

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

SENATE  
DEPARTMENT OF SECRETARY

SENATE  
S. B. 1599

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Electing sectoral representatives to local legislative bodies is essential in upholding the rights of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making activities. As such, Republic Act No. 7160 (Local Government Code of 1991), Section 41, Paragraph C, specifically provides for sectoral representatives to the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod*, and *Sanggunian Bayan*.

Despite the effectivity of the said Code on 1 January 1992, the elections for sectoral representatives to the local *sanggunians* has been deterred due to lack of an enabling law.

Thus this bill provides for the manner and date of the election of sectoral representatives to the various local legislative bodies.

This is the substitute form of a bill discussed in public hearings during the Tenth Congress.

  
MIRIAM DEFENSOR SANTIAGO

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SENATE JOURNAL

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

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to have sectoral representatives to legislative bodies of local governments and to uphold the rights of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

SECTION 2. *Definition of Terms.* – As used in this Act:

- (1) “Workers” refer to industrial workers or peasants;
- (2) “Sectoral Organization” refers to a group of citizens or coalitions of groups of citizens who share similar physical attributes or characteristics, profession, employment, interests or concern; and
- (3) “Commission” refers to the Commission on Elections.

SECTION 3. *Election of Sectoral Representatives.* – There shall be three (3) sectoral representatives in the *Sangguniang Bayan*, *Sangguniang Panlungsod* and *Sangguniang Panlalawigan* who shall be elected pursuant to this Act: 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, or any other sector as may be determined by the *Sangguniang Bayan* or *Sangguniang Panlungsod* concerned within ninety (90) days prior to the holding of the next local elections.

SECTION 4. *Date of Election.* – The first election for sectoral representatives in the *Sangguniang Bayan* and *Sangguniang Panlungsod* shall be held simultaneously with the local elections on the second Monday of May, 2007. Thirty days thereafter, the first elections for sectoral representatives in the *Sangguniang Panlalawigan* shall be held.

The succeeding elections for sectoral representatives in the *Sangguniang Bayan* and *Sangguniang Panlungsod* shall be held simultaneously with the local elections. Thirty (30) days thereafter, the succeeding elections for sectoral representatives in the *Sangguniang Panlalawigan* shall be held.

SECTION 5. *Registration of Sectoral Organization.* – Any sectoral organization with a membership of not less than twenty-five (25) registered voters may file with the Commission a petition verified by its President or Secretary stating its desire to participate in the election of sectoral representatives, attaching thereto its constitution, by-laws, program of government, list of officers, coalition agreement, certificate of accreditation by a government agency, if any, and other information as the Commission may require.

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

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

The municipal or city chapters of a registered provincial, regional or nationwide sectoral organizations shall be deemed registered: Provided that, the local chapters shall notify and submit a proof of chapter affiliation and registration of such provincial, regional, or nationwide sectoral organization to the City or Municipal Election Officer.

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

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

- (1) It is a religious sect or denomination, organization or association organized for religious purposes;
- (2) It advocates violence or unlawful means to seek its goal;
- (3) It is a foreign organization;
- (4) It is receiving support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes;
- (5) It violates or fails to comply with laws, rules, and regulations relating to elections;
- (6) It declares untruthful statements in its petition; or
- (7) It has ceased to exist for at least one (1) year.

SECTION 8. *Certified List of Registered Sectoral Organizations.* – The Commission shall, not later than sixty (60) days before an election, prepare a certified list of sectoral organizations, which have manifested their desire to participate in the sectoral representatives in the local sanggunian and distribute copies thereof to all precincts for posting in the polling places on election day.

SECTION 9. *Nomination of an Official Sectoral Representative.* – Each registered sectoral organization shall be entitled to nominate only one candidate for a city or municipality; Provided, that, the sectoral organization concerned is registered with the Commission one hundred eighty (180) days before the day of election except for the purpose of the 2007 elections.

