



SENATE

'19 JUL 24 A11 :42

S. No. 734

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Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT

**DECLARING THE PUNONG BARANGAY AS DEEMED IPSO FACTO
RESIGNED UPON THE FILING CERTIFICATE OF CANDIDACY,
REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9006,
OTHERWISE KNOWN AS THE "FAIR ELECTIONS ACT" AND BATAS
PAMBANSA BLG. 881, ENTITLED 'OMNIBUS ELECTION CODE OF THE
PHILIPPINES" AND OTHER ELECTION RELATED LAWS**


EXPLANATORY NOTE

The position of "Punong Barangay" or "Barangay Captain" has been introduced in the country – not without basis from our Constitution and early Philippine history. Gradually and imperceptibly, the Punong Barangay has gained more and more prominence in his own barangay and political subdivision. As the chief executive of barangay, he has a quasi-judicial role in the execution and implementation of the law, in addition to some administrative functions of his office. The barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community.

In many instances, however, the power and influence of a Punong Barangay has been used, if not abused, by other local officials for some personal advantage or benefit, to wit; through express and open campaigning in their favor; or by explicit offers of money in exchange for guaranteed votes in the barangay.

It is for this reason that we prudently require for the automatic resignation of a Punong Barangay in the event that he is running for any public office. Because for as long as we remain passive and indifferent to what is happening around us, the culture of impunity to use this lucrative position of power, the Kapitan being the closest to the electorate will be abused.

Hence, in view of the foregoing, the passage of this proposed bill is earnestly sought.



SHERWIN T. GATCHALIAN



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

1 SEC. 1. **Short Title.** This Act shall be known as "*Automatic*
2 *Resignation of Punong Barangay Act*"

3 SEC. 2. **Resignation of Punong Barangay Upon Filing of**
4 **Certificate of Candidacy.** – A Punong Barangay, who is running for an
5 elective office, whether national or local, other than the one he is currently
6 holding, shall hereby be considered as ipso facto resigned upon the filing of
7 his certificate of candidacy, repealing for this purpose Section 14 of Republic
8 Act No. 9006, otherwise known as "*Fair Elections Act*" in relation to Section 67

1 of Batas Pambansa Blg. 881, entitled "*Omnibus Election Code of the*
2 *Philippines.*"

3 SEC. 3. ***Temporary Vacancy in the Office of the Punong***
4 ***Barangay.*** – In case of a temporary vacancy in the Office of the Punong
5 Barangay, by virtue of the preceding section, the highest-ranking Kagawad ng
6 Sangguniang Barangay, if he is not likewise a candidate, or any bona-fide
7 resident of the barangay maybe designated by the Commission on Elections
8 (COMELEC), as the case may be, as Punong Barangay and shall continue to
9 conduct the affairs and functions of the Barangay concerned, until a Punong
10 Barangay shall have been elected and qualified.

11 SEC. 4. ***Implementing Rules and Regulations.*** – Within sixty (60)
12 days from the approval of this Act, the Commission on Elections (COMELEC)
13 shall promulgate the necessary rules and regulations for the effective
14 implementation of this Act.

15 SEC. 5. ***Separability Clause.*** – If any provision or part of this Act be
16 declared invalid or unconstitutional, the other provisions or parts not affected
17 thereby shall remain valid and in full force and effect.

18 SEC. 6. ***Repealing Clause.*** – Section 14 of the Republic Act No. 9006,
19 entitled "Fair Elections Act", in relation to Section 67 of the Batas Pambansa
20 Blg. 881, is hereby repealed. All other laws, decrees, orders, resolutions and
21 other issuances, or portions thereof, which are inconsistent with the
22 provisions of this Act, are hereby repealed, amended or modified accordingly.

23 SEC. 7. ***Effectivity Clause.*** – This Act shall take effect after fifteen
24 (15) days following its complete publication in the *Official Gazette* or in a
25 newspaper of general circulation.

Approved,