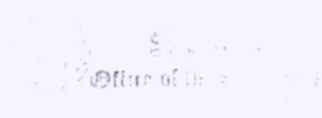


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



19 JUL 16 P2:52

SENATE
S. No. 561

RECEIVED

Introduced by Senator FRANKLIN M. DRILON

**AN ACT
CREATING A SYSTEM OF PARTNERSHIP BETWEEN LOCAL GOVERNMENTS
AND CIVIL SOCIETY ORGANIZATIONS THROUGH THE ESTABLISHMENT OF
A PEOPLE'S COUNCIL IN EVERY LOCAL GOVERNMENT UNIT, PRESCRIBING
ITS POWERS AND FUNCTIONS**

EXPLANATORY NOTE

Republic Act No. 7160, or the Local Government Code was enacted to provide for a more responsive and accountable structure of local government. It recognizes the vital role of community-based, non-governmental, and sectoral organizations in nation-building. Section 2 of the Code states that:

"It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions."

However, more than twenty years after its passage, the participation of concerned sectors in nation-building has yet to be institutionalized.

To address this gap in the Local Government Code, this measure seeks to create a partnership between local governments and civil society organizations and to push for an environment where the people can participate in the policy and decision-making process of their respective local governments.

In view of the foregoing, the passage of this bill is sought.

FRANKLIN M. DRILON
Senator



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

Section 1. *Short Title.* - This Act shall be known as “The People Empowerment Act”.

Sec. 2. *Declaration of Policy.* - is hereby declared as policy of the State to ensure participation of citizens in all avenues of local governance. Likewise, the State acknowledges the value of creating a mechanism where its citizen's views and opinions in different areas of governance may be heard and considered. Furthermore, pursuant to Article II Section 23 of the Constitution, the State recognizes the value of non-governmental, community-based, or sectoral organizations in nation building and creating an avenue to ensure their growth and development. The state also recognizes that a partnership with POs and CSOs will spur development in Local Government Units (LGUs) as envisioned by the Local Government Code of 1991.

Sec. 3. *Definition of Terms.* – For the purposes of this Act:

- a) “Civil Society Organization (CSO)” refers to any organized citizens’ group including People’s Organizations (POs) and Non-Government Organizations (NGOs) such as community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations;

- 1 b) "Local Sanggunian" refers to the local legislative body either specifically
2 the Sangguniang Panglungsod for cities or the Sangguniang Bayan for
3 municipalities;
- 4 c) "People's Organization" refers to a bona fide cooperative or association
5 of citizens organized for purposes not contrary to law with demonstrated
6 capacity to promote the public interest and with identifiable leadership,
7 membership, and structure with none of its officers and members
8 occupying elective government positions.

9 Sec. 4. - *Registration of CSOs.* - Any CSO in active operation for at least one
10 year may be registered in their respective city or municipality where they conduct their
11 operations and where majority of their members reside. Registration will be approved
12 by the Local Sanggunian, upon submission or compliance of the following
13 requirements:

- 14 a) Proof of existence and operation in the respective city or municipality
15 they are applying in for at least one year prior to the application for
16 registration;
- 17 b) Proof of activities held in pursuit of developmental objectives or of
18 organizational activities conducted;
- 19 c) Program of activities planned for the year following the date of
20 application for registration;
- 21 d) Copies of its constitution, by-laws and/or articles of incorporation;
- 22 e) Lists of its officers and members of good standing and their respective
23 addresses;
- 24 f) Financial statement and declaration of assets and liabilities; and
- 25 g) Board resolution manifesting a decision to register and participate under
26 this Act.

27 A CSO whose application for registration has been approved shall be issued a
28 certificate of registration containing, among others, the terms and conditions for the
29 maintenance of its registered status.

30 The Local Sanggunian, however, may from time to time, and in consultation
31 with the Local People's Council, impose such other requirements and conditions for
32 registration as it may deem appropriate to best adhere to the principles of this Act.

1 Any CSO already accredited by the Local Government prior to the effectivity of
2 this Act need not register for purposes of this Act, unless its accreditation has in the
3 meantime been withdrawn.

4 *Sec. 5. Registration Deemed Inactive.* — A registered CSO is required to submit,
5 by January 31 of every year, a list of accomplishments of the previous year and its
6 plans for the current year. Any CSO who fails to comply for two (2) consecutive years,
7 shall automatically have its registration deemed inactive.

