



## Local Sectoral Representation: Legislation, Implementation, and Recommendations

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### NOTICE

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### EXECUTIVE SUMMARY

This policy brief aims to foster policy awareness on local sectoral representation - a means to promote the political participation of marginalized sectors as mandated by the 1987 Constitution and the Local Government Code of 1991. Despite its mandate, there has yet to be an enabling law that outlines the election of local sectoral representation, apart from the guidelines issued by the National Commission on Indigenous Peoples for the Indigenous people's mandatory

representative in local councils. This policy brief tracks the attempts by Congress to pass an enabling law, the support of agencies such as the Philippine Commission on Women and the Department of Interior and Local Governance, and the few attempts at implementation by individual local government units. The policy brief ends with three different routes policy advocates can take to lobby for implementing local sectoral representation.

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## ■ LEGISLATIVE BASIS OF LOCAL SECTORAL REPRESENTATION

Existing laws in the Philippines promote the political participation of marginalized groups - such as women, workers, indigenous peoples, persons with disabilities, and more - through mandated sectoral representation in local governments. It is intended to give underrepresented sectors the “chance to be represented in the local legislature and to articulate sectoral concerns” (Gera, 2016, p. 505).

Local sectoral representation is a system in which local sectoral organizations elect representatives into the local councils. This system was introduced through Batas Pambansa Blg. 697 or “The Law on the 1984 Batasang Pambansa Election” in 1984 and later through Batas Pambansa Blg. 881 or “Omnibus Election Code of the Philippines” in 1985. Further, it was encoded in the 1987 Constitution of the Philippines. Article X Section 9 of the 1987 Constitution states, “legislative bodies of local governments shall have sectoral representation as may be prescribed by law.” It also mandates Congress to enact a law for local governments in the Philippines, leading to the legislation of the Local Government Code of 1991.

Considered a radical code, the Local Government Code of 1991 (LGC) passage devolved the provision of essential services (health, environment, agriculture, infrastructure, and social welfare). It transferred regulatory and enforcement functions from national government agencies to the local government (Brillantes, 1994). The LGC notably includes the election of Local Sectoral Representatives (LSRs) to the legislative bodies of the local government unit - the Sangguniang Bayan for municipalities, the Sangguniang Panlungsod for cities, or the Sangguniang Panlalawigan for provinces. The LGC stipulates that:

- There shall be one (1) sectoral representative from the women, 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 industry as may be determined by the

Sanggunian concerned within ninety (90) days before the holding of the following local elections, as may be provided for by law. The Comelec shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives (Local Government Code. (1991), § 41(c), Rep. Act. 7160).

However, 32 years after the passage of the LGC, the provision on local sectoral representation remains unimplemented. This is commonly attributed to the lack of an enabling law that authorizes the election of sectoral representatives (Gera, 2016, p. 505). This policy brief outlines the current steps to implement local sectoral representation and gives options for the future pursuance of this policy.

## CURRENT IMPLEMENTATION OF LOCAL SECTORAL REPRESENTATION

### Local Sectoral Representation through the Indigenous Peoples’ Rights Act of 1997

While there is currently no enabling law to implement the election of sectoral representatives, one sector has successfully passed a law to legislate and enforce their representation in local legislative bodies. Passed in the 10th Congress, Republic Act No. 8371 or “The Indigenous Peoples’ Rights Act of 1997”, legislates the creation of the National Commission on Indigenous Peoples (NCIP) and has asserted the right to self-governance and empowerment of indigenous cultural communities or indigenous peoples (ICCs/IPs). The implementing rules and regulations of R.A. 8371 outline the specific guidelines for the mandatory representation of indigenous peoples:

- ICCs/IPs shall be provided mandatory representation in all policy-making bodies and local legislative councils. ICCs/IPs shall be proportionate to their population and shall have the same privileges as the regular members of the legislative bodies and policy-making bodies. ICCs/IPs representatives shall be qualified and chosen by their

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communities through a process to be determined by them. In consultation with ICCs/IPs, the NCIP, in close coordination with the DILG, shall develop appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their development. It also includes providing technical assistance to develop the skills and knowledge of ICC/IP representatives (Implementing Rules and Regulations of R.A. 8371, § 6 (I IV)).

