

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

04 JUN 30 P5:15

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S E N A T E

S. No. 410

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Introduced by Senator S. R. Osmeña III

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### EXPLANATORY NOTE

Conventional economic wisdom makes a simple dichotomy between private markets and the government sector. Much of the more recent work in economics, however has increasingly ventured into what celebrated sociologist-economist Herbert Simon calls "institutional economics," which is neither private market nor government.

In our local experience, the phenomenon of people banding together to work for their common interests is most clearly exemplified by what we call "people's organizations." Formalizing the role of people's organizations in the life of the nation is important.

For economic development to be truly democratic in both intent as well as in outcome, it must be firmly anchored and underpinned by the participation of the people expressing themselves through their legitimate organizations. The development process, especially in the rural areas can only begin to take place if the people themselves finally realize their stake in the various collective initiatives that are impelled and fueled by their own preferences and aspirations.

This bill, provides the mechanisms for the registration and consultation of people's organizations at all levels of social, political and economic decision-making as the key process that will integrate them into the life of the nation. This process will merely legitimize and affirm those people's organizations which have demonstrated their viability through a capacity to promote collective interests, and aspirations, with identifiable leadership, membership and structure.

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

*S. Osmeña III*  
SERGIO OSMEÑA III  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC )  
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SENATE  
S. No. 410

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Introduced by Senator S. R. Osmeña III

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AN ACT  
TO GUARANTEE THE RIGHTS OF PEOPLE'S ORGANIZATIONS, AND FOR  
OTHER PURPOSES

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

1 SECTION 1. **Title.** - This Act shall be known as "The People's  
2 Organization Act of 2004."

3 SECTION 2. **Declaration of Policy.** - It is hereby declared to be the policy  
4 of the State to recognize and respect the role of independent people's  
5 organizations for the purpose of enabling the people to pursue and protect, within  
6 the democratic framework, their legitimate and collective interests and aspirations  
7 through peaceful and lawful means. To this end, the State shall safeguard and  
8 protect the right of the people and their organizations to effective and reasonable  
9 participation at all levels of social, political and economic decision-making, by  
10 facilitating the establishment of adequate consultation mechanisms.

11 SECTION 3. **Definitions.** - As used in this Act, the following terms shall,  
12 unless the context otherwise indicates, have the following respective meanings:

13 (a) "People's organizations" are *bona fide* associations of citizens with  
14 demonstrated capacity to promote the public interest and with identifiable  
15 leadership, membership, and structure.

16 (b) "*Bona fide* associations" are those which genuinely reflect and foster the  
17 legitimate and collective interests and aspirations of their respective

1 memberships, and not the personal interests merely of one or several  
2 individuals or minority groups within or outside of the association.

3 (c) "Demonstrated capacity to promote the public interest" shall refer to the  
4 association's proven ability to adopt, undertake and/or implement actual  
5 projects, programs and activities that benefit or redound to the benefit of its  
6 membership and/or the community in which the members of the  
7 association reside, during a period of not less than three (3) consecutive  
8 years, and shall be substantiated by appropriate documentation thereof.

9 (d) "Identifiable leadership" shall refer to the persons who are duly empowered  
10 officers of the association and recognized by its membership as such, and  
11 whose identifies are named and disclosed in writing by the association at  
12 the time of its registration pursuant to this Act.

13 (e) "Identifiable membership" shall refer to those persons listed and disclosed  
14 as members of the association at the time of its registration pursuant to this  
15 Act. Only citizens shall be members of people's organizations.

16 (f) "Identifiable structure" shall refer to the defined organizational structure of  
17 the association, and shall include that of any chapter, branch and/or unit  
18 which may be established by the association, as well as the relationship of  
19 chapters, branches and/or units to one another and to their parent  
20 association.

21 (g) "Local development councils" shall refer to those councils at all regional,  
22 provincial, city, municipal or barangay levels, created by law or pursuant to  
23 law, that are constituted for the purposes of policy-making or planning and  
24 decision-making and for project planning and monitoring.

