

A Simple Reference Guide to Action



Tasks and Responsibilities
Checklist
4th Edition

THE SANGGUNIAN BAYAN

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

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www.lga.gov.ph

and

Bureau of Local Government Supervision,
Department of the Interior and Local Government,
A. Francisco Gold Condominium II,
EDSA cor. Mapagmahal St., Diliman, Quezon City,
1100 Philippines
Tel. No. 925-0377 / 925-0372
www.dilg.gov.ph

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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 supreme objective is general welfare and well-being.

Legislation requires not only the skills of a legislator but also sensitivity to 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. **IMPORTANT GUIDE FOR CITIES CREATED AFTER THE EFFECTIVITY OF THE LOCAL GOVERNMENT CODE; IN CASE OF CONFLICT BETWEEN THE PROVISIONS OF THE CITY CHARTER AND THE LOCAL GOVERNMENT CODE, THE CITY CHARTER PREVAILS. IN CASE OF THE SILENCE OF PROVISION IN THE CITY CHARTER, THE LOCAL GOVERNMENT CODE APPLIES SUPPLEMENTARILY.**

The Internal Rules of Procedure is a mandate of the Local Government Code. It is a legislative tool to ensure orderly sessions and quality enactments. Revisiting or updating and adopting it have to be completed within 90 calendar days from the first regular session following the election.

The basic contents of such a legislative instrument 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;
- Parliamentary procedure which include the conduct of members during sessions;
- The discipline of members for disorderly behavior and absences during sessions, including the imposition of penalties;
- The standing committees and their areas of responsibility;
- The assignment of geographical area of responsibility of each sanggunian member; and

IMPORTANT REMINDERS!

Each sanggunian member is 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 (Sec. 91, LGC)
3. disclose business and financial interests, if any (Sec. 51, LGC)
4. be adequately familiar with the dynamics of, and other vital information on, local legislation. 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.

- ☐ Such other rules as the sanggunian may adopt.

II. ORGANIZING THE SANGGUNIANG BAYAN

1. STANDING COMMITTEES

The need to structure the sanggunian to ensure optimum performance is crucial. What is being emphasized is the creation of standing committees which are embodied in the Internal Rules of Procedure such as but not limited to the following:

- ☐ Committee on Rules
- ☐ Committee on Ways and Means
- ☐ Committee on Appropriations
- ☐ Committee on Tourism, Trade and Industry
- ☐ 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
- Committee on Good Governance, Public Ethics and Accountability

THE SANGGUNIANG 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

Part of organizing the sanggunian is to ensure that legislative offices and staff are in place. The sanggunian has to have:

- A Session Hall with appropriate fixtures and equipment
- The Office of the Sangguniang Secretary; and
- Offices for individual members with appropriate fixtures and equipment, with at least one (1) 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 principal aim is to assess the effectiveness or non-effectiveness of an enactment, with the information generated factored into the review of the legislative measure.

2. CREATE BACKSTOPPING COMMITTEE

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. Leadership of the committee is issue-dependent. If it is an issue on health, necessarily the head should be the Municipal Health Officer.

NOTE: Make sure to have a regular updating of the legislative database, and to conduct periodic legislative review.

IV. FAMILIARIZATION WITH EXISTING LEGISLATIVE ENACTMENTS

The sanggunian members are expected to be familiar with ordinances that are already enacted by the 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 agency, barangay officials and the general public could 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
- Sanitation Code

V. FIRING UP OF THE EXECUTIVE AND LEGISLATIVE AGENDA

The Executive and Legislative Agenda or ELA (*DILG Memorandum Circular No. 64, s. 2004*) is a joint agreement of the Executive and Legislative, and is a road map for complementary executive and legislative actions in local governance. Inputs for ELA preparation may be 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

Vital within the first six months in office is the review, modification, adoption or approval of the term-based plans, and ensuing year's budget of the Municipal Government, as well as for its component barangays.

-  **Executive and Legislative Agenda**
-  **Development Investment Program** (2007 – 2010) – within the period of July 1 to 31
-  **Annual Investment Program for 2008** – not later than 1st week of August
-  **Comprehensive Development Plan** – within July
-  **CY 2008 Annual Appropriations Ordinance** – within the period of October 17 to end of 2007
-  **Review of the CY 2008 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 Executive and Legislative Agenda.

