



6TH
EDITION

A REFERENCE GUIDE TO ACTION
Tasks and Responsibilities

**SANGGUNIANG
PANLUNGSOD**

Checklist

TASKS AND RESPONSIBILITIES
CHECKLIST:
A Reference Guide to Action

The Sangguniang Panlungsod

6TH EDITION

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

6th Edition

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ISBN No.: 978-971-0576-92-0

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

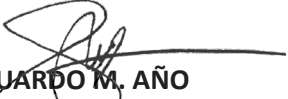


Message

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.


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

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ABBREVIATIONS

CGO	Code of General Ordinances
DBM	Department of Budget and Management
DF	Development Fund
DILG	Department of the Interior and Local Government
DOF	Department of Finance
DSWD	Department of Social Welfare and Development
EME	Extraordinary and Miscellaneous Expenses
GAD	Gender and Development
JMC	Joint Memorandum Circular
LCE	Local chief executive
LGC	Local Government Code of 1991
LGPMS	Local Governance Performance Management System
LTS	Legislative Tracking System
MC	memorandum circular
NEDA	National Economic and Development Authority
R.A.	Republic Act

FOREWORD

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 its main objective is 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 cannot be emphasized enough that central to the concerns of local legislation is development with a human face.

Local sanggunian exercises only delegated legislative powers conferred on them by Congress. Thus, as representatives of the people in the local legislative branch, legislators must be adept with existing national laws and policies so that they do not contradict the intents of the national legislature. A mere ordinance cannot undo an act of Congress. Likewise, it is incumbent upon the legislator to be guided by parliamentary rules and procedures and local legislative processes in the passage of important legislation needed by their constituencies.

This Task and Responsibilities Checklist for Sangguniang Panlungsod members is an important reference guide in producing quality legislation related to administrative, social, economic and environmental governance.

Part 1

Starting Up:

THE FIRST 6 MONTHS

I. Important guide for cities created before or after the effectivity of the Local Government Code.

If your city was created prior to the effectivity of the Local Government Code (LGC) of 1991, then the LGC of 1991 applies to you. If your city was created after the LGC of 1991, the city charter applies. However, if the city charter does not have a provision regarding the Sanggunian, the LGC of 1991 applies.

The Internal Rules of Procedure of the sanggunian is a mandate under Sec. 50 of the Local Government Code. It is a legislative tool to ensure the orderly conduct of sessions and quality legislation. Revisiting, updating, and adopting the rules have to be completed within 90 calendar days from the first regular session following the election of the Sangguniang Panlungsod Members.

The basic contents of the Rules of Procedure are as follows:

- The organization of the sanggunian and the election of its officers, as well as the creation of its standing committees;
- The order and calendar of business for each session;
- The legislative process;
- The parliamentary procedures, which include the conduct of members during sessions;
- The disciplining of members for disorderly behavior and absences during sessions, including the imposition of penalties;
- The standing committees and their areas of responsibility; and
- The assignment of the geographical area of responsibility of each sanggunian member.

Reminders

Each sanggunian member is required to:

- Subscribe to an oath of office upon assumption (Sec.92, LGC);
- File a Sworn Statement of Assets and Liabilities and Net Worth (SALN) (Sec. 91, LGC);
- Disclose business and financial interests (Sec. 51, LGC);
- Declare the names of relatives working in government; and
- Be familiar with the dynamics of local legislation and vital information related to it. This is particularly true for the 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.

II. Organizing the Sangguniang Panlungsod

1. Standing Committees

The need to structure the sanggunian to ensure optimum performance is crucial. It is important to create standing committees and its functions as embodied in the Internal Rules of Procedure, which include but are not limited to the following:

- Committee on Rules;
- Committee on Ways and Means;
- Committee on Appropriations;
- Committee on Tourism, Trade and Industry;
- Committee on Health and Sanitation;
- Committee on Education, Culture and Sports;
- Committee on Women, Youth, and Family Welfare;
- Committee on Social Welfare and Community Development;
- Committee on Environment Protection;
- Committee on Labor and Employment;
- Committee on Public Order and Safety;
- Committee on Food and Agriculture;
- Committee on Transportation and Communications;
- Committee on Public Works and Infrastructure; and
- Committee on Good Governance, Public Ethics and Accountability.

The sanggunian may create sub-committees under each standing committee to ensure extensive and exhaustive deliberations on all issues that are within the competence and authority of a particular standing committee to address.

2. Legislative Offices and Staff Complement

Paperless Session

This innovative and notable move of the City Council of Marikina gives members of the Sanggunian access to legislative documents in digital form.

In particular, the move to conduct paperless sessions led to making electronic distribution of legislative documents such as agenda, minutes, committee reports and other large analogous attachments to the city councilors as their reference materials for legislation.

The City Council significantly reduced the paper usage by 80%. The documents are saved in android-tablets by the personnel of the Marikina City Council Information and Technology Center (MCCITC), an office established for such purpose.

Part of organizing the sanggunian is ensuring that legislative offices and staff are in place. The sanggunian must have the following:

- ◇ Session hall with appropriate fixtures and equipment for the Presiding Officer, Sanggunian members, Secretariat, and the public;
- ◇ Office of the Sanggunian Secretary; and
- ◇ Offices for individual members with appropriate fixtures and equipment, with at least one staff per member, other than the Sanggunian 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 principal aim is to assess the effectiveness of an enactment, with the information generated factored into the review of the legislative measure.

2. Create Backstopping Committees

Backstopping Committees are particularly useful in the sense that such mechanisms ensure focused analysis of issues, with responsive legislative remedies easily worked out. Since it is the professional research arm of the legislative body, quality results free the sanggunian members from lengthy, time-consuming and costly debates on legislative action to take in the face of a particular issue. The leadership of the committee is based on sectoral concerns. If it is an issue on health, necessarily the head should be the City Health Officer.

Legislative Monitoring and Tracking System

The Legislative Monitoring and Tracking System (LMTS): Marikina Model was jointly developed in-house by the City Council and the Marikina City Council Information and Technology Center. LMTS digitizes the legislative documents and processes of the City Council and likewise makes available legislative history of approved resolutions and ordinances.

