



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4141



INTRODUCED BY REP. HARRIS CHRISTOPHER M. ONGCHUAN

EXPLANATORY NOTE

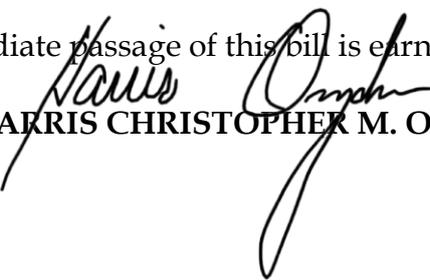
The concept of participatory governance allows constituents to directly voice out their concerns in matters that affect them. The invitation to participate in the decision-making process empowers all affected citizens and allows the decision-makers to directly address their concerns.

The existence of Civil Society Organizations (CSOs) which include but are not limited to community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations has long been established in every society in order to collectively lobby their concerns and opinions. However, lobbying a concern does not always guarantee that the problem is addressed in the best way possible.

This bill proposes the establishment of People's Councils in every LGU. Accredited CSOs are invited to join the People's Council and are granted benefits and privileges to influence the decision-making process. Moreover, they are given the opportunity to enter into joint ventures with the government and receive assistance in the implementation of their programs. Doing so will greatly improve the efficacy of policies for all affected groups within the LGU's jurisdiction.

This bill was first filed by Representatives Bordado, Umali, and Abaya in the 18th Congress. The bill was approved by the House of Representatives and was transmitted to the Senate.

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


HARRIS CHRISTOPHER M. ONGCHUAN



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Introduced by Representative
HARRIS CHRISTOPHER M. ONGCHUAN

AN ACT
CREATING A SYSTEM OF PARTNERSHIP BETWEEN - LOCAL
GOVERNMENTS AND CIVIL SOCIETY ORGANIZATIONS THROUGH THE
ESTABLISHMENT OF A PEOPLE'S COUNCIL IN EVERY LOCAL
GOVERNMENT UNIT, PRESCRIBING ITS POWERS AND FUNCTIONS AND
PROVIDING FOR ITS PARTICIPATION IN THE LOCAL SANGGUNIAN AND
LOCAL BOARDS, COUNCILS, COMMITTEES, TASK FORCES OR SIMILAR
WORK GROUPS

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

SECTION 1. Short Title. - Short Title.— This Act shall be known as the “People Empowerment Act”

SECTION 2. Declaration of Policy. — It is hereby declared a policy of the State to ensure participation of citizens in all avenues of local governance. Likewise, the State acknowledges the value of creating a mechanism where its citizens’ views and opinions indifferent areas of governance may be heard and considered. Furthermore, pursuant to Article II Section 23 of the Constitution, the State recognizes the value of non-government, community-based, or sectoral organizations in nation building and in creating an avenue to ensure their growth and development. The State also recognizes that the partnership with people’s organizations (POs) and civil society

organizations (CSOs) will spur development in local communities as envisioned by the Local Government Code of 1991.

SECTION 3. Definition of Terms. — As used in this Act:

a) *Civil society organization (CSO)* refers to any organized citizens' group including people's organizations (POs) and non-government organizations (NGOs) such as community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations;

b) *Local sanggunian* refers to the local legislative body specifically the Sangguniang Panlungsod for cities, and the *Sangguniang Bayan* for municipalities;

c) *Non-government Organization* refers to an independent private and non-profit organization formed primarily to promote social and economic development with none of its officers or members occupying an elective position;

d) *People's Council* refers to a body composed of representatives of registered or accredited CSOs and POs which shall be created in every city or municipality and provincials levels as mandated in Section 8 of this Act; and

e) *People's Organization* refers to a bona fide cooperative or association of citizens organized for purposes not contrary to law, with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure whose officers and members do not occupy any elective government position.