But as a general guide, this publication 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 APPROVAL OF THE ANNUAL BUDGET

- ❏ **TOTAL APPROPRIATIONS** - SHALL NOT EXCEED THE ESTIMATES OF INCOME (SEC. 324 A, LGC)
- ❏ **FULL PROVISION** - SHALL BE MADE FOR ALL CONTRACTUAL AND STATUTORY OBLIGATIONS OF THE MUNICIPALITY (SEC. 324 B, LGC)
- ❏ **DEBT SERVICING** - SHALL NOT EXCEED 20% OF THE REGULAR INCOME OF THE MUNICIPALITY (SEC. 324 B, LGC)
- ❏ **AID TO COMPONENT BARANGAYS** - SHALL NOT BE LESS THAN ONE THOUSAND PESOS (PHP 1,000.00) PER BARANGAY (SEC. 324 C, LGC)
- ❏ **CALAMITY FUND** - 5% OF THE ESTIMATED REVENUE FROM REGULAR SOURCES (SEC 324 D, LGC & RA 8185)
- ❏ **DEVELOPMENT FUND** - AT LEAST 20% OF THE MUNICIPAL ANNUAL IRA SHALL BE APPROPRIATED FOR DEVELOPMENT PROJECTS (SEC. 287, LGC)

BE GUIDED WITH DILG MC No. 55, s. 2001 ON THE UTILIZATION OF THE 20% OF THE ANNUAL IRA FOR DEVELOPMENT PROJECTS.
- ❏ **PERSONAL SERVICES** - SHALL NOT EXCEED 45% FOR 1ST-3RD CLASS LGU AND 55% FOR 4TH TO 6TH CLASS LGU (SEC. 325 A, LGC)
- ❏ **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)
- ❏ **1% OF THE INTERNAL REVENUE ALLOTMENT OF THE MUNICIPAL GOVERNMENT SHALL BE ALLOCATED FOR THE STRENGTHENING OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (RA 9344, APRIL 23, 2006, JUVENILE JUSTICE AND WELFARE ACT)**

Part 2

CONTINUING TASKS AND RESPONSIBILITIES

I. LEGISLATIVE ACTIONS 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 CONCERN

- Review of functional and organizational structures of the city offices as well as the staffing pattern.
- Powers and duties of municipal officials and employees;
- Positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid from municipal funds;
- Payment of compensation to a qualified person not in the government service 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;

- ☐ Occupational, health and safety, sanitation and environmental conditions in the workplace of municipal government officials and employees, such as having 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, among others. (DILG MC No. 54, s. 1998); and

- ☐ Construction, maintenance, or rental of municipal government's buildings.

IMPORTANT REMINDERS!

- ☐ MUNICIPAL VICE-MAYORS ARE AUTHORIZED AND EMPOWERED TO APPOINT ALL OFFICIALS AND EMPLOYEES OF THE SANGGUNIANG BAYAN, EXCEPT THOSE WHOSE MANNER OF APPOINTMENT IS SPECIFICALLY PROVIDED IN THE LG CODE (DILG MC No. 86, s. 2003);

- ☐ THE SANGGUNIANG BAYAN MAY MAINTAIN, CREATE OTHER OFFICES, AND/ OR CONSOLIDATE FUNCTIONS OF OFFICES OF THE CITY GOVERNMENT IN THE INTEREST OF EFFICIENCY AND ECONOMY. (SEC. 443, LGC);

- ☐ THE SANGGUNIANG SHALL ACT OR CONFIRM ON APPOINTMENTS OF DEPARTMENT HEADS WITHIN FIFTEEN (15) DAYS FROM THE DATE OF ITS SUBMISSION (SEC. 443 D, LGC);

- ☐ THE SANGGUNIANG MEMBER SHALL REFER TO DILG MC NOS. 52, s. 2001 AND 163, s. 2006 WHEN TRAVELLING ABROAD. THAT DILG MC PROVIDES FOR THE RULES AND REGULATIONS GOVERNING THE FOREIGN TRAVEL OF LOCAL GOVERNMENT OFFICIALS AND EMPLOYEES;

- ☐ THE SANGGUNIANG SHALL REFER TO REPUBLIC ACT 9184 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 FOR OTHER PURPOSES.