8 Any CSO whose registration has been deemed inactive may not avail of the
9 Rights and Privileges of registered CSOs contained in Section 7 of this Act.

10 CSOs may reactivate their registration upon submission of documents they lack.

11 *Sec. 6. Committee on Registration of CSOs.* — There shall be a Committee on
12 Registration of CSOs in each Local Sanggunian of all cities and municipalities. It is
13 mandated to perform the following functions:

- 14 a) Receive and process applications for registration;
- 15 b) Monitor compliance with the conditions for registration; and
- 16 c) Initiate legislative measures for the effective performance of its tasks.

17 The Local People’s Council, once formally organized, shall be entitled to a two-
18 seat representation in the Committee.

19 *Sec. 7. Rights and Privileges of Registered CSOs.* - Registered CSOs may enjoy
20 the following rights and privileges:

- 21 a) Enter into joint ventures and other cooperative undertakings with the
22 Local Government to engage in the delivery of certain basic services,
23 capability-building and livelihood projects;
- 24 b) Develop local enterprises designed to improve productivity and income,
25 diversify agriculture, spur rural industrialization, promote ecological
26 balance, and enhance the economic and social well-being of the people
27 within the framework of equitable and sustainable development;
- 28 c) Receive assistance from the Local Government for economic, socially-
29 oriented, environmental, good governance, or cultural projects to be
30 implemented within their territorial jurisdiction;
- 31 d) Join and become part of the Local People’s Council.

1 *Sec. 8. Creation of Local People's Councils.* - A Local People's Council, composed
2 of accredited CSOs, shall be created. For this purpose, the Committee on Registration
3 of CSOs of each Local Sanggunian shall, not later than ninety (90) days from the
4 effectivity of this Act, call for a convention of all accredited CSOs to facilitate the formal
5 organization of the Local People's Council. Thereafter, the organized group shall file a
6 petition for recognition to the Local Sanggunian.

7 A Local People's Council shall be formally created upon approval by the Local
8 Sanggunian of the petition for recognition.

9 *Sec. 9. Structure and Rules of the Local People's Council.* — Each Local People's
10 Council shall determine its own organizational structures and internal rules, but shall
11 at all times provide for adequate consultation mechanisms for purposes of obtaining
12 the views and suggestions of all political parties or movements, government
13 employees' organizations, other non-accredited but legitimate CSOs, and accredited
14 CSOs which are not members of the Council;

15 *Provided,* that no political party, government employees' organization or non-
16 registered CSOs may be nominated by the Council for membership in the LGU's special
17 bodies nor may they be granted the rights and privileges of accredited CSOs under
18 this Act; and

19 *Provided further,* that no provision herein shall be interpreted to prohibit the
20 Council from changing its name or from being organized for purposes other than those
21 indicated in this Act.

22 *Sec. 10. Recognition of the Local People's Council by the Local Sanggunian.* -
23 Only one Local People's Council shall be recognized by each Local Sanggunian. The
24 Local Sanggunian is mandated to award recognition to a People's Council within thirty
25 days from the filing of a petition for recognition.

26 *Sec. 11. Withdrawing Recognition of the Local People's Council.* — The Local
27 Sanggunian can withdraw the recognition granted to the Local People's Council, only
28 upon action of a petitioner, and based on the following grounds:

29 a) That the Local People's Council allowed itself or any of its member
30 organizations to engage primarily in, or to be used primarily for, partisan
31 political activities;

1 b) Other grounds to be provided for in the Implementing Rules and
2 Regulations of this Act.

3 The Local Sanggunian shall not entertain and exercise jurisdiction over internal
4 and/or inter-organizational conflicts within the Local People's Council.

5 Sec. 12. *Powers and Responsibilities of the Local People's Council.* - Upon
6 recognition, the Local People's Council may, in accordance with its policies and internal
7 rules, exercise the following powers and responsibilities:

