



6TH
EDITION

A REFERENCE GUIDE TO ACTION
Tasks and Responsibilities
Checklist

**SANGGUNIANG
BAYAN**

TASKS AND RESPONSIBILITIES
CHECKLIST:
A Reference Guide to Action

The Sangguniang Bayan

6TH EDITION

**The Sangguniang Bayan Tasks and Responsibilities
Checklist: A Reference Guide to Action**

6th Edition

Copyright © 2019

All rights reserved.

All rights reserved. No portion of this book may be retyped, photocopied, or reproduced in books, pamphlets, or in any other form for distribution or sale, without permission from the Academy.

ISBN No.: 978-971-0376-94-4

Printed and bound in Manila, Philippines

Published by:

Local Government Academy
Department of the Interior and Local Government
8/F Agustin I Building, F. Ortigas Jr. Road, Ortigas Center Pasig City 1605,
Philippines
Tel. No. (632) 634-8430 / 634-8436 www.lga.gov.ph



Message

Being a public servant can be overwhelming. Multi-dimensional issues beset local communities, and urgent needs warrant attention and action simultaneously. Days will be filled with situations that will require you to adapt and will test your resolve. Stay focused and be steadfast with the priorities you have for your community.

Peace and order is one of the most crucial areas where you can focus on. I appeal to you to continue and intensify the fight against illegal drugs, corruption, and criminality. Equally important, strengthen your community's resilience by improving disaster preparedness and by ensuring that you have the systems in place to meet basic needs such as water, shelter, nutrition, and health. Channel your efforts into moving people from the margins into the mainstream by providing opportunities for sustainable livelihood and development.

To support you in your role, we at the Department of the Interior and Local Government, through the Local Government Academy, present this material to serve as your guide and strengthen your capacity in public office. We trust that under your leadership will arise peaceful, resilient, and capable communities that can help take us a step closer to building a stronger Philippines.

A handwritten signature in black ink, appearing to read 'Eduardo M. Año', with a long horizontal line extending to the right.

EDUARDO M. AÑO

Secretary, Department of the Interior and Local Government

Message



The strength of a nation lies in its local government units. Being the closest to the people, LGUs are more understanding of the plight of their communities and can maximize this proximity in order to effectively address their needs. Almost three decades ago, the Local Government Code had been passed in order to provide for meaningful local autonomy. It intends to enable LGUs to attain their fullest development as self-reliant, peaceful and secure communities, and transform themselves into active partners in the attainment of national goals. Consequently, being that you are the leader of your community, you have a pivotal role in propelling your LGU toward progress and development.

One of the major thrusts of the Department is to develop the capacities of local governments and its people in order to deliver the expectations of their mandate. The Program for NEOs is one of our undertakings in our commitment to provide harmonized and holistic capacity development mechanisms for LGUs all over the country.

To help you develop an understanding of your duties, responsibilities and accountabilities in your initial months in office, we present this quick reference developed by the Department's training arm, the Local Government Academy. We are behind you as you embark on this enormous and worthwhile undertaking. We are one with you in your actions to improve efficiency and morale in the LGU. Together, let us provide a matatag, maginhawa at panatag na buhay for all Filipinos.


MARIVEL C. SACENDONCILLO
Undersecretary for Local Government



Message

Allow me to extend my sincerest congratulations to you for winning in the 2019 elections. It is not an easy feat as it requires a great deal of passion and determination, two things that you will continually wield in your new post. We, at the Local Government Academy (LGA), stand ready to support you with capacity building programs as you progress into becoming a more competent public servant. The LGA, through its Program for Newly-Elected Officials, provides you with training and development activities on effective local governance.

The LGA also supports you as you prepare your community for ASEAN integration. We have a package of programs to guide you in developing and implementing plans for building a more competitive, inclusive, and sustainable local economy that is ready to compete in the regional playing field.

In line with this, we are pleased to present this material to help you navigate the initial days of your assumption in office. May the subject matter contained herein help you learn the ropes quickly and provide you with guidance in decision and policy making. We wish you well and all the best in your journey in public office.

A handwritten signature in black ink that reads "Thelma T. Vecina".

THELMA T. VECINA

Executive Director

Local Government Academy

TABLE OF CONTENTS

- I. Starting Up: The First 6 Months, 1**
- II. Continuing Tasks and Responsibilities, 9**
 - o Local Administrative Governance, 9
 - o Local Social Governance, 14
 - o Local Economic Governance, 26
 - o Local Environmental Governance, 28
- III. Acting Municipal Mayor and OIC, 37**

ABBREVIATIONS

COA	Commission on Audit
DBM	Department of Budget and Management
DENR	Department of Environment and Natural Resources
DILG	Department of the Interior and Local Government
DND	Department of National Defense
ELA	executive-legislative agenda
GAA	General Appropriations Act
GAD	Gender and Development
GCGOCC	Government-Owned and Controlled Corporations
IRA	Internal Revenue Allotment
JC	Joint Circular
JMC	Joint Memorandum Circular
LBC	Local Budget Circular
LCPC	Local Council for the Protection of Children
LDC	Local Development Council
LGC	Local Government Code of 1991
LGU	local government unit
LHB	Local Health Board
LPOC	Local Peace & Order Council
LSB	Local School Board
MC	Memorandum Circular
MLGOO	municipal local government operating officer
MRF	materials recovery facility
NEDA	National Economic and Development Authority
PCW	Philippine Commission on Women
R.A.	Republic Act
SALN	Statement of Assets, Liabilities and Net worth
SK	Sangguniang Kabataan

Local governance draws strength and focus from quality local legislation. More than a mere procedural act or legislative formality, legislation is concerned primarily with substance, where the supreme objective is the people's general welfare and well-being.

Legislation requires not only the skills of a legislator but also sensitivity to the challenges, pressures, and inadequacies of governance. It can not be overemphasized that central to the concerns of local legislation is development with a human face.

Part 1

Starting Up:

THE FIRST 6 MONTHS

I. As a starter, the Sangguniang Bayan members **MUST** read and know by heart the powers, duties, and functions of the Sanggunian as enumerated in Section 447 of the Local Government Code of 1991 (R.A. 7160).

- I.I Per Sec. 16 of R.A. 8371, The Indigenous People's Rights Act of 1997, the Sangguniang Bayan should make sure that a representative of the Indigenous People shall be one of its members. For this purpose, the Sanggunian may ask the assistance of the MLGOO, DILG.

