

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 3316

Introduced by: **REP. RAUL V. DEL MAR**

EXPLANATORY NOTE

This measure seeks to postpone the May 2020 Barangay and Sangguniang Kabataan elections to May 2021.

Section 429, Chapter 8 of the Local Government Code provides that the Sangguniang Kabataan Chairman and Members shall hold office for a period of three (3) years, unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office.

Holding the Barangay and Sangguniang Kabataan elections as scheduled in May 2020 will shorten by one (1) year the three (3) years term of the Sangguniang Kabataan Chairman and Members, whereas postponing the same to May 2021 will complete their full three (3) years term in office to enable them to carry out their plans and programs. On the other hand, postponing the Barangay and Sangguniang Kabataan elections to May 2022 is not possible as it will coincide with the National and Local elections scheduled on that date. Even moving the said elections to October 2022 is not advisable since there should not be two (2) elections in one year. Furthermore, postponing the Barangay and Sangguniang Kabataan elections to May 2023 will extend their terms for three (3) years which is far too lengthy.

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


RAUL V. DEL MAR

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HOUSE BILL NO. 3316

Introduced by: **REP. RAUL V. DEL MAR**

AN ACT

**POSTPONING THE MAY 11, 2020 BARANGAY AND SANGGUNIAN
KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE 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 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
the Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656,
Republic Act No. 10923, and Republic Act 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 2007 and every three (3) years thereafter: *Provided, That*
the barangay and sangguniang kabataan elections on MAY 11, 2020
shall be postponed to the second Monday of May 2021. Subsequent
synchronized barangay and sangguniang kabataan elections shall
be held on the second Monday of May 2024 and every three (3) years
thereafter."

SEC. 2. Section 4 of Republic Act No. 9164, as amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10923 and Republic Act 10952, is hereby further 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 following their election: *Provided, however,* That the term of office of the barangay and sangguniang kabataan officials elected in the May 2021 elections and subsequently thereafter, shall commence at noon of June 30 next following their elections."

SEC. 3. Hold Over. - Until their successors shall have been duly elected and qualified, all incumbent barangay officials shall remain in office, unless sooner removed or suspended for cause: *Provided,* That barangay official who are *ex officio* members of the sangguniang bayan, sangguniang panglungsod, or sangguniang panlalawigan, as the case may be, shall continue to serve as such members in the sanggunian concerned until the next barangay election. The Liga ng mga Barangay at the municipal, city, and provincial levels shall not later than January 31, 2022, conduct elections for *ex officio* positions in the sangguniangs under the supervision of the Department of the Interior and Local Government.

SEC. 4. Ban of Government Projects. - The construction or maintenance of barangay-funded roads and bridges shall be prohibited for the period of ten (10) days immediately preceding the date of election, the provision of Section 261, paragraphs (v) and (w) of the Omnibus Election Code to the contrary notwithstanding.

SEC. 5. Prohibition on Appointments of Government Officials and Employee. - The appointment or hiring of new employees, creation of new position, promotion, or giving of salary increases, remuneration or privileges in the barangay shall be prohibited for the period of ten (10) days immediately preceding the election, the provisions of Section 261, paragraph (g), of the Omnibus Election Code to the contrary notwithstanding.

SEC. 6. Use of Appropriations. - The amount of Six billion ninety million three hundred twenty-four thousand three hundred twenty-five pesos and sixteen centavos (P6,090,324,325.16) shall be considered as continuing appropriations and shall be used exclusively for the conduct of the barangay and sangguniang kabataan registration and elections in May 2021.

SEC. 7. Use of Sangguniang Kabataan Fund. - Until the new sangguniang kabataan officials shall have been duly elected and qualified, the sangguniang barangay shall not use the sangguniang kabataan fund except for youth development and empowerment programs as provided in Republic Act No. 10742, otherwise known as the "Sangguniang Kabataan Reform Act of 2015".

SEC. 8. Implementing Rules and Regulations. - The Commission on Elections shall, within fifteen (15) days after the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

SEC. 9. Repealing Clause. - All other laws, acts presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof, which are contrary to and inconsistent with any provision of this Act are hereby repealed, amended, or modified accordingly.

SEC. 10. Separability Clause. - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 11. Effectivity. - This Act shall take effect immediately following the completion of its publication either on the *Official Gazette* or in two (2) newspapers of general circulation in the Philippines.

Approved,