

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



Senate
Office of the Secretary

15 JAN 13 P 4:09

SENATE
S. No. 2567

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING A PEOPLE'S COUNCIL IN EVERY LOCAL GOVERNMENT UNIT

EXPLANATORY NOTE

The Constitution, Article 13, Section 15 provides:

The State shall respect 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.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Article 13, Section 16 further provides:

The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

Since the passage of the Naga City ordinance known as Empowerment Ordinance in 1995, a city-level federation of over 100 local non-government organizations and people's organizations, called the Naga City People's Council (NCPC), has been co-governing the said city.¹ Some of the functions of the NCPC include:

- observing, voting, and participating in the deliberation, conceptualization, implementation, and evaluation of programs, projects, and activities of the city government;

¹ Alecks P. Pabico, 'Faces of Change,' Philippine Center for Investigative Journalism (30 April 2007) <<http://pcij.org/stories/people-power-thrives-in-naga-city/>>.

- proposing legislation, participating, and voting at the committee level of the City Council; and
- acting as the people’s representative in the exercise of their constitutional rights to information.²

This scheme is the first system of its kind. It is considered as “the most developed experiment in the concept of people’s councils espoused by ‘popular democrats’ in response to Cory Aquino’s call to build ‘organized People’s Power’ at the grassroots level.”³ It was in fact recognized by the Dubai International Awards as one of the Top 10 Best Practices worldwide.⁴ According to the late DILG Secretary and Naga City Mayor Jesse M. Robredo, “by operationalizing the NCPC, the Empowerment Ordinance created and secured the avenue for participation of organized groups in governing the city, not only in policy-making but also in project implementation, monitoring and evaluation.”⁵ Indeed, the NCPC paved a way for “civil society groups—representing different sectors such as businessmen, informal settlers, tricycle and jeepney drivers, and laborers—to influence government.”⁶

This bill seeks to encourage people’s participation in local governance by institutionalizing this laudable scheme in all local governments in the country.⁷


MIRIAM DEFENSOR SANTIAGO
JP

² Governance & Social Accountability Mechanisms, paper presented by then Mayor Jesse M. Robredo of Naga City during the Governance and Social Accountability Forum on 18 September 2006 in conjunction with the World Bank and IMF Annual Meeting in Singapore.

³ Pabico, ‘Faces of Change.’

⁴ Robredo, Governance & Social Accountability Mechanisms.

⁵ *Id.*

⁶ Gerald M. Nicolas, In pursuit of an inclusive city, Philippine Daily Inquirer, 11 August 2011 <<http://opinion.inquirer.net/9789/in-pursuit-of-an-inclusive-city>>.

⁷ This bill was filed as House Bill No. 4911 by Rep. Leni Gerona-Robredo in the House of Representatives during the Second Regular Session of the Sixteenth Congress.

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



'15 JAN 13 P4 :09

SENATE
S. No. 2567

RECEIVED BY. *J.*

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
ESTABLISHING A PEOPLE'S COUNCIL IN EVERY LOCAL GOVERNMENT UNIT

2 SECTION 1. *Short Title.* - This Act shall be known as the "Local People's Council
3 Act."

4 SECTION 2. *Declaration of Policy.* - It is the policy of the State to encourage
5 people's participation in local governance by creating a scheme where non-government
6 organizations and people's organizations may represent different sectors of the
7 community in the policy- and decision-making process of the local government unit.

8 SECTION 3. *Definition of Terms.* - As used in this Act, the term:

9 (A) "Civil Society Organization" (CSO) means any organized citizens' group
10 including People's Organizations (POs) and Non-Government Organizations (NGOs)
11 such as community groups, labor unions, indigenous groups, charitable organizations,
12 faith-based organizations, professional associations, and foundations;

13 (B) "Local Sanggunian" means a local legislative body either specifically the
14 Sangguniang Panlungsod for cities or the Sangguniang Bayan for municipalities;

15 (C) "People's Organization" means a bona fide cooperative or association of
16 citizens organized for purposes not contrary to law with demonstrated capacity to

1 promote the public interest and with identifiable leadership, membership, and structure
2 with none of its officers and members occupying elective government positions.

3 SECTION 4. *Registrations of CSOs.* – Any CSO in active operation for at least
4 one year may be registered in their respective city or municipality where they conduct
5 their operations and where majority of their members reside. Registration will be
6 approved by the Local Sanggunian, upon submission or compliance of the following
7 requirements:

8 (A) Proof of existence and operation in the respective city or municipality they
9 are applying in for at least one year prior to the application for registration;

10 (B) Proof of activities held in pursuit of developmental objectives or of
11 organizational activities conducted;

12 (C) Program of activities planned for the year following the date of application
13 for registration;

14 (D) Copies of its constitution, by-laws and/or articles of incorporation;

15 (E) List of its officers and members of good standing and their respective
16 addresses;

17 (F) Financial statement and declaration of assets and liabilities; and

18 (G) Board resolution manifesting a decision to register and participate under
19 this Act.

