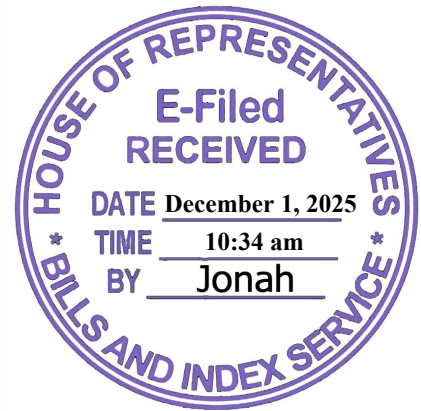


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **6476**



Introduced by **REP. LINABELLE RUTH R. VILLARICA**

AN ACT
PROVIDING FOR THE ELECTION OF SECTORAL REPRESENTATIVES TO
LOCAL LEGISLATIVE BODIES AND THE MANNER BY WHICH THEY
SHALL BE ELECTED

EXPLANATORY NOTE

The Philippine Constitution, specifically under Article X, Section 9, mandates that local legislative bodies shall have sectoral representation as provided by law. This policy is intended to ensure that marginalized sectors can participate in the formulation of local policies that are responsive to their needs and to be active partners in local governance.

In pursuant to this constitutional mandate, the Local Government Code of 1991 (R.A. No. 7160), specifically under Section 41 (c) thereof, it explicitly required the election of three (3) sectoral representatives who will serve as members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang Bayan. The law states that:

“(c) In addition thereto, there shall be **one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the Sanggunian concerned** within ninety (90) days prior to the holding of the next local elections, as may be provided for by law. The Comelec shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.”
(emphasis ours)

While this provision of the R.A. No. 7160 may be deemed as the implementing law of the Article X, Section 9 of the Philippine Constitution, there is no clear statutory policy on the election of the sectoral representatives and it lacks the requirements for registration of sectoral organizations/coalitions and the qualification of the sectoral nominees, thus, preventing the full implementation of this constitutional mandate. This

ambiguity is the very reason that marginalized sectors remain underrepresented in local sanggunians and their genuine issues and concerns remain unaddressed. In particular, the women sector continues to be underrepresented in local councils. Men may be capable of formulating legislations for the benefit of women, but there are issues and concerns that affect women and these can be better addressed by a woman representative in the local council. The adequate representation of women will allow their issues and concerns be properly voiced out as social, economic and structural barriers remain to be present in our society, thus hindering their full participation and representation in local governance as enshrined in our Constitution. It is our very organic law that recognizes the role of women in nation-building and guarantees the fundamental equality of women and men¹.

Thus, there is a dire necessity for the passage of an enabling law to fully implement the mandate of the Constitution on sectoral representation in local councils and ensure that sectors from women, workers, urban poor, indigenous cultural communities, disabled persons and other marginalized sectors are adequately and genuinely represented. The passage of this measure will advance the equitable representation in local councils and strengthen our democracy through the right of suffrage. This bill also sets forth the rules on the election of a sectoral representative in the local council including the rules on registration of sectoral organization/coalition, nomination of sectoral representative, qualifications and disqualifications of the nominees, manner of voting, rules on vacancy and the rights of an elected sectoral representative.

This bill is an iteration of H.B. No. 10022 which was approved on Third Reading during the 18th Congress. The same was transmitted to the Senate but it was not acted upon due to lack of material time.

In view of the foregoing, the approval of this bill is earnestly sought.