The purpose of LMTS is to allow users to identify and track legislative documents and proposals throughout the legislative process, starting from the time they are referred to appropriate committees up to the point that they are given executive response, posted or published as the case may be.

With LMTS, users can do the following:

- Encode, keep and print a computerized database of all legislative documents and proposals, such as letters, petitions, endorsements, resolutions and ordinances
- Do an automated search of all legislative documents and proposals, including their attachments, by typing a particular keyword or reference number.

IV. Familiarization with Existing Legislative Enactments

The sanggunian members are expected to be familiar with ordinances already enacted by the previous sanggunians. This familiarity guides them in identifying and rationalizing which ordinances require further analysis, amendment, or enactment as new legislation. Consultations with law enforcement agencies, barangay officials and the general public would be helpful.

Fundamental to this 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; and
- Sanitation Code.

Note:

Be sure to update the legislative database regularly and conduct legislative review periodically

V. Preparing the Executive-Legislative Agenda (ELA)

The Executive-Legislative Agenda or ELA [DILG Memorandum Circular No. 64, s. 2004] is a joint agreement between the Executive and Legislative, and is a road map for complementary executive and legislative actions in local governance. Inputs for ELA preparation are generated from the following:

- State of Local Governance Report;
- Citizen's views or opinions; and
- Implications of emerging local government trends brought about by a complex interplay of various socio-economic and physical environment variables in the locality.

VI. Crucial Legislation Within the First Six Months

Within the first six months in office, the Sanggunian must review, modify, adopt or approve the term-based plans and the following year's budget of the city government, as well as review the annual budget of its component barangays:

- ELA**
- Development Investment Program** - July
- Annual Investment Program for the ensuing year** - not later than the first week of August
- Comprehensive Development Plan for the ensuing year**- July
- Annual Appropriations Ordinance for the ensuing year** - between October 17 to the end of the current year
- Review of Barangay Appropriations Ordinances for the ensuing year** - within 60 days from receipt of the Annual Budgets or Supplemental Budgets of barangays

Important Items in the Annual Budget

- Total appropriations** - shall not exceed the estimates of income (Sec. 324, LGC);
- Full provision** - shall be made for all contractual and statutory obligations of the city (Sec. 324, LGC);
- GAD Fund**- shall be at least 5% of the General Fund (R.A. 9710 Magna Carta of Women Act of 2009);
- Senior Citizen Fund** – shall be at least 1% of the General Fund (DILG DSWD JMC 2003-01);
- Anti-Drug Abuse Campaign Fund** - Substantial allocation in the budget (R.A. 9165 Dangerous Drugs Act of 2002);
- Debt servicing** - shall not exceed 20% of the regular income of the city (Sec. 324 B, LGC);
- Aid to component barangays** - shall not be less than One Thousand Pesos (₱1,000) per barangay [Sec. 324 C, LGC];
- Disaster Risk Reduction and Management (DRRM) Fund** – shall be at least 5% of the estimated revenue from regular sources (Sec 324 d, LGC & R.A. 8185);
- Development Fund** - at least 20% of the city Annual IRA to be appropriated for development projects [Sec. 287, LGC];
Be guided by DILG-DBM Joint MC No. 1, s. 2011 on the Utilization of the 20% component of the Annual IRA for Development Projects, and the use of 20% component of the Annual IRA shares;
- Personal services** - shall not exceed 45% for 1st – 3rd class LGUs, and 55% 4th - 6th class LGUs (Sec. 325 a, LGC);
- Discretionary Purposes** - shall not exceed 2% of the actual receipts derived from basic real property tax (Sec. 325 h, LGC); and
- 1% of the Internal Revenue Allotment** of the city government shall be allocated for strengthening the **Local Council for the protection of children** (R.A. 9344, April 23, 2006, Juvenile Justice and Welfare Act).

Part 2

Continuing Tasks and Responsibilities

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

As a general guide, this guide highlights the continuing tasks and responsibilities of the Sangguniang Panlungsod. Such tasks and responsibilities are drawn from the LGC of 1991, and from other pertinent national laws and policies or the city charters for cities created after the effectivity of the LGC.

I. Legislative Action on Administrative Governance

The continuing tasks and responsibilities of the Sangguniang Panlungsod 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 of the City Government

- Functional and organizational structures of the city offices as well as the staffing pattern in the light of changing conditions in the city such as, but not limited to increase in population, increase in income, changes in the social, political and business environment in the city;
- Enact the appropriate ordinance to create the DRRMO including the allocation of necessary staffing/personnel and budget (Sec. 6, IRR of RA 10121);

- Powers and duties of city officials and employees;
- Positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid from city funds;
- Payment of compensation to a qualified person not in government service who fills up a temporary vacancy, or granting honorarium to any qualified official or employee;
- Safety and protection of all city government properties, public documents, or records of public interest;
- Additional allowances 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 city, when the finances of the city government allow;
- Occupational, health and safety, sanitation and environmental conditions in the workplace of city government officials and employees (DILG MC No. 54, s. 1998); and
- Construction, maintenance, or rental of city government buildings.

Reminders

- City Vice Mayors are authorized and empowered to appoint all officials and employees of the Sangguniang Panlungsod, including the secretary of the Sangguniang Panlungsod, except those whose manner of appointment is specifically provided in the LG Code (DILG MC No. 2003-86) or in the city charter for cities created after the effectivity of the Local Government Code of 1991.
- The Sanggunian may maintain, create other offices or consolidate functions of offices of the city government in the interest of efficiency and economy (Sec. 454, LGC).

- The Sanggunian shall act on the appointments of Department Heads or confirm them within 15 days from the date of their submission (Sec. 454, LGC).
- The Sangguniang Member shall refer to DILG MC. No. 2017-30 when traveling abroad. That DILG MC provides for the foreign travel authority online system of local government officials and employees.
- The Sanggunian shall refer to Republic Act (R.A.) 9184 and Department of Budget and Management (DBM) Circular No. 01, s. 2005 concerning procurement activities. The R.A. and DBM Circular provide for the modernization, standardization, and regulation of the procurement activities of the government.

