

A Simple Reference Guide to Action



Tasks and Responsibilities
Checklist
4th Edition

THE SANGGUNIANG PANLALAWIGAN

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Tel. No. (632) 634-8430 / 634-8436
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 Legislative power shall be exercised by the Sangguniang Panlalawigan, as the legislative body of the provincial government (Sec. 48, LGC) and thus, is primarily responsible in enacting ordinances, approving resolutions and appropriating funds for the general welfare of the province and its inhabitants.

The Tasks and Responsibilities of the Sangguniang Panlalawigan, as listed in this publication, are grouped and clustered based on priority actions that need to be undertaken in the first six (6) months upon assumption to office; and continuing tasks that the different committees are required to undertake up to the completion of the term of sanggunian members. An additional checklist is included as a guide for effective local legislation.

Part 1 STARTING UP: THE FIRST 6 MONTHS

FOR INDIVIDUAL MEMBERS OF THE SANGGUNIAN

Each elected Sanggunian Panlalawigan (SP) member, as a public official, shall undertake the following:

- ☐ FILE STATEMENT OF ASSETS AND LIABILITIES [Sec. 91, RA 7160]

Each SP member shall file sworn statements of assets, liabilities and net worth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

☐ FULL DISCLOSURE OF FINANCIAL AND BUSINESS INTERESTS
[Sec. 51, RA 7160]

Upon assumption to office, each SP member shall disclose his/her financial and business interests, which shall be made in writing and submitted to the secretary of the Sanggunian or the secretary of the committee of which he/she is a member.

☐ SUBSCRIBE TO AN OATH OF OFFICE [Sec. 92, RA 7160]

Upon assumption to office, each SP member shall subscribe to an oath or affirmation of office in the prescribed form, and file the same with the office of the local chief executive concerned.

Enhance or update knowledge on the Local Legislative Processes, Dynamics or Parliamentary Procedures, and the latest trends and jurisprudence in Local Legislation. *The Local Legislative Toolkit, published by the BLGS-DILG, is a helpful reference material for local legislators.*

FOR THE SANGGUNIAN AS A LEGISLATIVE BODY

The Sangguniang Panlalawigan, as a legislative body, shall undertake the following:

☐ Organize and convene the members of the body to be composed of the following: [Section 467 (a), RA 7160]

- Vice-Governor as presiding officer;
- Regular Sanggunian Panlalawigan Members;
- President of the Provincial Chapters of the Liga ng mga Barangay;
- President of the Panlalawigang Pederasyon ng mga Sangguniang Kabataan
- President of the Provincial Federation of Sangguniang Bayan Members;
- Sectoral Representatives

☐ Update or adopt existing Sangguniang Internal Rules of Procedure on the first regular session following the election of its members and within 90 days thereafter. [Sec. 50 (b), RA 7160]

☐ Create mandatory standing (or regular) committees, as follows :

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

Every committee created shall be composed of not more than five (5) members including the Chairman and Vice-Chairman.

☐ Create other standing committees which may include, but not limited, to the following:

- Committee on Ordinances and Legal Matters
- Committee on Peace and Order and Public Safety
- Committee on Health and Social Welfare
- Committee on Agriculture
- Committee on Education and Culture
- Committee on Good Government, Public Ethics and Accountability
- Committee on Games and Amusement
- Committee on Trade, Commerce and Industry
- Committee on Public Work
- Committee on Housing and Land Utilization
- Committee on Barangay Affairs

☐ Determine, through a resolution, the day, time and place of the Sanggunian's regular sessions.

- ☐ Prepare the order and calendar of business for each session.
- ☐ Prepare the parliamentary procedures which include the conduct of members during sessions; and other rules that the Sanggunian may adopt.
- ☐ Maintain Legislative Offices and Staff Complement

The Sanggunian shall have the following:

- Session Hall with appropriate fixtures and equipment
- Office of the Sanggunian Secretary
- Legislative offices for each Sanggunian member with appropriate fixtures and equipment
- Staff complement of at least one (1) legislative staff per member

- ☐ Review and determine the powers and duties of officials and employees of the province, subject to the provisions of the LG Code and pertinent laws. [Section 468 (1) (vii), RA 7160]

- ☐ Review and determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds. [Section 468 (1) (viii), RA 7160]
- ☐ Enact the Annual and Supplemental Appropriations of the Provincial Government for specific programs, projects, services and activities that will promote the general welfare of the Province and its inhabitants. [Sec.468 (2) (i), RA 7160]
- ☐ Review and amend, if deemed necessary, existing ordinances levying taxes, fees and charges, prescribing such rates for general and specific purposes, and granting tax exemptions, incentives or reliefs. [Section 468 (2) (ii), RA 7160]
- ☐ Review and amend, if deemed necessary, current rates for fees and charges being imposed for all services rendered by the Provincial Government to private persons and entities, as well as license fees for such other activities and approved for by the LG Code. [Section 468 (3) (i) and (ii), RA 7160]
- ☐ Review other ordinances or resolutions in order to determine if such issuances need to be amended or revised.

Part 2

CONTINUING TASKS:

SETTING UP MANDATORY STANDING COMMITTEES

The Sanggunian is required to legislate actions on different areas of concerns continuously up to the end of the term of its elected members. The following are continuing tasks and responsibilities that the standing committees and other created committees shall undertake:

MANDATORY STANDING COMMITTEES

The Sanggunian, through a resolution, shall create the following mandatory standing (or regular) committees with the following tasks and responsibilities:

Committee on Appropriations

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Local taxes, fees and charges;
- Loans and other sources of local revenues;
- Annual and supplemental budgets;
- Appropriation ordinances;
- All other matters related to local taxations and fiscal administration

Sample Committee Tasks

Propose legislations authorizing the payment of compensation to a qualified person not in the Government service who fills up a temporary vacancy, or grant honorarium to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law. [Sec. 468 (a) 1-ix, RA 7160]

Propose legislations providing for additional allowances and other benefits to judges, prosecutors, public elementary, and high school teachers, and other national government officials stationed or assigned to the province when the finances of the other Provincial Government allow. [Sec. 468 (a) 1-xi, RA 7160]

Take appropriate legislative actions to generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the province as provided for under section 18 of the LG Code of 1991.