The Internal Rules of Procedure is a mandate of the Local Government Code of 1991. It is a legislative tool to ensure the orderly conduct of sessions and quality local legislation. In this regard, Section 50 (a) of the Local Government Code of 1991 mandates that on the first regular session following the election of its members and within 90 days after that, the Sanggunian shall adopt or update its existing rules of procedure.

The rules of procedure shall provide for the following:

- The organization of the Sanggunian and the election of its officers;
- The order and calendar of business for each session;
- The legislative process;
- Parliamentary procedures, which shall include the conduct of members during sessions;
- The discipline of members for disorderly behavior and absences during sessions, including the imposition of penalties;
- The creation of standing committees and their areas of responsibility; and
- Other rules the Sanggunian may adopt such as the assignment of the geographical area of responsibility of each Sanggunian member.

Reminders

Sanggunian members are required to:

1. Subscribe to an oath of office upon assumption to office (Sec. 92, LGC);
2. File a sworn Statement of Assets and Liabilities and Net Worth (SALN) (Sec. 91, LGC in relation to Sec.8, R.A. 6713). Sanggunian members shall file the SALN with the Deputy Ombudsman in their respective regions within 30 days after assumption to office;
3. Disclose business and financial interests, if any (Sec. 51, LGC);
4. Declare the names of relatives working in government; and
5. Be familiar with the dynamics of local legislation and other vital information about it. This is particularly true for newly-elected members. The Local Legislative Toolkit published by the Philippine Councilors League, in partnership with the DILG, is a helpful reference material for local legislators. A series of training (short courses) on local legislation will also help. Ask the local DILG office for guidance.

II. Organizing the Sangguniang Bayan

1. Standing Committees

The need to structure the Sanggunian to ensure optimum performance is crucial. Since sectoral concerns are important aspects of local legislation, standing committees need to be created, which include the following (Section 50 (b)(1), R.A. 7160):

- Committee on Appropriations
- Women and Family
- Human Rights
- Youth and Sports Development
- Environmental Protection
- Cooperatives

NOTE: The SK Federation President shall Chair the Committee on Youth and Sports Development and shall serve as a regular member of the Committees on Education, Environment, Employment and Livelihood, Health and Anti-Drug Abuse, and Gender and Development (Sec 22 (b), R.A. 10742.)

The SK Federation President shall also serve as an ex-officio member of the LSB, LCPC, LDC, LHB, Local Tourism Council and LPOC (Sec 22 (c), R.A. 10742).

The Sanggunian may create sub-committees under each standing committee to ensure consideration and exhaustive deliberation of all issues that are within the competence and authority of the standing committee.

2. *Legislative Offices and Staff Complement*

Part of organizing the Sanggunian is ensuring that legislative offices and staff are in place. These offices include the following:

- A Session Hall whose layout is appropriate for parliamentary deliberations;
- The Office of the Sangguniang Secretary; and
- Offices for individual members with appropriate fixtures and equipment, with at least one staff per member, other than the Sangguniang Secretary.

III. Institutionalizing Legislative Tracking and Backstopping Committees

1. *Install a Legislative Tracking and Analysis System*

The Legislative Tracking and Analysis System is an essential tool in quality legislative work. Beyond the confines of the basic legislative process, its main objective is to assess the effectiveness or non-effectiveness of a legislative measure, with the information generated and factored into the review of the said legislative measure.

2. *Create a Backstopping Committee*

Backstopping Committees are useful because they help to ensure the focused analysis of issues, with responsive legislative remedies easily worked out. Since it is the professional research arm of the legislative body, quality results will spare the Sanggunian members from lengthy, time-consuming and costly debates on legislative proposals. Leadership of the sub-committee determined by the issue to be tackled. If it is an issue on health, necessarily the head should be the Municipal Health Officer.

NOTE: Be sure to update the legislative database regularly, and to conduct periodic legislative review.

IV. Familiarization with Existing Legislative Enactments

The Sanggunian members are expected to be familiar with the ordinances enacted by previous Sanggunians. This is important as it guides them in identifying and rationalizing which ordinances require further analysis, amendment or supplementation, or are to be enacted as new legislation. Consultations with law enforcement agencies, barangay officials and the general public are helpful.

It becomes necessary, therefore, that there should be an inventory of all ordinances and determine those that are already amended, or rendered obsolete or impossible to implement due to changes in situations. Check also whether codification of ordinances with similar subjects is needed.

Fundamental to this codification are those ordinances that support social development, economic development, and environmental health:

- Code of General Ordinances
- Gender and Development Code
- Investment and Incentive Code
- Revenue Code
- Zoning Ordinance
- Environment Code
- Sanitation Code
- Children's Code

V. Firming Up of the Executive-Legislative Agenda

The Executive-Legislative Agenda, also known as ELA, (DILG Memorandum Circular No. 64, s. 2004) is a joint agreement of the Executive and Legislative. It is a road map for complementary executive and legislative actions in local governance. While it is true that there is a separation of powers and functions between the mayor (Executive) and the Sangguniang Bayan (Legislative), there is a need to identify areas of cooperation.

In coming up with the ELA, the following references and considerations are useful:

- State of Local Governance Report;
- Citizen's views or opinions; and
- Implications of emerging local government trends brought about by socio-economic and environment factors.

VI. Crucial Legislation Within the First Six Months

Within the first six months, the Sangguniang Bayan must review and approve the term-based plans, the Municipal Government's budget for the following year and the budgets of its component barangays.

- Executive-Legislative Agenda (ELA)
- Development Investment Program for the next 3 years – within the period July 1-31
- Annual Investment Program – not later than the 1st week of August
- Comprehensive Development Plan - within July
- Annual Appropriations Ordinance – within the period October 17 - December 31
- Review of the Barangay Appropriations Ordinances – within 60 days from receipt of the submitted Annual Budgets or Supplemental Budgets of Barangays

It is understood that legislative work is to be consistent with the ELA.

As a general guide, this reference highlights the continuing tasks and responsibilities of the Sangguniang Bayan. Such tasks and responsibilities are drawn from the Local Government Code of 1991, and from other pertinent national laws and policies.