REP. LINABELLE RUTH R. VILLARICA
Fourth District, Bulacan

¹ 1987 Philippine Constitution, Article 2, Section 14

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

SECTION 1. Short Title. – This Act shall be known as the “Local Sectoral Representation Act.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to have sectoral representation in the local legislative bodies of provinces, cities and municipalities. Toward this end, the State shall uphold the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

SEC. 3. Definition of Terms. – As used in this Act:

- (a) **Coalition** refers to an aggrupation of duly registered sectoral organizations as defined in this Section and any other sector as may be determined by the *sanggunian* concerned for political or election purposes;
- (b) **Indigenous Cultural Communities or Indigenous Peoples** refer to a group of people or homogenous societies identified by self-ascription and ascription by others as defined under Section 3 (h) of Republic Act No. 8371 otherwise known as “*The Indigenous People’s Rights Act of 1997*”;
- (c) **Marginalized Sector** refers to those who are under-represented and underprivileged;
- (d) **Sectoral Organization** refers to a group of citizens belonging to any of the following sectors: (1) women, (2) workers, (3) indigenous cultural communities/indigenous peoples, (4) differently-abled persons, (5) senior citizens,

(6) urban poor, (7) cooperatives, or (8) such other sector as may be determined by the *sanggunian* concerned; and

- (e) **Workers** refer to industrial, commercial, service workers, migrant workers, informal sector workers, or agricultural workers.

SEC. 4. Election of Sectoral Representatives. – There shall be three (3) sectoral representatives each in the *sangguniang panlalawigan*, *Sangguniang panlungsod* and *sangguniang bayan* who shall be elected as provided for in this Act: one (1) from the women sector; one (1) from the workers sector; and one (1) from any of the following sectors: indigenous cultural communities/indigenous peoples, differently-abled persons, senior citizens, urban poor, cooperatives or any other marginalized sector as may be determined by the *sanggunian* concerned.

The sector to be represented in the local *sanggunians* other than the women and worker sectors shall be determined through a resolution approved by a majority vote of the *sanggunian* concerned not later than one (1) year following the effectivity of this Act, taking into consideration the size and number of members of the sectors seeking representation, impact of issues and concerns of the sector in relation to the overall welfare and development of the local government unit, and adequacy of representation in other bodies of the sectors seeking representation: *Provided*, That in local government units with indigenous cultural communities or indigenous peoples, the seat shall automatically be reserved to the said sector.

The sector identified pursuant to the immediately preceding paragraph other than indigenous cultural communities or indigenous peoples shall continue to be represented in the local *sanggunian* until the *sanggunian* concerned shall have determined that a new sector emerged to have a better right of representation. Such determination shall be made not later than one (1) year following the effectivity of this Act.

The manner of selection and representation of indigenous cultural communities or indigenous peoples in local *sanggunians* shall continue to be governed by “*The Indigenous People’s Rights Act of 1997*” and the rules and regulations promulgated to implement the same.

SEC. 5. Date of Election. – The first election of sectoral representatives in the *sangguniang panlalawigan* shall be held simultaneously with the next national and local elections after the effectivity of this Act. The sectoral representatives in the *sangguniang panlungsod* and *sangguniang bayan* shall be elected three (3) years thereafter.

SEC. 6. Registration. – Any sectoral organization or coalition which has been in existence for at least one (1) year following the effectivity of this Act, is duly registered with the Securities and Exchange Commission (SEC), or the Department of Labor and Employment (DOLE), or any other national government agencies or local government units that has a membership of at least two hundred (200) registered voters in the province or highly urbanized city, and at least fifty (50) registered voters in any other city or municipality where it seeks to be a candidate, shall file with the appropriate provincial, city or municipal election officer, not later than nine (9) months on the day of the election, a petition for registration and manifestation duly

verified by its president or secretary stating its intention to participate in the election of sectoral representative, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement, if any, and other relevant information as the Commission on Elections (COMELEC) may prescribe.

The failure to submit the formal requirements prescribed in the preceding paragraph shall be a ground for dismissal of the petition, *motu proprio*, by the election officer concerned. Otherwise, the election officer shall immediately post the verified petition in the office of the election officer and in the bulletin board of the provincial, city or municipal hall, setting the same for hearing at an appointed time and date.

The election officer shall, after due notice and hearing, resolve said petition within thirty (30) days from the date of its submission for resolution. In case of dismissal or denial of the petition, the sectoral organization or coalition concerned may file a motion for reconsideration within five (5) days from receipt of the decision. The election officer shall resolve the motion within five (5) days.