- ☐ Authorize the Provincial Governor to negotiate and enter into contract of loans and other forms of indebtedness. [Sec. 468 (a) 2-iii]
- ☐ Authorize the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects. [Sec. 468 (a) 2-iv]
- ☐ Appropriate funds for the construction and maintenance or the rental of buildings for the use of the province; and authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity by the province. [Sec. 468 (a) 2-v]

Committee on Women and Family

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Women's welfare, rights and privileges;
- Women's organizations;
- Family welfare and family planning
- All other matters related to women and family

Sample Committee Tasks

Propose legislations creating a provincial steering committee to plan and implement programs and activities to ensure wider and more active participation of the private and public sectors in the nationwide observance of the family week every last week of September of every year. [DILG MC No. 96-148]

Propose legislations creating/strengthening the Provincial Councilor for Women. [DILG MC Nos. 2001-163, 2002-167 and 2006-125]

Take appropriate legislative actions to implement the provisions of the RA 9262, otherwise known as the Anti-Violence Against Women and their Children Act of 2004. [DILG MC No. 04-118] and RA 9710 otherwise known as Magna Carta of Women.

Propose legislation affecting maternity care.

Committee on Human Rights

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters pertaining to or connected with the following:

- Prevention of Human rights violation;
- All other matters affecting human rights

Sample Committee Tasks

Take appropriate legislative actions to ensure compliance with Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995), particularly the provisions stated in section 4 and to encourage non-government sector in the LGU to adhere to the provisions of the said act. [DILG MC No. 2001-37]

Committee on Youth and Sports

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Sports Development;
- Youth Welfare and Development

Note: The SK ex-office member shall be automatically the chairman of this committee.

Sample Committee Tasks

Take appropriate legislative actions to support the campaign and advocacy for the elimination of Child Labor by encouraging Punong Barangays and community leaders to attend and actively participate in sessions relative to Child Labor. [DILG MC No. 98-81]

Cause the enactment of an ordinance in support of the campaign against commercial sexual exploitation of children. [DILG MC No. 99-164]

Take the lead in the implementation of all children's programs through the local council for the protection of children and the Lupon Tagapamayapa. [DILG MC No. 2005-95]

Take appropriate legislative actions to ensure the implementation of RA 9211, otherwise known as the Tobacco Regulatory Act of 2003, particularly the prohibition of sale of cigarettes and other tobacco products to persons below 18 years of age.

Enact measures to implement Youth Smoking Prevention Programs, in partnership with socio-civic organizations, to ensure the success of the Youth Smoking Prevention Campaign of the government, previously provided in DILG MC 2002-97. *[DILG MC No. 2004-84]*

Propose legislations to establish and operate special drug education center for out-of-school youth (OSY) and street children and a local special drug education center team. *[DILG MC No. 2006-250]*

Take appropriate legislative actions to ensure compliance with the new set of standards in the accreditation of center-based Early Childhood Care and Development (ECCD) programs and service providers. *[DILG MC No. 2006-91]*

Take appropriate legislative actions to develop and implement programs and services for the Children in Conflict with the law (CICL) and provide funds thereof. *[DILG MC No. 2006-104]*

Committee on Environmental Protection

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Environmental Protection
- Air and Water Pollution

Sample Committee Tasks

Prepare ordinances and resolutions necessary for the protection of the Environment and Natural Resources such as the following:

- Imposing appropriate penalties for acts which endanger the environment. [Sec. 468 (a) 1-vi, RA 7160]
- Implementing existing policies, rules and regulations concerning Forest Management. [DILG MC No. 04-166]

Take appropriate legislative actions supporting the formulation and implementation of sustainable integrated area development plans or Local Agenda 21 and the submission of semestral reports to the DILG on their activities and accomplishments relative to the implementation of LA 21. [DILG MC No. 2001-39]

TAKE APPROPRIATE LEGISLATIVE ACTIONS TO SUPPORT THE FOLLOWING:

- Demolition of illegal structures along rivers and estuaries which impede normal water flow;
- Institute measures preventing overcrowding and congestion in municipal waters, fish ponds, and fish pens, which will result to fish kills when awarding permits and licenses for the construction of fish pens and sea cages; and
- Cause wider dissemination of the provisions of the Code of Practice for Aquaculture and strict adherence thereof. [DILG MC No. 2002-64]

Propose legislations to incorporate in the local development plans and budget, programs and projects related to fisheries and aquatic management. [DILG MC No. 2001-131]

TAKE APPROPRIATE LEGISLATIVE ACTIONS TO HELP PROMOTE AND SUPPORT ANIMAL WELFARE, THROUGH:

- Enactment of an ordinance aimed at protecting and promoting animal welfare;
- Conduct of sustained information drive about the provisions of Republic Act No. 8485, animal rights and the hazards of eating dog and cat meat which may be infected with rabies and heat-resistant parasites; and
- Apprehension and prosecution of those engaged in the illegal trading of animals. [DILG MC No. 2000-91, RA No. 8485]

Take appropriate legislative actions to implement RA 7578, otherwise known as the National Integrated Protected Areas System Act of 1992, and RA 9147, or the Wildlife Resources Conservation and Protection Act. [DILG MC NO. 04-44]

Take appropriate legislative actions to ensure the preparation and submission of Provincial Solid Waste Management Plans. [DILG MC NO. 2001-48]

Take appropriate legislative actions strictly enforcing the provisions of the Code on Sanitation and other related laws and ordinances in order to prevent and obviate possible outbreak of water and food-borne diseases and to safeguard the health and safety of the public particularly the students and personnel of various schools. [DILG MC NO. 97-105, PD 856]

Cause the immediate enactment of ordinances to regulate smoking in public places in accordance with the provisions of RA 9211 and its IRR. [DILG MC No. 04-85]

Implement policies and guidelines of the Annual Gawad Pangulo sa Kapaligiran. [DILG MC No. 2001-70]

Committee on Cooperatives

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Cooperatives organization and development
Incentives to cooperatives
- Other matters affecting the cooperatives
development program of the government

Sample Committee Tasks

Take appropriate legislative actions advocating the conversion of transport/tricycle associations into cooperative, provide open spaces in their territory to serve as terminals and facilitate necessary assistance in the implementation of the project. [DILG MC NO. 2002-35]

Committee on Rules and Privileges

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Sanggunian internal rules and violations thereof
- Order of business and calendar of business
- Disorderly conduct of members and investigation thereof
- Privileges of members

OTHER STANDING COMMITTEES

In addition to the mandatory standing committees, the Sanggunian may also create, through a resolution, other necessary committees which may include, but not limited to, the following:

♦ Committee on Ordinances and Legal Matters

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Review all ordinances and certain resolutions approved by the Sanggunian of component cities and municipalities and executive orders issued by the Mayors of said component cities, and determine whether these are within the scope of the prescribed powers of the Sanggunian and of the Mayor. [Sec. 468 (a) 1- I, RA 7160]
- Review all approved city (component) or municipal ordinances and resolutions approving the development plans and public investment programs formulated by the city (component) or Municipal. [Sec 56, RA 7160 and Art. 59, IRR]

- Review proposed legislations on the exercise of legislative powers (taxing power, police power, corporate powers and proprietary rights)
- Determine the legality of proposed measures to be acted upon by the sanggunian
- Establish or maintain (if there is an existing system) a computer-based legislative tracking system

Sample Committee Tasks

Propose legislations imposing a fine not exceeding Five Thousand (P5,000.00) or imprisonment not exceeding one (1) year, or both in the discretion of the court, for the violation of a provincial ordinance. [Sec. 468 (a) 1-iii, RA 7160]

Committee on Peace and Order and Public Safety

This committees shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining or concerned with the following:

- Police matters
- Maintenance of peace and order
- Protective services
- Traffic rules and regulations
- Fire prevention and control measures
- Public morals
- All other matters related to peace and order and public safety

Sample Committee Tasks

Propose legislations necessary for the maintenance of peace and order and public safety such as, the following:

- ◆ Enact measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition. [Sec. 468 (a) 1-ii, RA 7160]
- ◆ Adopt measures to protect the inhabitants of the province from the harmful effects of man-made or natural disasters and calamities. [Sec. 468 (a) 3-iv, RA 7160]
- ◆ Enact ordinances intended to prevent, suppress and impose 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 morals of the inhabitants of the province. [Sec. 468 (a) 3-v, RA 7160]

- ◆ Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program and appropriate programs for the subsistence of detainees and convicted prisoners in the province. [Sec. 468 (a) 4-vii, RA 7160]

Take appropriate legislative actions to maintain peace and order in the province and to coordinate efforts with the military and police in undertaking the following:

1. Activate the Barangay Peace and Order Councils;
2. Strictly implement an integrated area community peace and order and public safety plan that will serve as a mechanism to strengthen their information and intelligence network;
3. Strengthen citizen's support and participation in peace and order programs, projects and activities to ensure effective monitoring of NPA presence and threats; and
4. Enhance involvement of all religious, civil and other non-government organizations in the anti-crime campaign to complement peace and order efforts. [DILG MC No. 2002-162]

Take appropriate legislative actions to enforce stricter security measures to counter terrorist threats and other forms of lawless violence [DILG MC No. 2003-80]

Take appropriate legislative actions to undertake disaster preparedness, mitigation and preventive measures that are holistic, comprehensive, integrated and proactive to minimize the adverse impact of natural disasters (RA 10121 otherwise known as Disaster Risk Reduction and Management Act of 2010), by way of:

- ◆ Augment support (i.e., financial assistance in the transport of goods, commodities and other services) of the national agencies during relief operations. *[DILG MC No. 98-94]*

Take appropriate legislative actions to intensify efforts to dispel the public perception that illegal gambling thrives because local and police officials either tolerate or connive with gambling lords, and to adopt a concrete action plan against illegal gambling. *[DILG MC Nos. 2002-105, 2001-161]*

Take appropriate legislative actions supporting the creation or reactivation of anti-drug abuse councils in the province. *[DILG MC No. 2001-90]*

Propose legislations to ensure that the total annual amount appropriated for intelligence or confidential undertakings shall not exceed thirty percent (30%) of the total annual amount allocated for peace and order efforts or three percent (3%) of the total annual appropriations, whichever is lower. *[DILG MC No. 99-65, MC No. 98-136];*

Take appropriate legislative actions to ensure that intelligence or confidential funds shall be utilized only for the following:

- Purchase of information
- Payment of rewards
- Rental and other incidental expenses relative to the maintenance of safehouses; and
- Purchase of supplies and ammunitions, provision of medical and food aid, as well as, payment of incentives or traveling expenses relative to the conduct of intelligence or confidential operations. *[DILG MC No. 99-65, MC No. 98-136]*

Propose legislations to provide funds for the operation of The People's Action Team responding On-line (Patrol) Program in order to hasten and promote civic consciousness. [DILG MC No. 2001-54]

Take appropriate legislative actions to augment the existing number of tanods in excess of the 20, if deemed necessary, as per Section 387 (b), and create the additional tanod positions, together with the corresponding amount of compensation, insurance benefits and other allowances. The funding of which shall be the responsibility of the province. [DILG MC No. 2002-104]

Committee on Health and Social Welfare

This committee shall be composed of not more than five (5) members, including the Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Health Sanitation or Hygiene
- Cleanliness and Beautification of the Community
- Proposed measures related to Hospitals, Health Centers and Health Programs
- Social Welfare Services
- All other matters related to Health and Social Welfare

Sample Committee Tasks

Take appropriate legislative actions adopting Quarantine Regulations to prevent the introduction and spread of diseases within the Province. [Sec. 468 (a) 4-v, RA 7160]

Take appropriate legislative actions to ensure the submission of Budgetary Estimates for Nutrition Program implementation in

- ◆ Care of paupers, the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled persons, juvenile delinquents, drug dependents, and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age
[Sec. 468 (a) 4-vi, RA 7160]
- ◆ Establishment and support to the operation of centers and facilities for needy and disadvantaged persons, subject to availability of funds
[Sec. 468 (a) 4-vi, RA 7160]
- ◆ Creation of a Provincial Council for the Elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the province
[Sec. 468 (a) 4-ix, RA 7160]
- ◆ Appropriate funds to support programs and projects for the elderly and to provide incentives to non-governmental organizations and entities supporting the same programs and projects for the elderly
[Sec. 468 (a) 4-ix, RA 7160]

Propose legislation to establish 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. 2005-63]*

Propose legislations for the elimination, prevention or control of trafficking in persons. *[DILG MC No. 2005-26]*

Propose legislation establishing a 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. 2005-26]*

Take appropriate legislative actions to strengthen efforts against human trafficking through the following strategies:

- Conduct of massive information dissemination campaign
- Sustain the functionality of the Migrant Advisory and Information Network (MAIN) Desk lodged at the PNP's Women and Children's Desk
- Enact local ordinance against human trafficking
- Develop and implement a livelihood assistance program for victims/affected families on human trafficking
- Integrate PPAs related to anti-trafficking in person into Annual Operations Plans and Budgets, where the funding requirements may be charged against the 5% Gender and Development (GAD) budget. *[DILG MC Nos. 2005-26 and 2006-172]*

Propose legislations to integrate Indigenous People's Rights and related concerns within the framework of gender and development at the local level. *[DILG MC No. 2005-34]*

Take appropriate legislative actions to extend necessary assistance to deportees who will be resettled within the province, specifically by providing livelihood opportunities and enlisting them in sustainable economic activities. *[DILG MC No. 2002-157]*

Take appropriate legislative actions to include all amnesty grantees identified by the National Amnesty Commission (NAC) as beneficiaries of Local Government Programs and projects, particularly the following:

- livelihood and other development assistance
- health care services educational and scholarship services *DILG MC No. 2004-13]*

Take appropriate legislative actions to review Job Descriptions of Midwives; fill up all Midwife positions that were vacated; and create and/or retain the items of Midwife in their Plantilla. *[DILG MC No. 2003-89]*

Take appropriate legislative actions supporting the promotion of food safety by way of:

- ◆ Causing the enactment of a local legislative measure to promote food safety, if none has been passed thus far, or to review an existing ordinance on the matter to ensure its relevance in the overall efforts to address food poisoning and other food-borne diseases;
- ◆ Conducting other appropriate and fitting activities, e.g., dissemination of copies of Proclamation No. 160, visits to public markets and other food handling facilities to underscore the imperatives of ensuring food safety; and

- ◆ Adopting a Provincial Declaration of Commitment to Food Safety. [DILG MC No. 99-194]

Take appropriate legislative actions implementing measures to further improve the System of Dengue Case Management and Services. [DILG MC Nos. 2005-86 and 2005-74]

Committee on Agriculture

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Agricultural Production, Inputs and Facilities
- Development of Agri-Business Enterprises
- All other matters related to Agriculture, including plants and animals

Sample Tasks

Propose legislations banning the use of compressor as breathing apparatus of all fishing activities. [DILG MC No. 2002-129]

Committee on Education and Culture

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Formal and Non-Formal Education
- Educational Facilities
- Promotion of Culture and the Arts
- Operation of Educational Institutions, both Private and Public
- All other matters related to Education and Culture

Sample Committee Tasks

Take appropriate legislative actions to ensure that Education is made available and accessible to the inhabitants of the Province

- ◆ Establishment and operation of vocational and technical schools and similar post-secondary institutions. [Sec. 468 (a) 4-iii, RA 7160]
- ◆ Propose reasonable tuition fees and other school charges in educational institutions supported by the provincial government. [Sec. 468 (a) 4-iii, RA 7160]
- ◆ Scholarship fund for the poor but deserving students residing within the province. [Sec. 468 (a) 4-iv, RA 7160]

Take appropriate legislative actions to establish a Provincial Council whose purpose is the promotion of Culture and Arts. [Sec. 468 (a) 4-viii, RA 7160]

Creation of Provincial Councils for the Culture and the Arts, chaired by the Provincial Governor, to ensure the preservation, enrichment and promotion of the Filipino national culture. [DILG MC No. 2002-81]

Take appropriate legislative actions to incorporate Development Projects on Culture and Arts in the Short and Long-Term Provincial Development Plan. [DILG MC No. 95-117]

In line with the National Arts Month, cause the passage of a resolution to declare the month of every February and every year thereafter, as the Provincial Arts Month, including the creation of the Provincial-Based Special Committees tasked to oversee in the conduct and promotion of performances in Dance, Theater, Music, Visual Arts, Film Exhibitions, Literary Workshops, Storytelling, Art Lecture Series, Community Festivals and Revival of the Traditional Art Forms such as Harana, Folk Dances, etc. [DILG MC No. 2000-160]

Committee on Good Government, Public Ethics and Accountability

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Organization and Management; Personnel Administration, Position Classification and Pay Plan, Staffing Pattern
- Creation of Positions
- Policy Formulation for the Economical, Efficient and Effective Local Government Administration
- Conduct of Ethical Standards for Local Officials and Employees
- Public Accountability of Local Officials and Employees
- All other matters related to Good Governance

Sample Committee Tasks

Take appropriate legislative actions providing for a mechanism and appropriating funds therefor, to ensure the safety and protection of all Provincial Government Property, Public Documents, or Records such as those relating to Property Inventory, Land Ownership, Records of Birth, Marriages, Deaths, Assessments, Taxation, Accounts, Business Permits and such other records and documents of Public Interest [Sec. 468 (a) 1-x, RA 7160]

Maintain a Journal and Record of Proceedings which may be published upon resolution of the majority of the Sanggunian Members.

Propose legislations prescribing reasonable limits and restraints on the use of property within the jurisdiction of the Province. [Sec. 468 (a) 2-vi, RA 7160]

Take appropriate legislative actions to adhere to Government Policy on Austerity and Economy Measures, by way of, among others, refraining from the purchase of Luxury Vehicles using Government Funds. [DILG MC NO. 2000-13, AO NO. 339, NBC No. 446-A]

Take appropriate legislative actions to carry out an Open-Door-Policy type of Governance to bring the Government closer to the people by way of:

- ◆ Causing the enactment of an ordinance allowing people from all walks of life access to provincial government offices;
- ◆ Designating a Citizens' Desk, at the lobby of the provincial hall, properly identified and completely manned at least eight (8) hours a day to provide information and other forms of assistance;
- ◆ Conducting regular informative tour for the youth to provincial offices to familiarize them on the workings of the provincial government; and
- ◆ Establishing semi-permanent bill/bulletin boards containing information such as duties and functions of provincial offices, programs and services, and regular LGU reports, among others. [DILG MC No. 96-45]

Take appropriate legislative actions encouraging the Provincial Governor to:

1. Cause the formulation of an Executive and Legislative Agenda (ELA) for the period 2013 to 2016, and every three (3) years thereafter. The said Agenda shall highlight priority areas for improvements, or reforms, and shall be structured as follows:
 - ◆ Governance – Financial Accountability; Transparency; Citizen Participation; Equity; and Local Legislation;