Pointers in the Review and Approval of the Annual Budget

- Total Appropriations** - Shall not exceed income estimates (*Section 324 (a), LGC*)
- Full Provision** - Shall be made for all statutory and contractual obligations of the municipality (*Section 324 (b), LGC*)
- Debt Servicing** - Shall not exceed 20% of the regular income of the municipality (*Section 324 (b), LGC*)
- Aid to Component Barangays** - Shall not be less than ₱1,000.00 per barangay (*Section 324 (c), LGC*)
- Local DRRM Fund** – Shall not be less than 5% of the estimated revenue from regular sources (*Section 324 (d), LGC as amended by Section 21, R.A. 10121, Rule 18, Section 1, IRR of R.A. 10121*)
- Development Fund** - At least 20% of the annual IRA to be appropriated for development projects (*Section 287, LGC and DILG-DBM JMC No. 2017-1*)
- Personal Services** - Shall not exceed 45% for 1st – 3rd class municipalities, and 55% 4th - 6th class municipalities (*Sec 325 (a), LGC*)
- Confidential Fund** - The total amount shall not exceed 30% of the total annual amount allocated for the LGU's Peace and Order Programs (*Item 5.1.3.1, COA-DBM-DILG-GCGOCC-DND JC No. 2015-01*)

- Discretionary Purposes** - Shall not exceed 2% of the actual receipts derived from basic real property tax in the next preceding calendar year (*Sec 325 (h), LGC*)
- Child Protection**- 1% of the Internal Revenue Allotment of the municipal government to be allocated for strengthening the Local Council for the Protection of Children (*R.A. 9344, April 23, 2006, Juvenile Justice and Welfare Act*)
- Gender and Development (GAD) Budget**- At least 5% of the total LGU budget appropriations to be allocated for the activities supporting GAD. (*R.A. 7192, R.A. 9710 and PCW-DILG-NEDA-DBM JMC No. 2016-01*)
- Persons with Disabilities Budget Allocation** - Programs, projects, activities, services, and facilities that will address the concerns and needs of persons with disabilities (*R.A. 7277 as amended by R.A. Nos. 9442 and 10070 and BP Blg 344*)
- Senior Citizens Budget Allocation** - Programs, projects, activities, services, and facilities that will address the concerns and needs of senior citizens pursuant to the applicable provisions in the annual General Appropriations Acts (GAA) and R.A. 7432 and R.A. 7876
- Advances and Loans to Local Economic Enterprises and Public Utilities** (Section 313 [last par], LGC)
- Community-Based Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) Prevention and Care Services** (*R.A. 8504*)
- Programs for Public Social Workers** (*R.A. 9433*)

NOTE: Local budgets shall operationalize approved local development plans (Sec. 305 (i), R.A. 7160)

Part 2

Continuing Tasks and Responsibilities

I. Legislative Action on Administrative Governance

The continuing tasks and responsibilities of the Sangguniang Bayan towards effective administrative governance revolve on the enactment, amendment, or supplementation of legislative measures such as ordinances relating to:

1. Organizational Structure, Personnel Matters, and other Administrative Concerns

- Review of functional and organizational structures and staffing patterns of municipal offices;
- Review of the powers and duties of municipal officials and employees;
- Review of the positions and salaries, wages, allowances and other benefits of officials and employees paid from municipal funds;
- Enact the appropriate ordinance to create the DRRMO including the allocation of necessary staffing/personnel and budget (Sec. 6, IRR of RA 10121);
- Payment of compensation to a qualified person not in government service and who fills up a temporary vacancy; or granting honorarium to any qualified official or employee;
- Safety and protection of all municipal government properties, public documents, or records of public interest;
- Additional allowances and other emoluments and other benefits, as appropriate, to judges, prosecutors, public elementary, and high school teachers, and other national government officials stationed in or assigned to the municipality, when the finances of the municipal government allow (Section 447 (1)(xi), LGC);

- The allowance to be given by the LGU has no ceiling for as long as the finances of the municipality allow. Thus, LBC 55 of the DBM which sets the ceiling of ₱1,000 allowance was declared invalid. DBM cannot impose a limitation not found in the law such as setting a cap on the amount of allowances (DADOLE v COA (2002))
- ❑ Occupational health and safety, sanitation and environmental conditions at the workplace of municipal government officials and employees, such as a regular annual mental, physical/medical check-up, clean and adequate comfort rooms, potable water, safe building or office facilities, and safety measures against fire and other hazards (DILG MC No. 54, s. 1998); and
- ❑ Construction, maintenance, or rental of municipal government's buildings.

Reminders

- ❑ Municipal vice mayors are the appointing authority of all officials and employees of the Sangguniang Bayan, including the secretary to the Sanggunian (DILG MC No. 86, s. 2003; Section 445 (2), LGC)

Note: No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing or recommending authority (Sec. 79, LGC).
- ❑ The Sangguniang Bayan may maintain, create other offices, and/or consolidate the functions of offices of the municipal government in the interest of efficiency and economy. (Sec. 443, LGC)
- ❑ The Sanggunian shall act on appointments or confirm the appointments of Department Heads within 15 days from the date of their submission (Sec. 443 d, LGC)

- The Sanggunian Member shall refer to DILG MC No. 2018-197 when traveling abroad. That DILG MC provides for the rules and regulations governing the foreign travel of local government officials and employees, including the online processing of the travel authority application.
- The Sanggunian shall refer to R.A. 9184 and its 2016 Implementing Rules and Regulations and DBM Circular No. 01, s. 2005 concerning procurement activities. Said R.A. and Circular provide for the modernization, standardization, and regulation of the procurement activities of the government and other purposes.
- The Sanggunian shall refer to R.A. 11032 concerning the delivery of government services. Said R.A. provides for measures to reduce processing time, cut bureaucratic red tape, and also eliminate corrupt practices.

2. Information and Customer Service

The Sanggunian must support through legislation the following:

- Open-Door Policy type of governance that allows people easy access to municipal offices, services, and public information (DILG MC. No. 45, s. 1996);
- Information about ongoing LGU infrastructure projects through the establishment of an LGU Performance Information Board (DILG MC No. 126, s. 2001);
- Simplification of Civil Registry Services (DILG MC No. 60, s. 2002);
- Standard documentary requirements in the issuance of Civil Application Systems by Local Government Units (DILG MC 2008-13);
- Creation of a One-Stop-Shop (DILG MC No. 01-120, s. 2001);
- Establishment of a Customer Complaint Desk (DILG MC No. 01-120, s. 2001);
- Civil registration procedures, including the elimination of fees for the registration of births and foundlings (DILG MC No. 186, s. 2002); and

- Ease of Doing Business and Efficient Government Service Delivery Act of 2018 (R.A. 11032).