20 A CSO whose application for registration has been approved shall be issued a
21 certificate of registration containing, among others, the terms and conditions for the
22 maintenance of its registered status.

23 The Local Sanggunian, however, may from time to time, and in consultation with
24 the Local People's Council, impose such other requirements and conditions for
25 registration as it may deem appropriate to best adhere to the principles of this Act.

1 Any CSO already accredited by the Local Government prior to the effectivity of
2 this Act need not register for purposes of this Act, unless its accreditation has in the
3 meantime been withdrawn.

4 SECTION 5. *Registration Deemed Inactive.* – A registered CSO is required to
5 submit, by January 31 of every year, a list of accomplishments of the previous year and
6 its plans for the current year. Any CSO who fails to comply for two years shall
7 automatically have its registration deemed inactive.

8 Any CSO whose registration has been deemed inactive may not avail of the Rights
9 and Privileges of registered CSOs contained in Section 7 of this Act.

10 CSOs may reactivate their registration upon submission of documents they lack.

11 SECTION 6. *Committee on Registration of CSOs.* – There shall be a Committee
12 on Registration of CSOs in each Local Sanggunian of all cities and municipalities. It is
13 mandated to perform the following functions:

- 14 (A) Receive and process applications for registration;
15 (B) Monitor compliance with the conditions for registration;
16 (C) Initiate legislative measures for the effective performance of its tasks.

17 The Local People’s Council, once formally organized, shall be entitled to a two-
18 seat representation in the Committee.

19 SECTION 7. *Rights and Privileged of Registered CSOs.* – Registered CSOs may
20 enjoy the following rights and privileges:

- 21 (A) Enter into joint ventures and other cooperative undertakings with the Local
22 Government to engage in the delivery of certain basic services, capability-
23 building and livelihood projects;

1 (B) Develop local enterprises designed to improve productivity and income,
2 *diversify agriculture, spur rural industrialization, promote ecological balance,*
3 and enhance the economic and social well-being of the people within the
4 framework of equitable and sustainable development;

5 (C) Receive assistance from the Local Government for economic, socially-
6 oriented, environmental, good governance, or cultural projects to be
7 implemented within their territorial jurisdiction;

8 (D) Join and become part of the Local People's Council.

9 SECTION 8. *Creation of Local People's Councils.* – A Local People's Council,
10 composed of accredited CSOs, shall be created. For this purpose, the Committee on
11 Registration of CSOs of each Local Sanggunian shall, not later than 90 days from the
12 effectivity of this Act, call for a convention of all accredited CSOs to facilitate the formal
13 organization of the Local People's Council. Thereafter, the organized group shall file a
14 petition for recognition to the Local Sanggunian.

15 A Local People's Council shall be formally created upon approval by the Local
16 Sanggunian of the petition for recognition.

17 SECTION 9. *Structure and Rules of the Local People's Council.* – Each Local
18 People's Council shall determine its own organizational structures and internal rules, but
19 shall at all times provide for adequate consultation mechanisms for purposes of obtaining
20 the views and suggestions of all political parties or movements, government employees'
21 organizations, other non-accredited but legitimate CSOs, and accredited CSOs which are
22 not members of the Council; *Provided,* that no political party, government employees'
23 organization or non-registered CSOs may be nominated by the Council for membership
24 in the LGU's special bodies nor may they be granted the rights and privileges of

1 accredited CSOs under this Act; and, *Provided further*, that no provision herein shall be
2 interpreted to prohibit the Council from changing its name or from being organized for
3 purposes other than those indicated in this Act.

4 SECTION 10. *Recognition of the Local People's Council by the Local*
5 *Sanggunian.* – Only one Local People's Council shall be recognized by each Local
6 Sanggunian. The Local Sanggunian is mandated to award recognition to a People's
7 Council within 30 days from the filing of a petition for recognition.

8 SECTION 11. *Withdrawing Recognition of the Local People's Council.* – The
9 Local Sanggunian can withdraw the recognition granted to the Local People's Council,
10 only upon action of a petitioner, and based on the following grounds:

11 (A) That the Local People's Council allowed itself or any of its member
12 organizations to engage primarily in, or to be used primarily for, partisan
13 political activities;

14 (B) Other grounds to be provided for in the Implementing Rules and
15 Regulations of this Act.

16 The Local Sanggunian shall not entertain and exercise jurisdiction over internal
17 and/or inter-organizational conflicts within the Local People's Council.

