

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

'04 JUL -7 P1:34

SENATE

RECEIVED BY: _____

Senate Bill No. 1414

Introduced by Senator Pangilinan

EXPLANATORY NOTE

Local sectoral representation is one of the most significant democratization provisions in the 1987 Constitution as well as in the 1991 Local Government Code. It allows representatives from local sectoral groups especially those belonging to the marginalized to be elected as members of the local *sanggunians* and participate in local legislation or policy-making process. It intends to expand the composition of local *sanggunians* by democratizing electoral and political opportunities in consonance with the social justice provisions of the Constitution. By allowing the people to choose their sectoral organizations, the representation of the marginalized sectors in the local *sanggunians* will be ensured.

Section 9, Art. X of the 1987 Constitution states that "legislative bodies of local governments shall have sectoral representation as may be prescribed by law." Section 41 (c) of R. A. No. 7160 or the LGC, on the other hand, states that "...there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the *sanggunian* concerned within ninety (90) days prior to the holding of the next local elections as may be provided for by law." It also states that COMELEC shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.

While previous attempts were made by the COMELEC to set the date and call the first elections for sectoral representatives through various resolutions (Resolution Nos. 2515 and 2753 - calling for special elections in 1993; Resolution Nos. 2753 - where elections for sectoral representatives would coincide with the 1995 national and local elections), no elections to date has been conducted.

In 1995, Congress enacted Republic Act No. 7887 which instituted certain electoral reforms. The last paragraph of Sec. 1 thereof states that the "COMELEC shall promulgate rules and regulations to effectively implement the provisions of law which may hereafter be enacted providing for the election of sectoral representatives." This provision apparently strengthened COMELEC's position not to push through with the planned elections in deference to Congress.

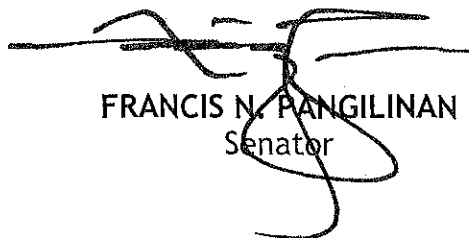
Six years after, Congress has yet to pass an enabling law that will pave the way for the conduct of elections for local sectoral representatives. The constitutional and statutory mandate for such elections has not been implemented simply because of the absence of an enabling law that will

provide for the manner and date of election of sectoral representatives to the local sanggunians.

The bill if enacted to into law will serve as the enabling law for the unimplemented constitutional and statutory policy on local sectoral representation. The salient features of the bill includes: (a) election of (3) sectoral representatives each in the Sangguniang Panlalawigan, Sangguniang Bayan and Sangguniang Panlungsod -- one (1) from the women sector, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons and elderly; (b) the first election will be on the second Monday of May 2004 and every three years thereafter; (c) requirement of registration of sectoral organizations/coalitions to qualify in elections; (d) qualifications of sectoral nominees; (e) forfeiture of seat by any elected sectoral representative who changes his organizational affiliation during his term of office; and (f) conduct of voter's education.

For the past ten years since the enactment of the Local Government Code, there has been a marked increase in interest by civil society in local governance. This augurs well in instilling greater accountability in governance, but also in promoting innovative governance in partnership with an empowered civil society. The implementation of local sectoral representation is an important institutional mechanism for attaining this objective.

Hence, the approval of the bill is most earnestly sought.



FRANCIS N. PANGILINAN
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

'04 JUL -7 P1:34

SENATE
Senate Bill No. 1414 RECEIVED BY: G

Introduced By Senator Pangilinan

AN ACT PROVIDING FOR THE MANNER AND DATE OF ELECTION OF SECTORAL REPRESENTATIVES TO THE LOCAL SANGGUNIAN AND FOR OTHER PURPOSES

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

SECTION 1. Title - This Act shall be known as the "Local Sectoral Representation Act of 2001."

SEC. 2. Declaration of Policy.- It is the policy of the State to have sectoral representatives to legislative bodies of local governments and to uphold the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

SEC. 3. Definition of Terms.- As used in this Act:

- (a) "Workers" may either be industrial, commercial, or service workers, peasants, farmers or fisherfolk;
- (b) "Sectoral organization" refers to a group of citizens belonging to any of the sectors enumerated in Section 4 hereof which are bound together by a common vision or purpose and an internal structure of accountability to the membership;
- (c) "Coalition" refers to an aggrupation of duly registered sectoral organizations enumerated in Section 4 herein for political and/or election purposes;
- (d) "Commission" shall refer to the Commission on Elections.

