

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



Senate  
Office of the Secretary

13 JUL -3 P12:42

SENATE

S.B. No. 342

FILED BY: *Jui*

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Introduced by Senator Loren Legarda

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#### EXPLANATORY NOTE

This bill seeks to provide the enabling law for the implementation of the provision on local sectoral representation as provided for under Republic Act No. 7160 otherwise known as the "Local Government Code of 1991".

The Constitution encourages non-governmental, community-based or sectoral organizations that promote the welfare of the nation (Article II, Section 23). It also respects the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means. Consistent with these State policies, Article X, Section 9 provides that legislative bodies of local governments shall have sectoral representation as may be prescribed by law, which essentially provides a venue for community-based organizations to participate in formal local governance processes.

Local sectoral representation is an important step towards advancing the decentralization in the Philippine governmental system. Decentralization, among others, seeks to bring the government closer to the people, make it more responsive to local needs, and harness the participation of grassroots communities in public policymaking. Participation of local sectoral groups in the local legislative bodies will help ensure that the interests of the marginalized sectors are articulated and these will allow them to contribute in making decisions that directly affect their social, political and economic concerns.

Section 41, par. C of R.A. No. 7160 sought to pursue the Constitutional provisions on local sectoral representation. However, 15 years since the enactment of R.A. No. 7160, this important provision remains unimplemented because it requires an enabling law for the same to be implemented. This bill addresses the need for an enabling law to allow broader representation and participation of community-based and people's organizations in local governance.

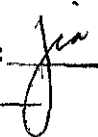
In view of the foregoing, the immediate passage of this bill is sought.

  
LOREN LEGARDA  
Senator

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SENATE

S.B. No. 342

RECEIVED BY: 

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Introduced by Senator Loren Legarda

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AN ACT  
PROVIDING FOR THE MANNER AND DATE OF ELECTION OF  
SECTORAL REPRESENTATIVES TO THE LOCAL SANGGUNIANs

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

1           **SECTION 1. Declaration of Policy.** - It is the policy of the State to uphold the  
2 right of the people and their organizations to effective and reasonable participation  
3 at all levels of social, political and economic decision-making.  
4

5           **SECTION 2. Definitions of Terms.** - As used in this Act, the following terms  
6 shall mean:

- 7           a) "Workers" refer to industrial workers or peasants;  
8           b) "Sectoral Organization" refers to a group of citizens or coalitions of group of  
9           citizens who share similar physical attributes or characteristics, profession,  
10           employment, interests or concern; and  
11           c) "Commission" refers to the Commission on Elections.  
12

13           **SECTION 3. Election of Sectoral Representatives.** - There shall be three (3)  
14 sectoral representatives in the Sangguniang Bayan, Sangguniang Panlungsod, and  
15 Sangguniang Panlalawigan who shall be elected pursuant to this Act: one (1) from  
16 the women sector, one (1) from the workers, and one (1) from any of the following  
17 sectors: the urban poor, indigenous cultural communities, disabled persons, or any  
18 other sector as may be determined by the Sangguniang Bayan, Sangguniang  
19 Panlungsod or Sangguniang concerned, at least ninety (90) days prior to the holding  
20 of the next local elections. As part of their requirements in the filing of candidacy,  
21 said representatives shall submit a certification that they belong to a bonafide sector  
22 organization. For this purpose, sector organization is defined as any organization

1 with a membership of not less than fifty (50) registered voters from the urban poor,  
2 indigenous cultural communities, disabled persons or any other sector.

3  
4 **SECTION 4. *Date of Election.*** - The first election for the sectoral  
5 representatives in the Sangguniang Bayan, Sangguniang Panlungsod and  
6 Sangguniang Panlalawigan shall be held simultaneously with the local elections on  
7 the second Monday of May 2013.

8  
9 The succeeding elections for the sectoral representatives in the Sangguniang  
10 Bayan, Sangguniang Panlungsod and Sangguniang Panlalawigan shall be held  
11 simultaneously with the succeeding local elections.