2. Information and Customer Service

- Open-Door-Policy type of governance that allows people to access city offices, services and public information easily [*DILG MC No. 45, s. 1996*];
- Information services, which include investment and job placement, tax and marketing information systems, and maintenance of the city library;
- Simplification of Civil Registry Services [*DILG-MC No.60, s. 2002*];
- Simplification of other Civil Application Systems, i.e., business permit, building permit, certificate of occupancy, and real property documents [*DILG MC No. 01-120, s. 2001*];
- 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*]; and
- Registration of births and foundlings [*DILG-MC No. 186, s. 2002*].

You may ask the DILG City Director/CLGOO for information about other relevant and recent issuances of the DILG and other departments

3. Revenue Generation and Other Fiscal Matters

- Upgrade and modernization of tax information and collection services;
- City taxes, fees and charges, tax exemptions, incentives, or relief;
- Floating of bonds or other instruments of indebtedness;
- Loans or grants to component barangays, or to charitable, benevolent, or educational institutions; and
- Coordination with BIR officer in the city for information sharing.

4. Maximizing the Use of Resources

Continuation of the Term-Based Plans, Programs, and Budget

- Annual Investment Program;
 - ◇ The Annual Investment Program for the ensuing year is to be approved by the sanggunian; and
 - ◇ The Annual Investment Program should be consistent with the approved term-based Local Development Investment Program.
- Annual or Supplemental Budget of component barangay;
 - ◇ Sec. 333 of the LGC. The review of the barangay budget has to be acted upon within 60 days from receipt thereof.
- Annual Budget or Supplemental Budget;
 - ◇ The Annual Budget of the city for the ensuing year is to be approved between October 17 and December 31 of the current year.

Urban Planning and Development

- Comprehensive Land Use Plan (CLUP) for the city [DILG MC No. 04-133, s. 2004];
- Zoning in accordance with the approved Comprehensive Land Use Plan;
- Reclassification of lands, where necessary;
- Numbering of residential, commercial and other buildings;
- Subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collection of processing fees and other charges; and
- Road networking to improve public access.

Note: the City Development Council is mandated to assist the Sangguniang Panlungsod in setting the direction of economic and social development, and in coordinating development efforts within the city.

5. Barangay Affairs

- Review of barangay ordinances per Sec. 333 and Sec. 57 LGC;
- Legal assistance to barangay officials; and
- Group insurance or additional insurance coverage for all barangay officials, including members of barangay tanod, Lupong Tagapamayapa, and other service units, with public or private insurance companies, when the finances of the city government allow.

II. Legislative Action on Social Governance

The continuing tasks and responsibilities of the Sangguniang Panlungsod towards effective social governance revolve on the enactment, amendment or supplementation of legislative measures relating to:

1. Education, Culture, Arts, and Sports Development

- Financial support to public elementary and secondary schools;
- Financial support to vocational and technical schools and similar post-secondary institutions;
- Scholarship fund for the poor but deserving students;
- Sports facilities and equipment, as well as the conduct of annual palarong panlungsod and other sports development activities; and
- Strengthening the City Engineer's office with proper staffing and equipment so it can handle repairs and constructions of classrooms and school buildings.

Note: The City School Board serves as an advisory committee to the Sanggunian on education matters.

2. Health and Sanitation

- Health services such as primary health care, maternal and child care, and communicable and non-communicable disease control services; mental health care; access to secondary and tertiary health services; purchase of medicines, medical supplies, and medical equipment;
- Quarantine to prevent the introduction and spread of diseases;
- Dengue case management and services [DILG MC Nos. 74 and 86, s. 2005];
- Revised Optometry Law of 1995 [DILG MC No. 148, s. 2004];
- Smoking in public places;

- Food safety [DILG MC No.194, s. 19 99];
- Use of city government ambulances [DILG MC No. 114, s. 2000];
- Sanitation Code of the Philippines (PD No. 856);
- Disposal of clinical and other wastes from hospitals, clinics, and other similar establishments;
- Preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other food products for public consumption;
- Establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead; and
- Solid waste management.

Note: The City Health Board serves as an advisory committee to the Sanggunian on health matters.

3. Peace and Order and Public Safety

- 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; drug dens; drug pushing; juvenile delinquency; and of the printing, distribution or exhibition of obscene or pornographic materials or publications; and such other activities inimical to general welfare and public morals;
- Provision of sites and facilities for police, fire stations, and the city jail;
- 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 any public assembly or rally in any designated freedom park [DILG MC Nos.42 and 79, s. 2006];

- Organization, re-organization or activation of the People’s Law Enforcement Board and inclusion in the local annual budget of a corresponding appropriation for its operation [R.A. 6975, DILG MC No. 59, s. 2006];
- Republic Act No. 9287 entitled, “An Act Increasing the Penalties for Illegal Numbers and Its Implementing Rules”; and
- Enforcement of the National Building Code, particularly Section 2001, Chapter 20 – that no advertising billboard, signage or display media shall be constructed in the city 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 messages that are vague and have a double meaning;
 - 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 prevents the enjoyment of the view; and
 - detracts from the picturesque view of scenery due to lack of harmony with its environmental surroundings by way of colors and tones, structure, size, and location [DILG MC No. 158, s. 2004].
- Financial support to Barangay Tanods [DILG MC No. 104, s. 2002]:

Note: the City Peace and Order Council and the City Disaster Risk Reduction And Management Council serve as advisory committees to the Sanggunian on matters concerning Peace and Order and Public Safety

- Safety of residents and transients, and the prevention of freak accidents from occurring in any construction project. Examples of these measures are as follows:
 - Requiring every contractor to take full responsibility for the proper safekeeping of construction materials and equipment used for the entire duration of the construction project and to assume liability for any accident that may result from failure to observe the necessary precautionary measures, which are to be stipulated in the contract between the city government and the contractor; or requiring contractors prior to the issuance of a building permit to procure third party liability insurance for any injury or damage caused to persons or properties in relation to the construction works;
 - requiring every contractor to clear all construction debris that may be possibly tripped on by a passerby in the area; and
 - providing visible marks or signs in accident-prone areas such as open canals and manholes; lighting facilities in the construction site; and other precautionary measures [DILG MC No.87, s. 19 95].