SEC. 4. Election of Sectoral Representatives.- There shall be three (3) sectoral representatives each in the Sangguniang Panlalawigan, Sangguniang Bayan and Sangguniang Panlungsod who shall be elected pursuant to this Act: one (1) from the women sector; one (1) from the workers; and one (1) from any of the following sectors: urban poor, indigenous cultural communities, disabled persons and elderly, which may be determined by the sanggunian concerned not later than one (1) year prior to the holding of the next local elections: *Provided that*, in the case of the Sangguniang Panlalawigan, any of the sub-sectors of the workers may be considered as the second and third sector; *Provided further that*, the total number of elective positions in the local sanggunians shall not exceed the number of seats prescribed by law except in provinces, and in cities where sanggunian members are elected per district as provided by law.

The third sector already determined shall remain in force unless the sanggunian concerned determines a new sector. In the event that the Sangguniang Panlalawigan, Sangguniang Bayan and Sangguniang Panlungsod fails to determine the third sector in the first local sectoral elections, the Department of Interior and Local Government ("DILG") shall determine the third sector.

SEC. 5. *Date of Election.*- The first election for sectoral representatives in the sangguniang panlalawigan, sangguniang bayan and sangguniang panlungsod shall be held simultaneously with the local elections on the second Monday of May 2004 and every three (3) years thereafter.

SEC. 6. *Manifestation to Participate in the Elections.* - Any sectoral organization or coalition already registered with the Commission on Elections need not register anew. However, such organization may file with the Commission, not later than one hundred twenty (120) days before every election, a manifestation of its desire to participate in the elections for sectoral representative: *Provided that*, a coalition may run only for one and the same sector in a province, city or municipality; *Provided further that*, no member organization of the coalition which has manifested its desire to participate in the elections shall be eligible to run.

SEC. 7. *Registration.*- Any sectoral organization or coalition which has been in existence for at least one (1) year, duly registered with the Securities and Exchange Commission (SEC), or the Department of Labor and Employment, or with government agencies concerned, or with the local government units concerned, and with a membership of not less than twenty five (25) registered voters within the municipality or city where it seeks to be a candidate, may file with the Commission, not later than one hundred eighty (180) days before the election, a petition verified by its president or secretary stating its desire to participate in the election for sectoral representative, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement, if any and other relevant information as the Commission may require.

Failure to submit the aforecited formal requirements may be a ground for dismissal, *motu proprio*, by the Commission on Elections of its petition; otherwise, the Commission shall immediately post the verified petition in the office of the election officer and in the bulletin board of the provincial, city or municipal hall setting the same for hearing at an appointed time and date.

The Commission shall, after due notice and hearing, resolve said petition, including a motion for its reconsideration, within thirty (30) days from the date of its submission for resolution, but in no case later than one hundred twenty (120) days before election.

The provincial, city or municipal chapters of registered provincial, regional or national sectoral organization or coalitions shall be deemed registered: *Provided that*, the local chapters shall notify and submit proof of chapter affiliation and registration of such provincial, regional or national sectoral organization or coalition to the provincial, city or municipal Election Officer; *Provided further that*, provincial, regional and national sectoral organizations or coalitions shall have chapters in at least twenty five percent (25%) of the total number of municipalities or cities of a province where it seeks to be a candidate for sanggunian panlalawigan; *Provided finally that*, each chapter shall have a membership of not less than twenty five (25) voters.

SEC. 8. *Refusal or Cancellation of Registration.* - The Commission may, *motu proprio*, or upon verified complaint of any interested party, refuse or cancel, after due notice and hearing, the registration of any sectoral organization or coalition on any of the following grounds:

- (a) It is a religious sect or denomination, organization or association organized solely for religious purposes;
- (b) It advocates violence or unlawful means to seek its goal;
- (c) It is a foreign organization;
- (d) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (e) It violates or fails to comply with laws, rules and regulations relating to elections;
- (f) It declares untruthful statements in its petition;
- (g) It was dissolved, absorbed by or merged with other sectoral organizations; and
- (h) It failed to participate in the last two (2) consecutive elections.

SEC. 9. *Certified List of Registered Sectoral Organizations and Coalitions.*- The Commission shall, not later than sixty (60) days before election, prepare a certified list of sectoral organizations and coalitions which have applied or manifested their desire to participate in the election of sectoral representatives to the local sanggunians and distribute copies thereof to all precincts for posting in the polling places in election day. The names of the nominees shall not be shown on the certified list.

