

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

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SENATE
S. No. 1741

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

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 “[l]egislative 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 (Resolutions 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 R.A. No. 7887, which instituted certain electoral reforms. The last par. 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.

Twelve 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*.

This bill if enacted 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 2010 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 voters' education.

For the past seventeen 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.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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1 AN ACT
2 PROVIDING FOR THE MANNER AND DATE OF ELECTION OF SECTORAL
3 REPRESENTATIVES TO THE LOCAL SANGGUNIANs AND FOR OTHER
4 PURPOSES

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

7 SECTION 1. *Title.* – This Act shall be known as the “Local Sectoral
8 Representation Act of 2007”.

9 SECTION 2. *Declaration of Policy.* – It is the policy of the State to have sectoral
10 representatives belonging to marginalized sectors in the provincial, city and municipal
11 *sanggunians*. It is likewise the policy of the State to uphold the right of the people and
12 their organizations to effective and reasonable participation at all levels of social,
13 political and economic decision-making.

14 SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms
15 shall mean:

16 (a) “Sectoral Organization” refers to a group of citizens belonging to any of the
17 following sectors: 1. women, 2. workers, 3. indigenous peoples and cultural communities,
18 4. differently-abled persons, 5. senior citizens, 6. children, 7. urban poor and 8.
19 cooperatives;

20 (b) “Coalition” refers to an aggrupation of duly registered sectoral organizations
21 enumerated above and any other sector as may be determined by the *sanggunian*
22 concerned for political and/or election purposes;

23 (c) “Workers” refers to industrial, commercial, service workers, migrant workers,
24 informal sector workers, agricultural workers;

1 (d) "Marginalized sector" refers to those who are underrepresented and
2 underprivileged.

3 (e) "Indigenous Peoples" refer to a group of people or homogenous societies
4 identified by self-ascription and ascription by other, who have continuously lived as
5 organized community on communally bounded and defined territory, and who have,
6 under claims of ownership since time immemorial, occupied, possessed customs,
7 tradition and other distinctive cultural traits, or who have, through resistance to political,
8 social and cultural inroads of colonization, non-indigenous religions and culture, became
9 historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include
10 peoples who are regarded as indigenous on account of their descent from the populations
11 which inhabited the country, at the time of conquest or colonization, or at the time of
12 inroads of non-indigenous religions and cultures, or the establishment of present state
13 boundaries, who retain some or all of their own social, economic, cultural and political
14 institutions, but who may have been displaced from their traditional domains or who may
15 have resettled outside their ancestral domains;

16 (f) "Commission" refers to the Commission on Elections;

17 SECTION 4. *Election of Sectoral Representatives.* – There shall be three (3)
18 sectoral representatives each in the *Sangguniang Panlalawigan*, *Sangguniang Bayan* and
19 *Sangguniang Panlungsod* who shall be elected pursuant to this Act: One (1) from the
20 women sector; one (1) from the workers; and one (1) from any of the following sectors:
21 indigenous peoples and cultural communities, differently-abled persons, senior citizens,
22 children, urban poor and cooperatives to be determined by the *sanggunian* concerned not
23 later than one (1) year prior to the holding of the next local elections: Provided, That,
24 such third sector shall likewise belong to the marginalized sectors of society. Provided,
25 furthermore, That the youth shall not be among the sector to be chosen by the *sanggunian*
26 because they are already represented by the *Sanggunian Kabataan* as provided for under
27 Republic Act No. 7160, otherwise known as the Local Government Code of 1991, as
28 amended.

1 Furthermore, this bill recognizes the marginalized representation of IPs in areas
2 where they are present. Thus, the election of a sectoral representative from the IP sector
3 shall not in any way preclude the mandatory representation in policy-making bodies and
4 other local legislative council, as guaranteed by Republic Act 8371 (Indigenous Peoples
5 Rights Act).

6 In cases of provinces, cities or municipalities with more than one district, sectoral
7 representatives shall be elected at large.

8 Selection of the third sector shall be by resolution duly adopted by a majority of
9 the *Sanggunian* concerned provided that in the said selection the *Sanggunian* shall be
10 guided by the any or all of the following factors: size and number of the members of the
11 sectors seeking representation, impact of issues and concerns of the said sector and its
12 relation to the overall welfare and development of the local government unit, and
13 adequacy of representation in other bodies of the sectors seeking representation.