3. Generating Revenues and Other Fiscal Matters

- Fines for violating municipal ordinances;
- Imposing taxes, fees and charges, and granting tax exemptions, incentives, or relief;
- Negotiating and contracting loans, floating bonds, and other forms of debt;
- Leasing public buildings which are held in a proprietary capacity to private parties;
- Providing for reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
- Extending grants to component barangays, or to charitable, benevolent, or educational institutions that are operated and maintained within the municipality;
- Declaring exemptions of project beneficiaries from payment of fees for barangay clearance, mayor's permit, house wiring and fire inspection. Such exemptions shall be supported by a Memorandum of Agreement between the municipal government and the electric cooperative (DILG MC No. 142, s. 2000);
- Codifying revenue ordinances to improve local revenue administration (DILG MC No. 51, s. 1998);
- Prescribing standards for the Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code; and
- Coordinating with the BIR revenue district office for sharing information.

4. Maximizing the Use of Resources

Continuation of Term-Based Plans, Programs, and Budget

- Annual Investment Program (AIP)
 - The AIP for the ensuing year is to be approved by the Sanggunian.
 - The Annual Investment Program shall be consistent with the approved term-based Local Development Investment Program.
- Annual or Supplemental Budgets of Barangays
 - Per Sec. 333, LGC, the annual or supplemental barangay budget has to be reviewed within 60- days from receipt.
- Annual and Supplemental Budgets of the Municipal Government
 - The Annual Budget for the ensuing year of the Municipality is to be approved from October 17 to December 31, 2016.

Urban Planning and Development

- Comprehensive Land Use Plan for the municipality;
- Zoning in accordance with the approved;
- Reclassification of lands, where necessary;
- Numbering of residential, commercial and other buildings;
- Commercial or industrial purposes and other development purposes, issuance of development permit and collection of processing fees and other charges;
- Open spaces to serve as transport or tricycle terminals (DILG MC No. 35, s. 2002); and
- Road networking to improve public access among component barangays.

Note: The Local Development Council is mandated per Sec. 333. and Sec. 57, LGC, to assist the Sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction.

5. Barangay Affairs

- Review of barangay ordinances and resolution approving the local development plan and public investment program;
- Review of Sangguniang Kabataan annual and supplemental budgets (Sec. 20 (d), R.A. 10742);
- Legal assistance to barangay officials;
- Financial transaction reports for verification and review and recommendation of legal actions against barangay officials who misuse barangay funds and properties (DILG MC No. 161, s. 1996);
- Group insurance or additional insurance coverage for all barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow; and
- Enrollment of barangay officials and personnel, including volunteers, to the PhilHealth Program during their tenure, to be paid out of barangay funds (DILG MC No. 66, s. 2002).

II. Legislative Action on Social Governance

- The continuing tasks and responsibilities of the Sangguniang Bayan towards effective social governance revolve in the enactment of legislative measure relating to:

1. Education, Culture and the Arts, and Sports Development

- Financial support to vocational and technical schools and similar post-secondary institutions;
- Scholarship fund for poor and deserving students; and
- Support for the staffing and equipment of the Municipal Engineer's office so that it can handle repairs and construction of classrooms and school buildings.

Note: The Municipal School Board shall serve as an advisory committee to the Sanggunian on matters related to Education.

2. Health and Sanitation

- Quarantine regulations to prevent the introduction and spread of diseases;
- Dengue case management and services (DILG MC Nos. 74 and 86, s. 2005);
- Sanitary standards in public restrooms frequented by public utility vehicles and tourist transport services (DILG MC No. 162, s. 1995);
- Establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead;
- Regulation of the sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other food products for public consumption;
- Solid waste management;
- Disposal of clinical wastes from hospitals, clinics and other similar establishment;
- Smoking in public places (DILG MC No. 85, s. 2004);
- Sanitation Code of the Philippines (PD 856);

- Food safety (DILG MC No.194, s. 1999); and
- Use of government ambulances (DILG MC No. 114, s. 2000).

Note: The Municipal Health Board shall serve as an advisory committee to the Sanggunian on Health matters.

3. Public Safety and Order

- Prevention and suppression of lawlessness, disorder, riot, violence, rebellion or sedition;
- Prevention, suppression, and imposition of appropriate penalties for habitual drunkenness in public places; vagrancy; mendicancy; prostitution; establishment and maintenance of houses of ill repute; gambling and other prohibited games of chance; fraudulent devices and ways to obtain money or property; drug addiction; maintenance of drug dens; drug pushing; juvenile delinquency; the printing, distribution or exhibition of obscene or pornographic materials or publications; and such other activities inimical to public welfare and morals;
- Provision of sites for police stations, fire stations, and city jail, as well as police and fire services and facilities;
- Safety measures in all gasoline stations (R.A. 8479, DILG MC No. 66, s. 2006);
- Public safety and peace and order during the conduct of public assemblies and rallies in designated freedom parks (DILG MC Nos. 42 and 79, s. 2006);
- Organization, re-organization, or activation of the People’s Law Enforcement Board and the inclusion in the local annual budget of the corresponding appropriation for its operation (DILG MC No. 59, s. 2006);
- Republic Act No. 9287 entitled, “An Act Increasing the Penalties for Illegal Numbers and Its Implementing Rules”;
- Enforcement of the National Building Code, particularly Section 2001, Chapter 20—that no advertising billboard, signage or display media shall be constructed in the LGU that:
 - Endangers the safety of a person or property, or harms the public interest;
 - Hinders public order or violates sound social morals;

- Contains information that suggests obscenity, indecency, or violence, both in textual and graphical forms;
 - Conveys vague and double-meaning messages to the public;
 - Contains messages that mislead or deceive consumers;
 - Carries racially, sexually or ethnically abusive, offensive or objectionable content, or promotes social discrimination and prejudice against gender, beliefs, and convictions;
 - Obstructs the public view of natural scenery and hinders the enjoyment thereof; and
 - Destroys from the picturesque view of a scenery due to lack of coordination with its environmental surroundings by way of colors and tones used, structure, size and location (DILG MC No. 158, s. 2004).
- Financial support to Barangay Tanods (DILG MC No. 104, s. 2002);
- Safety of residents and transients, and the prevention of freak accidents in construction projects, such as:
- Requiring the contractor to assume full responsibility for the proper safekeeping of construction materials and equipment used for the duration of the construction project and to assume liability for any untoward incident that may result from failure to observe the necessary precautionary measures, which shall be stipulated in the contract between the LGU and the contractor
 - Requiring the contractor to clear all construction debris in the areas used by passersby
 - Providing visible marks or signs in high-risk areas such as open canals and manholes; lighting facilities in the construction sites; and other precautionary measures (DILG MC No. 87, s. 1995)

- Selling and publishing obscene and pornographic materials, publications, pictures, literatures, and other similar articles, including the exhibition or giving away of indecent, immoral or obscene plays, scenes, acts or shows, whether live or in film (DILG MC No. 213, s. 1999. Article 201 of the Revised Penal Code);
- Regulation of traffic in all streets and bridges and removal of encroachments and illegal obstructions in public places;
- Public safety in the construction of public utilities and other similar structures in buildings and homes by requiring contractors to procure a third party liability insurance for injury, death or damage to property that may be caused by the construction; and
- Regulation and maintenance of gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus and connection; condemnation or removal of the same when found to be dangerous, defective, or otherwise hazardous to the welfare of the inhabitants.