- ◆ Administration – Development Planning; Revenue Generation; Revenue Allocation and Utilization; Human Resource Management and Development; and Customer Services;
 - ◆ Social Services – Health and Nutrition; Education; Housing and Basic Utilities; and Peace, Security and Disaster Preparedness;
 - ◆ Economic Development – Agriculture and Fisheries Development; and Business, Enterprise and Industrial Promotion; and
 - ◆ Environmental Management – Natural Resources and Management; and Waste Management and Pollution Control.
2. Organize a team that will take the lead in facilitating Multi-Stakeholder Consultations, and in the preparation of the ELA;
 3. Involve the Civil Society and the Business Community in the formulation of the ELA;
 4. Utilize, as reference documents, the following: (a) Local Governance Performance Management System State of Local Governance Report, (b) Comprehensive Development Plan, Comprehensive Land Use Plan, Annual Investment Plan, local poverty reduction action plan and other relevant documents, and (c) ELA manual and facilitators' guide;
 5. Avail of technical support from the DILG Regional or Provincial Coaching Teams, if deemed necessary;
 6. Provide funds in the Formulation and Implementation of the ELA; and
 7. Incorporate in the Annual Report significant accomplishments on Governance, Administration, Social Services, Economic Development and Environmental Management in such areas as listed in item no. 1 above. *[DILG MC No. 2004-64]*

Take appropriate legislative actions encouraging the replication of exemplary practices of other LGUs with Good Practices in responding to the needs of the Local Communities and in response to the Millennium Development Goals. [DILG MC No. 04-152]

On the issuance of ECC for environmentally critical projects, take appropriate legislative actions to observe the following timelines in the issuance of endorsement:

1. Consultation with NGOs, POs and other concerned sectors of the community – not more than 1 week upon hearing other merits of the project proposal from the proponent, and upon evaluation that such is supportive of the development agenda of the LGU;
2. Enactment of the requisite Sanggunian resolution – not more than 2 weeks upon receipt of the results of the consultation accepting or endorsing the propose project; and
3. Preparation, approval and release of the endorsement – not more than 1 day upon receipt of the Sanggunian. [DILG MC No. 2003-58]

Organize/Reactivate the Provincial Project Monitoring Committee. [DILG MC No. 04-78]

Take appropriate legislative actions to ensure the full implementation of Local Governance Performance Management System (LGPMs) and cause the preparation of the SLGR, utilizing the LGPMs results. [DILG MC No. 04-141]

Take appropriate legislative actions to encourage the Punong Barangay, Sangguniang Barangay Members, Sangguniang Kabataan Chairman, Barangay Secretary and Barangay Treasurer to voluntary register as members of Pag-Ibig

Committee on Trade, Commerce and Industry

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Establishment and/or operation of all kinds of Trade and Industry
- Measures that affect Trade, Commerce and Industry
- Incentives to promote Trade, Commerce and Industry
- All other matters related to Trade, Commerce and Industry

Sample Tasks

Take appropriate legislative actions adopting Investment Friendly Business Related Policies and Procedures that may include, but not limited to:

- ◆ Display of step-by-step application procedures, as well as, the corresponding documentary requirements and fees through the posting of flowcharts and schedule of rates in publicly accessible and conspicuous places within the provincial capital premises; and
- ◆ Development of a primer concerning policies, regulations, systems and procedures of processing of application for business permits, building and real property documents for the information and ready reference of concerned applicants.

[DILG MC No. 99-188]

Propose legislations to ensure the full implementation of RA 9178 by establishing a One-Stop Business Registration Center in their areas to handle the efficient registration and processing of permits and licenses of Brgy. Micro-Business Enterprises. *[DILG MC No. 2003-69]*

Take appropriate legislative actions to secure the Economic well-being of the People in the Locality by creating an environment that is conducive to growth and investment through the Local Economic Transformation Program for Local Government. [DILG MC No. 2002-35]

Take appropriate legislative actions to include Advocacy, Promotion and Development of Small and Medium Enterprises as one of the priority programs of the Province, and to support the SME Databank Project of the NSO. [DILG MC Nos. 96-13 and 97-47]

Take appropriate legislative actions to ensure a more meaningful National-Local Government Collaboration in monitoring the prices of selected prime commodities, incidence of hoarding, violation of Price Tag Law, and other related concerns. [DILG MC No. 98-81]

Take appropriate legislative actions to activate/reactivate the Provincial Price Coordinating, and to monitor, convene and formulate policies and strategies to keep prices of Basic Consumer goods at reasonable levels. [DILG MC Nos. 04-75 AND 2005-130]

Propose legislations strictly enforcing the Consumer Act of the Philippines and other related laws to ensure Consumer Protection and to Promote the General Welfare of the residences. [DILG MC No. 92-47, ART. 62 OF THE CONSUMER ACT OF THE PHILIPPINES (RA NO. 7394), RA NO. 7160]

Propose legislations requiring any person who intends to engage in the Importation, Exportation, Production, Reproduction, Exhibition, Showing, Sale, Lease or Disposition of Videogram Regulatory Board (VRB) prior to the issuance of Business permit. [DILG MC No. 2003-17]

Take appropriate legislative actions to strictly enforce all laws and ordinances prohibiting the Selling and Publishing of Obscene and Pronographic 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 which would tend to offend

Propose legislations causing the operations of One-Stop Shops, or Business Permit and Licensing Offices and related offices beyond the usual office hours to extend up to 9:00 in the evening, as may be necessary, with the months of January through March. [DILG MC No. 2003-10] the morals and, for the purpose, issue appropriate Executive Order(s) necessary for the proper enforcement and execution of such laws or ordinances. [DILG MC No. 99-213, Article 201 OF THE Revised Penal Code]

If circumstances so warrant,

- a. Coordinate with appropriate law enforcement agencies to apprehend violators of such laws and ordinances and effect the confiscation of these obscene pictures, materials, articles, publications, literatures and other materials used in furtherance of these illegal and felonious activities;
- b. Cause the suspension or revocation of the licenses and permits of persons or entities for any violation of the conditions upon which such licenses and permits had

Committee on Public Works

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Construction, maintenance and repair of roads, bridges and other government infrastructure projects
- Measures that pertain to Drainage and Sewerage Systems and similar projects
- All other matters related to Public Works and Infrastructure Projects

In order to ensure a sustained undertaking of infra projects of the province, propose legislative measures that would strengthen the Provincial Engineering Office such as but not limited to purchase of heavy equipment, provision of adequate manpower, etc.

