



Local Legislators' Toolkit

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FOREWORD

The Department of the Interior and Local Government (DILG) is pleased to acknowledge the latest knowledge product of the Philippines-Canada Local Government Support Program (LGSP), *The Local Legislators' Toolkit*. It is indeed a timely contribution to the Department's continuing efforts in enhancing the quality of local governance in the country.

Effective local legislation is a result of the interaction of the legislature with the executive and civil society to address the development objectives of the community. A needs-based and participatory process in formulating a Legislative Agenda is crucial in supporting the local development priorities defined in the Executive Agenda. As a companion piece to the Manual and Facilitator's Guide on *How to Formulate an Executive and Legislative Agenda for Local Governance and Development*, this practical and user-friendly reference provides the necessary tools for strategic and effective legislation that converges with and supports executive priorities.

Legislators must have a clear understanding of their roles as a policymaker, lawmaker, representative, and constituency builder. This understanding is key to effective performance of their functions in the various stages or processes of legislation: legislative agenda formulation, drafting of ordinances and resolutions, enacting ordinances and codes of ordinances, and evaluation of ordinance implementation.

To be effective, legislation also requires efficient systems and procedures to manage and translate information into legislative measures: legislative tracking system, management information systems, and documentation of the legislative process. It also requires strong staff support equipped with technical skills in policy analysis, research and participatory processes and legislative drafting.

Thus, this toolkit provides very useful information for local legislators and legislative bodies. It features templates, checklists and process guides that would help local legislators understand their role better and perform their tasks more efficiently and effectively

We hope that this toolkit will serve as an inspiration to local legislators to chart a common vision for their LGUs and to work more closely with Local Chief Executives and civil society in leading the people to arrive at that shared vision.

Mabuhay!



HON. JOSE D. LINA
SECRETARY
Department of the Interior and Local Government

PREFACE

The *Local Legislators' Toolkit* represents the lessons learned and practices of the sanggunian or local legislative bodies that were supported by the Philippines-Canada Local Government Support Program (LGSP) in 2002. The result is a systematic collection of tools used and developed in formulating the Legislative Agenda and enhancing systems and structures for effective local legislation that is participatory-based and development focused.

The Toolkit builds on the insights and lessons learned from the LGSP initiative in 2002, the Enhancing LGU Effectiveness in Local Legislation and Policy Formulation Project, which was conceptualized to focus on the development of a needs-based and participatory Legislative Agenda (LA) needed to support the local development priorities defined in the Executive Agenda (EA) of the Local Government Unit.

The LA process and EA process have been revisited by LGSP since and the focus is now on formulating an Executive-Legislative Agenda (ELA) that represents the convergence of the executive and legislative priorities as critical inputs to strategic and results-oriented planning at the local level. For this purpose, the toolkit is distributed with the Manual and Facilitator's Guide to *How To Formulate an Executive-Legislative Agenda for Local Governance and Development*.

The Toolkit presents the major outputs of LGSP sanggunian partners which includes the legislative agenda, enhanced internal rules of procedure, codes of ordinances (code of general ordinances, administrative code, environment code, gender and development code) and creation of the Local Legislative-Executive Development Coordinating Advisory Council (LLEDAC). It contains templates, checklists, and process guides to make it simpler and easier for local legislative bodies to perform their many legislative tasks, from organizing the sanggunian to work as a team to involving citizens involved in legislative decision-making.

The Toolkit is a contribution to the limited resources on local legislation by supplementing already available books, manuals and training materials on local legislation developed by

government and nongovernmental resource institutions engaged in local governance, local legislation and legislative capacity development. They include the Local Government Academy, Development Academy of the Philippines, Institute of Local Government Studies, Local Government Development Foundation and the Center for Legislative Development.

It is hoped that the Toolkit will contribute to the formulation and enactment of legislative measures that translate local development goals and priorities into responsive and meaningful development and the improved quality of lives of our local communities.

The Philippines-Canada Local Government Support Program

ACRONYMS

CDP	Comprehensive Development Plan
CSOs	Civil Society Organization
DILG	Department of Interior and Local Government
ELA	Executive-Legislative Agenda
GAD	Gender and Development
IRP	Internal Rules of Procedure
IRR	Implementing Rules and Regulations
LA	Legislative Agenda
LCE	Local Chief Executive
LDP	Local Development Plan
LGA	Local Government Academy
LGC	Local Government Code
LGPMS	Local Governance Performance Management System
LGSP	Philippines-Canada Local Government Support Program
LGU	Local Government Unit
LLEDAC	Local Legislative-Executive Development Advisory Council
LLPAF	Local Legislative Performance Appraisal Form
NCRFW	National Commission on the Role of Filipino Women
NGOs	Non-Governmental Organizations
POs	People's Organizations
TCC	Technical Committee on Codification

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ABOUT THE TOOLKIT

Who Is the Toolkit For?

This toolkit is intended for the use of sanggunian or legislative bodies of local government units. It is designed for local legislators or members of the sanggunian at all levels, barangay, municipal, city and province. It focuses on specific tasks and processes of legislative work and provides local legislators with the tools to do them.

What is the Toolkit For?

The toolkit aims to provide a practical, step-by-step guide to making local laws or legislation easier, simpler yet responsive to people's needs. It aims to promote effective local legislation as a way of enhancing local governance and attaining development for local communities. It contributes to building capacities of local legislators by providing them with tools to understand local legislation as a systematic, participatory process that involves specific, interrelated tasks and interaction with various stakeholders to address development goals.

What the Toolkit Contains

The toolkit “breaks down” local legislation as a complex process into specific, result-oriented tasks, and offers tools to show how particular tasks may be done, and how outputs may be standardized as appropriate, e.g. form and style of an ordinance. It contains templates, outlines, process guides, checklists and flowcharts. These are simple, generic guides that can be easily adapted for use by local legislators in performing tasks necessary in local legislation. These include preparing a legislative agenda, drafting an ordinance, codifying ordinances, conducting a committee hearing, documenting legislative activities, problem solving, and evaluating the implementation of ordinances, among others.

The tools in this kit were developed from the collective experience and innovations of selected legislative bodies in Western Visayas involved in legislative capability building programs of the Philippines-Canada Local Government Support Program (LGSP). They are also products of the LGUs' exposure to exemplary legislative practices of selected local governments recognized for their excellence in local governance innovation.¹

The toolkit is organized into five major parts. Part One “**Understanding Local Legislation**” revisits the meaning of local legislation as the process and the product of a system consisting of structures, cycles, processes, procedures and people. It also provides a guide or framework to understand the elements of effective local legislation -- an efficient institution or organization, a participatory local legislation process, and a development perspective. In short, effective local legislation is essentially about addressing the development objectives of a local government unit – poverty reduction, environmental protection, gender equality, peace and unity, accountability and transparency, and citizen participation.

