


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

OFFICE OF THE SECRETARY

10 JUL 15 P3 06

SENATE
S. No. 1484

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.*

ocr 
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

10 JUL 15 P3:06

SENATE
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Introduced by Senator Miriam Defensor Santiago

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

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

5 SECTION 1. *Title.* – This Act shall be known as the “Local Sectoral Representation Act”.

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

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

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

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

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

21 (d) “Marginalized sector” refers to those who are underrepresented and underprivileged.

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

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

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

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

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

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

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

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

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

24 SECTION 7. *Registration.* – Any sectoral organization or coalition which has been in
25 existence for at least one (1) year at the time of effectivity of this Act, duly registered with the
26 Securities and Exchange Commission, or the Department of Labor and Employment, or with
27 government agencies concerned, or with local government units concerned, and with a

1 membership of not less than twenty five (25) registered voters within the municipality or city
2 where it seeks to be a candidate, shall file with the Commission, not later than one hundred
3 eighty (180) days before the election, a petition for registration and manifestation duly verified
4 by its president or secretary stating its intention to participate in the election for sectoral
5 representative, attaching thereto its constitution, by-laws, platform of program of government,
6 list of officers, coalition agreement, if any, and other relevant information as the Commission
7 may require.

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

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

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

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

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

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

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

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

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

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

- 27 (a) A citizen of the Philippines;

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

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

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

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

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

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

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

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

15 (c) Those convicted by final judgment for violating the oath of allegiance to the Republic
16 of the Philippines;

17 (d) Persons declared insane or *non compos mentis* by competent authority.

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

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

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

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

10 SECTION 17. *Vacancy.* – In case a permanent vacancy in the seats reserved for sectoral
11 representatives occurs, the vacancy shall be filled automatically by the next nominee of the
12 organization or coalition represented by the person who caused the vacancy, who shall then serve
13 the unexpired term. If the list is exhausted, the sectoral organization or coalition concerned shall
14 submit additional nominees to the Commission. Provided, That, such new nominee is not
15 disqualified under this Act: Provided, further, That this procedure will likewise apply if the
16 vacancy is caused by the recall of the nominee by the organization or coalition that they
17 represent.

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

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

26 SECTION 20. *Designation of Other Dates for Certain Pre-Election Acts.* – If it is no
27 longer possible to observe the periods and dates prescribed by this Act for certain preelection

1 acts, the Commission shall fix other periods and dates in order to ensure the election of sectoral
2 representatives: Provided, however, That his provision shall not be construed to allow the
3 Commission to delay or cancel the elections for sectoral representatives in the year 2013.

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

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

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

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

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

Approved,