Sample Committee Tasks

Propose legislations establishing and providing for the maintenance of a Waterworks System or District Waterworks for supplying water to inhabitants of Component Cities and Municipalities. [Sec. 468 (A) 4-ii, RA 7160]

Propose legislations to maintain the operational autonomy of Local Water Districts. [DILG MC No. 2005-21]

Initiate measures to ensure that the willing, able and unemployed residents of the Province are hired in Public Works Project, either locally, nationally or foreign funded. [DILG MC No. 2000]

Committee on Housing and Land Utilization

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Housing Program
- Subdivision or Real Estate Development
- Measures pertaining to Land Uses
- Squatter Problems
- All other matters related to housing and Utilization

Sample Tasks

Take appropriate legislative actions relative to the review of the Comprehensive Land Use Plans and Zoning Ordinances of Component Cities and Municipalities and adopt a Comprehensive Provincial Land Use Plan. [Sec. 468 (A) 2-VII, RA 7160]

Take appropriate legislative actions to comply with the prescribed time periods on the adoption, review and approval of Comprehensive Land Use Plans (CLUPs)/Zoning Ordinances (ZOs) of Provinces. [DILG MC No. 2002-30]

Take appropriate legislative actions to support the formulation or updating of the Provincial Physical Framework Plan which shall serve as the Framework in the land Use Planning of Cities and Municipalities. [DILG MC No. 04-133]

Take appropriate legislative actions to implement guidelines of EO 45 dated October 24, 2001, "PRESCRIBING TIME PERIODS OF ISSUANCE OF HOUSING-RELATED CERTIFICATIONS, CLEARANCES AND PERMITS, AND IMPOSING SANCTIONS FOR FAILURE TO OBSERVE THE SAME". [DILG MC No. 2002-15]

Take appropriate legislative actions to ensure that appropriate access improvement interventions based on IRAP Analysis, Findings and Recommendations are integrated in their Local Development Plans, particularly in their Annual Investment Plans. [DILG MC No. 2002-06]

Take appropriate legislative actions relative to requesting assistance from HLURB or the direct contracting of services or Private Technical Experts/Consultants to ensure transparency and in order to fast track the updating of PPFP/CLUP. [DILG MC No. 2001-76]

Take appropriate legislative actions relative to identifying Lands to be used for Socialized Housing and Resettlement Areas. [DILG MC No. 2001-21]

Committee on Games and Amusement

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Operation and/or establishment of Amusement Places
- Measures that affect the regulation of games and amusements including, but not limited to, the promotion or holding of Cockfights, Boxing, and Basketball Tournaments, and other kinds of games and amusements
- All other matters related to games and amusements

Sample Committee Tasks

Propose legislations implementing Republic Act 9287 entitled "AN ACT INCREASING THE PENALTIES FOR ILLEGAL NUMBERS GAMES AND ITS IMPLEMENTING RULES.

"Enact measures to enhance/cultivate community involvement and strictly implement the provisions of RA 9287, or "An Act Increasing the Penalties for Illegal Numbers Games, and for Other Purposes". [DILG MC No. 04-146]

Committee on Barangay Affairs

This committee shall be composed of not more than five (5) members, including its Chairman and Vice-Chairman, to which shall be referred all matters or questions pertaining to or concerned with the following:

- Creation, division, merging, abolition or alteration of boundaries of Barangays
- All other matters pertaining to Barangay Development

Sample Tasks

Take appropriate legislative actions to ensure that all Barangays have complete or updated Registry of Barangay Inhabitants. [MC No. 2006-134]

Part 3

TASKLIST FOR EFFECTIVE LEGISLATIVE PERFORMANCE

Legislative performance pertains to the ordinance-making function of the Sanggunian.

In order to raise the level of performance of the Sanggunian Panlalawigan, it is best to determine its internal capacity, as well as its productivity. This is primarily done through legislative performance assessment, the results of which serve as inputs or bases in determining strategic interventions to improve or sustain a desirable level of performance.

Legislative performance becomes effective only to the extent that the Sanggunian is able to enact measures consistent with the priorities embodied in the local legislative agenda. Such performance should ultimately reflect development and bring about improvements in the lives of the citizens.

WAYS OR MECHANISMS TO ACHIEVE HIGH LEGISLATIVE PERFORMANCE

The Sanggunian may take into consideration the following ways or mechanisms to achieve high legislative performance:

- Periodic legislative review
- Broadening the base of popular participation in the legislative process
- Regular updating of the legislative database
- Building an information network
- Organizational development initiatives that include:
 - Setting up legislative performance objectives and standards
 - Notices of special sessions

- Annual review of legislative goals and objectives
- Periodic assessment of the performance of the overall legislative structure to ensure that it best meets organizational needs
- Organizational productivity improvement through a human resource development program for both Sanggunian members and staff
- Organize a research group/study team.

INDICATORS OF LEGISLATIVE PERFORMANCE

The following are suggested indicators or criteria of legislative performance:

Effective Legislative Agenda

The Legislative Agenda:

- complements the Executive Agenda
- is developed in full consultation with stakeholders
- provides a clear and well-defined legislative action and timeframe
- provides an operational translation of the Comprehensive Development Plan
- promotes and supports regional and national priorities.

Effectiveness of the Legislative Tracking System

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

Availability of Legislative Documents

- Journal of Sanggunian proceedings
- Minutes of sessions duly signed by all members present
- Committee reports signed by all members

Efficiency of Performance of the Sanggunian

- Number of ordinances enacted with impact on local communities (e.g., appropriations ordinance, zoning ordinance, local tax code or revenue code, sanitation code, ordinance on solid waste management, ordinance on poverty alleviation or reduction)
- Number of ordinances approved with impact on local communities (e.g., ordinance on the annual investment plan, ordinance on the local development plan)
- Number of sessions conducted with complete attendance of members
- Internal Rules of Procedures containing the following minimum requirements, i.e., organization of the Sanggunian and election of its officers, as well as creation of standing and special committees, order and calendar of business for each session, legislative process, parliamentary procedure, and discipline of members

Quality of Office Set-up and Staff Complement

- Session hall with appropriate fixtures and equipment
- Sanggunian offices for individual members with appropriate fixtures and equipment
- Staff complement of at least one Sanggunian staff per member, other than the Sanggunian secretary
- Office for the Secretary of the Sanggunian

Note: *The above listing of criteria or indicators is flexible. It may vary as the need arises. For more information about the tests of legislative performance, please refer to the Local Legislative Toolkit, published by the BLGS-DILG in partnership with the Philippine Councilors League.*