Part Two “**Getting the Sanggunian Ready to Work**” deals with the importance of setting up an efficient institution as a basic requirement of effective local legislation. It offers tools for getting individual legislators together to act as one collegial body agreeing on roles and work norms, and for setting up appropriate organizational structures, committees, internal rules of procedures, systems and mechanisms for supporting its work and relations with the executive branch, e.g. Local Legislative-Executive Development Advisory Council.

Part Three “**The Sanggunian at Work**” focuses on understanding the local legislation cycle and shares tools that sanggunian members need to perform the following critical tasks:

1. formulating and managing the legislative agenda
2. crafting ordinances and resolutions
3. enacting ordinances and codes of ordinances
4. evaluating the implementation of ordinances

¹ LGSP partner LGUs were able to visit and interact with elected officials from the Province of Bulacan, Marikina City and the Municipality of Sta. Maria, Bulacan.

Part Four “**Getting Citizens Involved in Sanggunian Work**” provides tools for reaching out to constituents and civil society groups and getting them to pro-actively participate in legislative decision-making.

Finally, Part Five “**Assessing the Work of the Sanggunian**” shares tools that a sanggunian may use to assess its overall performance as an institution and based on these findings define benchmarks for effective local legislation.

How to Use the Toolkit

The tools in this kit are intended to be used as aids or guides, not as models, for doing specific legislative tasks. They may be used together with available textbooks and handbooks on local legislation that provides detailed discussion of concepts, principles and approaches relevant to local legislation. For instance, in developing a legislative agenda as a specific legislative task, the sanggunian may use the manual and facilitator’s guide on *How to Formulate an Executive-Legislative Agenda for Local Governance and Development*, which is also published by LGSP and the Local Government Academy (LGA). Likewise, in formulating its internal rules of procedure, particularly on the use of parliamentary motions, the sanggunian may want to consult local resources on parliamentary procedure.²

The toolkit is published in electronic form to make it easy for users to adapt, modify, update, supplement, and print only specific sections needed. Each section is designed to be stand-alone, pull-out reference material containing the description of the task and the tools needed to do it. To make it easier to navigate between the pages, tools are numbered chronologically and listed at the start of each major section. Users will find the tool number and descriptive title written at the upper right or middle portion of the page. Finally, a **Tool Index** found in the first part of the toolkit lists all the tools according to key legislative terms to help users quickly locate the pages they need.

² Selected references on parliamentary procedure: Antonio Orendain, *Parliamentary Rules by Orendain*. Mandaluyong City: Alpha Omega Publications, 1961; Reverendo Dihan, *Handbook on Local Legislation*. Quezon City: MaryJo Publishing Inc., 1998; and Institute of Local Government Studies, Inc., *Local Legislators Toolbox*, Manila, 1995.

PART ONE

UNDERSTANDING EFFECTIVE LOCAL LEGISLATION

The first requirement of becoming an effective local legislator is to understand the job. What does local legislation mean? How can it be used to attain development for the people in the local government unit?

This section provides concepts and tools to help local legislators develop a perspective for understanding the following:

- **Meaning and Importance of Local Legislation**
- **Framework for Effective Local Legislation**
- **Development Issues for Local Legislation.**

A. MEANING AND IMPORTANCE OF LOCAL LEGISLATION

What is local legislation?

Local legislation can be understood in two ways: as power and as a process.

Local Legislation as power

Local legislation refers to the power of a local legislative body to make rules in the form of ordinances and resolutions of local application that have the force and effect of law.

Local Legislation as a process

Local legislation is the interaction of the local legislative body with the executive branch, civil society including constituents, nongovernmental organizations and the private sector resulting in ordinances and resolutions that promote the development of a local government unit (LGU). The products or outputs of this interaction are ordinances and resolutions.

Ordinance

An ordinance is a local law that prescribes rules of conduct of a general, permanent character. It continues to be in force until repealed or superseded by a subsequent enactment of the local legislative body.

Resolution

A resolution is a mere expression of the opinion or sentiment of the local legislative body on matters relating to proprietary function and to private concerns. It is temporary in character.

Why is local legislation important?

Local legislation is important because it is a powerful, vital tool for:

- addressing the **problems** of the citizens of the LGU

- promoting the **general welfare and development** of the LGU and its citizens
- attaining the **vision** of the LGU for its citizens

Many ordinances are enacted based on the legislative body's reaction to a problem that has already arisen. This type of legislation is valid but often has a short-term effect in addressing a problem. Local legislation can be more responsive if it addresses or predicts what citizens need to have a better quality of life, even before the citizens bring them to the attention of legislators. Further, local legislation can be effective if it addresses long-term, strategic needs that can contribute to the attainment of the vision of the LGU for its citizens.

Local legislation is a tool for operationalizing Section 16 of the 1991 Local Government Code (LGC) or the General Welfare Clause which covers the following aspects:

1. preservation and enrichment of culture;
2. promotion of health and safety;
3. enhancement of the right of the people to a balanced ecology;
4. encouragement of, and support to, the development of appropriate and self-reliant technological capabilities;
5. improvement of public morals;
6. enhancement of economic prosperity and social justice;
7. promotion of full employment among the residents; and
8. maintenance of peace and order as well as the preservation of the comfort and convenience of the inhabitants.

Who makes local legislation?

Local legislation is a participatory process. It acquires legitimacy and social acceptability through the involvement of stakeholders in the LGU. In this context, stakeholders are groups, organizations and individuals who have a 'stake' in or whose interests will be affected by the process of making laws or policies. Local legislation is made by key stakeholders in the LGU:

- the sanggunian or local legislative body
- the local chief executive, including local government executives
- the constituents

- the civil society organizations, nongovernmental organizations, and people's organizations
- the private sector and other interest groups.

Legislative authority at the local level is vested in the **sanggunian** or the **local legislative body**. The sanggunian is a collegial body, composed of a group of individuals elected to represent the people's interests. It has the power to enact ordinances, approve resolutions, and appropriate funds for the welfare of the LGU and its inhabitants.

The 1991 Local Government Code vests legislative power to the sanggunian at different levels of local government:

- **Sangguniang Panlawigan** for provinces
- **Sangguniang Bayan** for municipalities
- **Sangguniang Panlungsod** for cities
- **Sangguniang Barangay** for barangays

In the autonomous regions of the country, legislation is made by the regional legislative assemblies, e.g. Regional Legislative Assembly of the Autonomous Region in Muslim Mindanao.

B. FRAMEWORK FOR EFFECTIVE LOCAL LEGISLATION

What is effective local legislation?

