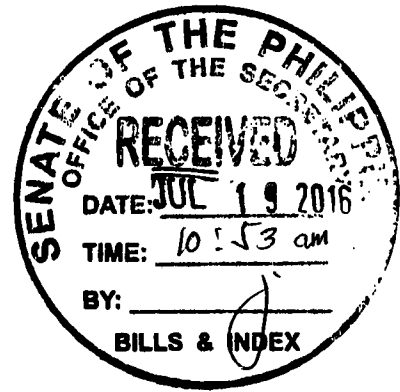


SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. No. 449

Introduced by SENATOR LOREN LEGARDA

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

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.

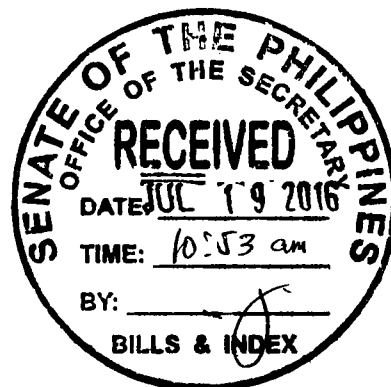
Local sectoral representation is an important step towards advancing the decentralization in the Philippine governmental system. Decentralization, among others, seeks to bring the government closer to the people, to make it more responsive to local needs, and to harness the participation of grassroots 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. 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 earnestly sought.


LOREN LEGARDA
Senator

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



SENATE

S.B. No. 449

Introduced by SENATOR LOREN LEGARDA

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

*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
2 the right of the people and their organizations to effective and reasonable
3 participation at all levels of social, political and economic decision-making.
4

5 **SEC. 2. Definitions of Terms.** – As used in this Act, the following terms
6 shall mean:
7

- 8 a) “Workers” refer to industrial workers or peasants;
9 b) “Sectoral Organization” refers to a group of citizens or coalitions of
10 group of citizens who share similar physical attributes or
11 characteristics, profession, employment, interests or concern; and
12 c) “Commission” refers to the Commission on Elections.
13

14 **SEC. 3. Election of Sectoral Representatives.** – There shall be three (3)
15 sectoral representatives in the Sangguniang Bayan, Sangguniang
16 Panlungsod, and Sangguniang Panlalawigan who shall be elected pursuant
17 to this Act: one (1) from the women sector, one (1) from the workers, and
18 one (1) from any of the following sectors: the urban poor, indigenous
19 cultural communities, disabled persons, or any other sector as may be
20 determined by the Sangguniang Bayan, Sangguniang Panlungsod or
21 Sangguniang concerned, at least ninety (90) days prior to the holding of the
22 next local elections. As part of their requirements in the filing of candidacy,
23 said representatives shall submit a certification that they belong to a
24 bonafide sector organization. For this purpose, sector organization is defined
25 as any organization with a membership of not less than fifty (50) registered
26 voters from the urban poor, indigenous cultural communities, disabled
27 persons or any other sector.
28

29 **SEC. 4. Date of Election.** – The first election for the sectoral
30 representatives in the Sangguniang Bayan, Sangguniang Panlungsod and
31 Sangguniang Panlalawigan shall be held simultaneously with the local
32 elections on the second Monday of May 2019.
33

1 The succeeding elections for the sectoral representatives in the Sangguniang
2 Bayan, Sangguniang Panlungsod and Sangguniang Panlalawigan shall be
3 held simultaneously with the succeeding local elections.
4

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

13 The Commission shall post the petition in the office of the election officer
14 and in the bulletin board of each city or municipal hall.
15

16 The Commission shall, after due notice and hearing, resolve the petition
17 within fifteen (15) days from the date it was submitted for the decision but
18 in no case not later than one hundred eighty (180) days before election.
19

20 The Municipal or City chapters of registered provincial, regional or
21 nationwide sectoral organizations shall be deemed registered: *Provided*, That
22 the local chapters shall notify and submit proof of chapter affiliation and
23 registration of such provincial, regional or nationwide sectoral organization
24 to the City or Municipal Election Officer.
25

26 **SEC. 6. Manifestation to Participate in the Election.** - Any registered
27 sectoral organization may file with the Commission, not later than ninety
28 (90) days before every election, a manifestation of its desire to participate in
29 the election.
30

31 **SEC. 7. Removal or Cancellation of Registration.** - The Commission may
32 *motu proprio* or upon verified complaint of any interested party, remove or
33 cancel, after due notice and hearing, the registration of any sectoral
34 organization on any of the following grounds:
35