Part 4

LIST OF EXECUTIVE ORDERS

EO NUMBER AND DATE	TITLE
71 / Series 1993	Approval of Building Permits for Condominium Projects
215 /December 13, 1994	DILG-DOH-DOF-DBM Joint Circular dated April 12, 1996, DILG MC No. 97-96 dated April 24, 1997, Delivery of Health Services Devolved to LGUs
443/September 24, 1997	Minimum Basic Needs (MBN)
12 / August 14, 1998	Revitalizing the Privatization Program of the Government
39/ November 4, 1998	Reconstituting the Project Board and Extending the Term of the SOCKSARGEN Area Development Project Office
39-A/November 30, 1998	Streamlining the SOCKSARGEN Area Development Project Office, Strengthening its Coordinative and Integration Mechanism, and for Other Purposes
94 / April 12, 1999	Establishing the Policy Direction and Institutional Framework to Implement Labor-based Equipment Supported Infrastructure Program
98 / April 28, 1999	Directing all Government Agencies, Instrumentalities, Local Government Units, and/or Government-owned and Controlled Corporations (GOCCs) to include the Taxpayer Identification Number (TIN) as Part of the Essential Requirements in all Applications for a Government Permit, License, Clearance, Official Paper or Document

146 / August 26, 1999	Constituting the Greater Metropolitan Manila Solid Waste Management Committee
152 / September 28, 1999	Providing for the Activation of the Central East Asia Growth Circle Program as an Economic and Diplomatic Initiative and for Other Purposes
189 / December 21, 1999	Directing all Local Government Units to Submit to the Department of Budget and Management their Respective Annual Investment Plan
200 / January 17, 2000	Authorizing the Issuance of Onshore Special Minerals Extraction Permits to Qualified Government Entities/ Instrumentalities for Government Projects
201 / January 31, 2000	Providing for the Creation of a National Health Planning Committee (NHPC) and the Establishment of Inter-local Health Zones (ILHZS) throughout the Country, and for Other Purposes
307 / October 31, 2000	Providing for a National Policy on the Allocation and Use of Radio Frequencies
309 / November 3, 2000	Prescribing Rules And Regulations for the Distribution of Proceeds of Leases, Joint Ventures and Transactions other than Sale Involving Portions of Metro Manila Military Camps under Republic Act No. 7227, as Amended by Republic Act No. 7917
336 / January 5, 2000	Reconstituting the National Action Committee on Anti-Hijacking And Anti-Terrorism (NACAHT) as the National Council for Civil Aviation Security (NCCAS)
319 / November 14, 2000	Modifying the Rates of Duty on Certain Imported Articles under the Tariff and Customs Code of 1978, as amended, in order to Implement the Preferential Tariff Rates on Certain Products under the ASEAN Industrial Cooperation (AICO) Scheme
321 / November 21, 2000	Directing the Transfer of Certain Government Properties between and among the Department of Finance and the Philippine National Police and for Other Purposes
2 / February 27, 2001	Creating an Inter-agency Committee for Relief, Rehabilitation and Development of Areas Affected by Armed Conflicts in Mindanao

4/March 5, 2001	Providing for an Ad Hoc Body to Complete the Wind-Up of Activities of the Mt. Pinatubo Assistance, Rehabilitation and Development Commission
5 / March 5, 2001	Authorizing the Transfer of the Administration of Upland Pinatubo Resettlement Communities from the Mt. Pinatubo Commission to the Concerned Local Government Units
11/April 17, 2001	Modifying the Nomenclature and the Rates of Import Duty on Certain Imported Articles under Section 104 of the Tariff and Customs Code of 1978 (Presidential Decree No. 1464), as Amended
13 / April 23, 2001	Providing for the Extension of the Term of the Task Force to Complete the Wind-Up of Activities of the Mt. Pinatubo Assistance, Rehabilitation and Development Commission
14 / May 7, 2001	Creation of the Cabinet Cluster for Socially Equitable Agricultural Modernization
15 / May 16, 2001	Authorizing the Manila Economic and Cultural Office, Inc. (MECO) to Perform Certain Functions Relating to Trade, Economic Cooperation, Investment, and Cultural, Scientific and Educational Exchanges
20 / May 28, 2001	Reaffirming Mass Housing as a Centerpiece Program in the Poverty Alleviation Efforts of the Government and Further Strengthening the Housing and Urban Development Coordinating Council
21 / June 19, 2001	Creating a Coordinative and Integrative System on Internal Security
29 / August 3, 2001	Reconstituting the Southern Philippines Council for Peace and Development and the Consultative Assembly Established under Executive Order No. 371 dated October 2, 1996 and for Other Purposes
30 / July 30, 2001	Providing for a Regional Development Council in the Cordillera Administrative Region and for Other Purposes
36 / September 19, 2001	Providing for the Reorganization of the Administrative Region in Mindanao and for Other Purposes

45 / October 24, 2001	Prescribing Time Periods for Issuance of Housing-Related Certifications, Clearances and Permits, and Imposing Sanctions for Failure to Observe the Same
54 / November 7, 2001	Directing the Transfer of Assets, Records, Funds, Personnel, Liabilities and all Pinatubo-Related Functions, Tasks And Responsibilities to the Pinatubo Project Management Office under the Housing And Urban Development Coordinating Council (HUDCC)
56 / November 26, 2001	Adopting the Comprehensive Program Framework for Children in Armed Conflict and Directing National Government Agencies and Local Government Units to Implement the Same
189 / December 21, 2001	Directing all Local Government Units to Submit to the Department of Budget and Management their Respective Annual Investment Plan
76 / March 4, 2002	Providing for the Implementation of the Hybrid Rice Program, Transferring the Philippine Rice Research Institute from the Department of Agriculture to the Office of the President and for Other Purposes
79 / March 11, 2002	Creating the Office of the Presidential Adviser for Strategic Projects and Defining its Power and Functions
80 / March 11, 2002	Declaring the Effectivity of the Abolition of the Southern Philippines Council for Peace and Development and the Consultative Assembly and for Other Purposes
97 / April 23, 2002	Approving and Adopting the Policy Framework and Guidelines for Philippine Participation in United Nations (UN) Peacekeeping Operations
98 / May 2, 2002	Declaring the Available Lands of the Southern Philippines Development Authority (SPDA) as Socialized Housing Sites
99 / May 2, 2002	Extending the Implementation of the Transition Plan for The "Winding Up" of Operations of the Southern Philippine Council for Peace and Development (SPCPD)