SECTION 4. Accreditation of CSOs.- To be duly recognized and allowed to participate in local governance, a CSO should have actively operated for at least one (1) year in the city or municipality where majority of its members reside, and must apply for accreditation with the local *sanggunian*. An application for accreditation shall be approved by the local *sanggunian*, upon submission of the following requirements:

a) Proof of existence and operation in the respective city or municipality it is applying in for at least one (4) year prior to the application for registration;

b) Proof of activities held in pursuit of developmental objectives or of organizational activities conducted;

c) Program of activities planned for the year following the date of application for registration;

- d) Copies of its Constitution, By-laws and/or Articles of Incorporation;
- e) Lists of its officers and members of good standing and their respective addresses;
- f) Financial Statement and Declaration of Assets and Liabilities; and
- g) Board Resolution manifesting a decision to register and participate under this Act.

A CSO whose application for accreditation has been approved shall be issued a certificate containing the terms and conditions for accreditation.

A local *sanggunian*, however, may from time to time, and in consultation with the organized People's Council, impose such other requirements and conditions for registration as it may deem appropriate to best adhere to the principles of this Act.

Any CSO already accredited by a local government prior to the effectivity of this Act need not register for purposes of this Act, unless its accreditation has in the meantime been withdrawn.

SECTION 5. Accreditation Deemed Inactive. – An accredited CSO shall submit, by January 31 of every year, a list of accomplishments of the previous year and its plans for the current year. The failure to submit these requirements for two (2) consecutive years shall render the CSO's accreditation inactive and thus disqualifies the CSO from availing of the rights and privileges thus vested upon registration mandated in Section 7 of this Act.

A CSO may apply for the reactivation of its accreditation after submitting the required list of accomplishments and plans for the current year.

SECTION 6. Committee for the Accreditation of CSOs. – There shall be a Committee for Accreditation of CSOs in all provincial, city and municipal *sanggunians*. It shall perform the following functions:

- a) Receive, evaluate and process applications for registration;
- b) Monitor compliance with the conditions for accreditation; and
- c) Initiate legislative measures for the effective performance of its tasks.

The People's Council created under Section 8 hereof, once tormaily organized, shall be entitled to a two (2)-seat representation in the Committee.

SECTION 7. Rights and Privileges of Accredited CSOs. – An accredited CSO shall enjoy the following rights and privileges:

a) Enter into joint ventures and other cooperative undertakings with the local government to engage in the delivery of certain basic services, capability-building and livelihood projects;

b) Develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people within the framework of equitable and sustainable development;

c) Receive assistance from the local government for economic, socially-oriented, environmental, good governance, or cultural projects to be implemented within their territorial jurisdiction; and

d) Automatic membership in the People's Council.

SECTION 8. Creation of People's Councils .— A People's Council composed of accredited CSOs shall be created in each local government unit (LGU). For this purpose, the Committee for the Accreditation of CSOs of each local *sanggunian* shall, not later than ninety (90) days from the effectivity of this Act, call for a convention of all accredited CSOs to facilitate the formal organization of the People's Council.

SECTION 9. Structure and Rules of the People's Council.— Each People's Council shall determine its own organizational structure and internal rules, but shall at all times provide for adequate consultation mechanisms for purposes of obtaining the views and suggestions of all political parties or movements, government employees' organizations, other non-accredited but legitimate CSOs, and accredited CSOs which are not members of the People's Council: *Provided*, That no political party, government employees' organization or non-registered CSOs may be nominated by the Council for membership in the LGU's special bodies nor granted the rights and privileges of accredited CSOs under this Act: *Provided further*, That no provision herein shall be interpreted to prohibit the Council from changing its name or from being organized for purposes other than those indicated in this Act.

SECTION 10. Recognition of the People's Council by the Local Sanggunian. — Only one (4) People's Council shall be recognized by each local *sanggunian*. Each local *sanggunian* is hereby mandated to issue a certificate of recognition for the People's Council within thirty (30) days from the filing of a petition for recognition and shall pass a Sanggunian Resolution embodying the rights and privileges of the recognized People's Council.

SECTION 11. Withdrawal of Recognition of the People's Council. – A local *sanggunian* can withdraw the recognition granted to a People's Council only upon action of a petitioner, and based on the following grounds:

a) That the People's Council allowed itself or any of its member organizations to engage primarily in, or to be used primarily for, partisan political activities; and

b) Other grounds to be provided for in the rules and regulations to be issued to implement this Act.