SECTION 10. *Qualifications.* – No person may be elected as electoral representative unless he is:

- (1) A citizen of the Philippines;
- (2) A registered voter in the city or municipality where he intends to be elected;
- (3) A resident therein for at least one (1) year immediately preceding the day of the election;
- (4) Able to read and write Filipino or any other local language or dialect;
- (5) At least twenty-three (23) years of age on election day in the case of sectoral representative in the *Sangguniang Panlalawigan* or *Sangguniang Panlungsod*; eighteen years of age in the case of *Sangguniang Bayan*; and
- (6) A member of registered sectoral organization.

SECTION 11. *Disqualifications.* – The following are disqualified as candidate for sectoral representative:

- (1) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (2) Those removed from office as a result of an administrative case;
- (3) Those convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (4) Those with dual citizenship;
- (5) Fugitives from justice in a criminal or non-political case here or abroad;
- (6) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of said right after January 1, 1992; or
- (7) Insane persons declared as such by competent authority unless subsequently declared by competent authority that such person is no longer insane.

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

SECTION 13. *Filing of Certificate of Candidacy.* – The certificate of candidacy for sectoral representative shall be filed with the City or Municipal Election Officer not later than sixty (60) days before the day of the election by the head of the sectoral organization or by the nominee, or by their duly authorized representatives.

SECTION 14. *Substitution of Candidate in Case of Death, Disqualification or Withdrawal.* – If, after the last day for the filing of certificates of candidacy, a candidate dies, withdraws or is disqualified for any cause, only a person belonging to, and certified by the same sectoral organization may file a certificate of candidacy to replace the sectoral candidate who died, withdrew or was disqualified. The certificate of candidacy for the office affected may be filed in accordance with the preceding section not later than mid-day of the day of election.

If the death, withdrawal or disqualification should occur between the day before the election and mid-day of election day, said certificate may be filed with any Board of Election Inspectors in the political subdivision where the candidate seeks to be elected.

A candidate who withdraws shall not be qualified from being nominated to any other position for the immediate election.

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

SECTION 16. *Manner of Voting.* – Every voter is entitled to one (1) vote for a candidate of only one (1) sector he wants represented in the Sangguniang Bayan or Sangguniang Panlungsod.

The duly elected sectoral representatives in the Sangguniang Bayan or Sangguniang Panlungsod within the province, except those from the Sangguniang Panlungsod of independent

component cities and highly urbanized cities, shall elect from among themselves their sectoral representatives in the *Sangguniang Panlalawigan*. Provided, that, the third sector, though varying in different cities or municipalities, shall constitute one (1) sector likewise electing from among themselves the third sector representative to the *Sangguniang Panlalawigan*. Provided, further, that the election of sectoral representatives to the *Sangguniang Panlalawigan* shall be conducted under the supervision of the Department of Interior and Local Government (DILG).

SECTION 17. *Vacancy*. – If a permanent vacancy occurs in the seats reserved for sectoral representatives in the *Sangguniang Bayan* and *Sangguniang Panlungsod*, the *Sanggunian* concerned shall certify not later than seven (7) days the existence of such vacancy. Thereafter, the local chief executive shall, not later than fifteen (15) days from the said certification, appoint a qualified person nominated by the winning sectoral organization to fill the vacancy.

If a vacancy occurs in the *Sangguniang Panlalawigan*, an election shall be held in the manner prescribed in the preceding section seven (7) days after the assumption to office of the appointed sectoral representative in the local *Sanggunian* concerned.

The appointed sectoral representative in the *Sangguniang Bayan* and *Sangguniang Panlungsod* and the newly elected sectoral representative in the *Sangguniang Panlalawigan* shall serve only the unexpired term of their predecessors.

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

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

SECTION 20. *Applicability.* – The pertinent provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, and *Batas Pambansa Blg. 881*, as amended, also known as the Omnibus Election Code, and other laws consistent herewith, shall apply.

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

SECTION 22. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

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

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

Approved.