

REPUBLIC OF THE PHILIPPINES
HOUSE OF THE SENATE
MANILA

First Session

Senate Bill No. 199



BY: SENATOR AQUILINO Q. PIMENTEL, JR.

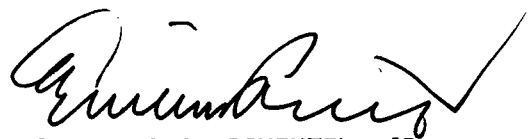
EXPLANATORY NOTE

Republic Act No. 6636 was recently enacted amending Executive Order No. 270 on the date of the local elections and the last day for the filing of the certificates of candidacy. The law likewise provides for the number of members of the Sangguniang Panlalawigan and Sangguniang Bayan to be elected in the coming local elections.

The passage of the law gave rise to controversies. While, as explained by the Speaker Pro Tempore, there may be no conflict on the dates for the filing of the certificates of candidacy, the law undoubtedly provides for 2 dates for the filing of said certificates. Incumbent local officials, whether elected, acting or officers-in-charge, running for an elective office must file their certificates of candidacy not later than 45 days prior to the election while other candidates must file their certificates of candidacy not later than 60 days prior to the election. Hence, the law is being questioned as being discriminating in favor of incumbent local officials. The bill seeks to set a single date for the filing of certificate of candidacy.

Republic Act No. 6636 likewise provides for the number of members of the Sangguniang Panlalawigan and Sangguniang Bayan to be elected. Section 4 of said Act has as its title "Provinces and Municipalities". However, the first paragraph provides only for the number of members for the Sangguniang Panlalawigan for the different classes of provinces. The bill therefore seeks to clearly provide the number of members of the Sangguniang Bayan for the different classes of municipalities.




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AN ACT
AN ACT AMENDING REPUBLIC ACT NO. 6636

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

SECTION I. The provisions of Section I of Republic Act No. 6636 resetting the local elections is hereby amended to read as follows:

Section I. ELECTION OF LOCAL OFFICIALS - There shall be elections for provincial governors, provincial vice-governors, city and municipal mayors, city and municipal vice-mayors, and members of each Sangguniang Panlalawigan, Sangguniang Panglungsod, and Sangguniang Bayan, including all members of the city or municipal boards or councils in the Metropolitan Manila area to be held on Monday, January 18, 1988. Certificates of candidacy for the aforesaid local elective positions shall be filed not later than forty-five (45) [sixty (60)] days prior to the said elections. All local officials, whether elected, acting or officers-in-charge, who file a certificate of candidacy, shall be deemed automatically resigned from their positions effective [effective upon the filing of their certificates of candidacy for any local position which shall not be later than] forty-five (45) days prior to the said elections. If the governor or the city or municipal mayor or the officer-in-charge of that office is a candidate and unless the Secretary of Local Government designates another person, the following local officials shall act as officer-in-charge in the order hereinbelow provided:

- a) Chief, Senior and Local Government Officers for provinces, cities and municipalities, respectively;
- b) Provincial/City/Municipal Administrator;
- c) Provincial/City/Municipal Health Officer.

In case of vacancies in the Sangguniang Panlalawigan, Sangguniang Panglungsod, or Sangguniang Bayan on account of the candidacies of their members, the Secretary of Local Government shall designate members from qualified voters in the province, city or municipality to fill such vacancies.



SECTION 2. Section 4 of Republic Act No. 6636 is hereby amended to read as follows:

Section 4. PROVINCES AND MUNICIPALITIES - First and second class provinces and municipalities shall each have ten (10) members for their respective Sangguniang Panlalawigan and Sangguniang Bayan; third and fourth class provinces and municipalities, eight (8); and fifth and sixth class provinces and municipalities, six (6) to be elected at large by the qualified voters therein.

All other municipalities shall have the same number of elective members as provided in existing laws.

SECTION 3. All other provisions of Republic Act. No. 6636 which are not otherwise in conflict with any of the provisions hereof shall remain valid and in full force and effect.

SECTION 4. EFFECTIVITY CLAUSE - This Act shall take effect upon its approval.

APPROVED _____.



AQUILINO Q. PIMENTEL, JR.
Senator