If the motion for reconsideration is denied, the aggrieved party may, within five (5) days from receipt of the resolution, appeal such denial before the regional election officer in case of decisions rendered by election officers of provinces, highly urbanized cities and independent cities, and before the provincial election officer, in case of decisions rendered by election officers of other cities and municipalities. The regional or provincial election officer shall render a decision within fifteen (15) days from receipt of the appeal but in no case later than the deadline for the filing of certificates of candidacy. The decision of the regional or provincial election officer, as the case may be, shall be final, executory and non-appealable.

The provincial, city or municipal chapters of registered provincial, regional or national sectoral organizations or coalitions shall be deemed registered: *Provided*, That the local chapters shall notify and submit a proof of chapter affiliation and registration of such provincial, regional or national sectoral organization or coalition to the provincial, city or municipal election officer: *Provided, further*, That provincial, city or municipal sectoral organizations or coalitions shall have chapters in at least twenty-five percent (25%) of the total number of municipalities or cities of a province where it seeks to be a candidate for *sangguniang panlalawigan*: *Provided, finally*, That each chapter shall have a membership of at least fifty (50) registered voters.

SEC. 7. Refusal or Cancellation of Registration. – The provincial, city or municipal election officer may, *motu proprio*, or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any sectoral organization or coalition on any of the following grounds:

- (a) It is a religious sect or denomination, organization or association organized solely for religious purposes;
- (b) It advocates violence or unlawful means to seek its goal;
- (c) It is a foreign organization;

- (d) It receives support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (f) It is affiliated or receives support from major political parties accredited by the COMELEC;
- (e) It violates or fails to comply with laws, rules and regulations relating to elections;
- (g) It declares untruthful statements in its petition;
- (f) It was dissolved, absorbed by or merged with another sectoral organization; and
- (h) It failed to participate in the last two (2) consecutive elections.

SEC. 8. *Manifestation to Participate in Elections.* – Any sectoral organization or coalition already registered with the COMELEC need not register anew. However, such organization shall file with the provincial, city or municipal election officer, not later than nine (9) months before every election, a manifestation of its intention to participate in the elections of sectoral representatives: *Provided*, That a coalition may run only for one and the same sector in a province, city or municipality: *Provided, further*, That no member-organization of the coalition which has manifested its desire to participate in the elections shall be eligible to run in the same local government unit.

SEC. 9. *Certified List of Registered Sectoral Organizations and Coalitions.* – The provincial, city and municipal election officer shall, not later than sixty (60) days before election, prepare a certified list of sectoral organizations and coalitions which have applied or manifested their desire to participate in the election of sectoral representatives to the local *sanggunians* and distribute copies thereof to all precincts for posting in the polling places on election day. The names of the nominees shall not be shown on the certified list.

SEC. 10. *Nomination of Sectoral Representative.* – Each registered sectoral organization or coalition shall submit to the provincial, city or municipal election officer concerned not later than forty-five (45) days before the election, a list of nominees, ranking them as the first, second and third nominees.

No person shall be nominated in more than one (1) list. Only persons who have given their consent in writing may be included in the list. The list shall not include any candidate for any elective office or a person who has lost in any national or local election other than that of sectoral representative in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same are submitted to the COMELEC except in cases where the nominee dies, withdraws in writing, or becomes incapacitated.

SEC. 11. *Qualifications of Sectoral Nominees.* nominated as sectoral representative unless such nominee is: – No person may be

- (a) A citizen of the Philippines;
- (b) A registered voter in the city or municipality where the nominee intends to be elected;
- (c) A resident therein for at least one (1) year immediately preceding the day of the election;
- (d) At least twenty-three (23) years of age, for *sangguniang panlalawigan* and *sangguniang panlungsod* of highly urbanized cities, and at least eighteen (18) years of age, for *sangguniang panlungsod* of other cities and *sangguniang bayan*, on the day of election;
- (e) A bona fide member of the sectoral organization or coalition which the nominee seeks to represent for at least ninety (90) days preceding the day of the election; and
- (f) Able to read and write Filipino or any other local dialect of the local government unit where the nominee seeks to be elected.