- 36 a) It is a religious sect or denomination, organization or association
37 organized for religious purposes;
- 38 b) It advocates violence or unlawful means to seek its goals;
- 39 c) It is a foreign organization;
- 40 d) It is receiving support from any foreign government, foreign political
41 party, foundation, organization, whether directly or through any of its
42 officers or members or indirectly through any of its officers or
43 members or indirectly through third parties for partisan election
44 purposes;
- 45 e) It violates or fails to comply with law, rules and regulations relating to
46 elections;
- 47 f) It declares untruthful statements in its petition; or
- 48 g) It has ceased to exist for at least one (1) year.
49

50 **SEC. 8. Certified List of Certified Registered Sectoral Organization.** -
51 The Commission shall, not later than sixty (60) days before an election,
52 prepare a certified list of sectoral organizations who have manifested their
53 desire to participate in the election sectoral representatives in the local
54 Sanggunian and distribute copies thereof to all precincts for posting in the
55 polling places on election day.
56

1 **SEC. 9. Nomination of an Official Sectoral Representative.** - Each
2 registered sectoral organization shall be entitled to nominate only one
3 candidate for a city or municipality: *Provided*, That the sectoral organization
4 concerned is registered with the Commission one hundred eighty (180) days
5 before the day of election.
6

7 **SEC. 10. Qualifications.** - No person may be elected as sectoral
8 representative unless he is:
9

10 (a) A citizen of the Philippines;

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

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

17
18 (d) Able to read and write Filipino or any other local language or dialect;

19
20 (e) At least twenty-three (23) years of age on election day in the case of
21 sectoral representative in the Sangguniang Panlalawigan or
22 Sangguniang Panlungsod; eighteen (18) years of age in the case of
23 Sangguniang bayan; and
24

25 (f) A member of a registered sectoral organization.
26

27 **SEC. 11. Disqualifications.** - The following are disqualified as a candidate
28 for sectoral representative:

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

32 (b) Those removed from office as a result of an administrative case;

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

35 (d) Those with dual allegiance;

36 (e) Fugitives from justice in a criminal or non-political case here or
37 abroad;

38 (f) Filipinos who are permanent residents of a foreign country or those
39 who have acquired the right to reside abroad and continue to avail of
40 said right after January 1, 1992; or

41 (g) Insane persons declared as such by a competent authority unless
42 subsequently declared by competent authority that such person is no
43 longer insane.
44

45 **SEC. 12. Certificate of Candidacy.** - In addition to Section 73 of the
46 Omnibus Election Code, no certificate of candidacy shall be accepted or
47 given due course without a certificate of nomination.
48

49 **SEC. 13. Filing of Certificate of Candidacy.** - The certificate of candidacy
50 for sectoral representatives shall be filed with the City or Municipal Election
51 Officer not later than sixty (60) days before the day of election by the head of
52 the sectoral organization or by the nominee or by their duly authorized
53 representatives.
54

55 **SEC. 14. Substitute of Candidate in case of Death, Disqualification or**
56 **Withdrawal.** - If, after the last day for filing of certificates of candidacy, a

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

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

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

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

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

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

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

37
38 **SEC. 20. Applicability.** - The provisions of Republic Act No. 7160,
39 otherwise known as the Local Government Code of 1991, and Batas
40 Pambansa Blg. 881 as amended, also known as the Omnibus Election Code,
41 and other elections laws consistent herewith, shall likewise apply to this
42 Act.

43
44 **SEC. 21. Rules and Regulations.** - The Commission shall, within fifteen
45 (15) days after the effectivity of this Act, promulgate rules and regulations
46 necessary to carry out the purpose of this Act and shall consult its
47 accredited citizens' arms and registered sectoral organizations for this
48 purpose.

49
50 **SEC. 22. Separability Clause.** - If any part, section or provision of this Act
51 is declared invalid or unconstitutional, other parts or provisions hereof not
52 affected thereby shall continue to be in full force and effect.

53
54 **SEC. 23. Repealing Clause.** - Any law, presidential decree or issuance,
55 executive order, letter of instruction, administrative rule or regulation

1 contrary to, or inconsistent with the provisions of this Act, is hereby
2 repealed, modified or amended accordingly.

3

4 **SEC. 24. Effectivity Clause.** – This Act shall take effect fifteen (15) days
5 after its publication in at least two (2) newspapers of general circulation.

6

7 Approved,