- Adoption of a Disaster Risk Reduction and Management (DRRM) Plan embodying the following:
 - Ensure appropriation of budget for programs projects and activities for DRRM and climate change adaptation (CCA) in the Annual Investment Plan;
 - Establishment of a Incident Command system (ICS) and Emergency Operation Center (EOC) during a calamity, emergency, or disaster;
 - Warning and communication systems;
 - Early evacuation from high-risk areas;

- Rescue and emergency operations;
 - Distribution of relief goods and services;
 - Reporting of situations and actions taken;
 - Post-calamity clean-up;
 - Medical assistance;
 - Rehabilitation of agricultural and livelihood programs;
 - Localization of the Comprehensive Emergency Program for Children (CEPC) and integration in the LDRRMP and other development plans of LGUs (DILG MC 2018-196);
 - Housing assistance;
 - Burial service; and
 - Loan assistance [DILG MC No. 94, s. 1998].
-
- Sale and publication of obscene and pornographic materials, publications, pictures, literature, and other similar articles, including the exhibition or giving away of indecent, immoral or obscene plays, scenes, acts or shows, whether live or on film [DILG MC No. 213, s. 1999, Article 201 of the Revised Penal Code];
 - Display of signs, signboards, or billboards at the place or places where a profession or business is conducted;
 - Maintenance and sanitation in buildings and premises within the city;
 - Establishment and inspection of every steam boiler or heating device in buildings and the storage of inflammable and highly-combustible materials;
 - Impounding of stray animals;
 - Enforcement and implementation of the National Building Code and the Fire Code;
 - Regulation of traffic on all streets and bridges and removal of encroachments and illegal obstructions in public places;
 - Franchising of tricycles;

- Enact a tricycle franchise ordinance in consideration of the following:
 - Physical Requirements – no tricycle shall be issued a franchise unless applicable physical requirements are complied with and certified by the 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; and
 - A common color may be imposed on tricycles operating in the same zone (color coding) [DILG MC No. 07-01, s. 2007].
- Franchise shall provide that the same shall be revoked for failure to comply with the rules set in the issuance of the franchise

PHYSICAL REQUIREMENTS FOR 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 headlight and functional red tail light, visible at least 50 meters from the front and rear of the tricycle and functioning under all weather conditions;
8. Functional light installed inside the sidecar and kept lighted while plying a designated route;
9. Functional anti-noise equipment;
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 (tires etc.).

4. Housing and Basic Utilities

Propose or amend legislation to support:

- Low-cost housing and other mass dwellings, except those funded by the Social Security System, Government Service Insurance System, and the Home Development Mutual fund;
- Waterworks, drainage and sewerage, reclamation projects, and similar facilities;
- Water supply services and facilities such as:
 - maintenance, repair and operation of an efficient waterworks system to supply water to the inhabitants;
 - construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs;
 - purity and quantity of the water supply of the city; and
 - consumption, use or wastage of water.

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

5. Women, Children and Social Welfare in General

Propose or amend legislation to support:

- General welfare and well-being of vulnerable groups in the city such as:
 - Caring for persons with disabilities, indigents, 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; and
 - Providing appropriate funds for the subsistence of the city jail inmates.
- Republic Act 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006;
- Actions against 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 Network, i.e., procedures in filing cases and programs that address trafficking, legal protection and other services [DILG MC No. 26, s. 2005];
- Special Drug Education Center for out-of-school youth (OSY) and street children;

- Senior Citizens Affairs [DILG MC No.63, s. 2005];
- Indigenous Peoples Rights Act [DILG MC No. 89, s. 2002];
- 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
- Actions against commercial sexual exploitation of children [DILG MC No. 164, s. 1999].

Note: A city council for the elderly is expected to recommend policies and measures mutually beneficial to the elderly and to the community.

6. Other Social Concerns

Propose or amend legislation to support:

- Establishment, licensing, operation, and maintenance of cockpits, as well as cockfighting and commercial breeding of gamecocks;
- Prevention of cruelty to animals, and enforcement of the Animal Welfare Act [DILG MC No. 91, s. 2000];
- Establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments;
- Selling, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet; and
- Establishment, operation, and maintenance of any entertainment or amusement facility.

III. Legislative Actions on Economic Governance

Updates on the Duty to Intensify Action Against Illegal Drugs

- Appropriate funds for the enforcement of R.A. 9165, giving priority to preventive programs 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;
- 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; and
- Ensure the Anti-Drug Abuse Councils at all levels perform their functions and responsibilities as embodied in relevant Department issuances (DILG MC No. 2009-09, s. 2009).

The continuing tasks and responsibilities of the Sangguniang Panlungsod towards effective economic governance revolve on the enactment, amendment or supplementation of legislative measures relating to the following:

1. Agriculture and Fishery Development

- Extension and on-site research services and facilities related to agriculture and fishery activities, i.e., dispersal of livestock and poultry, fingerlings, and other seeding materials for aquaculture; palay, corn, and vegetable seed farms; medicinal plant gardens; fruit trees, coconuts, and other kinds of seedling nurseries; demonstration farms; quality control of copra and improvement and development of local distribution channels, preferably through cooperatives; inter-barangay irrigation system; water and soil resource utilization and conservation;
- Organization of farmers' and fishermen's cooperatives, including providing them incentives;

- Joint ventures and other cooperative arrangements with people's and nongovernmental organizations relative to agriculture and rural industrialization; and
- Replication of the Maunlad Model Farms [DILG MC No. 62, s. 2000].

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

- Construction and maintenance of tourism facilities and other tourist attractions, and acquisition of equipment, regulation, and supervision of business concessions, and security services for such facilities;
- Construction or provision of basic infrastructure and facilities in areas zoned for business and industry, such as:
 - physical infrastructure such as roads, bridges or ports;
 - communications infrastructure, whether landline or mobile;
 - port or similar facility;
 - solid waste disposal facility;
 - wastewater treatment facility; and
 - road networking to connect barangays.
- Livelihood opportunities for city residents;
- Employment opportunities for the willing, able and unemployed residents of the city in public works projects, whether these projects be locally, nationally or foreign-funded [DILG MC No. 167, s. 2000 and R.A. No. 6685];
- Advocacy, promotion, and development of small and medium enterprises [DILG MC Nos. 13, s. 1996 and 47, s. 1997];
- Operation of any business or practice of profession within the city;
- Operation of any public utility by the city government, or by a cooperative, private person or entity;

- Granting of a franchise to any person, partnership, corporation, or cooperative to do business within the city;
- Establishment of city-operated markets, slaughterhouses or animal corrals, and regulation of the construction and operation of private markets or other similar buildings and structures;
- Updates on Legislative Matters (Levy, Imposition and Collection of Illegal Fees or Charges);
- Follow the fundamental principles, limitations, and requisites of the exercise of the taxing powers of local government units (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).

