

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 47



Introduced by Representative FAUSTINO 'INNO' A. DY V

EXPLANATORY NOTE

The power of Congress to determine both the term of office and term limitations of barangay officials has been affirmed by the Supreme Court when the constitutionality of Republic Act 9164 was challenged. In deciding the case of COMELEC vs Cruz¹, the High Court stated that Congress has [the] 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.

The most recent Barangay and Sangguniang Kabataan Elections was conducted last May 2018. Scheduling the next election for these public servants on May 2020 gives them only a two-year term.

This bill seeks to set the next Barangay and Sangguniang Kabataan Elections on the second Monday of May 2023 to give the present officials who were voted last 2018 a full five-year term. The succeeding elections shall be conducted every five (5) years thereafter.

This is in line with the call of members of the Liga ng Barangay (LNB) to be granted a fixed term that will afford them ample time and opportunity to implement and promote long-term programs and advocacies without interruption and political interference.

They maintain that given the functions and duties they are expected to fulfill, the current term of office set by law is too short for them to cascade meaningful and sustainable developmental programs at the grassroots level.

It is respectfully hoped that the 18th Congress heeds the clamor of our partners for change who are at the forefront of public service. The passage of this bill is hence earnestly sought.


FAUSTINO 'INNO' A. DY V

¹ GR No. 186616

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AN ACT POSTPONING THE MAY 2020 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED, AND FOR OTHER PURPOSES

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 by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, Republic Act No. 10923, and Republic Act No. 10952, 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 July 15, 2002. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October and every three (3) years thereafter.] **THE SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS SCHEDULED ON THE SECOND MONDAY OF MAY 2020 SHALL BE POSTPONED AND BE HELD ON THE SECOND MONDAY OF MAY 2023. SUCCEEDING BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS SHALL BE HELD EVERY FIVE (5) YEARS THEREAFTER.**

Section 2. Section 4 of Republic Act No. 9164, as amended, is hereby 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 June 30 next following their elections.

Section 3. Hold Over — Section 5 of Republic Act No. 9164, as amended, pertaining to the holdover capacity of all incumbent barangay and sangguniang kabataan officials shall remain in force and effect.

Section 4. Applicability of Other Election Laws. — The Omnibus Election Code and other existing election laws, as far as practicable, shall apply to the barangay and sangguniang kabataan elections.

Section 5. Implementing Rules and Regulations — The Commission on Elections and the Department of the Interior and Local Government shall promulgate such rules and regulations necessary to implement this Act within thirty (30) days after its effectivity.

Section 6. *Repealing Clause* — All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 7. *Effectivity Clause* — This Act shall take effect upon its publication in the Official Gazette or in a newspaper of general circulation.

Approved,