

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

SECRETARY

7 JUN 26 1999

SENATE

RECEIVED BY: 

S.B. No. 1392

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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 Philippines. 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 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, fifteen years since R.A. No. 7160's enactment, 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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**AN ACT**  
**PROVIDING FOR THE MANNER AND DATE OF ELECTION OF SECTORAL**  
**REPRESENTATIVES TO THE LOCALS SANGGUNIANs**

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

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

**SECTION. 2. Definitions of terms.** - As used in this Act:

- (a) Workers refer to industrial workers or peasants;
- (b) Sectoral Organizations refers to a group of citizens or coalitions of group of citizen who share similar physical attributes or characteristics, profession, employment, interests or concern; and
- (c) 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. As part of their requirements in the filing of candidacy, said representatives have to submit certification that they belong to a bonafide sector organization. For this purpose sector organization it defined as any organization with a membership of not less than 50 registered voters from the urban poor, indigenous cultural communities, disabled persons or any other sector.

**SECTION. 4. Date of Election.** - The first election for the sectoral representatives in the Sangguniang Bayan and Sangguniang Panlungsod shall be held simultaneously with the local elections on the second Monday of May 2010, thirty (30) days thereafter, the first election for the sectoral representatives in the Sangguniang Panlalawigan shall be held.

The succeeding elections for the 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 sector organization with a membership of not less than fifty (50) registered voter 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, certificate or accreditation by a government agency, if any and other relevant 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 the decision but in no case not later than one hundred eighty (180) days before election.

The Municipal or city chapters of 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 Participation 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:

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

**SECTION. 8. Certified List of Certified Registered Sectoral Organization** - The Commission shall, not later than sixty (60) days before an election, prepare a certified list of sectoral organization which have manifested their desire to participate in the election 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 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 May 2004 elections.

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

- (a) A citizen of the Philippines;
- (b) A registered voter in the city or municipality where he intends to be elected;
- (c) A resident therein for at least one (1) year immediately preceding the day of the election;
- (d) Able to read and write Filipino or any other local language or dialect;
- (e) 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 (18) years of age in the case of Sangguniang bayan; and
- (f) A member of a registered sectoral organization.

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

- (a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more imprisonment, within two (2) years after serving sentence;
- (b) Those removed from office as a result of an administrative case;
- (c) Those convicted by final judgment for violating oath of allegiance to the Republic of the Philippines;
- (d) Those with dual allegiance;
- (e) Fugitives from justice in a criminal or non political case here or abroad;
- (f) Permanent resident 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
- (g) Insane persons declared as such by a competent authority unless subsequently declare by competent authority 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 election by the head of the sectoral organization or by the nominee or by their duly authorized representatives.

**SECTION. 14. Substitute of Candidate in case of Death Disqualification or Withdrawal.** - If, after the last day for 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 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 midnight of the day of election.

**SECTION. 15. Disqualification Case.** - Petitions for disqualification of candidates shall be filed not later than seven (7) days from the last day of filing for certificates of candidacy. The courts shall give priority to cases of disqualification of candidates for sectoral representatives by reason of violation of Section 68 of the

Omnibus Election Code. As amended, and Section 11 of this Act, to the end that final judgment shall rendered not later than ten (10) days before the day of election.

**SECTION. 16. Manner of Voting.** - Every voter is entitled to one vote for a candidate of only one sector he wants represented in the Sangguniang Bayan o Sangguniang Panlungsod.

The duly elected sectoral representative 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 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 Sangguniang concerned shall notify not later than seven (7) days the existence of such vacancy. Thereafter, the local chief executive shall, not later than fifteen (15) days from 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 the 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 reasonably 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 to suffrage.

**SECTION. 20. Applicability.** - The pertinent 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 elections 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 of this Act 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 laws, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to 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 newspapers of general circulation.

**APPROVED,**