

**REPUBLIC ACT NO. 9244**

**AN ACT ELIMINATING THE PREPARATORY RECALL ASSEMBLY AS A MODE OF INSTITUTING RECALL OF ELECTIVE LOCAL GOVERNMENT OFFICIALS, AMENDING FOR THE PURPOSE SECTIONS 70 AND 71, CHAPTER 5, TITLE ONE, BOOK I OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991," AND FOR OTHER PURPOSES.**

Sec. 70, Chapter 5, Title One, Book I of Republic Acts No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Sec. 70. Initiation of the Recall Process. -

a. The Recall of any elective provincial, city, municipal or barangay official shall be commenced by a petition of a registered voter in the local government unit concerned and supported by the registered voters in the local government unit concerned during the election in which the local official sought to be recalled was elected subject to the following percentage requirements:

1. At least twenty-five percent (25%) in the case of local government units with a voting population of not more than twenty thousand (20,000);

2. At least twenty percent (20%) in the case of local government units with a voting population of at least twenty thousand (20,000) but not more than seventy-five thousand (75,000): Provided, That in no case shall the required petitioners be less than five thousand (5,000);

3. At least fifteen percent (15%) in the case of local government units with a voting population of at least seventy-five thousand (75,000) but not more than three hundred thousand (300,000): Provided, however, That in no case shall the required number of petitioners be less than fifteen thousand (15,000); and

4. At least ten percent (10%) in the case of local government units with a voting population of over three hundred thousand (300,000): Provided, however, That in no case shall the required petitioners be less than forty-five thousand (45,000).

b. The process of recall shall be effected in accordance with the following procedure:

1. A written petition for recall duly signed by the representatives of the petitioners before the election registrar or his representative, shall be filed with the Comelec through its office in the local government unit concerned;

2. The petition to recall shall contain the following:

- a. The names and addresses of the petitioners written in legible form and their signatures;

- b. The barangay, city or municipality, local legislative district and the province to which the petitioners belong;

- c. The name of the official sought to be recalled; and

- d. A brief narration of the reasons and justifications therefore.

1. The Comelec shall, within fifteen (15) days from the filing of the petition, certify to the sufficiency of the required number of signatures. Failure to obtain the required number of signatures automatically nullifies the petition;

2. If the petition is found to be sufficient in form, the Comelec or its duly authorized representative shall, within three (3) days from the issuance of the certification, provide the official sought to be recalled a copy of the petition, cause its publication a national newspaper of general circulation and a newspaper of general circulation in the locality, once a week for three (3) consecutive weeks at the expense of the petitioners and at the same time post copies thereof in public and conspicuous places for a period of not less than ten (10) days nor more than twenty (20) days, for the purpose of allowing interested parties to examine and verify the validity of the petition and the authenticity of the signatures contained therein.

3. The Comelec or its duly authorized representatives shall, upon issuance of certification, proceed independently with the verification and authentication of the signatures of the petitioners

and registered voters contained therein. Representatives of the petitioners and the official sought to be recalled shall be duly notified and shall have the right to participate therein as mere observers. The filing of any challenge or protest shall be allowed within the period provided in the immediately preceding paragraph and shall be ruled upon with finality within fifteen (15) days from the date of filing of such protest or challenge;

4. Upon the lapse of the aforesaid period, the Comelec or its duly authorized representative shall announce the acceptance of candidates to the positive and thereafter prepare the list of candidates which shall include the name of the official sought to be recalled."

Sec. 2. Sec. 71. Chapter 5, Title One, Book I of the Republic Act No. 7160, "Local Government Code of 1991", is hereby amended to read as follows:

(1) "Sec. 71. Election on Recall. - Upon the filing of a valid petition for recall with the appropriate local office of the Comelec, the Comelec or its duly authorized representative shall set the date of the election or recall, which shall not be later than thirty (30) days upon the completion of the procedure outlined in the preceding article, in the case of the barangay, city or municipal officials, and forty-five (45) days in the case of provincial officials. The officials sought to be recalled shall automatically be considered as duly registered candidate or candidates to the pertinent positions and, like other candidates, shall be entitled to be voted upon."

Sec. 3. All pending petitions for recall initiated through the Preparatory Recall Assembly shall be considered dismissed upon the effectivity of this Act.

Sec. 4. All laws, presidential decrees, executive orders, issuances, and rules and regulations, and parts thereof, which are inconsistent with the provisions of this Act. Are hereby repealed or modified accordingly.

Sec. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

*Approved: February 19 2004*