4. Disaster Risk Reduction and Management

- Formulation or updating of a Local Disaster Risk Reduction and Management Plan and integration of identified programs projects and activities in the Annual Investment Plan (R.A. 10121, DILG MC 2013-01);
- Republic Act 9287 entitled “An Act Increasing the Penalties for Illegal Numbers and Its Implementing Rules”;
- Commercial sexual exploitation of children (DILG MC No. 164, s. 1999)
- Localization of the Comprehensive Emergency Program for Children and integration in the LDRRMP and other development plans of LGUs (DILG MC 2018-196);
- Prevention, elimination, and control of trafficking of persons (DILG MC No. 26, s. 2005);

- Regulation on display of signs, signboards, or billboards at the place or places where a profession or business is advertised;
- Maintenance and sanitation of buildings and premises within the municipality;
- Impounding of stray animals;
- Inspection of structures by the Municipal Engineer to check whether they are compliant with the National Building Code and the Fire Code;
- Regulation and inspection of every steam boiler or any heating device in buildings and the storage of inflammable and highly-combustible materials; and
- Traffic regulations and removal of encroachments and illegal obstructions in public places.

Note: The Municipal Peace and Order Council and the Municipal Disaster Risk Reduction and Management Council shall serve as as the advisory committee to the Sanggunian on Peace and Order and Public Safety.

- Franchising of tricycles

Enact, amend, or supplement a tricycle franchise ordinance in consideration of the followings:

- Physical Requirements – No tricycle shall be issued a franchise unless applicable physical requirements are complied with and certified by a duly authorized authority
- Fares – Should be established at a level that provides the operator a reasonable return of profit, and affordable to the general public
- Load or Capacity Limit – No tricycle should be allowed to carry more passengers and goods than what it is designed for

- For safety reasons, no tricycle should operate in national highways
- Zones must be established within the city
- A common color may be imposed on tricycles operating in the same zone (DILG MC No. 07-01, s. 2007)

PHYSICAL REQUIREMENTS OF TRICYCLES

1. Clean windshield;
2. Garbage receptacle;
3. Functional horn that does not emit exceptionally loud or startling sound;
4. Functional two signal lights, front and back for turning right or left or for emergency purposes;
5. Functional tail light, including license plate light;
6. Top chain extending to the rear wheel;
7. Functional white head light and functional red tail light, visible at least 50 meters from the front and rear of the tricycle and functioning under all weather conditions;
9. Functional anti-noise equipment;
8. Functional light installed inside the sidecar and kept lighted while plying a designated route;
10. Sticker containing the body number of the vehicle and placed prominently and identifiable from a distance;
11. Fully-operational mufflers; and
12. Roadworthiness of the tricycle unit.

5. Housing and Basic Utilities

- Regulate water supply services and facilities such as:
 - Maintenance, repair and operation of an efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply;

- Construction, maintenance, repair and use of hydrants, pumps, cisterns, and reservoirs;
 - Purity and quantity of the water supply of the municipality; and
 - Consumption, use, or wastage of water.
- Franchise shall be revoked for failure to comply with the rules

Note: The Municipal Housing Board, Housing Task Force, or Housing Coordinating Unit assists the Sanggunian on matters concerning low-cost housing and mass dwellings.

6. Women, Children and Social Welfare

- General welfare and well-being of vulnerable groups in the municipality such as:
- Caring for persons with disabilities, paupers, the aged, the sick, persons with mental disabilities, abandoned minors, juvenile delinquents, drug dependents, abused children and other disadvantaged persons, particularly children and youth below 18 years of age
- Republic Act 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, as amended by Republic Act No. 10630;
- Human trafficking (DILG MC Nos. 26, s. 2005 and 172, s. 2006);
- Republic Act 9710, otherwise known as the Magna Carta of Women, a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors;

- Migrant Advisory and Information Desks Network, which shall provide victims of trafficking the procedures in filing cases, programs that address trafficking, legal protection and other services (DILG MC No. 26, s. 2005);
- Municipal Council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community;
- Office for Senior Citizens Affairs whose functions include but not limited to assistance to senior citizens in filing complaints and charges against any person, natural or juridical (DILG Mc No. 63, s. 2005);
- Indigenous Peoples Rights Act (DILG MC No. 89, s. 2002); and to ensure that they have a representative in the Sangguniang Bayan per Sec. 16 of R.A. 8371;
- Persons with disabilities (DILG MC No. 74, s. 1998);
- Republic Act 9262, otherwise known as the Anti- Violence Against Women and their Children Act of 2004;
- Republic Act 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 (DILG MC No. 37, s. 2001); and
- Commercial sexual exploitation of children (DILG MC No. 164, s. 1999).

Note: A Municipal Council for the elderly shall formulate policies and adopt measures mutually beneficial to the elderly and to the community.

7. Public Morals

- Authorize and license the establishment, operation, and maintenance of cockpits, as well as cockfighting and commercial breeding of gamecocks;
- Regulate the selling, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
- Regulate the establishment, operation, and maintenance of any entertainment or amusement facility;
- Prevent cruelty to animals, and enforce the Animal Welfare Act (DILG MC No. 91, s. 2000);
- Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments;
- Regulate the establishment, operation, and maintenance of cockpits, as well as cockfighting and commercial breeding of gamecocks;
- Regulate the selling, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
- Regulate the establishment, operation, and maintenance of any entertainment or amusement facility;
- Updates on the Duty to Intensify Action Against Illegal Drugs;
- Ensure the mandatory inclusion and adequate appropriation in the Local Annual Budget for the enforcement of R.A. 9165, giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents;

- Ensure that the provisions of Sections 51-53 of R.A. 9165 shall be strictly and faithfully enforced;
- Initiate the formulation of prevention and rehabilitation programs in the LGU;
- Initiate the conduct of symposia and dialogues with school authorities and students, owners and employees of business establishments, government officials and employees, and the general public;
- Ensure the sustainability of rehabilitation or treatment program of drug dependents;
- Enact an ordinance complementing the Comprehensive Drugs Act of 2002, if none has yet been passed, or to amend the same, to be consistent with the pertinent provisions of the said Act, and ensure its effective enforcement;
- Ensure that the Anti-Drug Abuse Councils at all levels perform their functions and responsibilities as embodied in relevant Department issuances (DILG-DDB JMC No. 2018-01); and
- Ensure the establishment and institutionalization of drug-free workplace policies (DDB Regulation No. 13, s. 2018).