Effective local legislation is a collective and participatory process. It refers to the **interaction of the sanggunian or local legislative body with the executive branch and civil society resulting in legislative actions that promote the development objectives of the LGU.** Civil society includes the private sector, nongovernmental organizations (NGOs), people's organizations (POs), civil society organizations (CSOs), and constituents. The participation of these individuals and groups is essential to ensure the legitimacy and social acceptability of ordinances and resolutions enacted. **Figure 1** shows the effective interface of the executive and legislative agenda with the LA and the various stages at which inputs from CSOs, the private sector and constituents can be solicited.

To be effective, local legislation requires three elements:

1. institutional efficiency
2. local legislation cycle or process
3. development

Institutional Efficiency

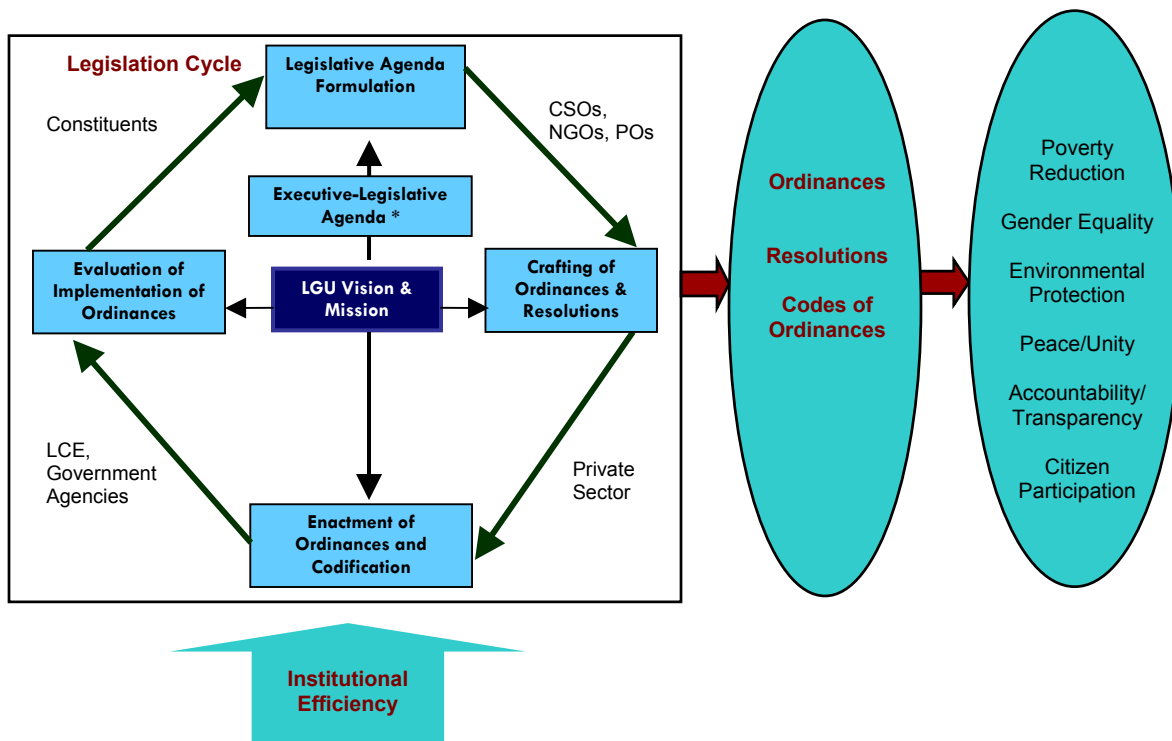
The sanggunian is a public institution. Like any other organization, it must have efficient structures and systems. It must have people who can do their jobs well because they know their roles and functions. An efficient legislative organization must have the following:

- organizational structure
- rules of procedure
- legislative leadership
- legislative committees
- legislative support system, and
- mechanism for legislative-executive coordination

The presence of adequate and functioning structures and systems make the legislation process or cycle efficient and open to participation from stakeholders outside the legislative organization. For instance, ordinances cannot be enacted without rules of procedure; or the

substance of draft ordinances cannot be enhanced by NGOs without sanggunian committees to get their views and perspectives.

Figure 1. Framework for Effective Local Legislation ³



* The Executive-Legislative Agenda (ELA) is an integrated plan that contains the major development thrusts and priorities of the executive and legislative branches towards a common vision for the locality. The ELA serves as a basis for identifying the legislative measures needed to implement LGU development priorities or what is referred to as the Legislative Agenda (LA). Thus the initial steps of the LA process may be undertaken as a joint activity with the ELA team or as a distinct but parallel activity to the ELA process. In either case, the ELA and LA process converges at the point where legislative requirements are identified to ensure support for the implementation of LGU priorities. See also LGSP, *How to Formulate an Executive and Legislative Agenda for Local Governance and Development: A Manual, 2004* (Cited from hereon as the *ELA Manual*).

³ Adapted from the project framework of the LGSP VI and Development Academy of the Philippines Project on Enhancing LGU Effectiveness in Policy Formulation and Local Legislation. Source: DAP, Terminal Report, Enhancing LGU Effectiveness in Local Legislation, March 2003.

Local Legislation Cycle

As an institution tasked to carry out a public mandate, the sanggunian must have a clear understanding of the **vision and mission** of the LGU unit to which it belongs. As well, its work must be guided by a clear process that defines the role of different stakeholders in each stage or phase.

Local legislation is a cycle that involves four phases or stages:

1. Legislative Agenda Formulation
2. Crafting of Ordinances and Resolutions
3. Enactment of Ordinances and Codes of Ordinances
4. Evaluation of the Implementation of Ordinances

At each phase, various stakeholders in the LGU interact with the sanggunian to ensure that measures produced address the development objectives of the LGU.

Phase 1. Legislative Agenda Formulation

Legislation does not begin with the first reading of a proposed measure. Legislation begins much earlier, with the formulation of a list of priority legislative measures which the sanggunian seeks to enact for the duration of its term or what is called a legislative agenda.

A **legislative agenda (LA)** is a package of priority policies and legislative measures designed to support local development priorities, particularly those defined in the **executive-legislative agenda (ELA)**. As defined in the ELA Manual, the ELA is an integrated plan that contains the major development thrusts and priorities of both the executive and legislative branches towards a common vision for the locality.

With the ELA as basis, the LA can be used to focus the work of the sanggunian during its term of office. It can serve as a road map to guide the sanggunian in identifying, analyzing and formulating solutions to problems and issues requiring

public policy action. Viewed in the context of legislative agenda formulation, local legislation becomes both predictive and strategic.

Phase 2. Crafting of Ordinances and Resolutions

The second stage is the crafting of ordinances and resolutions. This involves two major steps:

- 1) identifying and analyzing a policy problem to be addressed by legislation
- 2) gathering research-based information, and
- 3) drafting the legislative proposal.