IV. Legislative Action on Environmental Governance

The continuing tasks and responsibilities of the Sangguniang Panlungsod towards effective environmental governance revolve on the enactment, amendment or supplementation of legislative measures relating to:

1. Waste Management

- Solid waste collection and disposal;
- Support the Ecological Solid Waste Management Act of 2000, to include the following:
 - Creation of the City Solid Waste Management Board;
 - Approval of the Solid Waste Management Plan;

- Establishment of Multi-Purpose Environment Cooperatives or Associations; and
- Provide an appropriation for the acquisition of lands for the sanitary landfill facility of the city.

2. Natural Resources Management

- Forest management [DILG MC No. 166, s. 2004];
- DENR-DILG-LGU partnership on devolved functions and forest management functions (Joint DENR-DILG Memorandum Circular No. 98-01);
- National Integrated Protected Areas System Act of 1992, and the Wildlife Resources Conservation and Protection Act [DILG MC No. 44, s. 2004];
- Protection of environmental and natural resources through the following measures:
 - 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 if the structures impede normal water flow;
 - Prevention of overcrowding and congestion of city waters, fish ponds, and fish pens; and
 - Enforcement of the Code of Practice for Aquaculture [DILG MC No. 64, s. 2002].
- Granting an exclusive privilege of constructing fish corrals or fish pens within city waters; or taking or catching the following within city waters: bangus fry, prawn fry or kawag-kawag, or fry of any species of fish.

ROLE OF THE SANGGUNIAN IN CLIMATE CHANGE AND VARIOUS ENVIRONMENT ISSUES

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

Sec. 14. Local Climate Change Action Plan. — Propose legislative initiatives for the formulation, planning and implementation of climate change action plans in their respective areas, consistent with the provisions of the Local Government Unit, 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 (LCE) 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 to the contrary notwithstanding.

Memorandum Circular 2009-168 (October 27, 2009)

Propose legislation to support 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, closure of existing dump sites.

Solid Waste Facility

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.

Consider alternative arrangements, and enact appropriate ordinances that 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

- Establish 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.
- Allocate 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 a Supreme Court EN BANC decision 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 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 of closure or imposition of fines and other sanctions.

Republic Act 10121- DRRM 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 DRRM, 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 DRRM are undertaken.

Memorandum Circular No. 2008-69 (April 28, 2008)

Proposed legislation on how to:

- Mainstream climate change adaptation and disaster risk reduction measures into local policies, plans, budgets and investment programs as a priority concern;
- Promote research and extension work on climate change adaptation through local research institutions, the academe, and other relevant stakeholders;

- Engage in programs, projects and activities particularly in land and water use, land use change and forestry, reducing emissions from deforestation and degradation, coastal zones and fisheries, industry, facilities, farming practices, and indigenous clean energy;
- Encourage greater participation of the local media, interfaith groups and local schools in disseminating information on climate change adaptation, within the overall framework of sustainable development, to local communities, at the grassroots level;
- Promote dialogues between workers and employers (when applicable) to realize the potential for green and decent jobs through positive support from workers and employers in the transition towards environmentally sustainable patterns of production and consumption; and
- Vigorously collaborate with the provincial government and the Regional Development Council to push for more aggressive emission reduction targets and expeditious implementation of adaptation programs, projects and activities that will ensure direct benefits to the local communities.

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

Support the Philippine Clean Air Act of 1999 and the launching of the Linis Hangin Siudad / Munisipyo Program through the issuance of a city or municipal resolution or enactment of an ordinance on air pollution control.

Part 3

Common Issues on Local Legislation: Excerpts from Legal Opinions

1. What is the effect of the non-action by the Sanggunian on a vetoed Appropriations Ordinance by the Local Chief Executive?

The non-action by the sanggunian on the veto of certain items in the Appropriations Ordinance shall render the vetoed item without force and effect until the veto is overridden by the sanggunian.

The vetoed item or items shall not take effect unless the sanggunian overrides the veto in the manner provided in Rules VII of the LG Code Implementing Rules and Regulations. Otherwise, the item or items in the Appropriations Ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.

(Excerpt from DBM Legal Opinion No. L-B-2001-01)

2. Whether or not the Annual Budget as submitted by the LCE is deemed approved in totality when the Sangguniang Panlungsod fails to override the veto within 15 days.

Only the items in the Appropriations Ordinance enacted by the sanggunian and approved by the local chief executive are deemed approved. Items that were vetoed shall have no force and effect until the veto is overridden by the sanggunian.

The item or items in the Appropriations Ordinance of the previous year corresponding to those vetoed shall be deemed reenacted.

(Excerpt from DBM Legal Opinion No. L-B-2001-01)

3. Whether or not the Sanggunian's power to approve and appropriate annual and supplemental budgets carries with it the power to slash or reduce the same, as proposed by the Local Chief Executive

The power of the sanggunian to approve and appropriate annual and supplemental budget carries with it the power to slash or reduce the budget, as proposed by the LCE.

This can be clearly inferred from Section 319 of the Local Government Code - Legislative Authorization of the Budget, and Article 415 of the IRR on Budget Authorization, as well as on Limitations on Legislative Action, which says that –

“The sanggunian may not increase the proposed amount in the executive budget nor include new items except to provide for statutory and contractual obligations that may not have been considered in the preparation of the budget, or that the amounts provided may be deficient. In no case, however, shall such additional provision result in the excess of the total appropriations over the proposal in the executive budget.”