25 (h) The term "effective and reasonable participation" shall refer to the provision  
26 of opportunities to attend, participate, and deliberate in hearings of local  
27 government councils, including planning meetings and public hearings of  
28 local development councils, of *Sangguniang Bayan*, *Sangguniang*  
29 *Panglungsod*, *Sangguniang Panlalawigan*, of various government

1 agencies and committees of Congress or of the Executive Branch pursuant  
2 to the provisions of this Act.

3 SECTION 4. **Registration.** - All people's organizations shall be required to  
4 register in accordance with the provisions of this Act, in order to be lawfully  
5 recognized as such and to enjoy the corresponding rights conferred by law.

6 SECTION 5. **Procedure for Registration.** -

7 (a) Who may Apply for Registration. – Any bona fide association as defined in  
8 this Act may apply for registration as a legitimate "people's organization."

9 (b) Requirements for Registration. - The following shall be the requirements  
10 for registration:

- 11 1. Filing of an application for registration duly signed by the majority of all  
12 the members of the association;
- 13 2. Submission in writing of the names of the officers of the association,  
14 their addresses, the principal office address of the association, the  
15 minutes of the organizational meetings and the list of members who  
16 attended such meetings;
- 17 3. Submission of the list of members indicating their names, residences  
18 and citizenships, certified under oath by the secretary of the association,  
19 and the name of the association's duly authorized representative to the  
20 council or committee in which registration as a participating people's  
21 organization is being effected;
- 22 4. Submission of two (2) copies each of the constitution or articles of  
23 association and by-laws of the applicant association, minutes of the  
24 adoption or ratification thereof as well as the list of members who  
25 participated therein as evidenced by their signatures; and
- 26 5. Submission of two (2) copies of the certificate of registration issued by  
27 the Securities and Exchange Commission, if duly incorporated under the  
28 Corporation Code of the Philippines, or, in the case of unincorporated  
29 associations not registered with the Securities and Exchange

1 Commission consisting of five (5) to fifteen (15) members based in  
2 barangays, a written statement of the barangay captain attesting to the  
3 existence of the organization in the barangay for a period of at least  
4 three (3) years and a list of the activities and projects of the organization  
5 during the same period

6 (c) Where to Register. - The applicant association shall file its application for  
7 registration with every local government council (s), local development  
8 council(s), *Sangguniang Bayan*, *Sangguniang Panlungsod*, *Sangguniang*  
9 *Panlalawigan*, government agency(ies) and/or committee(s) of Congress  
10 or of the Executive Branch in which the association intends to effectively  
11 and reasonably participate pursuant to this Act. The registration therewith  
12 by an association as a people's organization shall serve as a definite  
13 manifestation of its clear intention to effectively and reasonably participate  
14 therein as such.

15 The local government council(s) local development council(s),  
16 Sangguniang Bayan, Sangguniang Panlungsod, Sangguniang  
17 Panlalawigan, government agency(ies) and/or committee(s) of Congress  
18 or of the Executive Branch concerned shall each maintain a registration  
19 desk in its secretariat or in the office of the head of agency or department  
20 as the case may be, for the purpose of receiving and processing  
21 applications, issuing certificates of registration, verifying registrations and  
22 maintaining an updated register of people's organizations.

23 (d) Issuance of Certificate of Registration. - Upon compliance with the  
24 requirements for registration under this Act, a certificate of registration  
25 under this Act, a certificate of registration shall be issued by the said office.  
26 Applications for registration shall be processed within thirty (30) days from  
27 filing thereof.

28 The certificate of registration shall be valid for a period of five (5) years  
29 only from the date of its issuance.

