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BILLS AND INDEX SERVICE

Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon CitySEVENTEENTH CONGRESS
First Regular SessionHOUSE BILL NO. 657

Introduced by Representative Jerry P. Treñas

EXPLANATORY NOTE

The barangay, as the basic unit of the country's social structure, should be insulated from the influence of partisan politics. Unfortunately, the next Barangay election is scheduled on the same year as the nationwide national and local elections on May 9, 2016. The politics and inherent divisiveness of the 2016 national and local elections will greatly influence the conduct and outcome of the next barangay elections, unless if postponed to a non-election year.

It was noted by the Supreme Court, in the case of *Occeña vs. Comelec*, that there are good reasons for insulating the barangay from the divisive and debilitating effects of a partisan political campaign, as the barangay captain and the barangay council also act as agencies for neutral community actions such as distribution of basic necessities, conducting plebiscites and settling local disputes. Hence, the High Tribunal noted that "it would definitely enhance the objective and impartial discharge of their duties for barangay officials to be shielded from political loyalty."¹

Moreover, the postponement of the 2016 barangay elections will allow the incumbent barangay officials to continue to implement their projects and initiatives. Scheduling a nationwide barangay elections too soon will disrupt the continuity of the programs and the implementation of projects in the various barangays all over the country. Hence, it is best to schedule the next barangay election on the last Monday of October 2018.

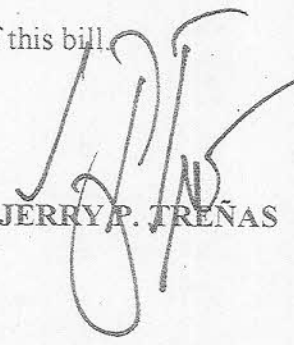
It is also necessary to schedule the next elections five years after, instead of three years, in order to insulate the elections from the national and local elections (which take place every three years). Consequently, the term of the elected officials and the synchronized barangay and sangguniang kabataan elections must likewise be extended to five years.

The power of Congress to determine both the term of office and the term limitations has been affirmed by the Supreme Court when R.A. 9164 was questioned before the High Tribunal, in the case of *COMELEC vs. Conrado Cruz, et al.* The Supreme Court noted that "Congress has plenary authority under the Constitution to determine by legislation not only the duration of the term of *barangay* officials, but also the application to them of a consecutive term limit."

¹*Occeña vs. Comelec*, G.R. No. L-60258 (January 31, 1984)

1 Moreover, the High Tribunal observed the “textually demonstrable commitment by the 1987
2 Constitution to Congress of the authority to determine the *term duration* and *limitation* of
3 *barangay* officials under the Constitution.”²
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5 In view of the foregoing, I highly encourage the approval of this bill.

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²G.R. No. 186616 (November 20, 2009) (emphasis supplied).

1 ~~barangay elections.]~~ **Provided, that voluntary renunciation of**
2 **office for any length of time shall not be considered as an**
3 **interruption in the continuity of service for the full term for**
4 **which the elective official was elected.**

5 **Section 3.**Section 43 (c) of Republic Act No. 7160, otherwise known as the Local Government
6 Code of the Philippines, is hereby amended as follows:

7 **Section 43. *Term of Office.* -**

8 **(c) The term of office of barangay officials and members of the**
9 **sangguniang kabataan shall be for [~~three (3)~~] five (5) years [,**
10 **which shall begin after the regular election of barangay officials on**
11 **the second Monday of May 1994]. No barangay elective official**
12 **shall serve for more than three (3) consecutive terms in the**
13 **same position: *Provided, that voluntary renunciation of office***
14 **for any length of time shall not be considered as an**
15 **interruption in the continuity of service for the full term for**
16 **which the elective official was elected.**

17 **Section 4.**Section 429 of Republic Act No. 7160, otherwise known as the Local Government
18 Code of the Philippines, is hereby amended as follows:

19 **Section 429. *Term of Office.* - The sangguniang kabataan**
20 **chairman and members shall hold office for a period of [~~three~~**
21 **(~~3~~)] five (5) years, unless sooner removed for cause as provided**
22 **by law, permanently incapacitated, die or resign from office.**

23 **Section 5.** All incumbent Barangay officials shall remain in office unless sooner removed or
24 suspended for cause until their successors shall have been elected and qualified.

25
26 **Section 6.** The Commission on Elections shall promulgate the implementing rules and
27 regulations necessary to implement this Act.

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29 **Section 7. *Separability Clause.* - If, for any reason, any section or provision of this Act is held**
30 **unconstitutional or invalid, the other sections or provisions hereof shall not be affected and**
31 **thereby remain in full force and effect.**

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33 **Section 8. *Repealing Clause.* - All laws, decrees, executive orders, and rules and regulations, or**
34 **parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified**
35 **accordingly.**

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37 **Section 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete**
38 **publication in at least two (2) national newspapers of general circulation.**

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40 Approved,