12  
13 **SECTION 5. *Registration of Sectoral Organization.*** - Any sector  
14 organization with a membership of not less than fifty (50) registered voter may file  
15 with the Commission a petition verified by its President or Secretary stating its  
16 desire to participate in the election of sectoral representatives, attaching thereto its  
17 constitution, by-laws, program of government, list of officers, certificate or  
18 accreditation by a government agency, if any, and other relevant information as the  
19 Commission may require.

20  
21 The Commission shall post the petition in the office of the election officer and  
22 in the bulletin board of each city or municipal hall.

23  
24 The Commission shall, after due notice and hearing, resolve the petition  
25 within fifteen (15) days from the date it was submitted for the decision but in no case  
26 not later than one hundred eighty (180) days before election.

27  
28 The Municipal or City chapters of registered provincial, regional or  
29 nationwide sectoral organizations shall be deemed registered: *Provided*, That the  
30 local chapters shall notify and submit proof of chapter affiliation and registration of  
31 such provincial, regional or nationwide sectoral organization to the City or  
32 Municipal Election Officer.

33  
34 **SECTION 6. *Manifestation to Participate in the Election.*** - Any registered  
35 sectoral organization may file with the Commission, not later than ninety (90) days  
36 before every election, a manifestation of its desire to participate in the election.

1  
2           **SECTION 7. *Removal or Cancellation of Registration.*** - The Commission  
3 may *motu proprio* or upon verified complaint of any interested party, remove or  
4 cancel, after due notice and hearing, the registration of any sectoral organization on  
5 any of the following grounds:

- 6       a) It is a religious sect or denomination, organization or association organized  
7       for religious purposes;  
8       b) It advocates violence or unlawful means to seek its goals;  
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  
12      members or indirectly through any of its officers or members or indirectly  
13      through third parties for partisan election purposes;  
14      e) It violates or fails to comply with law, rules and regulations relating to  
15      elections;  
16      f) It declares untruthful statements in its petition; or  
17      g) It has ceased to exist for at least one (1) year.

18  
19           **SECTION 8. *Certified List of Certified Registered Sectoral Organization.*** -  
20 The Commission shall, not later than sixty (60) days before an election, prepare a  
21 certified list of sectoral organizations who have manifested their desire to participate  
22 in the election sectoral representatives in the local Sanggunian and distribute copies  
23 thereof to all precincts for posting in the polling places on election day.  
24

25           **SECTION 9. *Nomination of an Official Sectoral Representative.*** - Each  
26 registered sectoral organization shall be entitled to nominate only one candidate for  
27 a city or municipality: *Provided*, That the sectoral organization concerned is  
28 registered with the Commission one hundred eighty (180) days before the day of  
29 election.  
30

31           **SECTION 10. *Qualifications.*** - No person may be elected as sectoral  
32 representative unless he is:

- 33      (a) A citizen of the Philippines;  
34      (b) A registered voter in the city or municipality where he intends to be elected;  
35      (c) A resident therein for at least one (1) year immediately preceding the day of  
36      the election;

- 1 (d) Able to read and write Filipino or any other local language or dialect;  
2 (e) At least twenty-three (23) years of age on election day in the case of sectoral  
3 representative in the Sangguniang Panlalawigan or Sangguniang  
4 Panlungsod; eighteen (18) years of age in the case of Sangguniang bayan; and  
5 (f) A member of a registered sectoral organization.  
6

7 **SECTION 11. *Disqualifications.*** - The following are disqualified as a  
8 candidate for sectoral representative:

- 9 (a) Those sentenced by final judgment for an offense involving moral turpitude  
10 or for an offense punishable by one (1) year or more imprisonment, within  
11 two (2) years after serving sentence;  
12 (b) Those removed from office as a result of an administrative case;  
13 (c) Those convicted by final judgment for violating oath of allegiance to the  
14 Republic of the Philippines;  
15 (d) Those with dual allegiance;  
16 (e) Fugitives from justice in a criminal or non-political case here or abroad;  
17 (f) Filipinos who are permanent residents of a foreign country or those who have  
18 acquired the right to reside abroad and continue to avail of said right after  
19 January 1, 1992; or  
20 (g) Insane persons declared as such by a competent authority unless  
21 subsequently declared by competent authority that such person is no longer  
22 insane.  
23