A good analysis is informed by a sufficient knowledge of the development issues that should be addressed by ordinances: poverty reduction, gender equality, environmental protection, peace and unity, accountability and transparency, and citizen participation.

Drafting a legislative proposal requires knowledge of its parts or elements, rules of construction such as grammar and usage, form and style. Civil society groups in the local government can influence this phase of the cycle by drafting the language of a legislative proposal and giving it to a local legislator for sponsorship or through a people's legislative initiative.

Phase 3. Enactment of Ordinances and Codes of Ordinances

This stage involves the process of deliberation, consultation, codification and consideration that a draft ordinance or resolution undergoes before it is adopted or enacted. Without executive approval, an ordinance passed by the sanggunian cannot be implemented. The executive branch and the civil society groups can influence this stage by participating in committee activities and other stages of the legislative process from first reading to approval of the measure by the local chief executive (LCE).

Phase 4. Evaluation of the Implementation of Ordinances

The work of the sanggunian does not end with the enactment of a law. The sanggunian must determine if the ordinances it enacted are implemented and if so, how they are implemented by the executive branch. The evaluation process seeks to determine if legislative intent is carried out and determine if funds used for implementing government programs are not wasted. This function of local legislative bodies is called **legislative oversight**.

Recommendations from the evaluation feedback into the first stage of the legislation cycle and become an additional agenda or part of the legislative agenda of a new set of legislators. The cycle continues with the crafting of new ordinances, their enactment and evaluation.

Development

Development is a goal and an end of local legislation. Development is the sustained capacity to achieve a better life. For a nation or community, having a better life means that citizens have a higher life expectancy and enjoy a higher quality of life regardless of age, sex, gender, religion or ethnicity. Quality of life involves: a) the capacity to do, and b) the capacity to be. Underlying these capacities is the freedom of choice. Hence, development is also about expanding the range of choices of people.⁴

Local legislation is considered an effective tool for good governance and results in ordinances and resolutions that enable citizens to achieve a better life or development. Local legislation is effective if it contributes to the attainment of the community's shared vision and results in poverty reduction, gender equality, environmental protection, peace and unity, accountability and transparency of local officials, and active participation of citizens in social, economic and political transformation.

⁴ Amartya Sen, 1998, "The Concept of Development," in Hollis B. Chenery and T.N. Srinivasan, *Handbook of Development Economics*, Vol. m1, Elsevier Science B.V.

C. DEVELOPMENT ISSUES FOR EFFECTIVE LOCAL LEGISLATION

For legislation to result in development and transform the lives of people in a meaningful way, it must address the six crosscutting development themes or issues: poverty reduction, gender equality, environmental protection, peace and unity, accountability and transparency and citizen participation.

To assist LGUs in mainstreaming development issues in the local governance work, the LGSP has developed a *Toolkit for Mainstreaming Cross-cutting Themes* available from their website: <http://www.lgsp.org.ph>.

Poverty reduction

Poverty reduction is essentially about reducing the number of persons living in poverty. Persons living in poverty are those that are unable to meet their basic needs to attain a decent life. They are persons deprived of a long and healthy life, of acquisition of knowledge and of access to resources for a decent standard of living.⁵

Local legislation can reduce poverty if it improves the ability of citizens to purchase goods and services, to produce these goods and services or avail of them from government or nongovernmental organizations. By improving this ability, citizens are enabled to have a long and healthy life and to gain knowledge, access and opportunities to resources for a decent standard of living. More specifically, local legislation can address poverty by enacting ordinances that authorize targeted programs addressing issues relating to: 1) limited access to basic social services such as basic education, primary health, nutrition, water and sanitation and shelter, and 2) low income and employment.

To further guide LGUs in sharpening the focus of local plans and legislation, the National Anti-Poverty Commission and other government agencies have developed tools and the *Guidebook on Poverty Diagnosis and Planning* which can be accessed through the DILG.

⁵ United Nations Development Programme, *Human Development Report*, New York: Oxford Press, 1997; and NAPC and DILG, *Guidebook on Poverty Diagnosis and Planning*.

Gender equality

Gender equality, as a key to development, means the equal empowerment and participation of women, men and other subgroups of society, i.e. homosexuals, in all spheres of public and private life: political, economic, social and cultural. It means giving women, men and other discriminated subgroups in society equal rights and the same opportunities to participate fully in the development of their communities and societies and to achieve self-fulfillment.⁶ These rights include:

- economic, social and political rights, e.g. to own land and property, to manage a business, to exercise reproductive rights;
- control over productive and financial resources, e.g. education, training opportunities, land; and
- the voice or power to influence how resources, e.g. funds and investments, in the home, the community and country are allocated and used.

Local legislation promotes gender equality if local laws and guidelines enacted ensure that needs of women, men and other subgroups are considered and addressed. These interests and needs can often be different, requiring different approaches and services. It is important for gender concerns to be mainstreamed or taken into account in various government activities— planning, budgeting, legislation, and service delivery - to attain development. For instance, women generally play the leading role in household management, often the ones securing basic services such as health services, water, among others, for the family. In formulating an ordinance increasing the appropriations for health services, women's special needs including their reproductive roles, should be considered. They should be given easy and timely access and adequate information to all types of services to enable them to exercise their reproductive rights freely. Legislators must be able to ensure that adequate funds are allocated for reproductive health services and that these services equally benefit both women and men.

Local legislation can promote gender equality and development by providing the policy framework to guide all the planning and policymaking efforts of the LGU in ensuring that women, men and other discriminated subgroups equally contribute to and benefit from the

⁶ DILG, NCRFW, WIN and UNICEF. *Moving Forward with GAD, A Handbook on Gender and Development for the Sanggunian Committee on Women and Family.*

fruits of development. This policy framework and rights-based approach may be embodied in a Gender and Development Code.

To further assist LGUs in mainstreaming gender concerns in LGU plans, programs and policies, the National Commission on the Role of Filipino Women (NCRFW) developed tools and guidebooks available from their website: <http://www.ncrfw.gov.ph>.

NCRFW and partner government agencies published the following resources to help LGUs build capacities to mainstream gender and development:

- *Moving Forward with GAD, A Handbook on Gender and Development for the Sanggunian Committee on Women and Family*
- *Gender and Development: Making the Bureaucracy Gender-Responsive: A Sourcebook for Advocates, Planners and Implementors, 1994.*
- *Toward a Gender-Responsive Legislation, Volume 1, Basic Concepts and Volume 2, Basic Application, 1999.*
- *GAD Planning and Budgeting, 2003.*

Similarly, LGSP published the following resources on gender and development:

- *Toolkit for Mainstreaming the Crosscutting Themes*
- *Freedom From Fear: Establishing Quick Response Team for Violence Against Women. A Guide for Local Governments, 2003.*

Environmental protection

Development can be sustained if the resources in our environment are managed well so that future generations can also benefit from them. Local legislation plays a key role in environmental protection as it lays the legal and policy framework for the management and protection of environmental resources through policies, plans and programs on land use, forest resource, solid waste management, water management, marine resource management, and community participation in protecting the environment, among others. Existing national mandates such as the Philippine Agenda 21, the country's blueprint for sustainable development, are best pursued by issuing parallel local policies and ordinances

and supporting plans and programs, consistent with the LGUs' mandate to enhance the right of the people to a balanced ecology.