From this, the NCIP issued guidelines for the mandatory representation of IPs. The first guidelines were issued through NCIP Administrative Order No. 001 Series of 2009, titled “Subject: National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils”. The Administrative Order outlines the powers, duties, and functions of the IP mandatory representative (IPMR), minimum qualifications and disqualifications, and term of office. Section 12 states that the selection of the IPMR must align with the local guidelines that concerned ICCs/IPs will adopt and promulgate, considering the cycle of traditional and local activities within their communities. The IPMR is thus subject to the same compensation and benefits as the regular members of the concerned legislative bodies as prescribed by the Local Government Code of 1991 and other applicable laws (NCIP Administrative Order No. 001 Series of 2009 § 13). The powers, duties, and functions of the IPMR, as well as their qualifications and term of office, were updated by the NCIP through its issuance of NCIP Administrative Order No. 03 Series of 2018, titled “Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making Bodies”. The current IPMRs are elected into local legislative councils through this Administrative Order – the only sector with national guidelines for sectoral representation

### Support and initiatives from sectoral government agencies

While indigenous peoples remain the only sector with an enabling law for its representation, the Philippine Commission on Women (PCW) has similarly attempted to lobby for the passage of an enabling statute. Under a recent policy brief on women’s political participation and representation addressed to the 19th Congress,

PCW outlines six (6) policy recommendations to uphold women’s right to participation and representation. One proposal addresses the LGC’s clause on the mandatory inclusion of one representative for women in legislative bodies of local government units (LGUs). They recommend to:

- Pass the enabling law for the unimplemented constitutional and statutory policy on local sectoral representation for (a) the election of women sectoral representatives in the Sangguniang Panlalawigan, Sangguniang Bayan and Sangguniang Panlungsod, and (b) the setting of the requirements for the registration of sectoral organizations/ coalitions and the qualification of sectoral nominees (Philippine Commission on Women).

Despite this, there has been no legislation or orders from executive agencies to implement the mandatory representatives of individual sectors, apart from the gains made through the passage of R.A. 8371.

### Attempts in Congress

Several attempts have been made in Congress to pass enabling legislation for local sectoral representation. In the Senate, legislators from the 13th to 16th Congress have attempted to propose an enabling law, principal authors included Senators Miriam Santiago, Francis Pangilinan, Jinggoy Ejercito-Estrada, and Loren Legarda. Despite these efforts, the laws still needed to pass committee deliberations. Through the years, the proposed senate bills languished in senate committees, namely the Senate Committees on Constitutional Amendments, Revision of Codes and Laws, Finance, Local Government, and Electoral Reforms and Peoples’s Participation. Eventually, attempts to pass this legislation died down in the Senate by the 17th Congress, with only one such effort being made by Sen. Loren Legarda.

The same holds in the House of Representatives. Legislators from the 13th to 19th Congress have attempted to propose an enabling law, with all bills but one pending in their assigned committee—House Bill No. 10022, authored by Representatives Reps. Joet Garcia, Eufemia Cullamat, Carlos Zarate, and Ferdinand Gaité in

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the 18th Congress was transmitted and received by the Senate but has not been acted on. The rest of the proposed bills languished in the Congressional Committees on Suffrage and Electoral Reforms, Local Government, and Rules. Other former and current representatives pushing for local sectoral representation in Congress include Risa Hontiveros, Del de Guzman, Guillermo Cua, Arthur Defensor, Neri Colmenares, Pablo Garcia, Jose Ping-ay, Cristente Paez, and Albert Garcia.

### Attempts by Local Government Units

While nationally elected officials have attempted to pass an enabling law to operationalize local sectoral representation, individual LGUs have also tried to include sectoral representatives in their legislative councils through local ordinances. However, most individual cases among LGUs need to be well-documented. An exception is the case of Naga City, already known for its institutionalized means of promoting participatory governance by creating the Naga City People's Council (NCPC). Before the council's creation, the already organized community of non-government organizations (NGOs) and people's organizations (POs) in Naga pushed for sectoral interests in local government. The creation of the NCPC gave legitimacy to sectoral participation in Naga City. By 2007, the NCPC authored Ordinance No. 2007-034, titled "An Ordinance Implementing Section 457(B) of the Local Government Code on the Election of Sectoral Representatives and for Other Purposes". Members of the sectoral general assembly of the NCPC - composed of the various sectoral NGOs and POs of Naga - qualify to run in the elections; the eventual sectoral representatives are nominated and elected by the general assembly.

Beyond the case of the Naga City People's Council, there is little to no documentation of the individual instances of local sectoral representation. One documented case is that of the Municipality of Bacoor, which passed Municipal Ordinance No. 1 Series of 2010, titled "An Ordinance Implementing Section 446, Paragraph (B) of the Local Government Code of 1991 on the Election and Appointment of Sectoral Representatives to the Sangguniang Bayan and for Other Purposes". The ordinance mandates that there be three sectoral representatives, with

one each from the women sector and the agricultural workers' sector, and one from any of the following sectors: urban poor, differently-abled persons, or senior citizens (Municipal Ordinance No. 1 Series of 2010 § 3). Organizations in these sectors will hold their elections and transmit the results to the Office of the Municipal Mayor. The City of Santiago and the Province of Isabela have also been documented to elect sectoral representatives for women, agricultural/industrial workers, and indigenous cultural communities. Elections for the sectoral representatives adopt and promulgate the local guidelines of the sector in a manner similarly provided by the NCIP guidelines.

