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SENATE
S. B. No. 1037

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "COMPANERO" S. CAYETANO

**AN ACT RESETTING THE BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS AND
EXTENDING THE TERM OF OFFICE OF ELECTIVE BARANGAY OFFICIALS TO FIVE (5) YEARS
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO.
9340 AND REPUBLIC ACT NO. 10656, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The *Barangay* is the most basic and fundamental political subdivision within the structure of Philippine government. As such, it deserves no less than primordial consideration in our efforts to craft, improve and strengthen our laws, rules and procedures pertaining to the local government system. *Barangays* are given so much responsibility, yet they perennially suffer from lack of funds, authority and personnel training, among others. The need to strengthen the *Barangay* as an instrument of genuine and meaningful reform is therefore glaring.

The postponement of the upcoming synchronized *Barangay* and *Sangguniang Kabataan* (SK) elections is prudent, *nay*, imperative, for at least five (5) clear reasons:

- (1) It will enable all government agencies and political subdivisions to focus their full support for and efforts towards winning the war against illegal drugs and criminality in the country.
- (2) It will afford the legislature ample time to amend, strengthen and improve the Local Government Code of 1991's provisions on effective *barangay* governance.
- (3) It will save the country billions of pesos that can instead be devoted to the delivery of social services, especially if a plebiscite for Federalism will be held in 2018 or 2019.
- (4) It will give the Commission on Elections (COMELEC) sufficient time to prepare for said elections and the Filipino electorate ample time to discern how to intelligently cast their votes.
- (5) It will enable incumbent *barangay* and SK officials to effectively continue their projects and programs and to amend or re-align their initiatives in accordance with the thrusts of the new Administration.

Firstly. The proposed measure resetting the said synchronized elections originally scheduled to be held on October 31, 2016 to the last Monday of October 2018, or two (2) years later, will give the executive branch every opportunity to succeed in its drive against illegal drugs and criminality. Elections are held in order for qualified citizens to be able to exercise their right of suffrage, thus ensuring their active participation in the country's governance. However, in light of the ongoing war against illegal drugs and criminality being waged by the Duterte Administration, a war which must be fully supported by all national government agencies down to the *barangay* level if it is to be won, it is but prudent to postpone the said elections to two (2) years later than the original date therefor. To hold said elections now would complicate matters concerning the government's crackdown on illegal drugs, especially if *barangay* officials linked to said illicit activities will claim political motivations/election-related reasons behind such accusations. Standard prohibited activities during elections and election bans will also hamper reforms being undertaken in the government.

February 2015 data from the Philippine Drug Enforcement Agency (PDEA) states that around one-fifth of *barangays* (or villages) in the Philippines have drug-related cases, with Metro Manila as the region most affected by drugs, 92% of the latter's *barangays* having drug-related cases.

Secondly. The *Barangay* is unique. A *Barangay* Chairman exercises all three (3) powers of government: Executive, he being the Local Chief Executive of the political unit; Legislative, he also being the Presiding Officer of the *Sangguniang Barangay*; and Judicial, he lastly being the head of the *Lupon Tagapamayapa*. The *Barangay* is not only a grassroots unit of government but also a front-liner in the delivery of public services. As the basic political subdivision under the Local Government Code, the *Barangay* serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community and as a forum wherein the collective views of the people may be expressed, crystallized and considered. It is the primary administrative engine of growth and development. The proposed two-year postponement would give our legislators sufficient time to strengthen this most basic political unit by studying and implementing governance reform in our 42,036 *barangays* around the Philippines. In this sense, to take a closer look at how the Local Government Code can be amended in order to strengthen the provisions concerning *barangays* with regard to term limits, benefits, training and funding, among others, would certainly be a wise move, as what happened in the case of the postponement of the SK elections, which act paved the way for the passage of another important piece of legislation on SK reform.

Thirdly. The postponement of the said synchronized elections would save the country billions of pesos that can instead be used for the delivery of social services. And in all likelihood, given our current state of affairs, the country may well conduct a plebiscite on the shift to federalism within the next two (2) or three (3) years. Hence, it would be more economical and practical to hold said elections simultaneously with the impending plebiscite in order to save both time and resources.