SEC. 10. *Nomination of Sectoral Representatives.* Each registered sectoral organization or coalition shall submit to the Commission not later than forty-five (45) days before the election a list of three (3) names ranked as first nominee, second nominee and third nominee.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or any person who has lost his bid for an elective office other than sectoral representatives in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after same shall have been submitted to the Commission except in cases where the nominee dies, or withdraws in writing his nomination, or becomes incapacitated.

SEC. 11. *Qualifications of Sectoral Nominees.*- No person may be nominated as sectoral representative unless he is:

- (a) A citizen of the Philippines;
- (b) A registered voter in the city or municipality where he intends to be elected;
- (c) A resident therein for at least one (1) year immediately preceding the day of election;
- (d) Able to read and write Filipino or any other local language or dialect;
- (e) At least twenty three (23) years of age on election day; and
- (f) A bona-fide member of the registered sectoral organization or coalition, which he seeks to represent for at least ninety (90) days preceding the day of election.

SEC. 12. *Disqualifications of Sectoral Nominees*- The following are disqualified as nominee for sectoral representatives:

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (d) Those with dual citizenship or with dual allegiance;
- (e) Fugitives from justice in a criminal or non-political case here or abroad;
- (f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of said right; and
- (g) Insane persons declared as such by competent authority unless subsequently declared by competent authority that such persons are no longer insane.

SEC. 13. *Nominees Holding Appointive Office*. - Any person holding public appointive office or position, including active members of the Armed Forces of the Philippines, the Philippine National Police, and other law enforcement agencies and officers and employees in government owned and controlled corporations shall be considered *ipso facto* resigned from his office upon the submission of his name as nominee of a sectoral organization or coalition with the Commission.

SEC. 14. *Manner of Voting*.- Every voter shall be entitled to a vote for each of the positions reserved for the sectoral representatives in the local sanggunians: *Provided that*, a vote cast for a sectoral organization or coalition not entitled to be voted upon shall not be counted.

SEC. 15. *Term of Office.*- The term of office of sectoral representatives shall be co-extensive with the term of the individually elected members of the sanggunian. *Provided that*, if the sectoral organization or coalition that they represent would be dissolved, the position they are holding shall be deemed vacant.

SEC. 16. *Change of Affiliation Effect.*- Any elected sectoral representative who changes his organizational affiliation during his term of office shall forfeit his seat: *Provided that*, if he changes his organizational affiliation within six (6) months before the election, he shall not be eligible for nomination as sectoral representative under his new sectoral organization or coalition.

SEC. 17. *Vacancy.*- In case of permanent vacancy in the seats reserved for sectoral representatives, the vacancy shall be automatically filled by the next nominee from the list of nominees in the order submitted to the Commission who shall serve the unexpired term. If the list is exhausted, the sectoral organization or coalition concerned shall submit additional nominees.

SEC. 18. *Rights of Sectoral Representatives.*- Sectoral representatives shall be entitled to the same salaries, emoluments, rights, privileges and benefits as non-sectoral representatives of the local sanggunians.

SEC. 19. *Voter's Education.*- The Commission, together with an in support of accredited citizen's arms shall carry out a continuing and systematic campaign through newspapers of general circulation, radio and other media forms, as well as through seminars, symposia, fora and other non-traditional means to educate the public and fully inform the electorate about the election of sectoral representatives to the local sanggunians.

SEC. 20. *Designation of Other Dates For a Certain Pre-Election Acts.*- If it shall no longer be reasonably possible to observe the periods and dates prescribed by law for certain pre-election acts, the Commission shall fix other periods and dates in order to ensure the accomplishment of election activities so voters shall not be deprived of their right of suffrage.

SEC. 21. *Rules and Regulations.* - The Commission on Elections shall promulgate rules and regulations necessary to carry out the purpose of this Act.

SEC. 22. *Separability Clause.*- If, for any reason, any part or provision of this Act, shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SEC. 23. *Repealing Clause.* Section 41 paragraphs (b) and (c) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended, is hereby repealed. All laws, pertinent decrees, executive orders in whole or in part, including the rules and regulations promulgated thereunder inconsistent with the provisions of this Act, are hereby amended, repealed or modified accordingly.

SEC. 24. *Effectivity.*- This Act shall take effect immediately upon approval.

Approved,