Peace and unity

The presence of violent conflict interferes with the way local government is able to “function” and deliver basic services to its citizens. It is imperative for local governments to be able to build and support the ability of people and organizations to pursue and enjoy peace.

Legislation plays a critical role in the pursuit of peace and unity. It creates the necessary rules to guide government agencies in delivering basic services and in promoting community participation to ensure that all citizens have access to these services. Viewed this way, local legislation promotes peace when people in the LGU feel safe and secure in their communities, without fear of having their access to and rights to adequate water, food, shelter and housing threatened, and when there is respect for difference and diversity of cultures promoted.

Local legislation also promotes unity when people in the LGU coming from diverse backgrounds see that their active participation in decision-making processes results in improvements and creates harmony in their lives. For instance, there is unity when people in the LGU cooperate and form linkages and productive relationships in implementing programs like delivery of health services, clean water and waste management.

To further assist LGUs promote peace and unity, the LGSP has published the *Resource Kit on the Culture of Peace, and Peace and Conflict Impact Assessment*, which is available from their website: <http://www.lgsp.org.ph>.

Accountability and transparency

Legislators hold public office, and as public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

Local legislation promotes accountability and transparency among LGU officials if it:

- results in government services that are responsive to citizens' needs;
- provides mechanisms for citizens to make their local officials answerable for their actions or non-action to problems; and
- provides mechanisms for citizens to feedback to local officials about the effectiveness of government services.

Local legislation also promotes accountability and transparency if local government policies and programs authorized or created through legislation use public resources efficiently. This means control of public resources is not abused and public funds are not wasted due to graft and corruption or inefficient implementation of programs.

Citizen participation

Legislation is about promoting the well-being of citizens. But it is the collective action of citizens that can secure well-being. Legislation should thus involve the participation of citizens, citizens' groups, nongovernmental organizations, peoples' organizations, business groups or what is collectively called civil society, in all its stages. Local legislative bodies must be able to engage civil society proactively to ensure that their legislative actions result in meaningful development. By involving civil society in legislation, broader ownership is built, which is essential in securing the needed support for successful implementation or enforcement of local laws.

PART TWO

GETTING THE SANGGUNIAN READY TO WORK

Who will do what, when and how? This question is about getting the sanggunian organized and ready to work as a team. As an institution where decisions are made collectively, the sanggunian needs to be organized efficiently with clear roles, functions, structures, systems and procedures. These organizational elements are necessary in helping the sanggunian manage relations among members and staff and with the LCE and the constituents.

This section provides tools to get the sanggunian organized and ready to work as a team undertaking the following tasks:

- **Understanding the Roles and Duties of Local Legislators**
- **Choosing the Legislative Leadership**
- **Adopting the Internal Rules of Procedure**
- **Organizing the Sanggunian Committees**
- **Setting Up the Office of the Secretary**
- **Setting up a Legislative-Executive Coordinating Council**

A. UNDERSTANDING THE ROLES AND DUTIES OF LOCAL LEGISLATORS

Answering three basic questions will get local legislators started in their work in the sanggunian:

- What is a legislator?
- What are the roles of a local legislator?
- What are the powers, duties and responsibilities of the sanggunian?

A **local legislator or sanggunian member** is generally understood to be:

- a lawmaker or a person who makes laws, and
- a member of a local legislative body with the power to make laws.

What does it really mean to make laws? The power to make laws or legislative power means three things: political power, police power and taxing power.

- **Political power** is the power to enact laws providing for the establishment, organization and operation of the local government.
- **Police power** is the essence of what government does; it is the power to enact laws to promote peace, health, safety and welfare.
- **Taxing power** is the duty to levy and collect taxes to raise revenue to pay for government operations, including salaries of local government officials and personnel.

However, the local legislator is more than a lawmaker. He or she “wears many hats” or in other words is expected to perform a variety of roles in the community – as a leader, overseer, facilitator and institution builder, among others.

The following tools are useful in understanding the individual roles and collective responsibilities of local legislators:

Tool 1 -	Self Analysis Checklist – Why Did I Become a Local Legislator?
Tool 2 -	Roles of a Local Legislator
Tool 3 -	Template: Oath of Office
Tool 4 -	Checklist: Duties of an Individual Sanggunian Member
Tool 5 -	Checklist: Desired Values and Skills of a Sanggunian Member
Tool 6 -	Composition of the Sanggunian
Tool 7 -	Checklist: Powers, Duties and Functions of the Sangguniang Panlalawigan
Tool 8 -	Checklist: Powers, Duties and Functions of the Sangguniang Panlungsod
Tool 9 -	Checklist: Powers, Duties and Functions of the Sangguniang Bayan
Tool 10 -	Checklist: Powers, Duties and Functions of the Sangguniang Barangay

Self Analysis Checklist - Why Did I Become a Local Legislator?

“I ran for public office so I can serve the people.” This is a common statement among elected public officials that means little unless the phrase “serving the people” is translated into specific, observable actions and behaviors. This self-analysis checklist can help local legislators understand themselves and how they want to be perceived as individual members of the sanggunian.⁷

Instructions: Check only the boxes that describe your self.

- 1. I like to determine strategies that will guide present and future actions to benefit my local government unit.
- 2. I like to generate political support for policies and proposals deemed beneficial to my constituents.
- 3. I like to choose from among policy alternatives which will provide the most benefit to my constituents.
- 4. I like to foster collective effort and manage interpersonal and intergroup conflict in the sanggunian and ensure that committee meetings are productive.
- 5. I like to make things possible, practical and easier for others to perform their roles and responsibilities.
- 6. I like to help others reach an agreeable solution when they have differing interests and needs.
- 7. I like to initiate and mobilize constituents in solving problems and undertaking community development activities and projects.
- 8. I like to undertake the task of revenue generation and allocation to benefit my constituents’ collective welfare and development.
- 9. I like to monitor that whatever is spent in the local government are consistent with the purpose for which they have been allocated.
- 10. I like to use my authority or position as a public official to benefit the LGU.

⁷ Adapted from United Nations Centre for Human Settlements, *Perspectives in Training Elected Leaders*, Nairobi, Kenya, 1992.