- 103 / May 17, 2002 Dividing Region IV Into Region IV-A and Region IV-B, Transferring the Province of Aurora to Region III and for Other Purposes
- 110 / June 20, 2002 Directing the People's Credit and Finance Corporation to Administer the People's Development Trust Fund and for Other Purposes
- 113 / July 17, 2002 Operationalizing the Metro Manila Council as the Regional Council for Metropolitan Manila
- 192 / March 31, 2003 Modifying the Rate of Duty on Certain Imported Articles as Provided under the Tariff And Customs Code Of 1978, as Amended, in order to Implement the Preferential Rates on Certain Products under the ASEAN Industrial Cooperation (AICO) Scheme, in favor of Honda Cars Philippines, Inc. (Honda) (COE No. Honda/2002/26)
- 197 / April 16, 2003 Modifying the Nomenclature and the Rates of Import Duty on Various Products under Section 104 of the Tariff and Customs Code of 1978 (Presidential Decree No. 11464, as Amended)
- 220 / June 23, 2003 Directing the Adoption of the Code of Good Governance for the Professions in the Philippines
- 223 / June 11, 2003 Reconstituting the Project Board of the SOCKSARGEN Area Development Project
- 226 / July 14, 2003 Institutionalizing The Patrol "117" as a Nationwide Hotline Number
- 230 / July 26, 2003 Modifying the Rates of Duty on Sugar as provided for under the Tariff and Customs Code Of 1978, as Amended, in order to Implement Preferential Rates Thereon under the Common Effective Preferential Tariff (CEPT) Scheme For The ASEAN Free Trade Area (AFTA)
- 231 / August 4, 2003 Amending E.O. 153 Entitled "Instituting The National Drive to Suppress and Eradicate Professional Squatters and Squatting Syndicates, Amending E.O. Nos. 178 s. 1999 and 129, s. 1993 and for other Purposes by Including the Public Attorneys' Office as Support Agency

235 / September 11, 2003	Streamlining the Rules and Procedures of Defense Contracts
237 / September 19, 2003	Directing the Conduct of a National Follow-Up Measles Campaign on February 2004 and Designating the Department of Health as the Lead Agency for the Purpose
238/ September 22, 2003	Amending Executive Order No. 241 by Expanding the Powers and Functions and Membership of the National Steering Committee of the Family Week
248 / October 26, 2003	Creating the Office of the Anti-Kidnapping Presidential Adviser

PART 5

OFFICER - IN - CHARGE

OIC-GOVERNOR AS DISTINGUISHED FROM ACTING GOVERNOR

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

When the Provincial Governor 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 Provincial Vice-Governor shall automatically exercise the powers 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 exceeds thirty (30) working days.

In this case, the automatic assumption by the Vice-Governor, even on the first day of incapacity of the Provincial Governor, is automatic and as such, he is properly defined as Acting Provincial Governor. As Acting Provincial Governor, he can perform all the functions, powers and duties of the Provincial Governor 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 Provincial Governor 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 the local chief executive, except the power to appoint, suspend or dismiss employees.

In this case, it may be noted that the Provincial Governor can designate any official of the Provincial 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 Provincial Governor. The Provincial Governor may designate the Vice-Governor or any member of the Sanggunian or any appointive official of the Province to act as OIC. But such designation cannot exceed three (3) days. Hence, on the 4th day, if the Provincial Governor failed to return to his station, Section 46 (d) of the same Code will now apply, in which case, the Vice-Governor shall assume as Acting Governor on the 4th day of absence of the Provincial Governor.

WHO MAY BE AUTHORIZED TO ACT AS AN OIC PROVINCIAL GOVERNOR?

Per Section 46 (c) of the Local Government Code, the Provincial Governor may designate in writing any Provincial 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 PROVINCIAL GOVERNOR ASSUME HIS FUNCTIONS?

With regards to OIC Provincial Governor, upon presentation of a valid designation in writing, he can assume as OIC Provincial Governor. [Sec. 46 (c), Local Government Code] accordingly, he must issue a memorandum addressed to all officials and employees of the province of his designation as OIC.

With regards to Acting Provincial Governor, upon the occurrence of any event leading to the temporary incapacity of the Provincial Governor, either physical or legal reasons, the Provincial Vice-Governor automatically assumes as Acting Governor. [Sec. 46 (a), Local Government Code]

WHEN SHALL AN OIC PROVINCIAL GOVERNOR CEASE TO ACT AS SUCH?

An OIC Provincial Governor shall stop performing his or her functions as such on the 4th day of absence of the Provincial Governor. This has to be so because his designation as OIC is effective only during the three (3) consecutive days absence of the Provincial Governor, who is outside his jurisdiction but is within the country. On the 4th day of absence of the governor, designation of OIC ceases to exist by operation of law and the

Provincial Vice-Governor shall now automatically assume as Acting Provincial Governor pursuant to Section 46 (d) of the Local Government Code.

MAY THE PROVINCIAL VICE-GOVERNOR, ACTING AS ACTING PROVINCIAL GOVERNOR, CONTINUE TO PRESIDE OVER THE SESSION OF THE SANGGUNIANG PANLALAWIGAN?

In the case of *Gamboa vs. Aguirre* (G.R. No. 134213, July 20, 1999), the Supreme Court ruled that the Vice-Governor, who is now acting as Acting Governor, cannot anymore continue to preside over the session as this would violate the principle of separation of powers and functions. The Vice-Governor, in his capacity as Acting Governor, is expected to perform full-time executive functions which would include approval of ordinances. This pronouncement of the Supreme Court equally applies to cities and municipalities.

MAY THE PROVINCIAL VICE-GOVERNOR, ACTING AS OIC, CONTINUE TO PRESIDE OVER THE SESSION OF THE SANGGUNIANG PANLALAWIGAN?

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 Provincial Governor, while in OIC capacity there is no temporary vacancy in the Office of the Provincial Governor. Moreover, OICs exercise only limited powers as may be contained in the letter-authorization designating him as such. Hence, if incidentally, the Provincial Vice-Governor was 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 Provincial Governor and more importantly, he 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, in any way, as OIC he has no power to approve ordinances enacted by the Sanggunian.

MAY THE PROVINCIAL VICE-GOVERNOR, ACTING AS OIC, APPOINT OFFICIALS?

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



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Local Government



Department of the Interior and Local Government
LOCAL GOVERNMENT ACADEMY