18 SECTION 12. *Powers and Responsibilities of the Local People's Council.* – Upon
19 recognition, the Local People's Council may, in accordance with its policies and internal
20 rules, exercise the following powers and responsibilities:

21 (A) Elect or appoint, from among its member organizations, its representatives
22 to all Local Government bodies, boards, councils, committees, task forces,
23 special government bodies, and other similar work groups which the Local

1 Government or national laws may hereinafter create. Member organizations
2 elected or appointed to represent the Local People's Council shall have the sole
3 prerogative to choose, from among their bona fide members, the persons who
4 shall sit in the boards, councils, committees, task forces and/or special bodies
5 concerned. Unless otherwise provided herein, such representatives shall not
6 exceed 25 percent of the membership of the board, council, committee, task
7 force or special body;

8 (B) Participation of the Local People's Council or any of its member
9 organization in the conception, implementation and evaluation of government
10 activities and functions shall be without compensation or remuneration. The
11 Local Government, however, shall provide for the necessary office spaces,
12 facilities and/or equipment for said participation of the Council;

13 (C) Representatives of the Local People's Council may observe, vote, and
14 participate in the deliberation, conceptualization, implementation, and
15 evaluation of projects, activities, and programs of the Local Government,
16 propose legislations, and participate and vote at the committee level of the
17 Local Sanggunian.

18 (D) The Local People's Council shall also elect a representative for the
19 provincial level.

20 SECTION 13. *Creation of a Provincial People's Council.* – A Provincial People's
21 Council shall be created and recognized by the Sangguniang Panlalawigan. The
22 Provincial People's Council shall be composed of all representatives to the provincial
23 level from the Local People's Councils within the Province's jurisdiction.

1 The Provincial People’s Council shall elect, from within its ranks, a representative
2 who will sit on the Sanggunian Panlalawigan and shall exercise the duties and powers of
3 a Provincial Board member.

4 SECTION 14. *Non-Partisan Nature of the Local and Provincial People’s Council.*

5 – The Local or Provincial People’s Council shall not engage in, or allow itself or its
6 member organizations to be used for purposes of partisan politics, and shall adopt such
7 measures to ensure that it is adequately shielded from any political partisanship or
8 influence.

9 For purposes of this Act, partisan politics shall refer to any activity statement or
10 manifestation which solely or primarily serves to campaign for or against any particular
11 political party or any candidate for any elective public office.

12 SECTION 15. *Amendment of the Composition of Local Government Units.* – The
13 existing compositions of the committees, boards, councils, task forces, and special bodies
14 of all Local Governments are hereby amended to accommodate the membership and
15 participation therein of the Local People’s Council or its representatives as herein
16 mandated.

17 SECTION 16. *Right to Self-Organization.* – Pursuant to the Constitution, Article
18 13, Section 15, CSOs are recognized as independent and autonomous self-help
19 organizations. They are encouraged to organize into formal cooperatives, labor union,
20 interest groups, non-government organizations, sectoral organizations and/or people’s
21 organizations in furtherance of their constitutionally mandated role of enabling the people
22 to pursue and protect, within the democratic framework, their legitimate and collective
23 interests and aspirations through peaceful and lawful means.

1 The Department of the Interior and Local Government (DILG) and the LGUs are
2 mandated to assist, and support efforts of the people towards self-organization to address
3 *their common concerns, to promote their common welfare, and/or to serve their localities*
4 or their communities and interests.

5 SECTION 17. *Funding.* – The funds needed for the capacity building of CSOs
6 shall be included in the annual budget of the DILG. The funds necessary for the
7 maintenance and operational expenses of the Local People’s Council, in relation to
8 participation in local governance, shall be included in the annual budgets of respective
9 LGUs.

10 SECTION 18. *Information Boards and Suggestion Boxes.* – Information boards
11 and suggestion boxes shall be provided, maintained, and controlled by the LGU in each
12 barangay, at the public plazas, city hall compound, public markets, schools, government
13 offices, and at such public places accessible to the people, which boards and boxes shall
14 be other than those maintained by the barangays and the national government, shall be
15 controlled solely by the LGU.

16 Local Governments are mandated to respond within 15 working days to the
17 suggestions filed by citizens in suggestion boxes.

18 SECTION 19. *Implementing Rules and Regulations.* – Within 120 days from the
19 effectivity of this Act, the DILG, LGUs, in consultation with CSOs that have experience
20 working with Local Governments, shall determine effective ways and methods for the
21 implementation of this Act and craft Implementing Rules and Regulations.

1 SECTION 20. *Separability Clause.* - If any provision or part hereof is held invalid
2 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

4 SECTION 21. *Repealing Clause.* - Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to,
6 or inconsistent with, the provision of this Act is hereby repealed, modified, or amended
7 accordingly.

8 SECTION 22. *Effectivity Clause.* - This Act shall take effect 15 days after its
9 publication in at least two 2 newspapers of general circulation.

Approved,

/tmdp9January2015