIE K. ROMUALDEZ,
JUDE A. ACIDRE AND FAUSTINO "INNO" A. DY V**

AN ACT
**SETTING THE TERM OF OFFICE OF BARANGAY AND SANGGUNIANG
KABATAAN OFFICIALS TO SIX (6) YEARS AND FOR OTHER PURPOSES**

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

SECTION 1. *Term of Office of Barangay Officials.* The term of office of all elected Barangay Officials shall be six (6) years. No barangay elective official shall serve for more than two (2) consecutive terms in the same position. 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.

SECTION 2. *Term of Office of Sangguniang Kabataan Officials.* The term of office of the chairperson and members of the Sangguniang Kabataan shall be six (6) years. No Sangguniang Kabataan official shall serve for more than two (2) consecutive terms in the same position. 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.

SECTION 3. *Date of Election.* The next regular Barangay and Sangguniang Kabataan Elections shall be held on the last Monday of October 2029 and every six (6) years thereafter.

SECTION 4. *Assumption of Office.* The term of office of Barangay and Sangguniang Kabataan Officials elected subsequent to the effectivity of this Act shall commence at noon of November 30 next following their election.

SECTION 5. All incumbent Barangay and Sangguniang Kabataan Officials shall remain in office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

SECTION 6. *Implementing Rules and Regulations.* — The Commission on Elections (COMELEC) shall promulgate such rules and regulations necessary, within ninety (90) days, after the effectivity of this Act.

SECTION 7. *Separability Clause.* —If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

SECTION 8. *Repealing Clause.* —All other laws, decrees, executive orders, issuances, rules and regulations, or part thereof inconsistent with this Act are hereby likewise repealed or amended accordingly.

SECTION 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) national newspapers of general circulation

Approved,