III. Legislative Action on Economic Governance

The continuing tasks and responsibilities of the Sangguniang Bayan towards effective economic governance revolve in the enactment of legislative measures relating to:

1. Agriculture and Fishery Development

- Authorize ferries, wharves, and other structures intended to accelerate productivity related to marine activities;
- Regulate the construction of fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any species, or fish within the municipal waters;
- Ban the use of the compressor as a breathing apparatus of all fishing activities (DILG MC No. 129, s. 2002); and
- Replicate the Maunlad Model Farms (DILG MC No. 62, s. 2000).

2. Tourism, Trade, Business Enterprise, and Industry Promotion

- Employment opportunities for the willing, able and unemployed residents of the municipality in local, national, or foreign-funded public works projects (DILG MC No. 167, s. 2000 and R.A. 6685);
- Livelihood opportunities to victims of man-made and natural calamities;
- Proper display of SSS Certificate of Registration beside the business license or permit;
- Establishment of municipal-operated markets, slaughterhouses or animal corrals and regulation of the construction and operation of private markets or other similar buildings and structures; and
- Formulation of Local Investment Incentives Code (DILG-DTI JMC No. 2011-01).

Note: The cooperative officer shall advise the Sanggunian on all matters related to cooperatives development and livelihood opportunities.

- Livelihood opportunities to amnesty grantees (DILG MC No. 13, s. 2004);
- Regulate the operation of any business or practice of profession within the municipality;
- Granting of a franchise to any person, partnership, corporation, or cooperative to do business within the municipality;
- Articles of commerce;
- Operation of any public utility by the municipal government, or by a cooperative, private person or entity;
- Advocacy, promotion and development of Small and Medium Enterprises (DILG MC Nos. 13, s. 1996 and 47, s. 1997); and
- “Local Economic Transformation Program for Local Government” to secure the economic well-being of the people by creating an environment conducive to growth and investment (DILG Mc No. 35, s. 2002).

Updates on Legislative Matters: Levy, Imposition, and Collection of Illegal Fees or Charges

- Strictly adhere to the fundamental principles, limitations, and requisites of the exercise of the taxing powers of LGUs (DILG MC Nos. 2009-42 and 2009-76, s. 2009);
- Rectify defective tax ordinances that charge fees on passing through vehicles, especially those carrying agricultural goods and products (DILG MC Nos. 2009-42 and 2009- 76 s. 2009); and

- Repeal ordinances authorizing the levy and collection of fees, taxes and other charges on transporting goods and passengers carried into or out of, or passing through, the territorial jurisdiction of the local government unit (Sec. 133 (e), LGC; DILG MC No. 2018-133).

IV. Legislative Action on Environmental Governance

The continuing tasks and responsibilities of the Sangguniang Bayan towards effective environmental governance revolve in the enactment of legislative measures relating to:

1. Waste Management

- Solid waste collection and disposal;
- Ecological Solid Waste Management Act of 2000, to include the following:
 - Creation of municipal solid waste management board (a representative from the Municipal Council shall be the Chair);
 - Approval of the Solid Waste Management Plan; and
 - Establishment of Multi-Purpose Environment Cooperatives or Associations.

2. Natural Resources Management

- Forest Management (DILG MC No. 166, s. 2004);
- DENR-DILG-LGU partnership on devolved forest management functions (Joint DENR-DILG MC No. 01, s. 1998);
- National Integrated Protected Areas System Act of 1992, and the Wildlife Resources Conservation and Protection Act (DILG Mc No. 44, s. 2004);

- Protection of the environment and natural resources, such as:
 - Establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other forest development projects;
 - Demolition of illegal structures along rivers and estuaries which impede normal water flow;
 - Prevention of overcrowding and congestion in municipal waters, fish ponds, and fish pens; and
 - Enforcement of the Code of Practice for Aquaculture (DILG MC No. 64, s. 2002).

- Penalties for acts that endanger the environment and activities that result in pollution or ecological imbalance;

- Establishment, maintenance, protection, and conservation of communal forests and watershed, tree parks, greenbelts, mangroves, and other similar forest development programs;

- Measures against the establishment of illegal structures along rivers and estuaries which impede normal water flow; and measures to prevent overcrowding and congestion in municipal waters and fish ponds; and

- R.A. 8485 or the Animal Welfare Act, as well as DILG MC No. 91, s. 2000, which provides for the apprehension and prosecution of those engaged in illegal trading of animals.

Legislative measures that require the vote of the QUALIFIED MAJORITY

1. Unless otherwise provided in the LGC, heads of departments and offices shall be appointed by the municipal mayor with the concurrence of the majority of all the Sangguniang Bayan members, subject to civil service law, rules and regulations. The Sangguniang Bayan shall act on the appointment within fifteen (15) days from the date of its submission; otherwise, the same shall be deemed confirmed (Sec. 443 (d), LGC);
2. The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of the LGC (Sec. 447 (a), LGC);
3. Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects (Sec. 447 (a)(2) (iv), LGC);
4. Appropriate funds for the construction and maintenance or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the Sangguniang Bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations (Sec. 447 (a)(2)(v), LGC); and
5. Upon approval by a majority vote of all the members of the Sangguniang Bayan, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or such other similar activities within the municipality as may be allowed by applicable laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise (Sec. 447 (a)(3)(vii), LGC).

Legislative measures that require the vote of TWO-THIRDS OF ALL SANGGUNIAN MEMBERS

1. Selection and transfer of local government site, offices and facilities (Sec. 11, LGC);
2. Closure and opening of roads (Sec. 21, LGC);
3. The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days, or expelled (Sec. 50 (b)(5), LGC);
4. Every ordinance enacted by the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang Bayan shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the Sanggunian, which may proceed to reconsider the same. The Sanggunian concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes (Sec. 54 (a), LGC); and
5. Grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of the LGC (Sec. 447 (a)(2)(xii), LGC).