14 The third sector determined by the *sanggunian* shall remain in force unless the
15 *sanggunian* concerned determines a new sector. In the event that the *sanggunian* fails to
16 determine the third sector in the first sectoral elections, the third slot shall be contested by
17 any of the other sectors enumerated in this section.

18 SECTION 5. *Date of Election.* – The first election for local sectoral
19 representatives shall be held simultaneously with the local elections on the second
20 Monday of May 2007 and every three years thereafter.

21 SECTION 6. *Manifestation to Participate in the Elections.* – Any sectoral
22 organization or coalition already registered with the Commission need not register anew.
23 However, such organization shall file with the Commission, not later than one hundred
24 twenty (120) days before every election, a manifestation of its intention to participate in
25 the elections for sectoral representative: Provided, That, a coalition may run only for one
26 and the same sector in a province, city or municipality: Provided further, That, no
27 member-organization of a coalition which has manifested its desire to participate in the
28 elections shall be eligible to run in the same local government.

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

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

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

21 The provincial, city or municipal chapters of registered provincial, regional or
22 national sectoral organizations or coalitions shall be deemed registered: Provided, That,
23 the local chapters shall notify and submit a proof of chapter affiliation and registration of
24 such provincial, regional or national sectoral organization or coalition to the provincial,
25 city or municipal Election Officer: Provided, further, That, provincial, city or municipal
26 sectoral organizations or coalitions shall have chapters in at least twenty-five percent
27 (25%) of the total number of municipalities or cities of a province where it seeks to be a
28 candidate for *Sanggunian Panlalawigan*: Provided finally, That, each chapter shall have a

1 membership of not less than 25 registered voters.

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

6 (a) It is a religious sect or denomination, organization or association organized
7 solely for religious purposes;

8 (b) It advocates violence or unlawful means to seek its goal;

9 (c) It is a foreign organization;

10 (d) It is receiving support from any foreign government, foreign political party,
11 foundation, organization, whether directly or through any of its officers or members or
12 indirectly through third parties for partisan election purposes;

13 (e) It violates or fails to comply with laws, rules and regulations relating to
14 elections;

15 (f) It declares untruthful statements in its petition;

16 (g) It was dissolved, absorbed by or merged with other sectoral organizations; and

17 (h) It fails to participate in the last two (2) consecutive elections.

18 SECTION 9. *Certified List of Registered Sectoral Organizations and Coalitions.*

19 – The Commission shall, not later than sixty (60) days before election, prepare a certified
20 list of sectoral organizations and coalitions which have applied or manifested their desire
21 to participate in the election of sectoral representatives to the local *sanggunians* and
22 distribute copies thereof to all precincts for posting in the polling places on election day.
23 The names of the nominees shall not be shown on the certified list.

24 SECTION 10. *Nomination of Sectoral Representative.* – Each registered sectoral
25 organization or coalition shall submit to the Commission not later than forty-five (45)
26 days before the election, a list of nominees, ranking them as the first, second and third
27 nominees.

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

8 SECTION 11. *Qualifications of Sectoral Nominees.* – No person may be
9 nominated as sectoral representative unless such nominee is:

10 (a) A citizen of the Philippines;

11 (b) A registered voter in the city or municipality where he or she intends to be
12 elected;

13 (c) A resident therein for at least one (1) year immediately preceding the day of
14 the election;

15 (d) At least twenty-one (21) years of age on the day of election in the case of a
16 nominee for a provincial *sanggunian* or eighteen (18) years of age on the day of election
17 in any other case;

18 (e) A bona-fide member of the registered sectoral organization or coalition, which
19 the nominee seeks to represent for at least ninety (90) days preceding the day of the
20 election; and

21 (f) Able to read and write Filipino or any other local language or dialect.