The local *sanggunian* shall not recognize internal or inter-organizational conflicts within the People's Council.

SECTION 12. Powers and Responsibilities of the People's Council. - Upon recognition, the People's Council may, in accordance with its policies and internal rules, exercise the following powers and responsibilities:

a) Elect or appoint, from among its member organizations, Its representatives to all local government bodies, boards, councils, committees, task forces special government bodies and other similar work groups which the local government or national laws may hereinafter create. Member organizations elected or appointed to represent the people's Council shall have the sole prerogative to choose, from among their bona fide members, the persons who shall represent the People's Council in the respective boards, councils, committees, task forces or special bodies. Unless otherwise provided herein, such representatives shall not exceed twenty-five (25) percent of the membership of the board, council, committee, task force or special body;

b) Participate in the conceptualization, implementation and evaluation of government activities: *Provided* That these functions shall be exercised without compensation or remuneration. The concerned local government shall, however, provide for the necessary office spaces, facilities and equipment for the use of the People's Council;

c) Observe, and participate in the deliberation, conceptualization, implementation and evaluation of projects, activities and programs of the LGU, propose legislation and participate at the committee level of the local *sanggunian*; and

d) Elect a representative to the provincial People's Council.

SECTION 13. Creation of a Provincial People's Council (PPC). - A PPC shall be created and recognized by the *Sangguniang Panlalawigan* and shall be composed of all

representatives from the municipal and city People's Councils within a province's jurisdiction.

The PPC shall elect, from within its ranks, a representative who shall sit as a member of the *Sanggunian Panlalawigan* and shall exercise the duties and powers of a Provincial Board member.

SECTION 14. Non-Partisan Nature of the People's Council. – The People's Council shall not engage in, or allow itself or its member organizations to be used for purposes of partisan politics and shall adopt such measures to ensure that it is adequately shielded from any political partisanship or influence.

As used in this Act, partisan politics shall refer to any activity, statement, or manifestation which solely or primarily serves to campaign for or against any political party or any candidate for any elective public office.

SECTION 15. Right to Self-Organization. – Pursuant to Article XIII, Section 15 of the Constitution, all CSOs are recognized as independent and autonomous self-help organizations. They are encouraged to organize into formal cooperatives, labor unions, interest groups, non-government organizations, sectoral organizations and people's organizations in furtherance of their constitutionally mandated role of enabling the people to pursue and protect, within democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

Furthermore, the Department of the Interior and Local Government (DILG) and all LGUs are mandated to assist and support efforts of the people towards self-organization to address their common concerns, and to promote their common welfare and interests.

SECTION 16. Empowerment Fund. – There is hereby created an empowerment fund that shall be sourced from the existing empowerment fund of the DILG to be used for the capacity building of CSOs. The funds necessary for the maintenance and operational expenses of the people's Council shall, in relation to their participation in local governance, be included in the annual budgets of respective LGUs.

SECTION 17. Information Boards And Suggestion Boxes. – Information boards and suggestion boxes shall be provided, maintained and controlled solely by each barangay, to be strategically situated in public plazas, government buildings and

offices, public markets, schools, and at such public places accessible to the people, which boards and boxes shall be used other than those maintained by the barangays and the national government, for other purposes.

Local government units are mandated to respond within fifteen (15) working days to the suggestions filed by citizens in suggestion boxes.

SECTION 18. Sunset Review. - Five (5) years from the effectivity of this Act, Congress shall review and recommend amendments thereto, after evaluating the problems and issues in its implementation.

SECTION 19. Implementing Rules and Regulations.- Within one hundred twenty (120) days from the effectivity of this Act, the DILG and LGUs shall, in consultation with accredited CSOs who have previously engaged in concerned undertakings with local governments, determine effective ways and methods to ensure the success of the objectives of this Act and craft the rules and regulations to implement it.

SECTION 20. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the other provisions, not affected thereby, shall remain valid and subsisting.

SECTION 21. Repealing Clause. – All other laws, presidential decrees, executive orders, proclamations and administrative regulations which are inconsistent with the provisions of this Act are hereby amended, modified, superseded, or repealed accordingly.

SECTION 22. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.