Municipal undertakings that are subject to PUBLIC HEARINGS

1. Selection and transfer of local government site, offices, and facilities (Sec. 11, LGC);
2. Reclassification of lands (Sec. 20, LGC);
3. Local government units may, through appropriate ordinances, group themselves, consolidate, or coordinate their efforts, services, and resources for purposes commonly beneficial to them. In support of such undertakings, the local government units involved may, upon approval by the Sanggunian concerned after a public hearing conducted for the purpose, contribute funds, real estate, equipment, and other kinds of property and appoint or assign personnel under such terms and conditions as may be agreed upon by the participating local units through Memoranda of Agreement (Sec. 33, LGC);
4. Local government units may exercise the power to levy taxes, fees or charges on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the National Internal Revenue Code, as amended, or other applicable laws: Provided, That the taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory or contrary to declared national policy: Provided, further, That the ordinance levying such taxes, fees or charges shall not be enacted without any prior public hearing conducted for the purpose (Sec. 186, LGC); and
5. Approval and Effectivity of Tax, Ordinances and Revenue Measures; Mandatory Public Hearings (Sec. 187, LGC).

ROLE OF THE LGUs IN CLIMATE CHANGE ADAPTATION AND MITIGATION AND OTHER ENVIRONMENT ISSUES

R.A. 9729 (Climate Change Act of 2009)

Sec. 14. Local Climate Change Action Plan. — The LGUs shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas, consistent with the provisions of the lgu, the Framework and the National Climate Change Action Plan.

Barangays shall be directly involved with municipal and city governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions. Municipal and city governments shall consider climate change adaptation, as one of their regular functions. Provincial governments shall provide technical assistance, enforcement and information management in support of municipal and city climate change action plans. Inter-local government unit collaboration shall be maximized in the conduct of climate-related activities.

LGUs shall regularly update their respective action plans to reflect changing social, economic, and environmental conditions and emerging issues. The LGUs shall furnish the Commission with copies of their action plans and all subsequent amendments, modifications and revisions thereof, within one (1) month from their adoption. The LGUs shall mobilize and allocate necessary personnel, resources and logistics to effectively implement their respective action plans.

The local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan.

It shall be the responsibility of the national government to extend technical and financial assistance to LGUs for the accomplishment of their Local Climate Change Action Plans.

The LGU is hereby expressly authorized to appropriate and use the amount

from its Internal Revenue Allotment necessary to implement said local plan effectively, any provision in the LGC contrary notwithstanding.

Memorandum Circular 2009-168 (October 27, 2009)

All Local Chief Executives are directed to strictly comply with the mandate of Republic Act No. 9003 (Ecological and Solid Waste Management Act of 2000), especially on the establishment of solid waste and materials recovery facilities, to wit:

Solid Waste Facility

- Closure of existing dump sites; and
- Development and operation of sanitary landfill sites as final disposal sites for solid, and, eventually, residual wastes of a municipality or city or a cluster of municipalities or cities.

Pursuant to Section 44 of the Act, in relation to Section 33 of the Local Government Code of 1991, provinces, cities, municipalities and barangays, through appropriate ordinances, may consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems or establishing common waste disposal facilities.

Materials Recovery Facility

- Establishment of LGU Materials Recovery Facility (MRF) in every barangay or cluster of barangays in a barangay owned or leased land or in any suitable open space to be determined by the barangay through its Sanggunian.
- Allocation of a certain parcel of land by the barangay or cluster of barangays for the MRF.

The MRF includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility. Memorandum (June 2, 2009) Re: Manila Bay Clean Up, Rehabilitation and Preservation Addressed to all Mayors of Metropolitan Manila, the Governors, City Mayors and Municipal Mayors of and in Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan.

In compliance with the Supreme Court EN BANC decision in the case of Metropolitan Manila Development Authority, et al. vs. Residents of Manila Bay, et al. promulgated on December 18, 2008, said LGUs are hereby directed to:

1. Immediately inspect all factories, commercial establishments, and private homes along the banks of major river systems, and other minor rivers and waterways that eventually discharge water into the Manila Bay, including lands abutting the bay, within our jurisdictions to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations; and
2. Require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes from flowing into these rivers, waterways, esteros, and the Manila Bay, under pain a closure or imposition of fines and other sanctions.

Republic Act 10121 – Disaster Risk Reduction and Management

Act of 2010. This Act provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors and preparedness for effective response and early recovery. LGUs should ensure that adequate and appropriate measures in disaster risk reduction and management are undertaken.

Memorandum Circular No. 2007-131 (October 2, 2007)

In support of Philippine Clean Air Act of 1999 and the launching of the Linis Hangin Siudad/Munisipyo Program, all Local Chief Executives are hereby encouraged to actively participate in the said celebration by adopting or initiating appropriate measures to ensure the success thereof such as the following:

1. Issuance of city / municipal resolution or enactment of an ordinance on air pollution control;
2. Inclusion of clean air policies in their respective local development plans;
3. Conduct of information campaign on the value of smoke-free communities; and
4. Encouraging community leaders, civic organizations, religious organizations and school institutions to actively support the campaign against air pollution in their localities.

Part 3

Determination of a quorum and the majority vote

Is the Vice Mayor, as presiding officer, included in the physical body count to declare the presence of quorum?

Yes. The Vice Mayor, as presiding officer, shall be considered a part of the Sanggunian for purposes of ascertaining if a quorum exists (**LA CARLOTA CITY v ATTY. ROJO, GR NO. 181367, APRIL 24, 2012**).

Is the Vice Mayor, as presiding officer, included in determining the majority vote?

No. In determining the number which constitutes as the majority vote, the vice mayor is excluded. The vice mayor's right to vote is merely contingent and arises only when there is a tie break (**JAVIER v VICE-GOVERNOR CADIAO, GR No. 185369, August 03, 2016**).

Officer-in-Charge Officer-In-Charge as distinguished from ACTING MAYOR

The post of the Acting Mayor is governed by Section 46 (a) of the Local Government Code of 1991, while that of the OIC is governed by Section 46(c) of the same code.

When the Municipal Mayor is temporarily incapacitated to perform his duties due to physical or legal reasons, such as but not limited to, leave of absence, travel abroad and suspension from office, the Municipal Vice Mayor shall automatically exercise the powers and perform the duties and functions of the Municipal Mayor concerned, except the power to appoint, suspend, or dismiss employees, which can only be exercised if the period of temporary incapacity exceeds 30 working days.

In this case, the automatic assumption by the Municipal Vice Mayor as Acting Mayor, even on the first day of incapacity of the Municipal Mayor, is automatic and done by operation of the law. This means that no further order or appointment from the national government or any office is required. As Acting Municipal Mayor, he can perform all the functions, powers and duties of the Municipal Mayor except the limitations provided for in cases of appointment, suspension or dismissal of employees.