Those provisions of the Code expressly prohibit the sanggunian from increasing or including new provisions or items in the executive budget, except for statutory and contractual obligations. The purpose of this prohibition is to avoid possible excesses over the budgetary ceilings recommended and prescribed by the Local Finance Committee as adopted by the LCE in the Executive Budget. On the other hand, **there is no prohibition on the reduction of appropriations in the executive budget.**

(Excerpt from DBM Legal Opinion No. L-B-2001-06)

4. Whether or not the item of appropriation for Extraordinary and Miscellaneous Expenses (EME) in the Office of the Mayor already forms part of the Discretionary Fund of the Mayor and therefore, should not have a separate appropriation.

Section 325 (h) of R.A. 7160 expressly provides:

“The annual appropriations for discretionary purposes of the local chief executive shall not exceed two percent (2%) of the actual receipts derived from basic real property tax in the next preceding calendar year. Discretionary funds shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law. No amount shall be appropriated for the same purpose except as authorized under this Section”

The law clearly states that no amount shall be appropriated for the same purpose as that of the Discretionary Fund. Hence, the appropriation for extraordinary and miscellaneous expenses (EME) serves the same purpose as that of the Discretionary Fund. No separate fund for the same purpose shall be appropriated.

What is specifically authorized by law to be appropriated is the Discretionary Fund for the local chief executive. There is no specific provision in the Code that authorizes appropriation for EME, separate and distinct from the Discretionary Fund, as both have the same purpose.

(Excerpt from DBM Legal Opinion No. L-B-2001-1, s. 2001)

5. Whether or not appropriations for projects to be funded out of the 20% DF can be spent fully and exclusively for salaries, wages and honoraria of casual and “job order” employees.

Appropriations for projects to be funded out of the 20% Development Fund (IRA) cannot be used and spent fully and exclusively for salaries, wages and honoraria of casual and “job order” employees. It has to be emphasized that labor costs are merely part of the local development project costs.

(Excerpt from DBM Legal Opinion No. L-B-2001-13, s. 2001)

Part 4

Discussions

OIC-MAYOR as distinguished from ACTING MAYOR

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

When the City 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 City Vice Mayor shall automatically exercise the powers and perform the duties and functions of the City 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 City Vice Mayor as Acting City Mayor, even on the first day of temporary incapacity of the City 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 City Mayor, he can perform all the functions, powers and duties of the City Mayor except the limitations provided for in cases of appointment, suspension or dismissal of employees. (Note: There exists a temporary vacancy in the City Mayor position. Hence, the acting Vice City Mayor).

On the other hand, Section 46 (c) of the Local Government Code of 1991 deals with a situation where the City Mayor is traveling within the country but outside his territorial jurisdiction for a period 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 City Mayor, except the power to appoint, suspend or dismiss employees.

In this case, it may be noted that the City Mayor can designate any official of the City 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 City Mayor. The City Mayor may designate the City Vice Mayor or any member of the Sanggunian or any appointive official of the city as OIC during his absence for three consecutive days. However, if on the fourth day the City Mayor failed to return to his station, Section 46 (d) of the same Code will now apply, in which case, the City Vice Mayor shall assume as Acting City Mayor on the fourth day of absence of the City 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 City Mayor?

Section 46 (c) of the Local Government Code says that the City Mayor may designate in writing any City Official to act as OIC for three days during his absence. The authorization shall specify the powers and functions that the local official concerned shall exercise.

How shall an OIC City Mayor assume his functions?

With regard to OIC City Mayor, upon presentation of a valid designation in writing, he can assume as OIC in the office of the City Mayor (Section 46 (c), Local Government Code). Accordingly, he must issue a memorandum to all city officials about his designation as OIC.

With regard to the Acting City Mayor, upon the occurrence of any event leading to the temporary incapacity of the City Mayor, either for physical or legal reasons, the City Vice Mayor automatically assumes office as Acting City Mayor. (Section 46 (a), Local Government Code). Accordingly, he has to issue a Memorandum, copy furnished depository banks at local DILG and other national offices, informing all department heads and employees of the province of his assumption as acting and that from thereon, all orders must emanate from him.

When shall an OIC City Mayor cease to act as such?

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

May the City Vice Mayor, acting as Acting City Mayor continue to preside over the session of the Sangguniang Panlungsod?

No. In the case of *Gamboa vs. Aguirre* (G.R. No. 134213, July 20, 1991), the Supreme Court ruled that the City Vice Mayor, who is now Acting City Mayor, cannot continue to preside over the session as this would violate the principle of separation of powers and functions. The City Vice Mayor, in his capacity as Acting City 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 City Vice Mayor, if designated as OIC, continue to preside over the session of the Sangguniang Panlungsod?

Yes. The situation is different between the OIC and Acting. As earlier noted, in the acting capacity, there is a temporary vacancy in the Office of the City Mayor, while in OIC capacity, there is no temporary vacancy in the Office of the City Mayor. Moreover, an OIC exercises only limited powers as may be contained in the letter-authorization designating him as such. Hence, if incidentally, the City Vice Mayor is the designated OIC, he can continue to preside over the session of the Sanggunian since the ruling in the *Gamboa* case will not apply.

As OIC, he has no power to perform all the functions and powers of the City Mayor and more important, he is not empowered to approve ordinances. Such being the case, the violation of the separation of powers and functions, which the ruling sought to avoid in the Gamboa case, is not present. Since, anyway, as OIC he has no power to approve ordinances enacted by the Sanggunian, the City Vice Mayor, designated as OIC, can continue to preside over the session of the Sangguniang Panlungsod. If, however, the City Mayor failed to return on the fourth day, the Vice Mayor's OIC status will become Acting Mayor, and therefore, he will be barred from presiding in the session.

May the City Vice Mayor, acting as OIC, appoint officials?

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

Is the City Vice Mayor included in the determination of a quorum of the sanggunian?

Yes. In the case of La Carlota City vs. Atty. Rex Rojo, G.R. No. 18137, April 24, 2012, the Supreme Court ruled that the City Vice Mayor is a member of the Sangguniang Panlungsod and thus, he should be included in determining the presence or absence of a quorum of the Sanggunian.

Annex A:

The State of Local Legislation in Cities: Excerpts from the State of Cities Report

The Local Governance Performance Management System, (LGPMS) is a DILG program for self-assessment, management, and development of local governments – to determine their overall administrative capabilities, their service delivery performance, and their development conditions.