SEC. 12. *Disqualification of Sectoral Nominees.* – The following are disqualified as nominees for sectoral representatives:

- (a) Those sentenced by final judgment of an offense involving moral turpitude or an offense punishable by imprisonment of one (1) year or more, within two (2) years after serving the sentence;
- (b) Those removed from office by final judgment in an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (d) Those with dual citizenship;
- (e) Fugitives from justice in criminal or nonpolitical cases locally or abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right;
- (g) Members of major political parties accredited by the COMELEC or incumbent elected officials upon their nomination;
- (h) Those whose income and assets are way beyond the average income and assets of the members of the sector they seek to represent; and
- (i) Persons declared insane by competent authority.

SEC. 13. *Nominees Holding Appointive Office.* – Any person holding appointive office or position in the government, including active members of the Armed Forces of

the Philippines (AFP), the Philippine National Police (PNP), and other law enforcement agencies and officers and employees of government-owned or controlled corporations and their subsidiaries shall be considered *ipso facto* resigned from office upon acceptance of the nomination as a candidate for the position of sectoral representative.

SEC. 14. *Manner of Voting.* – The sectoral representatives shall be voted at large. Every registered voter shall be entitled to vote for each of the positions reserved for sectoral representatives in the local *sanggunians*: *Provided*, That a vote cast for a sectoral organization or coalition not entitled to be voted upon shall not be counted.

SEC. 15. *Term of Office.* – The sectoral representatives shall be elected for a term of three (3) years. No sectoral representative shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time or any term sharing arrangement among nominees within the sector shall not be considered as an interruption in the continuity of service for the full term for which the sectoral representative concerned was elected.

If the sectoral organization or coalition which nominated a sectoral representative is dissolved or disbanded during one's incumbency, the representative shall, *ipso facto*, lose representation, and the seat shall be deemed vacant.

SEC. 16. *Effect of Change, Termination of Affiliation.* – Any elected sectoral representative who changes organizational affiliation or whose affiliation in the organization represented is terminated by that organization during the sectoral representative's tenure in office, shall forfeit the seat and shall not be eligible for nomination by any other sectoral organization or coalition.

SEC. 17. *Vacancy.* – In case a permanent vacancy in any of the seats for sectoral representatives occurs, the vacancy shall be immediately filled by the next nominee of the organization or coalition represented by the person who caused the vacancy as appearing in the list of nominees submitted to the provincial, city or municipal election officer pursuant to Section 10 of this Act: *Provided*, That the successor shall serve only the unexpired portion of the term of the vacated office.

In case the list of nominees is exhausted, the sectoral organization or coalition concerned shall submit the name of an additional nominee to the provincial, city or municipal election officer concerned: *Provided*, That the new nominee is not disqualified under this Act: *Provided, further*, That this procedure shall equally apply if the vacancy is caused by the recall of the nominee by the organization or coalition that the former represents.

SEC. 18. *Rights of Sectoral Representatives.* – Sectoral Representatives shall be entitled to the same salaries, emoluments, rights, privileges, and benefits enjoyed by regular members of the *sanggunian*.

SEC. 19. *Voters' Education.* – The COMELEC shall carry out a continuing and systematic campaign in newspapers of general circulation, radio and other media forms, as well as through seminars, symposia, and other non-traditional means to educate the public and fully inform the electorate about the election of sectoral representatives.

SEC. 20. *Rules and Regulations.* – The COMELEC shall promulgate the rules and regulations necessary to implement this Act.

SEC. 21. *Separability Clause.* – If any part or provision of this Act is declared invalid or unconstitutional, the other parts or provisions not affected thereby shall continue to be in full force and effect.

SEC. 22. *Repealing Clause.* – Sections 41(c), 446(b), 457(b) and 467(b) of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, and all other laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,