(Note: There exists a temporary vacancy in the Mayor position. Hence, the Acting Vice Mayor.)

On the other hand, Section 46 (c) of the Code Local Government Code of 1991 deals with a situation where the Municipal Mayor is traveling within the country but outside his territorial jurisdiction for a period of not exceeding three consecutive days. In such a case, he may designate in writing an OIC. Such designation shall specify the powers and functions that the local official concerned shall exercise in the absence of the Municipal Mayor, except the power to appoint, suspend or dismiss employees.

In this case, the Municipal Mayor can designate any official of the Municipal Government as OIC for three consecutive days while he is outside his territorial jurisdiction but within the country. It should be further noted that in case of designation of OIC, there is really, in contemplation of law, no temporary vacancy to speak of in the Office of the Municipal Mayor. The Municipal Mayor may designate the Municipal Vice Mayor or any member of the Sanggunian or any appointive official of the municipality to act as OIC during his absence for three consecutive days. However, if on the fourth day, the Municipal Mayor fails to return to his station, Section 46 (d) of the same Code will now apply, in which case, the Municipal Vice Mayor shall assume as Acting Municipal Mayor on the 4th day of absence of the Municipal Mayor even if the designation of an OIC was beyond three days. This has to be so because the designation as OIC is effective only for three days.

Who may be authorized to act as an OIC?

Section 46 (c) of the Local Government Code does not distinguish and thus, the Municipal Mayor may designate in writing any Municipal Official to act as OIC during his absence for three days. The authorization shall specify the powers and functions that the local official concerned shall exercise.

How shall an OIC assume his functions?

With regard to the OIC Municipal Mayor, upon presentation of a valid designation in writing, he can assume the post as OIC in the office of the Municipal Mayor (Section 46 (c), Local Government Code). Accordingly, he must issue a memorandum addressed to all municipal officials and employees of his designation as OIC. With regard to the Acting Municipal Mayor, upon the occurrence of any event leading to the temporary incapacity of the Municipal Mayor, either for physical or legal reasons, the Municipal Vice Mayor automatically assumes as Acting Municipal Mayor.

(Section 46 (a), Local Government Code). Accordingly, he has to issue a Memorandum, copy furnished depository banks, local DILG and other national offices, informing all department heads and employees of the province of his assumption as acting and henceforth, all orders must emanate from him.

When shall an OIC cease to act as such?

An OIC Municipal Mayor shall stop performing his functions as such on the fourth day of absence of the Municipal Mayor. His designation as OIC is effective only during the three consecutive days of absence of the Municipal Mayor, who is outside his jurisdiction but is within the country. On the fourth day of absence of the Municipal Mayor, the designation of OIC ceases to exist by operation of law and the Municipal Vice Mayor shall now automatically assume as Acting Municipal Mayor pursuant to Section 46 (d) of the Local Government Code.

May the Municipal Vice Mayor, acting as Municipal Mayor continue to preside over the session of the Sangguniang Bayan?

No more. In the case of *Gamboa vs. Aguirre* (G.R. No. 134213, July 20, 1991), the Supreme Court ruled that the Municipal Vice-Mayor, as Acting Municipal Mayor, cannot anymore continue to preside over the session as this would violate the principle of separation of powers and functions. The Municipal Vice Mayor, in his capacity as Acting Municipal Mayor, is expected to perform full-time executive functions, which would include approval of ordinances. This pronouncement of the Supreme Court equally applies to provinces and municipalities.

May the Municipal Vice Mayor, acting as OIC, continue to preside over the session of the Sangguniang Bayan?

Yes. In an OIC designation, there is no temporary vacancy in the Office of the Municipal Mayor. OICs exercise only limited powers as may be contained in the letter-authorization designating him as such. Hence, if the Municipal Vice Mayor is the one designated as OIC, he can still continue to preside over the session of the Sanggunian since the ruling in the *Gamboa* case will not apply.

As an OIC, he has no power to perform all the functions and powers of the Municipal Mayor and more importantly, he is not empowered to approve ordinances. Such being the case, the violation of separation of powers and functions, which is what the *Gamboa* ruling sought to avoid, is not present. As OIC he has no power to approve ordinances enacted by the Sanggunian. The Vice Mayor, designated as OIC, can continue to preside over the session of the Sanggunian. If, however, the Mayor fails to return on the fourth day, the Vice Mayor's OIC status will ripen into Acting Mayor, and therefore, he is already barred from presiding the session.

May the Municipal Vice Mayor, designated as OIC, appoint officials?

No. Under CSC rules on appointment, an OIC cannot issue an appointment.

What are the tasks and responsibilities of an OIC?

Act or perform in accordance with the authorization given by the Municipal Mayor, such as, but not limited to the following tasks:

- Sign and approve vouchers for the payment of salaries of municipal employees;
- Sign and approve vouchers and requisitions, purchases of essential supplies and hospital subsistence, if any;
- Attend conferences as well as other ceremonial functions to represent the office of the Municipal Mayor; and
- Perform routine and administrative functions such as the supervision of the day-to-day operations of the Office of the Municipal Mayor (Section 46 (a), LGC).



ABOUT THE LOGO

The new logo takes its cue from the program’s new focus on peace and resilience, articulated visually in the elements that build the lettermark itself. While the Newly Elected Officials concept is abbreviated to NEO to streamline brand recognition and recall, the individual components are sewn with graphic cues of people and nature to emphasize not only their inextricable relationship but to remind us whom development is for.

The letter N is an abstraction of two individuals forming a union, which affirms the communal character of peace- and resilience-building that requires a whole-of-nation approach. This clarifies the scope of NEO interventions as well: it frames LCE as key individuals situated in the system of local governance. Incidentally, the letter N also depicts leaves dancing in the wind, which strengthen the motif of nature and resilience in the NEO visual identity; and also signify meanings of calmness, tranquillity, and peace.

Meanwhile, the letter E is a visual metaphor to resilience – for the bamboo will not cease to stand tall and still even when the strongest wind tires itself out. Though often ascribed to how Filipinos bounce back stronger in the context of disasters, the metaphor remains potent in peace-building especially with the grit and indomitable spirit of Filipinos to choose hope during periods of threats and violence.

Lastly, the letter O contains a globe insignia to elicit a global character of excellence being pursued in local leadership and governance through the Program for NEO. It also depicts a pair of hands below the globe to evoke a sense of goodwill, support, and care. Overall, these visual elements generate the more grounded and communal visual identity of NEO, complemented with a cool shade of blue.