### Role of the Department of Interior and Local Government

While implementation of local sectoral representation remains few and far between, the Department of the Interior and Local Government (DILG) has opined on individual cases of local sectoral representation, including the invalidity of appointments of sectoral representatives to local legislative councils. Furthermore, the DILG opines that Congress must pass another law that will provide other details on the election of local sectoral representatives, although RA. 8371 and the Implement Rules and Regulations issued by the NCIP are considered sufficient as an enabling law for the election of indigenous peoples representatives.

## RECOMMENDATIONS

Despite the constitutional mandate for local sectoral representation, its implementation remains to be seen due to the need for an enabling law. Moving forward, policy advocates who aim to promote the political participation of marginalized sectors may push for its complete implementation through different routes:

1. **Amend the Local Government Code of 1991, or pass enabling legislation to elect sectoral representatives.** Although this is the most tedious track, policy advocates for sectoral representation have, for years, turned to individual lawmakers who attempt to pass the law to elect local sectoral representatives. Moving forward, lawmakers may also pass a law amending the Local Government Code of 1991 to prescribe details on the election of local sectoral

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representatives. However, the decreasing prioritization of local sectoral representation among lawmakers emphasizes the need for policy advocates to continuously lobby for an enabling law.

encourage their political participation.

- 2. Amend the implementing rules and regulations of the Local Government Code of 1991.** Since the passage of an enabling law takes considerable time and political will, government agencies can also consider directly amending the implementing rules and regulations of the Local Government Code of 1991. With the LGC already mandating sectoral representatives, the manner of elections can be outlined using NCIP's guidelines on local elections. Discussions on the amendments can be done in coordination with the DILG, Commission on Elections, sector-oriented government agencies (e.g., PCW), with consultation from sectoral organizations and policy advocates. Details of the amendment must look into the qualification of officials, terms of office, manner of election, and the budgetary matters related to the compensation and benefits of sectoral representatives.
- 3. Lobby for local councils and municipalities to pass their ordinances to elect sectoral representatives.** While this is being practiced in the status quo, there still needs to be official documentation on the local councils that have passed their ordinances to elect sectoral representatives. This challenges policy advocates to lobby LGUs to prioritize the election of local sectoral representatives in coordination with the sectoral organizations already present in their respective localities. Policy advocates may also lobby to the Bangsamoro Transition Authority, the interim regional government of the Bangsamoro Autonomous Region of Muslim Mindanao, to include an enabling mechanism for electing local sectoral representatives upon the legislation of their own local governance code.

Literature and online official records on local sectoral representation remain scant. Policy advocates must continue fostering policy awareness towards sectoral representation to empower underrepresented sectors and

## **I REFERENCES**

- An Ordinance Implementing Section 446, Paragraph (B) of the Local Government Code of 1991 on the Election and Appointment of Sectoral Representatives to the Sangguniang Bayan and for Other Purposes, Municipality of Bacoor Ordinance No.1 Series of 2010
- An Ordinance Implementing Section 457(B) of the Local Government Code on the Election of Sectoral Representatives and for Other Purposes, Naga City People's Council Ordinance No.2007-034
- An Ordinance Institutionalizing the Sectoral Representation of the Agricultural/Industrial Workers in the Sangguniang Panlungsod of the City of Santiago, Appropriating Funds Thereof, and for Other Purposes, Ordinance No.11THCC-006
- Brillantes, A. (1994). Decentralization: Governance from Below. *Kasarinlan*, 10, 1, 41-47.
- DILG Legal Opinion No. 14, S. 2014
- DILG Legal Opinion No. 18, S. 2016
- Gera, W. (2016). Public participation in environmental governance in the Philippines: The consolidation challenge in engaging the state. *Land Use Policy* 52, 501-510.
- Implementing Rules and Regulations of R.A. 8371, § 6 (I IV).
- Local Government Code. (1991), § 41(c), Rep. Act. 7160
- Naga City People's Council. NCPC History. Retrieved from: <https://peoplescouncil.wordpress.com/ncpc-history/>
- Phil. Const. (1987), art. X. § 9
- Philippine Commission on Women (n.d). Policy Brief No. 9: Enacting a Women's Political Participation and Representation Law.
- Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making Bodies, NCIP Administrative Order No. 03 Series of 2018
- Subject: National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils, NCIP Administrative Order No. 001 Series of 2009
- The Indigenous Peoples' Rights Act of 1997, Rep. Act. No. 8371. (1997).