22 SECTION 12. *Disqualifications of Sectoral Nominees.* – The following are
23 disqualified as nominees for sectoral representatives:

24 (a) Those sentenced by final judgment for an offense involving moral turpitude or
25 for an offense punishable by one (1) year or more of imprisonment, within two (2) years
26 after serving sentence;

27 (b) Those removed from office by final judgment in an administrative case;

28 (c) Those convicted by final judgment for violating the oath of allegiance to the

1 Republic of the Philippines;

2 (d) Persons declared insane or non compos mentis by competent authority

3 SECTION 13. *Nominees Holding Appointive Office.* – Any person holding a
4 public appointive office or position, including active members of the Armed Forces of the
5 Philippines, the Philippine National Police, and other law enforcement agencies and
6 officers and employees in government owned and/or controlled corporations shall be
7 considered ipso facto resigned from his office upon the acceptance of his nomination as
8 the nominee of a candidate for sectoral representation.

9 SECTION 14. *Manner of Voting.* – Every voter shall be entitled to a vote for each
10 of the positions reserved for the sectoral representatives in the local *sanggunians*:
11 Provided, That, a vote cast for a sectoral organization or coalition not entitled to be voted
12 upon shall not be counted.

13 SECTION 15. *Term of Office.* – The term of office of sectoral representatives
14 shall be three years: Provided, That, if the sectoral organization or coalition which
15 nominated them is dissolved or disbanded, then the positions held by these elected
16 sectoral representatives shall be deemed vacant.

17 SECTION 16. *Effect of Change of Affiliation.* – Any elected sectoral
18 representative who changes his organizational affiliations during his term of office shall
19 forfeit his seat: Provided, That, if he or she changes organizational affiliation within six
20 (6) months before the election, he or she shall not be eligible for nomination as sectoral
21 representative under any other sectoral organization or coalition.

22 SECTION 17. *Vacancy.* – In case a permanent vacancy in the seats reserved for
23 sectoral representatives occurs, the vacancy shall be filled automatically by the next
24 nominee of the organization or coalition represented by the person who caused the
25 vacancy, who shall then serve the unexpired term. If the list is exhausted, the sectoral
26 organization or coalition concerned shall submit additional nominees to the Commission:

1 Provided, That, such new nominee is not disqualified under this Act: Provided, further,
2 That this procedure will likewise apply if the vacancy is caused by the recall of the
3 nominee by the organization or coalition that they represent.

4 SECTION 18. *Rights of Sectoral Representatives.* – Sectoral Representatives shall
5 be entitled to the same salaries, emoluments, rights, privileges and benefits as members
6 of the *sanggunian*.

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

12 SECTION 20. *Designation of Other Dates for Certain Pre-Election Acts.* – If it is
13 no longer possible to observe the periods and dates prescribed by this Act for certain pre-
14 election acts, the Commission shall fix other periods and dates in order to ensure the
15 election of sectoral representatives: Provided, however, That his provision shall not be
16 construed to allow the Commission to delay or cancel the elections for sectoral
17 representatives in the year 2007.

18 SECTION 21. *Accommodation.* – The inclusion of local sectoral representatives
19 for fourth, fifth and sixth class municipalities shall not increase the number of seats in the
20 *sanggunian* as presently provided for by law unless a local government unit, by
21 resolution, declares that there are available funds for such additional seats: Provided, That
22 such resolution will be adopted one (1) year prior to the next local election and shall be
23 henceforth be applicable in the succeeding elections.

24 SECTION 22. *Rules and Regulations.* – The Commission shall promulgate rules
25 and regulations necessary to carry out the purposes of this Act which shall be published
26 in a newspaper of general circulation and/or Website.

1 SECTION 23. *Separability Clause.* – If, for any reason, any part or provision of
2 this Act is declared unconstitutional or illegal, other parts or provisions hereof which are
3 not affected thereby shall continue to be in full force and effect.

4 SECTION 24. *Repealing Clause.* – Section 41 paragraph (c) of Republic Act No.
5 7160, otherwise known as the “Local Government Code of 1991” is hereby amended.
6 Republic Act No. 8553 is hereby repealed. All laws, presidential decrees, executive
7 orders, including rules and regulations promulgated thereunder, which are inconsistent
8 with the provisions of this Act, are hereby amended, repealed or modified accordingly.

9 SECTION 25. *Effectivity.* – This Act shall take effect fifteen (15) days after its
10 complete publication in two (2) newspapers of general circulation.

11 Approved,