

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

4 SEVENTEENTH CONGRESS
5 First Regular Session

6 HOUSE BILL NO. **3907**



Introduced by REP. EDGAR MARY S. SARMIENTO

7 EXPLANATORY NOTE

8 Barangays are at the forefront of public service. From dispute resolution to public service delivery,
9 barangays have a major impact on the lives of their constituents. In line with this, the Local
10 Government Code has vested barangays with executive and legislative functions to allow
11 barangays flexibility in managing their own affairs.

12 Experience, however, reveals that the legislative functions have rarely been effectively exercised by
13 barangays. Ordinances by the Sangguniang Barangay often are derivative of or rendered
14 redundant by acts of higher Sanggunians. Compliance with barangay ordinances is also rarely
15 enforced. Barangay councilors themselves often focus more on public service delivery rather than
16 legislation, as these have a more palpable impact on their constituents.

17 With the administration's push towards rationalization of government, this bill proposes to reduce
18 the total number of regular number of barangay sangguniang members and restructure the
19 election system. Both barangay captains and barangay councilors shall be elected together to
20 ensure popular representation of the barangay.

21 Through this Act, barangays are allowed to focus more on public service delivery and ensures
22 greater coordination for the projects of the Barangay. Furthermore, this bill shall reduce the
23 unnecessary salaries being spent on barangay councilors and allow barangays to allocate more
24 resources to frontline services.

25 For the aforementioned reasons, the undersigned submits this bill for the consideration of this
26 august body.

EDGAR MARY S. SARMIENTO
First District of Samar

1 Republic of the Philippines
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3 Constitution Hills, Quezon City

4 SEVENTEENTH CONGRESS
5 First Regular Session

6 HOUSE BILL NO. 3907

Introduced by REP. EDGAR MARY S. SARMIENTO

7 AN ACT REDUCING THE TOTAL NUMBER OF SANGGUNIANG BARANGAY MEMBERS
8 AND CONVERTING THE BARANGAY ELECTIONS TO A FIRST-PAST-THE-POST SYSTEM,
9 AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7160 AND OTHER PERTINENT
10 LAWS

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

12 **Section 1. Short Title.** – This Act shall be known as the “Barangay Rationalization Act”

13 **Section 2. Definition of Terms.** – As used in this Act, the following terms shall mean:

14 (a) Barangay Captain – The Chief Barangay Executive, referred to as Punong Barangay in
15 Republic Act No. 7160 (hereafter “Local Government Code”);

16 (b) Barangay Councilor – Regular elected member of the Sangguniang Barangay, as
17 distinguished from the Sangguniang Kabataan Chairman and other members of the
18 Sangguniang Barangay;

19 (c) Regular Barangay Official – Barangay Captain and Barangay Councilor

20 **Section 3. Reduction of Barangay Councilors.** – The number of barangay councilors shall be reduced
21 from seven (7) to three (3).

22 **Section 4. Qualifications of Barangay Officials.** – No individual may be elected as a Barangay Captain
23 or Barangay Councilor unless he is:

24 (a) an actual resident of the barangay;

25 (b) of legal age;

(c) not a government employee; and

(d) a graduate of primary and secondary education.

Section 5. *Terms of Barangay Officials* – The Barangay Captain and Barangay Councilors shall serve for a term of three (3) years. No individual may serve as a Regular Barangay Official for more than three (3) consecutive terms. For the purpose of this Section, a term as a Barangay Captain and a term as a Barangay Councilor shall be considered one and the same.

Section 6. *Election of Barangay Officials*. – All qualified residents of the barangay who intend to run as a Regular Barangay Official shall submit their names to the Commission on Elections. On the day of the election, each voter shall be allowed to vote for up to four (4) names in the list of candidates for Regular Barangay Official. The candidate who receives the most number of votes in the barangay election shall serve as Barangay Captain. The candidates with the second, third, and fourth most votes shall serve as Barangay Councilors.

Section 7. *Schedule of Barangay Elections*. – The elections for barangay officials shall be held concurrently with the elections for other local officials.

Section 8. *Vacancies in the Barangay*. –

(a) In the event that the Barangay Captain dies, resigns, is removed from office or is otherwise incapacitated, the Barangay Councilor with the second-most number of votes to that received by the removed or incapacitated Barangay Captain in the last barangay election, as certified by the Commission on Elections, shall be appointed as Barangay Captain and shall serve for the remaining portion of the term. The newly vacant Barangay Councilor seat shall be filled in the manner provided in the immediately succeeding subsection.

(b) In the event that a Barangay Councilor dies, resigns, is removed from office, or is otherwise incapacitated, the Barangay Captain shall submit a list of not less than five (5) nominees to the Sangguniang Panlungsod or Bayan within fifteen (15) days from the vacancy. Within thirty (30) days, the Sanggunian Panlungsod or Bayan shall appoint from this list a Barangay Councilor to serve for the remaining term.

(c) All nominees must meet the qualifications prescribed in Section 4 of this Act.

Section 9. *Implementing Rules and Regulations*. – The Commission on Elections and the Department of Interior and Local Government shall formulate the necessary guidelines and promulgate the rules and regulations implementing the provisions of this Act within ninety (90) days of this Act's effectivity.

Section 10. *Transitory provisions*. – All incumbent Barangay Captains or Barangay Councilors at the time of the effectivity of this Act shall be allowed to serve the remainder of their terms or until their successors are elected, whichever comes first.

1 **Section 11. *Repealing Clause.*** – All laws, decrees, ordinances, rules or regulations or parts thereof
2 inconsistent or in conflict with the provisions of this Act are hereby expressly repealed, amended,
3 or modified accordingly.

4 **Section 12. *Separability Clause.*** – If for any reason any section or provision of this Act is declared to
5 be unconstitutional or invalid, the other sections or provisions hereof which are not affected
6 thereby shall continue to be in full force and effect.

7 **Section 13. *Effectivity.*** – This Act shall become effective fifteen (15) days after its publication in a
8 newspaper of general circulation.

9 *Approved.*