2. INFORMATION AND CUSTOMER SERVICE

- Open-Door Policy type of governance that allows people to access municipal offices, services and public information easily (*DILG MC No. 45, s. 1996*);
- Information on 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*);
- Simplification of other Civil Application Systems, i.e., business permit, building permit, certificate of occupancy, real property documents [*DILG MC No. 01-120, s. 200*];
- 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 procedures, including elimination of fees for registration of births and foundlings (*DILG MC No. 186, s. 2002*).

3. GENERATING REVENUES AND OTHER FISCAL MATTER

- Fines for the violation of municipal ordinances;
- Taxes, fees and charges, and grant tax exemptions, incentives, or relief;
- Negotiate and contact loans and other forms of indebtedness;

- Lease to private parties public biddings held in a proprietary capacity;
- Floating of bonds or other instruments of indebtedness;
- Reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
- Grant to component barangays, or to charitable, benevolent, or educational institutions which are operated and maintained within the municipality;
- Exemptions of project beneficiaries from the payment of fees for barangay clearance, mayor's permit, housewiring 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*));
- Codify revenue ordinances with the aim of improving local revenue administration (*DILG MC No. 51, s. 1998*); and
- Standards in the formulation of Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code.
- 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.
- 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 review of the barangay budget has to be acted upon within 60-days from receipt thereof of the Supplemental Budget.

Annual and Supplemental Budgets of the municipal government

- The Annual Budget for the ensuing year of the City is to be approved within the period of October 17 to December of the current year

URBAN PLANNING AND DEVELOPMENT

Comprehensive Land Use Plan for the municipality;

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

Open spaces to serve as transport or tricycle terminals (DILG MC No. 35, s. 2002);

- Road Networking to improve public access

NOTE: THE LOCAL DEVELOPMENT COUNCIL MANDATED PER SEC. 333. AND SEC. 57, LGC. ASSIST THE **CORRESPONDING SANGGUNIANG** IN SETTING THE DIRECTION OF ECONOMIC AND SOCIAL DEVELOPMENT, AND COORDINATING DEVELOPMENT EFFORTS WITHIN ITS TERRITORIAL JURISDICTION.

5. Barangay Affairs

- Review of barangay ordinances;
- 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 ACTIONS 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; and
- Scholarship fund for the poor but deserving students.
- Strengthen the City Engineer's office with proper people and equipment so it can handle repairs and constructions of classrooms and school buildings.

NOTE: THE MUNICIPAL SCHOOL BOARD SHALL SERVE AS AN ADVISORY COMMITTEE TO THE **SANGGUNIANG CONCERNED ON MATTERS RELATIVE 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 foodstuffs 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*);
- Use of government ambulance(s) (*DILG MC No. 114, s. 2000*); and

NOTE: THE MUNICIPAL HEALTH BOARD SHALL SERVE AS AN ADVISORY COMMITTEE TO THE **SANGGUNIANG CONCERNED 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, 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 the welfare and public morals;
- Provision of sites for police and 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/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 inclusion in the local annual budget a 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 which suggests obscenity, indecency, or violence, both in textual and graphical forms;
 - conveys vague and double-ended 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 on natural scenery and hinders the enjoyment thereof; and

- detracts 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 accidents from occurring on construction projects like:
- requiring all contractors to take full responsibility for the proper safekeeping of construction materials and equipment used for the entire duration of the construction projects and to assume liability for any untoward accident 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 contractors to clear all construction debris away from the areas that may be possibly tripped on by passerby; and
 - providing visible marks or signs on accident-prone areas such as open canals, manholes and the like, lighting facilities in the construction sites, and other precautionary measures (*DILG MC No. 87, s. 1995*)
- ☐ Adoption of a Disaster Management Plan (*DILG MC No. 94, s. 1998*). Ensure the provision of the following:
- Establishment of Command Operations Center during times of calamity/emergencies/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;
 - housing assistance;
 - burial service; and
 - loan assistance
-
- Selling and publishing of 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 on traffic on 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;
 - Regulation and maintenance, of gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus and correction, condemnation or removal of the same when found to be dangerous, defective, or otherwise hazardous to the welfare of the inhabitants;
 - 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*);
 - Prevention, elimination and control of trafficking of persons (*DILG MC No. 26, s. 2005*);
 - 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;
- City Engineer should be directed to conduct inspection of structures and compliant with the National Building Code and the Fire Code.
- Establishment and inspection of every steam boiler or any heating device in buildings and the storage of inflammable and highly combustible materials;
- Traffic regulation and removal of encroachments and illegal obstructions in public places;
- Franchising of tricycles
Enact, amend or supplement 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 duly authorized authority;
 - Fares – should be established at a level that provide 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 on national highways;
 - Zones must be established within the city; and
 - A common color may be imposed on tricycles operating in the same zone [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 head light in front and functional red tail light at the rear, 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
12. Roadworthiness of the tricycle unit.

