

AN ACT TO AMEND REPUBLIC ACT NO. 6653 TO POSTPONE THE BARANGAY ELECTIONS TO MARCH 28, 1989, PRESCRIBING ADDITIONAL RULES GOVERNING THE CONDUCT OF BARANGAY ELECTION AND FOR OTHER...

REPUBLIC ACT NO. 6679, November 04, 1988

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

SECTION 1. The elections of barangay officials set on the second Monday of November 1988 by Republic Act No. 6653 are hereby postponed and reset to March 28, 1989. They shall serve a term which shall begin on the first day of May 1989 and ending on the thirty-first day of May 1994.

There shall be held a regular election of barangay officials on the second Monday of May 1994 and on the same day every five (5) years thereafter. Their term shall be for five (5) years which shall begin on the first day of June following the election and until their successors shall have been elected and qualified; Provided, That no barangay official shall serve for more than three (3) successive terms.

The barangay elections shall be nonpartisan and shall be conducted in an expeditious and inexpensive manner.

SEC. 2. When for any serious cause such as rebellion, insurrection, violence, terrorism, loss or destruction of election paraphernalia, and any analogous causes of such nature that the holding of a free, orderly and honest election should become impossible in any barangay, the Commission on Elections motu proprio or upon sworn petition of ten (10) registered voters of a barangay after summary proceedings of the existence of such grounds, shall suspend or postpone the election therein to a date reasonably close to the date of the election that is not held or is suspended or postpone or which resulted in a failure to elect, but not later than thirty (30) days after the cessation of the cause for such, suspension or postponement of the election or failure to elect, and in all cases not later than ninety (90) days from the date of all the original election.

SEC. 3. The construction or maintenance of provincial, city, municipal and barangay funded roads and bridges shall be prohibited for a period of ten (10) day immediately preceding the date of election, the provisions of Section 261, paragraphs (v) and (w), of the Omnibus Election Code to the contrary notwithstanding.

SEC. 4. All incumbent barangay officials, whether elected, appointed or designated, shall remain in office unless sooner removed or suspended for cause and with due process by order of the city or municipal mayor concerned until their successors shall have been elected and qualified. Any barangay official who has been removed from office from January 1, 1988 to the date of the approval of this Act may, within fifteen (15) days after the effectivity of this Act, file a petition for review with the Office of the President which shall be decided within fifteen (15) days from receipt thereof: Provided, That upon effectivity of this Act, the power of removal or suspension for cause of barangay officials and filling up of vacancies in the various elective offices of the barangay shall be exercised by the city or municipal mayor concerned, subject to appeal to the President: Provided, further, That pending appeal, the order of removal or suspension shall not be executory.

SEC. 5. There shall be a sangguniang barangay in every duly constituted barangay which shall be the legislative body and shall be composed of seven (7) kagawads to be elected by the registered voters of the barangay. The candidate who obtains the highest number of votes shall be the punong barangay and in the event of a tie, there shall be a drawing of lots under the supervision of the Commission on Elections. The Chairman of the kabataang barangay who shall hereafter be elected in accordance with law shall be an ex officio member of the sangguniang barangay. In the event of any vacancy in the office of the punong barangay, whether temporary or permanent, or in case of disqualification or refusal to assume office an order of succession among the six (6) members of the sangguniang barangay based upon the number of votes received from the highest to the lowest shall be followed to fill up the vacancy. In default of any duly elected member of the sangguniang barangay, the vacancy may be filled up by the city or municipal mayor concerned.

SEC. 6. The official ballots for the barangay elections shall, before they are handed to the voters at the polling place, be authenticated by the Chairman and the poll clerk who shall affix their signatures at the back thereof. Any ballot which is not authenticated shall be deemed spurious.

SEC. 7. No person shall be eligible for any barangay position unless he files a sworn certificate of candidacy with the election register of the city or municipality concerned at least ten (10) days immediately before the day of the election. The form and content of the certificate of candidacy shall be prescribed by the Commission on Elections. The campaign period shall be ten (10) days immediately before election: Provided, That no campaign shall be allowed on Holy Thursday and good Friday for the barangay elections in 1989.

SEC. 8. Incumbent elective officials running for the same office shall not be considered resigned upon the filing of their certificates of candidacy. They shall continue to hold office until their successors shall have been elected and qualified.

SEC. 9. A sworn petition contesting the election of a barangay official may be filed with, the proper municipal or metropolitan trial court by any candidate who has duly filed a certificate of candidacy and has been voted for a barangay office within ten (10) days after the proclamation of the result of the election. The trial court shall decide the election protest within thirty (30) days after the filing thereof. The decision of the municipal or metropolitan trial court may be appealed within ten (10) days from receipt of a copy thereof by the aggrieved party to the regional trial court which shall decide the issue within thirty (30) days from receipt of the appeal and whose decision on questions of fact shall be final and non-appealable. For purposes of the barangay elections, no pre proclamation cases shall be allowed.

SEC. 10. The Commission shall constitute, not later than ten (10) days immediately before the election, a board of election tellers in every barangay polling place, to be composed of three (3) public schoolteachers, one of whom shall be the chairman, provided they are not incumbent barangay officials or related within the fourth civil degree of affinity or consanguinity to any candidate for any position in that barangay. In case no public schoolteachers are available, the Commission shall designate and registered voter, preferably a regular government employee, in the polling place who is not an incumbent barangay official or related within the fourth civil degree of affinity or consanguinity to any candidate for any position in that barangay.

SEC. 11. The Commission shall provide ballot boxes for each barangay polling place together with padlocks and other election paraphernalia.

SEC. 12. Violations of the rules and regulations issued by the Commission are considered prohibited acts under the Omnibus Election Code and shall be prosecuted and penalized in accordance with the same Code.

SEC. 13. All candidates for barangay kagawad shall be required to file sworn post-election statements of

expenditures and contributions as provided in Section 107 of the same Code.

SEC. 14. For purposes of the barangay elections, the election Registrar of the Commission on Elections, are, authorized to administer oaths on all matters related to the conduct of said election.

SEC. 15. The amount of One hundred and fifty million pesos (P 150,000,000.00) to defray the share of local government units in the expenses in connection with the conduct of these elections, to be disbursed by the Commission on Elections, is hereby authorized to be appropriated from the general fund of the Government not otherwise appropriated or from any savings therein, to be included in the General Appropriations Act for the Calendar Year 1989.

SEC. 16. The Omnibus Election Code shall as far as practicable be applicable to the barangay elections.

SEC. 17. If any part or provision of this Act is declared invalid or unconstitutional, the other parts or provisions thereof shall remain, valid and effective.

SEC. 18. All laws, decrees, executive orders, letters of instruction, or any part thereof which may be inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 19. This Act shall take effect upon its approval and publication in at least two (2) newspapers of general circulation.

Approved, November 4, 1988.

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