- 11. I like to ensure the continuity of work in the sanggunian despite changes in leadership as a result of elections and ensure the sanggunian staff has adequate capacities to provide technical support needed in legislative work.
- 12. I like to enhance the knowledge and skills, and orientations of my constituents for performing community problem-solving and community development activities and projects.
- 13. I like to review the performance of my local government unit and identify strengths and weaknesses as well as propose reforms and improvements.
- 14. I like to engender satisfaction among constituents and be willing to listen to their problems and concerns through face-to-face meetings and other consultative mechanisms.
- 15. I am committed to work on a broad and long-term program of action with other legislators in the sanggunian.
- 16. I like to be viewed as an asset to the government and the community and a model to the rest of the citizenry.
- 17. I like to engage in political discussion and if necessary negotiate with other politicians to settle conflicts and arrive at a consensus on policy decisions.

Tool 2

Roles of a Local Legislator

A local legislator is expected to perform multiple roles.⁸ These roles describe the desired values and skills of a local legislator.

1. **Policy Maker** – the extent to which the legislator determines strategies that will guide present and future actions to benefit the LGU.
2. **Policy Advocate** – the extent to which the legislator is able to generate political support for policies and proposals deemed beneficial to constituents.
3. **Decision Maker** – the extent to which the legislator is able to choose from among policy alternatives which will provide the most benefit to constituents.
4. **Facilitator** – the extent to which the legislator fosters collective effort, helps solve problems and ensures that committee meetings are productive, and manages interpersonal and intergroup conflict.
5. **Enabler** – the extent to which the legislator is able to make things possible, practical and easier for others to perform their roles and responsibilities.
6. **Negotiator** - the extent to which the legislator helps others reach an agreeable solution when they have differing interests and needs.
7. **Leader** – the extent to which the legislator initiates and mobilizes constituents in solving problems and undertaking community development activities and projects.
8. **Resource Mobilizer** – the extent to which the legislator undertakes the task of revenue generation and allocation and legitimizes spending for his/her constituents' collective welfare and development.

⁸ Ibid.

9. **Overseer** - the extent to which the legislator is able to monitor that whatever is spent in the local government are consistent with the purpose for which they have been allocated.
10. **Power Broker** – the extent to which the legislator uses his/her authority or position as a public official to benefit his/her constituents.
11. **Institution Builder** – the extent to which the legislator is able to ensure the continuity of work in the sanggunian despite changes in leadership as a result of elections and ensure the staff of the sanggunian have adequate capacities to provide technical support needed in legislative work.
12. **Educator** – the extent to which the legislator enhances the knowledge and skills, and orientations of his/her constituents for performing community problem-solving and community development activities and projects.
13. **Evaluator** – the extent to which the legislator is able to review the performance of the local government unit he/she belongs to and identify strengths and weaknesses as well as propose reforms and improvements.
14. **Grassroots Builder** – the extent to which the legislator engenders satisfaction among constituents that he/she is able and willing to listen to their problems and concerns through face-to-face meetings and other consultative mechanisms.
15. **Team Player** – the extent to which the legislator works with other legislators in the sanggunian committed to a broad and long term program of action.
16. **Exemplar** – the extent to which the legislator is viewed as an asset to the government and the community and a model to the rest of the citizenry.
17. **Politician** – the extent to which the legislator engages in “politics” which is essentially about “who gets what, when, and how” and enters into negotiations with other politicians to settle conflicts and arrive at a consensus on the goals and objectives of policy decisions.

On their first day on the job, sanggunian members take their individual oath of office. This oath embodies the principle of “a public office is a public trust.” It represents the local legislators’ acceptance of their duties as elected officials of the local government.

<p>Republic of the Philippines Province of _____ MUNICIPALITY OF _____</p> <p>OATH OF OFFICE</p> <p>I, _____ of _____, _____, having been elected to the position of <u>Sangguniang Bayan Member</u> hereby solemnly swear that I will well and faithfully discharge to the best of my ability the duties of my present position and of all others I may hereafter hold under the Republic of the Philippines; that I will support and defend the Constitution of the Philippines; that I will bear true faith and allegiance to the same; that I will obey the laws, legal orders and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion</p> <p>SO HELP ME GOD.</p> <p>_____</p> <p>(Name and Signature)</p> <p>SUBSCRIBED AND SWORN to before me this ___ th day of ____, 200____ at _____, Province of _____, Philippines, affiant exhibited to me his/her Community Tax Certificate No. _____ issued on _____, 200___ at _____, _____, Philippines.</p> <p>_____</p> <p>Administering Officer (Name and Signature)</p>
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Tool 4

Checklist: Duties of an Individual Sanggunian Member

It is the responsibility of the sanggunian member to perform the following duties:

- Make a full disclosure of his/her financial and business interests as required of him/her under Article 104, Rule XVII of the Rules and Regulations Implementing the Local Government Code of 1991
- Attend all regular and special sessions of the sanggunian
- Attend all hearings and meetings of committees of which he/she is a member
- Vote on every question or proposed measure being voted upon by the sanggunian
- Observe proper deportment and decorum during sessions
- Understand and observe the Internal Rules of Procedure of the sanggunian

Tool 5

Checklist: Desired Values and Skills of a Sanggunian Member

Following are the desired values and skills of a sanggunian member as follows:⁹

- Ability to actively and productively participate in sanggunian deliberations
- Ability to advocate for active and sustained participation of the citizenry in the decision-making process
- Ability to be sensitive to issues and concerns that are within the competence and authority of the sanggunian to resolve
- Ability to make a commitment to high legislative performance
- Have a thorough knowledge of the sanggunian Internal Rules of Procedure and parliamentary procedures
- Ability to express his/her thoughts and ideas in a clear manner
- Ability to be objective, fair and just
- A natural ability to relate to people

⁹ Institute of Local Government Studies, *Local Legislators Toolbox*, Manila, 1995.

Composition of the Sanggunian

Who are the members of the sanggunian? Knowing the answer to this question is important in preparing sanggunian members to work as a team. Article 93 of the Rules and Regulations Implementing the 1991 Local Government Code defines the composition of the sanggunian.