4. *Housing and Basic Utilities*

- Water supply services and facilities like:
- 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;

NOTE: THE MUNICIPAL PEACE AND ORDER COUNCIL AND THE MUNICIPAL DISASTER COORDINATING COUNCIL SHALL SERVE AS AN ADVISORY COMMITTEE TO THE **SANGGUNIANG CONCERNED ON PEACE AND ORDER AND PUBLIC SAFETY**.

- purity and quantity of the water supply of the municipality; and
- consumption, use or wastage of water.

NOTE: THE MUNICIPAL HOUSING BOARD, HOUSING TASK FORCE OR HOUSING COORDINATING UNIT ASSISTS THE **SANGGUNIANG** ON MATTERS CONCERNING LOW COST HOUSING AND MASS DWELLINGS.

5. *Women, Children and Social Welfare in General*

- ☞ General welfare and well-being of vulnerable groups in the municipality like:
 - caring for the disabled persons, paupers, the aged, the sick, persons of unsound mind, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and 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;
- ☞ 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*);
- ☐ Establish a Municipal Council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community;
- ☐ Support the establishment of the Office for Senior Citizens Affairs whose functions include assistance to senior citizens in filing complaints and charges against any person, natural or juridical, among others (*DILG Mc No. 63, s. 2005*);
- ☐ 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
- ☐ 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.

6. Public Morals

- Establishment, operation, and maintenance of cockpits, as well as cockfighting and commercial breeding of gamecocks;
- Selling, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
- Establishment, operation, and maintenance of any entertainment or amusement facility;
- 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;
- Establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pesion houses, lodging houses, and other similar establishments;
- Establishment, operation, and maintenance of cockpits, as well as cockfighting and commercial breeding of gamecocks;
- 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.

Proposed Updates on the Duty to Intensify Action against Illegal Drugs

- Ensure the mandatory inclusion in the Local Annual Budget of a substantial appropriation that can adequately assist in or enhance the enforcement of RA 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 RA 9165 shall be strictly and faithfully enforced;
- Initiate the formulation of prevention and rehabilitation programs in their respective local government units;
- 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;
- Cause the enactment of 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 the effective enforcement thereof;
- 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);

III. LEGISLATIVE ACTIONS 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*

- Ferries, wharves, and other structures intended to accelerate productivity related to marine activities;
- 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 municipality waters;
- Ban the use of compressor as breathing apparatus of all fishing activities (*DILG MC No. 129, s. 2002*); and

NOTE: THE COOPERATIVE OFFICER SHALL ADVISE THE SANGGUNIANG BAYAN ON ALL MATTERS RELATED TO COOPERATIVES DEVELOPMENT AND LIVELIHOOD OPPORTUNITIES.

- Replication of 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 public works projects, either locally, nationally or foreign-funded (*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 on the construction and operation of private markets or other similar buildings and structures;
- Livelihood opportunities to amnesty grantees (*DILG MC No. 13, s. 2004*);
- 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*);
- "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*).

Proposed 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 by Local Government Unit (*DILG MC Nos. 2009-42 and 2009-76, s. 2009*)

- Rectify defective tax ordinances charging fees on passing through vehicles, especially those carrying agricultural goods and products (DILG MC Nos. 2009-42 and 2009- 76 s. 2009)
- Cause the immediate repeal of 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 concerned (Sec. 133 (e), LGC)

IV. LEGISLATIVE ACTIONS 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:
 - 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 and other forest management functions (Joint DENR-DILG MC No. 01, s. 1998);

- ☐ National Integrated Protected Areas System Act of 1992, and Wildlife Resources Conservation and Protection Act (*DILG Mc No. 44, s. 2004*);
- ☐ Protection of environmental 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 municipal waters, fish ponds, and fish pens from overcrowding and congestion; and
 - enforcement of the Code of Practice for Aquaculture (*DILG MC No. 64, s. 2002*)
- ☐ Penalties for acts which endanger the environment and activities which 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 prevent overcrowding and congestion in municipal waters and fish ponds;
- ☐ 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.