Fourthly. It is but proper to give equal importance to *barangay* and SK elections as that given to national elections, as well as to give the electorate ample time to discern who to intelligently vote for. Barely five (5) months after the recently concluded national and local elections, the conduct of the *Barangay* and SK elections this October would be too soon for the COMELEC and the Filipino people to prepare for and reflect on this all-important political exercise. The inherent divisiveness that characterized the elections held early this year may likely have a significant effect on the results of the said synchronized elections and the consequent performance by concerned public officials of their respective duties, which should not be the case since the latter are not supposed to belong to any political party and should thus be neutral in the provision of services to their constituents.

Lastly. The postponement of the said synchronized elections will allow the incumbent officials to continue the effective implementation of their projects and initiatives or to reform their programs in accordance with the thrusts of the new Administration. With a new President at the helm, a President with his own brand of leadership and governance, it is crucial that we ensure that government policies and programs initiated under the Duterte Administration, especially those concerning peace and order and the campaign against illegal drugs, will continue to be properly carried out all the way down to the local level.

In view of the foregoing, the immediate enactment of this measure is sought.



ALAN PETER "COMPAÑERO" S. CAYETANO
Senator

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9340 AND REPUBLIC ACT NO. 10656, AND FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 1 of Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic
2 Act No. 10656, is hereby further amended to read as follows:

3 **"SECTION 1. Date of Election.** There shall be synchronized barangay and
4 *sangguniang kabataan* elections, which shall be held on July 15, 2002. Subsequent
5 synchronized barangay and sangguniang kabataan elections shall be held on the last
6 Monday of October 2017 and every three (3) years thereafter; PROVIDED, THAT THE
7 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS ON OCTOBER 31, 2016
8 SHALL BE POSTPONED TO THE LAST MONDAY OF OCTOBER 2018. SUBSEQUENT
9 SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS SHALL BE
10 HELD EVERY FIVE (5) YEARS THEREAFTER."

11 **SECTION 2.** Section 2 of Republic Act No. 9164 is hereby amended to read as follows:

12 **"SEC. 2. Term of Office.** - The term of office of all barangay and *sangguniang*
13 *kabataan* officials after the effectivity of this Act shall be [three (3)] FIVE (5) years."

14 **SECTION 3.**Section 4 of Republic Act No. 9164 as amended by Republic Act No. 9340, is hereby
15 amended to read as follows:

16 **"SEC. 4. Assumption of Office.** - THE TERM OF OFFICE OF THE BARANGAY
17 AND SANGGUNIANG KABATAAN OFFICIALS ELECTED UNDER THIS ACT SHALL
18 COMMENCE AT NOON OF NOVEMBER 30, NEXT FOLLOWING THEIR ELECTION."

19 **SECTION 4.** The provision on Hold-Over capacity under Section 5 of Republic Act No. 9164, as
20 amended by Republic Act No. 9340, shall remain applicable and in full force under this Act.

21 **SECTION 5. Appropriations.** - The amount necessary for the implementation of this Act shall be
22 taken from the appropriations of the Commission on Elections (COMELEC) under the General
23 Appropriations Act and/or supplementary appropriations thereafter.

24 **SECTION 6. Implementing Rules and Regulations.** The COMELEC shall promulgate such rules
25 and regulations necessary within thirty (30) days after its effectivity to implement this Act.

26 **SECTION 7. Separability Clause.** If any provision of this Act is declared unconstitutional, the other
27 provisions shall remain valid.

28 **SECTION 8. Repealing Clause.** All laws, decrees, orders, rules and regulations or parts thereof

1 inconsistent with the Act or the rules and regulations promulgated pursuant thereto are hereby
2 repealed or amended accordingly.

3 **SECTION 9. Effectivity Clause.** - This Act shall take effect fifteen (15) days after publication in two
4 (2) national newspapers of general circulation.

Approved,