

Postponement of the Barangay Elections and Appointment of Barangay Officials by the President

House Bill No. 5359 seeks to defer the October 2017 barangay elections to May 2020, thereby terminating all the incumbent barangay officials, and officers-in-charge shall be appointed by the President.

The reason behind the proposal is to prevent the barangay officials who are financed by drug money from winning.

DISCUSSION

House Bill No. 5359 has no precedent since this measure gives the President the power to appoint barangay official.

The discussion of this paper will focus on two areas, postponement and appointment.

I. Postponement

To postpone the barangay elections this year will spare the government of huge amount of election expenses. But on the other hand, our people will once again be deprived of their right to choose the leaders who are in charge to run day care centers, health centers, carry out basic services and mediate neighborhood disputes in more than 42,000 barangays all over the country.

Republic Act No. 9164, as amended, may be further amended to postpone the October 2017 elections. There is valid legal precedence to the postponement of the barangay elections. Given that there are a lot of postponements being done in the past, there is a need to have a valid ground for postponing it this year.

II. Appointment

While the intent of the measure is to free the Philippines from drug problem and start the cleansing at the grassroot level, it may have effect on the basic principles which local governance is founded upon- local autonomy and decentralization. Further, the war against drugs is not enough to justify the legal complications on empowering the President to appoint elective barangay officials.

Principle of Local Autonomy

No less than the Constitution expresses the principle of local autonomy empowering the local government units to be self-reliant, responsible and accountable local government structure. This is achieved by allowing the local government units to maximize their strengths and address their weaknesses.

Indispensable to the exercise of local autonomy is the giving the people the right to directly choose their leaders. The appointing by the President of the barangay leaders deprives the people of their constitutionally endowed power.

Principle of Decentralization

Under the Administrative Code, the national government is defined as the "entire machinery of the central government" as opposed to the local governments which are classified on territorial and political subdivisions. Further, the President only exercises general supervision over the local government units as provided for by the Constitution. The provision sets a limit not only to supervise but also to the extent of the central government, acting through the President, to intervene and meddle with local government affairs. Jurisprudence defines general supervision as the power to see to it that lower officials perform their duties in accordance with law. Hence, to empower the President to choose local leaders is a direct intervention of local affairs violative of the principle of decentralization.

Authority of the President to Appoint

The appointing power of the President does not include the power to appoint elective officials. The measure giving the President the power to appoint barangay officials as officers-in-charge has no legal leg to stand on. Contrary to the contention of the proponents of the measure, the appointing power of the President in the Administrative Code refers appointment of officials provided for in the Constitution and laws. Under Section 16, Article 7 of the 1987 Constitution, there are four groups of officers whom the President may appoint. These are:

First, (a) the heads of the executive departments; (b) ambassadors, other public ministers and consuls; (c) officers of the Armed Forces from the rank of colonel or naval captain; and (d) other officers whose appointments are vested in him in the Constitution, such as the chairman and members of the Commission on Elections, Civil Service Commission, the Commission on Audit. These appointments require the consent of the Commission on Appointments (COA).