ROLE OF THE LGUs IN THE CLIMATE CHANGE AND VARIOUS ENVIRONMENT ISSUES

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

Sec. 14. Local Climate Change Action Plan. — The LGUs shall be frontline agencies in 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 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 Local Government Code to the 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.
- 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 Code, 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 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 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. 2008-69 (April 28, 2008)

In order to address the various disaster concerns, all Local Chief Executives as Chairperson of the Local Disaster Coordinating Councils are encouraged 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 thru 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, inter-faith 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

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 smoke- free communities
4. Encouraging community leaders, civic organizations, religious organizations and school institutions to actively support the campaign against air pollution in their localities.

PART 3 OFFICER - IN - CHARGE

OIC-MAYOR as distinguished from ACTING MAYOR

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

When the Municipal Mayor is temporarily incapacitated to perform his duties for 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 Local Chief Executive concerned, except the power to appoint, suspend, or dismiss employees which can only be exercised if the period of temporary incapacity exceed thirty (30) working days

In this case, the automatic assumption by the Municipal Vice-Mayor, even on the first day of incapacity of the Municipal Mayor, is automatic and as such, he is properly defined as Acting Municipal Mayor. 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.

On the other hand, Section 46 (c) of the Code provides that when the Municipal Mayor is travelling within the country but

outside his territorial jurisdiction for a period of not exceeding three (3) consecutive days, he may designate in full writing the OIC. Such authorization shall specify the powers and functions that the local official concerned shall exercise in the absence of local chief executive, except the power to appoint, suspend or dismiss employees.

In this case, it may be noted that the Municipal Mayor can designate any official of the Municipal Government as OIC for three (3) 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 province as OIC. But such designation can not exceed (3) days. Hence, on the 4th day, if the Municipal Mayor failed 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.

Who may be authorized to act as an OIC Municipal Mayor?

Per section 46 (c) of the Local Government Code, the Municipal Mayor may designate in writing any Municipal Official to act as OIC during his absence for three (3) days. The authorization shall specify the powers and functions that the local official concerned shall exercise.

How shall an OIC Municipal Mayor assume his functions?

With regards to OIC Municipal Mayor, upon presentation of a valid designation in writing, he can assume as OIC Municipal Mayor. (Section 26 (c), Local Government Code)

With regards to 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)

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

An OIC Municipal Mayor shall stop performing his or her functions as such on the 4th day of absence of the Municipal Mayor. This has to be so because his or her designation as OIC is effective only during the three (3) consecutive days absence of the Municipal Mayor, who is outside his or her jurisdiction but is within the country. On the 4th day, 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 Acting Municipal Mayor continue to preside over the session of the Sangguniang Bayan?

In the case of Gamboa vs. Aguirre (G.R. No. 134213, July 20, 1991), the Supreme Court ruled that the Municipal Vice-Mayor, who is now acting 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?

The situation is different between the OIC and Acting. As earlier noted, in the acting capacity, there is temporary vacancy in the Office of the Municipal Mayor, while in OIC capacity, there is no temporary vacancy in the Office of the Municipal Mayor. Moreover, OICs exercise only limited powers as may be contained in the letter-authorization designating him as such. Hence, if incidentally, the Municipal Vice-Mayor as 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 a mere OIC, he has no power to perform all the functions and powers of the Municipal Mayor and more importantly, he or she is now empowered to approve ordinances. Such being the case, the violation of separation of powers and functions, the evil sought to be avoided in the Gamboa ruling, is not present. Since, anyway, as OIC he has no power to approve ordinances enacted by the Sanggunian.

May the Municipal Vice-Mayor, acting 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 Municipal Mayor?

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

- Sign and approve vouchers for the payment of salaries of the 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 in representation of the office of the Municipal Mayor; and
- Perform routinery and administrative functions such as supervision of the day-to-day operations of the Office of the Municipal Mayor [Section 46 (a), LGC]



Philippines Development Forum
Working Group on Decentralization and
Local Government



Department of the Interior and Local Government
LOCAL GOVERNMENT ACADEMY