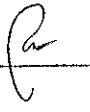


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'11 FEB 10 P 3:58

SENATE
P. S. R. No. **377**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS, AND OTHER APPROPRIATE SENATE COMMITTEES, TO CONDUCT AN INQUIRY IN AID OF LEGISLATION, ON THE ALLEGATION THAT THERE ARE THOUSANDS OF MULTIPLE TERMER PUNONG BARANGAYS WHO WERE ALLOWED TO FILE THEIR CERTIFICATES FOR CANDIDACY, WIN, AND SERVE MORE THAN THREE TERMS IN VIOLATION OF THE THREE-TERM LIMIT RULE IN THE LOCAL GOVERNMENT CODE

WHEREAS, the Constitution, Article 2, Section 26 provides: "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law";

WHEREAS, Section 43(b) of the Republic Act No. 7160 or the Local Government Code, provides that "no elective official shall serve for more than three consecutive terms in the same position";

WHEREAS, in spite of the above prohibition, the Movement for Change and Good Governance, a civil society group that actively participated during the elections, claimed that a huge number of barangay officials across the country insisted on filing their certificates of candidacy (COCs) for the 25 October 2010 barangay and Sanggunian Kabataan (SK) elections despite the fact that if they win, they will be serving more than three terms for the same position;

WHEREAS, officers of the Commission on Elections (Comelec) invoked the so-called "ministerial duty" to receive COCs set forth in the Omnibus Election Code as the reason for allowing these questionable filings;

WHEREAS, the Department of Interior and Local Government (DILG) through Secretary Jesse Robredo, submitted to the Comelec a list of multiple term barangay officials on 23 September 2010; the list contained more than 4,000 names uploaded into the official DILG website weeks before the barangay and SK elections;

WHEREAS, Comelec Resolution No. 9077, promulgated on 23 October 2010, or two days before the elections, came closest to addressing effectively the issue of multiple termers by prohibiting the proclamation of any winning multiple termer, who, by that time, had already filed their COCs and had just about completed their electoral campaigns;

WHEREAS, the Comelec reversed itself and issued on 15 November 2010 Resolution No. 9100, which contained a blanket lifting of the directive contained in Resolution No. 9077;

WHEREAS, the blanket lifting implied a complete disregard of the DILG list submitted to the Comelec; this action came after a Congressional hearing attended by Comelec and DILG officials;

WHEREAS, Sec. Robredo submitted a letter to the Comelec defending the list his department submitted; he stated that even if the list erroneously contained a few names of Punong Barangays who should not have been included as multiple termers. "such error should not result in the disregard of the other names of Punong Barangays contained therein"; Sec. Robredo clarified in the same letter that "there were more or less [only] three names out of the four thousand names [submitted], who were erroneously included therein by sheer inadvertence";

WHEREAS, in view of the plain language of Comelec Resolution No. 9100, the concerned Barangay Board of Canvassers (BBOC) reconvened and proclaimed winning multiple termers who should not have been allowed to file their COCs in the first place;

WHEREAS, Comelec Resolution No. 9107, promulgated on 7 December 2010, created guidelines to deal with the multiple termer issue; however, the resolution lacks teeth, and multiple termers continue to maintain their positions in government;

WHEREAS, it is a truism that eternal vigilance is the price of liberty; therefore, there is a strong need to create measures and sanctions to ensure that those seeking multiple terms, and those who have willfully or negligently allowed their registration and participation in the elections as a candidate, or upon winning, has allowed their proclamation as government officials in violation of the Local Government Code, are punished with severity for disregarding the prohibition on multiple termers;

WHEREFORE, be it hereby resolved, as it is hereby resolved by the Philippine Senate, to direct the Senate committee on constitutional amendments, revision of codes and laws, and other appropriate Senate committees, to conduct an inquiry in aid of legislation, on the allegation that there are thousands of multiple termer Punong Barangays who were allowed to file their certificates for candidacy, win, and serve more than three terms in violation of the three-term limit rule in the Local Government Code.

Adopted,

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

/mat