On local legislation, LGPMS helps ensure high-quality service delivery and achieve sustainable development. The attainment of these standards depends on effective legislative mechanisms, systems and procedures, as well as relevant measures enacted.

ADMINISTRATIVE CAPACITIES

Effective Legislative Agenda and Effectiveness of the Legislative Tracking System (LTS) are indicators of the legislative capacities in cities.

Legislative Agenda. Webster defines an agenda as a list of things to do, subjects to discuss, or business to transact. As applied at the local level, the Legislative Agenda is a package of lawmaking initiatives or reforms by local legislative bodies that aim to address the short and long-term needs of local governance and development. Ideally, it is the desired output of an executive-legislative-private sector partnership to set socio-economic development priorities and policy directions in the short, medium, and long-terms.

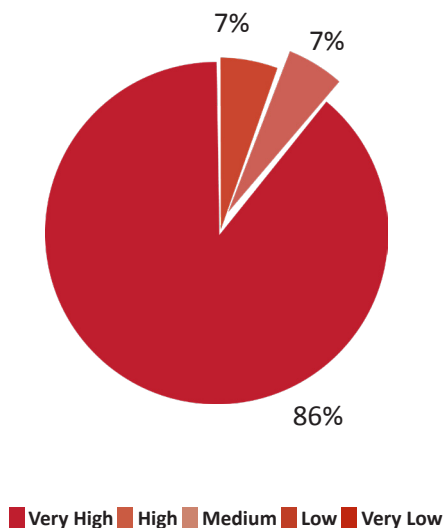
Based on LGPMS's standards, the Legislative Agenda is effective if it satisfies the following performance elements:

- It complements the Executive Agenda;
- It incorporates the inputs, reactions, and suggestions of all the stakeholders;
- It outlines clear and well-defined legislative intentions during the prescribed period;
- It provides legislative action on the Comprehensive Development Plan; and
- It promotes provincial, regional, and national priorities.

During the performance year under review (2004), 90 of the 104 cities had very high capacity levels on the Legislative Agenda (see Figure 2.1). Such was a result of satisfying all the performance elements of an effective Legislative Agenda. The other 14 cities had only medium to high capacity levels. That is, there was a gap of two or more of the performance elements for an effective Legislative Agenda.

Moreover, there seems to be a need for the said 14 cities to revisit the performance elements for an effective Legislative Agenda (see Figure 2.2). This is to determine which performance elements were adequately addressed or poorly satisfied.

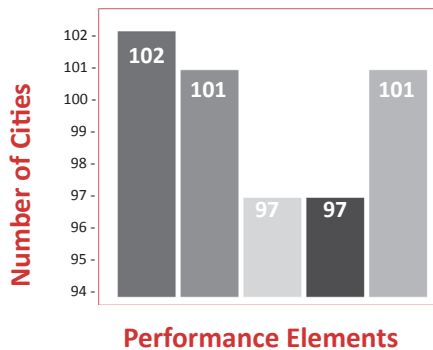
Figure 2.1 Capacity Levels of 104 Cities Regarding Effective Legislative Agenda, PY 2004



Legislative Tracking System. On a higher level, tracking in-aid of legislation goes beyond the stage of enactment and approval. It is, however, not limited to process monitoring. LTS is a tool used to assess the effectiveness of the implementation or enforcement of an ordinance or a resolution. Legislative tracking assumes an important role in generating information about the following:

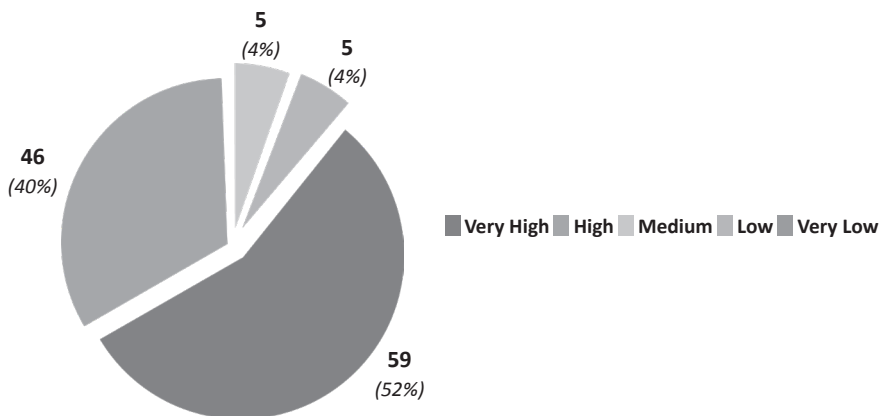
- Whether an enacted and subsequently approved measure satisfies the specific needs of the target groups in the community for which such measure is intended;
- A legislative measure that may require further action; and
- The degree of enforceability of a legislative enactment.

Figure 2.2 Performance Elements Present in an Effective Legislative Agenda Met by 104 Cities, PY 2004



- Complements the Executive Agenda;
- Incorporates the inputs, reactions, and suggestions of all the stakeholders;
- Outlines clear and well-defined legislative intentions during the prescribed period;
- Provides legislative action on the CDP; and
- Promotes provincial, regional, and national priorities.

Figure 2.3 Capacity Levels of 115 Cities Regarding the Effectiveness of Legislative Tracking Systems, PY 2004



According to LGPMS, however, the effectiveness of the LTS is assessed through the following performance elements:

- Full history of all ordinances is on file;
- Ordinances are indexed by title and date;
- Index is updated, complete, and codified;
- Hard copy of ordinances can be retrieved by inquiry within a reasonable period of time;
- Index can be searched and copied by the staff; and
- Index and copy are computer-based.

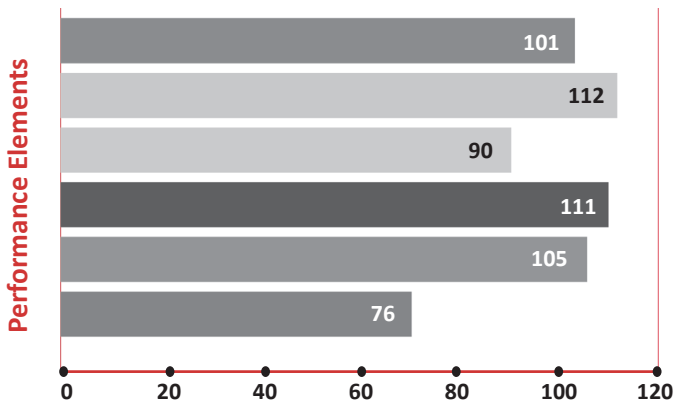
As of 2004, there were 115 cities in the country with LTS. The effectiveness of LTS in each city, however, varies based on the abovementioned elements. Of the 115 cities, 105 had high to very high capacity levels while the rest had low to medium capacity levels (see Figure 2.3).