Composition of the Sanggunian of a Province, Municipality, City and Barangay	
Sangguniang Panlalawigan	<ul style="list-style-type: none"> ▪ Vice Governor as the Presiding Officer ▪ Regular Members * ▪ President of the Provincial Chapter of the League of Barangays ▪ President of the Provincial Federation of the Sangguniang Kabataan ▪ Three Sectoral Representatives **: one from the women; one from the workers; and one from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the sanggunian
Sangguniang Bayan/ Panlungsod	<ul style="list-style-type: none"> ▪ Vice Mayor as the Presiding Officer ▪ Regular Members * ▪ President of the Municipal/City Chapter of the League of Barangays ▪ President of the Municipal/City Federation of the Sangguniang Kabataan ▪ Three Sectoral Representatives: one from the women; one from the workers; and one from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the sanggunian
Sangguniang Barangay	<ul style="list-style-type: none"> ▪ Punong Barangay as the Presiding Officer ▪ Seven Regular Members ▪ Chairperson of the Sangguniang Kabataan

* Article 94 of the IRR of the 1991 LGC defines the manner of election and number of sanggunian members to be elected at the provincial, city and municipal levels.

** Congress has yet to enact an enabling law to determining the manner and date of election of sectoral representatives to the sanggunian.

Checklist: Powers, Duties and Functions of the Sangguniang Panlalawigan

Section 468 of the LGC defines the powers and duties of the sangguniang panlalawigan as follows:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:

- i. **Review city/municipal ordinances.** Review all ordinances approved by the sanggunian of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor;
- ii. **Maintain peace and order.** Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
- iii. **Impose appropriate penalties.** Approve ordinances imposing a fine not exceeding Five thousand pesos (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;
- iv. **Provide relief services.** Adopt measures to protect the inhabitants of the province from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters and calamities and their return to productive livelihood following said events;
- v. **Promote public order.** 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;

- vi. **Protect the environment.** Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- vii. **Define the duties of LGU officials.** Subject to the provisions of the LGC and pertinent laws, determine the powers and duties of officials and employees of the province;
- viii. **Provide compensation to LGU personnel.** Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the provincial government;
- ix. **Authorize payment of honoraria.** Authorize 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;
- x. **Ensure safety of government property.** Provide a mechanism and the appropriate funds therefore, 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 births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the provincial government; and
- xi. **Provide additional allowances to government personnel.** When the finances of the provincial government allow, provide 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.

(2) 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 LGC, with particular attention to agro-industrial development and country-wide growth and progress and relative thereto, shall:

- i. **Enact budgets.** Enact the annual and supplemental appropriations of the provincial government and appropriate funds for specific programs, projects, services and activities of the province, or for other purposes not contrary to law, in order to promote the general welfare of the province and its inhabitants;
- ii. **Levy taxes.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
- iii. **Authorize contracts for loans.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, authorize the provincial governor to negotiate and contract loans and other forms of indebtedness;
- iv. **Authorize bond floatation.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Panlalawigan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
- v. **Authorize lease of public buildings.** Appropriate funds for the construction and maintenance or the rental of buildings for the use of the province; and upon the majority vote of all the members of the Sangguniang Panlalawigan, authorize the provincial governor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
- vi. **Regulate use of property.** Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the province;
- vii. **Adopt a land use plan.** Review the comprehensive land use plans and zoning ordinances of component cities and municipalities and adopt a comprehensive provincial land use plan, subject to existing laws; and

(3) Adopt measures to enhance the full implementation of the national agrarian reform program in coordination with the Department of Agrarian Reform;

(4) Subject to the provisions of Book II of the LGC, grant franchises, approve the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the province, and pursuant to this legislative authority, shall:

- i. **Impose service fees** Fix and impose reasonable fees and charges for all services rendered by the provincial government to private persons or entities; and
- ii. **Fix license fees.** Regulate and fix the license fees for such activities as provided for under the LGC.

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of the LGC, and, in addition to said services and facilities, shall:

- i. **Preserve the ecosystem.** Adopt measures and safeguards against pollution and for the preservation of the natural ecosystem in the province, in consonance with approved standards on human settlements and environmental sanitation;
- ii. **Establish waterworks systems.** Subject to applicable laws, facilitate or provide for the establishment and maintenance of a waterworks system or district waterworks for supplying water to inhabitants of component cities and municipalities;
- iii. **Establish vocational and technical schools.** Subject to the availability of funds and to existing laws, rules and regulations, provide for the establishment and operation of vocational and technical schools and similar post-Secondary institutions; and, with the approval of the Department of Education, Culture and Sports and subject to existing laws on tuition fees, fix reasonable tuition fees and other school charges in educational institutions supported by the provincial government;
- iv. **Establish scholarship funds.** Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the province;

- v. **Adopt quarantine regulations.** Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction;
- vi. **Establish programs for disadvantaged persons and groups.** Provide for the 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; subject to availability of funds, establish and support the operation of centers and facilities for said needy and disadvantaged persons; and facilitate efforts to promote the welfare of families below the poverty threshold, the disadvantaged, and the exploited;
- vii. **Establish and maintain jails and detention centers.** Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners in the province;
- viii. **Establish council for the culture and arts.** Establish a provincial council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same;
- ix. **Establish council for the elderly.** Establish a provincial council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the province; and subject to the availability of funds, appropriate funds to support programs and projects for the elderly; and provide incentives for non- governmental agencies and entities to support the programs and projects of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Checklist: Powers, Duties and Functions of the Sangguniang Panlungsod

Section 458 of the LGC defines the powers and functions of the Sangguniang Panlungsod:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:

- i. **Review barangay ordinances and executive orders.** Review all ordinances approved by the Sangguniang Barangay and executive orders issued by the Punong Barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the Punong Barangay;
- ii. **Maintain peace and order.** Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
- iii. **Impose appropriate penalties.** Approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance;
- iv. **Provide relief services.** Adopt measures to protect the inhabitants of the city from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;
- v. **Promote public order.** 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 city;
- vi. **Protect the environment.** Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and

- other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- vii. **Define duties of LGU personnel.** Subject to the provisions of the LGC and pertinent laws, determine the powers and duties of officials and employees of the city;
 - viii. **Provide compensation to LGU personnel.** Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the city government;
 - ix. **Authorize payment of honoraria.** Authorize 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;
 - x. **Ensure safety of government property.** Provide a mechanism and the appropriate funds therefore, to ensure the safety and protection of all city government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the city government;
 - xi. **Provide additional allowances for government personnel.** When the finances of the city government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the city;
 - xii. **Provide legal assistance to barangay officials.** Provide legal assistance to Barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and
 - xiii. **Provide insurance coverage for barangay officials.** Provide for 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 city government allow said coverage;

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the city as provided for under section 18 of the LGC, with particular attention to agro-industrial development and city-wide growth and progress, and relative thereto, shall:

- i. **Enact budgets.** Approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the city, or for other purposes not contrary to law, in order to promote the general welfare of the city and its inhabitants;
- ii. **Levy taxes, fees and charges.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Panlungsod, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
- iii. **Authorize LGU contracts.** Subject to the provisions of Book II of the LGC and upon the majority vote of all the members of the Sangguniang Panlungsod, authorize the city mayor to negotiate and contract loans and other forms of indebtedness;
- iv. **Authorize bond floatation.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Panlungsod, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
- v. **Authorize lease of public buildings.** Appropriate funds for the construction and maintenance or the rental of buildings for the use of the city; and, upon the majority vote of all the members of the Sangguniang Panlungsod, authorize the city mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
- vi. **Regulate use of property.** Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city;