1           SECTION 6. ***Rights of People's Organization.*** - A duly registered  
2 people's organization shall have the following rights:

3           (a) To act as the representative of its members for the purpose of effective  
4           and reasonable participation as defined in this Act and to designate duly  
5           authorized representatives therefor;

6           (b) To be informed of and be invited to participate in, and to act as the  
7           representative of its members for the purpose of participating in meetings,  
8           and hearings of the local government council (s), local development  
9           council(s) Sangguniang Panlungsod, Sangguniang Panlalawigan,  
10          government agency(ies) and/or committee(s) of Congress or of the  
11          Executive Branch in which is has been fully registered as a people's  
12          organization: *Provided*, That notices of or invitations to such meetings and  
13          hearings shall be sent or served by said councils or committees upon the  
14          people's organizations concerned through their respective duly authorized  
15          representatives, as disclosed and declared in their respective registration  
16          papers: *Provided, further*, That receipt of such notice or invitation by the  
17          duly authorized representative shall be deemed sufficient notice to the  
18          people's organization concerned: *Provided, however*, That no change by  
19          a people's organization of its authorized representative to a convening  
20          council or committee meeting or hearing shall be effective unless such  
21          change has been previously recorded in the registration office of the  
22          convening council or committee concerned in which the people's  
23          organization is officially registered pursuant to this Act;

24          (c) To act as the representative of its members in any negotiations or  
25          proceedings in meetings called by the barangay captain in matters  
26          pertaining to the interests of the community where the members reside;  
27          and

28          (d) To be informed of decisions reached, plans and projects approved to be  
29          implemented.

1           SECTION 7. ***Non-abridgement of Rights of People's Organizations.*** -

2 It shall be unlawful for any person to restrain, coerce, discriminate against or  
3 *unduly interfere with the rights* of people to self-organize, and those of their  
4 organizations, as provided for in this Act.

5           SECTION 8. ***Notice of Hearing and Meetings.*** - For the purpose of  
6 providing opportunities for participation of people's organization, the following shall  
7 constitute notice of hearings and meetings, without prejudice to the provisions of  
8 Section 6 of this

9 Act:

10       (a) Publication of date, time, venue and subject matter of hearing and meeting  
11       in a newspaper of local circulation, if any;

12       (b) Posting of notice of date, time, venue and subject matter of hearing and  
13       meeting in the municipal and/or barangay hall, or residence of the  
14       barangay captain;

15       (c) Service of notice of date, time, venue and subject matter of hearing and  
16       meeting on the president of the association or in his absence, any officer  
17       or the association, or

18       (d) Broadcast through radio of notice of date, time, venue and subject matter of  
19       hearing and meeting as evidenced by the written radio announcement  
20       *furnished to the radio broadcaster.*

21       The government agency, local development council, national or local  
22       legislative body conducting the hearing of meeting shall be responsible for  
23       publication and posting of meeting or hearing. In the case of matters of local  
24       application (municipal and barangay) only posting of notice in municipal and  
25       barangay halls will be required.

26       SECTION 9. ***Verification of Notice of Hearing/Meeting.*** - In all meetings  
27       and hearings conducted by any of the agencies and councils mentioned in Section  
28       8 of this Act, the Chairman shall verify that the appropriate notice has been issued

1 in accordance with the provisions of this law and this verification shall be  
2 constituted as part of the records of the meeting/hearing conducted.

3 SECTION 10. **Penalties.** - Any person violating any of the provisions of  
4 this Act shall be punished by a fine not to exceed Five Hundred Pesos (P500.00)  
5 and/or imprisonment for not less than one(1) day nor more than six (6) months. If  
6 the person violating the provisions of this Act is a public officer, he shall be  
7 punished with the maximum penalty as provided herein.

8 SECTION 11. **Repealing Clause.** - All laws, decrees, orders, letters of  
9 instructions, letters of implementation, rules and regulations or parts thereof  
10 inconsistent with any provisions of this Act are hereby amended, modified,  
11 repealed or superseded insofar as they are inconsistent with the provisions or any  
12 provision of this Act.

13 SECTION 12. **Separability Clause.** - If any provision of this Act or the  
14 application of such provision to any person or circumstance is held invalid for any  
15 reason, the remainder of this Act or the application of such provision to other  
16 persons or circumstance shall not be affected thereby.

17 SECTION 13. **Effectivity.** - This Act shall take effect immediately upon its  
18 approval.

Approved,