Based on the information gathered, there were only 76 cities in 2004 that had computer-based LTS and the rest used manual tracking (see Figure 2.4).

Productivity

Legislative acts are categorized as administrative in intent, regulatory in focus, developmental in purpose, and corporate in nature. The presence of ordinances or resolutions in a city is the principal criterion of legislative productivity.

Figure 2.4 Performance Elements Present in an Effective Legislative Tracking System Met by 115 Cities, PY 2004



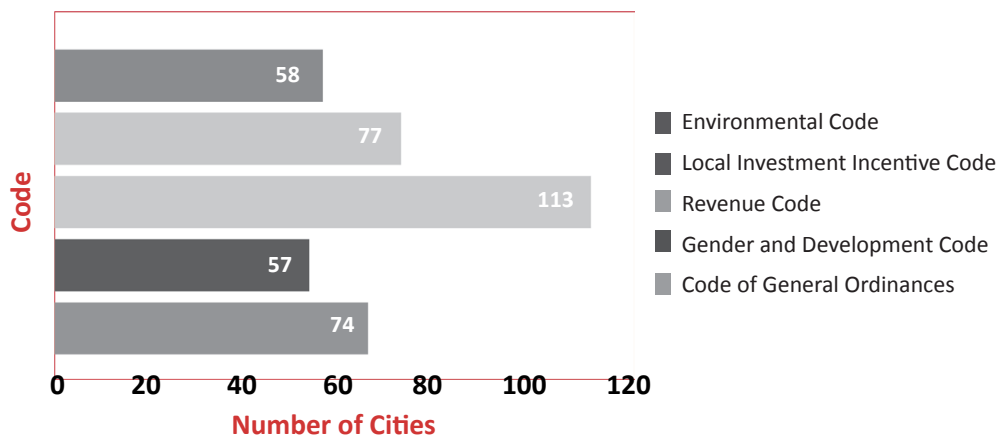
Number of Cities

- Full history of all ordinances is on file
- Ordinances are indexed by title and date
- Index is updated, complete, and codified
- Hard copy of ordinances can be retrieved on inquiry within a reasonable period of time
- Index can be searched and copied by the staff
- Index and copy are computer-based

As of 2004, improvements in financial and economic development conditions were the results of respective Revenue Codes in 113 cities in the country (see Figure 2.5). Also, Local Investment and Incentive Codes (LIICs), and Codes of General Ordinances (CGOs) were in place in 77 and 74 cities, respectively.

Based on the data collected, more than 50 cities had to work on their respective Environmental Codes, and GAD Codes, because only 58 cities had the former while merely 57 cities had the latter.

Figure 2.5 Presence of Relevant Codes in 113 Cities. PY 2004



Legislation is an essential and exclusive power of the government. The people expect their government to act wisely based on the formulated public policy. The acts of the local legislative bodies are considered to be the voice of the people and therefore, are the direct by-products of political will. This is what quality legislation is all about.

Annex B: Useful Links in Local Legislation

This section highlights web links and publications of agencies that may be useful when researching or answering relevant queries about local legislation.

1. Department of the Interior and Local Government

Website address: www.dilg.gov.ph

Publication: 1996 Legal Opinions on Local Administration and Other Related Concerns

Contents

Compilation of Legal Opinions on:

- Administrative Complaints;
- Administrative Disciplinary Action;
- Amending an Ordinance;
- Appointment: Sanggunian Membership;
- Creation of a New Office;
- Local Legislation;
- Permanent Vacancy;
- Practice of Profession;
- Resignation of Elective Local Officials;
- Review of Sanggunian Resolutions and Ordinances;
- Sessions;
- Succession; and
- Temporary Vacancy.

Publication: Local Legislative Toolkit

Contents

Local legislative processes, dynamics on parliamentary procedures, tests for effective local legislation, and other vital information concerning local legislation

2. Department of Budget and Management

Website Address: www.dbm.gov.ph

What's in there? Digest of Legal Opinions on:

- Annual Budget and Supplemental Budget;
- Appropriations and Re-Appropriations;
- Reenacted Budget;
- 20% Development Fund;
- Extraordinary and Miscellaneous Expenses or Discretionary Fund;
- Calamity Fund; and
- Internal Revenue Allotment.

3. Local Governance Resource Center (Host: Local Government Academy)

Website Address: <http://lgrc.lga.gov.ph>

Contents

A portal that supports the knowledge needs of the local government sector in the Philippines. Relevant publications include:

- ELA Toolkit (produced under the Local Governance Support Programme);
- A Guide to Effective Local Legislation (Author: Laurora, Antonio R.);
- Compendium of Decisions, Rulings, Resolutions and Opinions on Local Autonomy and Local Government (Author: Agra, Alberto C.); and
- Handbook on Local Legislation (Author: Dihan, Reverendo M.).

4. Congress of the Philippines House of Representatives

Website address: www.congress.gov.ph

Contents

List of House Bills and Resolutions, Republic Acts, Legislative Researches, Policy Papers, etc.

Annex C: References Used in this Publication

1. Local Government Code of 1991 (frequently used sections: – Section 17 – Basic Services, and Section 458 – Functions of the Sangguniang Panlungsod)
2. DBM, DOF, DILG, NEDA Joint Memorandum Circular No.1 Series of 2007, Synchronized Local Planning and Budgeting Calendar
3. DILG Memorandum Circulars
4. Executive Orders and Republic Acts
5. Local Legislative Toolkit
6. Criteria for Local Legislative Awards
7. Local Governance Performance Management System
8. State of City Governance Report



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 local chief executives 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.



ISO 9001:2015 CERTIFIED
AJA17-0068