24 **SECTION 12. *Certificate of Candidacy.*** - In addition to Section 73 of the  
25 Omnibus Election Code, no certificate of candidacy shall be accepted or given due  
26 course without a certificate of nomination.  
27

28 **SECTION 13. *Filing of Certificate of Candidacy.*** - The certificate of  
29 candidacy for sectoral representatives shall be filed with the City or Municipal  
30 Election Officer not later than sixty (60) days before the day of election by the head  
31 of the sectoral organization or by the nominance or by their duly authorized  
32 representatives.  
33

34 **SECTION 14. *Substitute of Candidate in case of Death, Disqualification or***  
35 ***Withdrawal.*** - If, after the last day for filing of certificates of candidacy, a candidate  
36 dies, withdraws or is disqualified for any cause, he may only be substituted by a

1 person belonging to, and certified by the same sectoral candidate who died,  
2 withdrew or was disqualified. The certificate of candidacy for the office affected  
3 may be filed in accordance with the preceding section not later than midnight of the  
4 day of election.

5  
6 **SECTION 15. *Disqualification Case.*** - Petitions for disqualification of  
7 candidates shall be filed not later than seven (7) days from the last day of filing for  
8 certificates of candidacy. The courts shall give priority to cases of disqualification of  
9 candidates for sectoral representatives by reason of violation of Section 68 of the  
10 Omnibus Election Code. As amended, and Section 11 of this Act, to the end that final  
11 judgment shall rendered not later than ten (10) days before the day of election.

12  
13 **SECTION 16. *Manner of Voting.*** - Every voter is entitled to one vote for a  
14 candidate of only one sector he wants represented in the Sangguniang concerned.

15  
16 **SECTION 17. *Vacancy.*** - If a permanent vacancy occurs in the seats reserved  
17 for sectoral representatives, the Sangguniang concerned shall notify the local chief  
18 executive not later than seven (7) days of the existence of such vacancy. Thereafter,  
19 the concerned local chief executive shall, not later than fifteen (15) days from said  
20 certification, appoint a qualified person nominated by the winning sectoral  
21 organization to fill the vacancy.

22  
23 The appointed sectoral representative in the concerned Sangguniang shall  
24 serve only the unexpired term of their predecessors.

25  
26 **SECTION 18. *Term of Office.*** - The term of office of sectoral representatives  
27 shall be co-extensive with the term of the regularly elected members of their  
28 respective sanggunians.

29  
30 **SECTION 19. *Designation of Other Dates for Certain Pre-Election Acts.*** - If  
31 it shall no longer be reasonably possible to observe the periods and dates prescribed  
32 by law for certain pre-election acts, the Commission shall fix other periods and dates  
33 in order to ensure the accomplishment of election activities so voters shall not be  
34 deprived of their right to suffrage.

1           **SECTION 20. *Applicability.*** - The provisions of Republic Act No. 7160,  
2 otherwise known as the Local Government Code of 1991, and Batas Pambansa Blg.  
3 881 as amended, also known as the Omnibus Election Code, and other elections laws  
4 consistent herewith, shall likewise apply to this Act.  
5

6           **SECTION 21. *Rules and Regulations.*** - The Commission shall, within fifteen  
7 (15) days after the effectivity of this Act, promulgate rules and regulations necessary  
8 to carry out the purpose of this Act and shall consult its accredited citizens' arms  
9 and registered sectoral organizations for this purpose.  
10

11           **SECTION 22. *Separability Clause.*** - If any part, section or provision of this  
12 Act is declared invalid or unconstitutional, other parts or provisions hereof not  
13 affected thereby shall continue to be in full force and effect.  
14

15           **SECTION 23. *Repealing Clause.*** - Any law, presidential decree or issuance,  
16 executive order, letter of instruction, administrative rule or regulation contrary to, or  
17 inconsistent with the provisions of this Act, is hereby repealed, modified or  
18 amended accordingly.  
19

20           **SECTION 24. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days  
21 after its publication in at least two (2) newspapers of general circulation.  
22

23           Approved,