- 8 a) Elect or appoint, from among its member organizations, its
9 representatives to all Local Government bodies, boards, councils,
10 committees, task forces, special government bodies and other similar
11 work groups which the Local Government or national laws may
12 hereinafter create. Member organizations elected or appointed to
13 represent the Local People's Council shall have the sole prerogative to
14 choose, from among their bona fide members, the persons who shall sit
15 in the boards, councils, committees, task forces and/or special bodies
16 concerned. Unless otherwise provided herein, such representatives shall
17 not exceed twenty- five (25) percent of the membership of the board,
18 council, committee, task force or special body;
- 19 b) Participation of the Local People's Council or any of its member
20 organization in the conception, implementation and evaluation of
21 government activities and functions shall be without compensation or
22 remuneration. The Local Government, however, shall provide for the
23 necessary office spaces, facilities and/or equipment for said participation
24 of the Council;
- 25 c) Representatives of the Local People's Council may observe, vote and
26 participate in the deliberation, conceptualization, implementation and
27 evaluation of projects, activities and programs of the Local Government,
28 propose legislations and participate and vote at the committee level of
29 the Local Sanggunian;
- 30 d) The Local People's Council shall also elect a representative for the
31 provincial level.

1 Sec. 13. *Creation of a Provincial People's Council.* - A Provincial People's Council
2 shall be created and recognized by the Sangguniang Panlalawigan. The Provincial
3 People's Council shall be composed of all representatives to the provincial level from
4 the Local People's Councils within the Province's jurisdiction.

5 The Provincial People's Council shall elect, from within its ranks, a
6 representative who will sit on the Sanggunian Panlalawigan and shall exercise the
7 duties and powers of a Provincial Board member.

8 Sec. 14. *Non-Partisan Nature of the Local and Provincial People's Council.* - The
9 Local or Provincial People's Council shall not engage in, or allow itself or its member
10 organizations to be used for purposes of partisan politics and shall adopt such
11 measures to ensure that it is adequately shielded from any political partisanship or
12 influence.

13 For purposes of this Act, partisan politics shall refer to any activity statement
14 or manifestation which solely or primarily serves to campaign for or against any
15 particular political party or any candidate for any elective public office.

16 Sec. 15. *Amendment of the Composition of Local Government Units.* - The
17 existing compositions of the committees, boards, councils, task forces, special bodies
18 of all Local Governments are hereby amended and modified to accommodate the
19 membership and participation therein of the Local People's Council or its
20 representatives as herein mandated.

21 Sec. 16. *Right to Self-Organization.* — Pursuant to Article XIII, Section 15 of
22 the Constitution, CSOs are recognized as independent and autonomous self-help
23 organizations. They are encouraged to organize into formal cooperatives, labor union,
24 interest groups, non-government organizations, sectoral organizations and/or people's
25 organizations in furtherance of their constitutionally mandated role of enabling the
26 people to pursue and protect, within the democratic framework, their legitimate and
27 collective interests and aspirations through peaceful and lawful means.

28 Furthermore, the Department of Local and Interior Government (DILG) and
29 LGUs are mandated to assist, and support efforts of the people towards self-
30 organization to address their common concerns, to promote their common welfare,
31 and/or to serve their localities or their communities and interests.

1 Sec. 17. *Funding.* - The funds needed for the capacity building of CSOs shall be
2 included in the annual budget of the DILG. The funds necessary for the maintenance
3 and operational expenses of Local People's Council, in relation to participation in local
4 governance, shall be included in the annual budgets of respective LGUs.

5 Sec. 18. *Information Boards and Suggestion Boxes.* - Information boards and
6 suggestion boxes shall be provided, maintained and controlled by the Local
7 Government Unit in each barangay, at the public plazas, city hall compound, public
8 markets, schools, government offices, and at such public places accessible to the
9 people, which boards and boxes shall be other than those maintained by the
10 barangays and the national government, and shall be controlled solely by the Local
11 Government Unit.

12 Local Governments are mandated to respond within 15 working days to the
13 suggestions filed by citizens in suggestion boxes.

14 Sec. 19. *Implementing Rules and Regulations.* - Within one hundred twenty
15 (120) days from the effectivity of this Act, the DILG, LGUs, in consultation with CSOs
16 that have experience working with Local Governments, shall determine effective ways
17 and methods for the implementation of this Act and craft the Implementing Rules and
18 Regulations.

19 Sec. 20. *Separability Clause.* - If any provision of this Act is declared invalid or
20 unconstitutional, the other provisions, not affected thereby, shall remain valid and
21 subsisting.

22 Sec. 21. *Repealing Clause.* - All laws, presidential decrees, executive orders,
23 proclamations and/or administrative regulations, which are inconsistent with the
24 provisions of this Act are hereby amended, modified, superseded or repealed
25 accordingly.

26 Sec. 22. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or at least two newspapers of general circulation.

Approved,