

NINETEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Third Regular Session }

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SENATE

S. NO. 2800

Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
FIXING THE TERM OF OFFICE OF BARANGAY OFFICIALS AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The existence of barangays forms part of our nation building, as enshrined in both the 1987 Constitution and Republic Act No. 7160 or the Local Government Code of 1991. As the basic political unit of the government, barangays enjoy local autonomy, as stated under Article X Section 2 of the Constitution.

They serve as the conduit between the government and the people; serving the frontline in the provision of basic services to their constituents. In addition to this, they also fill important governance efforts as catalysts of development, peacemakers, lawmakers, implementers, and disaster risk reduction managers, among others, in their respective areas of jurisdiction.

As of 30 June 2024, there are 42,004 barangays in the country¹, all of which rely on the stewardship of their respective officials, who diligently perform the duties and functions mandated by the Local Government Code. However, despite the crucial roles taken by our barangay officials, their public service is often cut short by the term of office afforded to them.

Under the 1987 Constitution, the term of office of elective barangay officials shall be determined by law. Thus, several measures were enacted that modified the duration of the barangay officials term of office, due to the surrounding circumstances during that time. Republic Act No. 8524 amended Section 43 of Republic Act No. 7160 or the Local Government Code of 1991, changing the term of office of barangay officials from three

¹ https://www.dilg.gov.ph/PDF_File/factsfigures/dilg-facts-figures-202489_c0319070a1.pdf

years to five years.² The present term of three years is provided for under Republic Act No. 9164 which was enacted on March 19, 2002. Thereafter, Republic Act No. 9340, enacted on September 22, 2005, amended RA 9164 thereby resetting the barangay elections from July 15, 2002 to the last Monday of October 2007 and every three (3) years thereafter. Since 2016, several measures were passed resetting the schedule of the grassroots elections: Republic Act Nos. 10923, 10952, 11462, and lastly 11935.³

The 3-year term period is a significant limitation on the part of barangay officials in the exercise of their functions. This limitation causes unfinished projects, incomplete programs, and delayed service delivery or assistance, to the detriment of their constituents. In addition, the shorter duration in the term of office results in shorter intervals in conducting barangay elections, causing greater expense in terms of budget for the National Government. The proposed measure aims to set a fixed term of office for barangay officials from the current three (3) years to five (5) years, in order to provide adequate time for the barangay officials to develop, complete, and implement their policies and projects for the benefit of the people. Also, this bill shall enable the National Government to better utilize the budget allocated for the barangay elections for other purposes that will redound to the people's welfare and benefit.

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



FRANCIS "TOL" N. TOLENTINO

²<https://jur.ph/law/summary/increasing-the-term-of-office-of-brgy-officials-and-sangguniang-kabataan-members>

³<https://newsinfo.inquirer.net/1796538/barangay-sk-officials-to-get-shorter-terms-following-sc-ruling-on-grassroots-elections>

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1 **Whereas**, Article X Section 1 of the 1987 Constitution provides that "The
2 territorial and political subdivisions of the Republic of the Philippines are the provinces,
3 cities, municipalities and barangays. There shall be autonomous regions in Muslim
4 Mindanao and the Cordilleras as hereinafter provided. Section 2 of the same Article
5 provides that these territorial and political subdivisions shall enjoy fiscal autonomy;

6 **Whereas**, Section 8 of the same Article provides that "The term of office of
7 elective local officials, except barangay officials, which shall be determined by law,
8 shall be three years and no such official shall serve for more than three consecutive
9 terms.";

10 **Whereas**, several measures were enacted to implement the said Constitutional
11 mandate which fixed the term of barangay officials from 3 years under Sec 43 of
12 Republic Act No. 7160 of the Local Government Code of 1991. This was changed to
13 five years under Republic Act No. 8524 and later on amended back to three years
14 under Republic Act No. 9164.

15 **Whereas**, years after, several laws were enacted postponing the Barangay and
16 SK elections for various reasons thereby extending the term of said barangay officials
17 the last of which was Republic Act No. 11935 which was declared unconstitutional by
18 the Supreme Court;

19 **Whereas**, in the case of Macalintal vs COMELEC, G.R. No. 263590, June 27,
20 2023, the Supreme Court through Justice Kho said:

21 "For these reasons, while the Court hereby declares RA 11935
22 unconstitutional, it recognizes the legal practicality of proceeding with the

1 holding of the BSKE on the last Monday of October 2023, as provided under
2 RA 11935. Additionally, the sitting BSKE officials shall continue to hold office
3 until their successors shall have been elected and qualified. But their term of
4 office shall be deemed to have ended on December 31, 2022, consistent with
5 the provision of RA 11462. Further, the succeeding synchronized BSKE
6 election shall be held pursuant to the provisions of RA 11462, that is "on the
7 first Monday of December 2025 and every three (3) years thereafter. Finally,
8 the Congress is not precluded by these pronouncements from further amending
9 the provisions of RA 9164, but the same shall be subject to the proper
10 observance of the guidelines provided in the succeeding discussions."

11 **Whereas**, to avoid the recurrence of these postponements and to finally settle
12 the issue, and to give real meaning to the exercise of the right to vote as protected
13 and guaranteed by the Constitution which requires the holding of genuine periodic
14 elections which must be held at intervals which are not unduly long, and which ensure
15 that the authority of the government continues to be based on the free expression of
16 the will of the electors, there is a need to fix the term of office of barangay officials in
17 general; **Now therefore**

18 **SEC. 1. Term of Office.** - The term of office of all elected barangay officials shall
19 be five (5) years. No barangay elective official shall serve for more than two (2)
20 consecutive terms in the same position. Voluntary renunciation of office for any length
21 of time shall not be considered as an interruption in the continuity of service for the full
22 term for which the elective official was elected.

23 **SEC. 2. Date of Election.** - The next regular barangay elections shall be held
24 on the Last Monday of October 2027 and every five (5) years thereafter.

25 **SEC. 3. Assumption of Office.** The term of office of barangay officials elected
26 subsequent to the effectivity of this Act shall commence at noon of November 30 next
27 following their election.

28 **SEC. 4.** All incumbent barangay officials shall remain in office unless sooner
29 removed or suspended for cause until their successors shall have been elected and
30 qualified.

31 **SEC. 5. Implementing Rules and Regulations.** - The Commission on Elections
32 (COMELEC) shall promulgate such rules and regulations necessary, within ninety (90)
33 days, after the effectivity of this Act.

34 **SEC. 6. Separability Clause.** - If any provision of this Act is held
35 unconstitutional, other provisions not affected thereby shall remain valid and binding.

1 **SEC. 7. *Repealing Clause.*** - All other laws, decrees, executive orders,
2 issuances, rules and regulations, or part thereof inconsistent with this Act are hereby
3 likewise repealed or amended accordingly.

4 **SEC. 8. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after the
5 completion of its publication in the Official Gazette or in at least two (2) national
6 newspapers of general circulation

Approved,