- vii. **Adopt a comprehensive land use plan** for the city: Provided, That in the case of component cities, the formulation, adoption or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
- viii. **Reclassify land** within the jurisdiction of the city, subject to the pertinent provisions of the LGC;
- ix. **Enact integrated zoning ordinances** in consonance with the approved comprehensive land use plan, subject to existing laws, rules and regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;
- x. **Approve subdivision plans.** Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and to collect processing fees and other charges, the proceeds of which shall accrue entirely to the city: Provided, however, That where approval of a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
- xi. **Grant privilege for fish pen construction.** Subject to the provisions of Book II of the LGC, grant the exclusive privilege of constructing 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 city waters;
- xii. **Grant incentives to local industries.** With the concurrence of at least two-thirds (2/3) of all the members of the Sangguniang Panlungsod, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of the LGC;
- xiii. **Grant loans or provide grants** to other local government units or to national, provincial, and city charitable, benevolent or educational institutions: Provided, That, said institutions are operated and maintained within the city;
- xiv. **Regulate the numbering of residential, commercial and other buildings;** and,
- xv. **Regulate the inspection, weighing and measuring of articles of commerce.**

(3) Subject to the provisions of Book II the LGC, enact ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city and pursuant to this legislative authority shall:

- a. **Impose service fees.** Fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities;
- b. **Regulate business.** Regulate or fix license fees for any business or practice of profession within the city and the conditions under which the license for said business or practice of profession may be revoked and enact ordinances levying taxes thereon;
- c. **Regulate use of public utilities.** Provide for and set the terms and conditions under which public utilities owned by the city shall be operated by the city government, and prescribe the conditions under which the same may be leased to private persons or entities, preferably cooperatives;
- d. **Fix license fees for signs and billboards.** Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
- e. **Regulate cockfighting activities.** Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;
- f. **Grant tricycle operation franchises.** Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the city;
- g. **Establish ferries, markets and slaughterhouses.** Upon approval by a majority vote of all the members of the Sangguniang Panlungsod: grant a franchise to any person, partnership, corporation, or cooperative to do business within the city; establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses; or undertake such other activities within the city as may be allowed by existing laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise.

(4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:

- i. **Declare, prevent or abate any nuisance;**
- ii. **Establish sanitation standards.** Require that buildings and the premises thereof and any land within the city be kept and maintained in a sanitary condition; impose penalties for any violation thereof; or, upon failure to comply with said requirement, have the work done at the expense of the owner, administrator or tenant concerned; or require the filling up of any land or premises to a grade necessary for proper sanitation;
- iii. **Regulate disposal of hospital wastes.** Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
- iv. **Regulate establishment of restaurants and lodging houses.** Regulate the establishment, operation and cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
- v. **Regulate sale of liquor.** Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
- vi. **Regulate establishment of heating devices.** Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the city;
- vii. **Regulate establishment of amusement facilities.** Regulate the establishment, operation, and maintenance of any entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places for entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;
- viii. **Provide for the impounding of stray animals;** regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals; and,

- ix. **Regulate establishment of funeral parlors.** Regulate the establishment, operation and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of the LGC, and in addition to said services and facilities, shall:

- i. **Establish watersheds and forest development projects.** Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects;
- ii. **Establish markets and slaughterhouses.** Establish markets, slaughterhouses or animal corrals and authorize the operation thereof by the city government; and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
- iii. **Establish marine structures.** Authorize the establishment, maintenance and operation by the city government of ferries, wharves, and other structures intended to accelerate productivity related to marine and seashore or offshore activities;
- iv. **Regulate sale of food and food products.** Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption;
- v. **Regulate the use of streets.** Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;
- vi. **Regulate traffic.** Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of

public welfare, authorize the removal of encroachments and illegal constructions in public places;

- vii. **Ensure adequate water supply.** Subject to existing laws, establish and provide for the maintenance, repair and operation of an efficient waterworks system to supply water for the inhabitants and to purify the source of the water supply; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the city and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water and fix and collect charges therefore;
- viii. **Regulate drilling and excavation activities.** Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;
- ix. **Regulate installation of telecommunications equipment.** Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and provide for the correction, condemnation or removal of the same when found to be dangerous, defective, or otherwise hazardous to the welfare of the inhabitants;
- x. **Establish vocational and technical schools.** Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-Secondary institutions and, with the approval of the Department of Education, Culture and Sports and subject to existing law on tuition fees, fix and collect reasonable tuition fees and other school charges in educational institutions supported by the city government;

- xi. **Establish scholarship funds.** Establish a scholarship fund for the poor but deserving students in schools located within its jurisdiction or for students residing within the city;
- xii. **Adopt quarantine regulations.** Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;
- xiii. **Establish a solid waste management program.** Provide for an efficient and effective system of solid waste and garbage collection and disposal; prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
- xiv. **Provide care for the disadvantaged groups.** Provide for the care of 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 eighteen (18) years of age; and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;
- xv. **Establish and maintain jails and detention centers.** Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management, and appropriate funds for the subsistence of detainees and convicted prisoners in the city;
- xvi. **Establish council for the culture and arts.** Establish a City council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and
- xvii. **Establish council for the elderly.** Establish a City council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Checklist: Powers, Duties and Functions of a Sangguniang Bayan

Section 447 of the LGC defines the powers and functions of the Sangguniang Bayan

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:

- i. **Review barangay ordinances and executive orders.** Review all ordinances approved by the Sangguniang Barangay and executive orders issued by the Punong Barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the Punong Barangay;
- ii. **Maintain peace and order.** Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
- iii. **Impose appropriate penalties.** Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;
- iv. **Provide relief services.** Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;
- v. **Promote public order.** 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 municipality;
- vi. **Protect the environment.** Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural

- resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;
- vii. **Define duties of LGU personnel.** Subject to the provisions of the LGC and pertinent laws, determine the powers and duties of officials and employees of the municipality;
 - viii. **Provide compensation to LGU personnel.** Determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;
 - ix. **Authorize payment of honoraria.** Authorize 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;
 - x. **Ensure safety of government property and records.** Provide a mechanism and the appropriate funds therefore, to ensure the safety and protection of all municipal government property, public documents, or records such as those relating to property inventory, land ownership, records of births, marriages, deaths, assessments, taxation, accounts, business permits, and such other records and documents of public interest in the offices and departments of the municipal government;
 - xi. **Provide additional allowances for government personnel.** When the finances of the municipal government allow, provide for additional allowances and other benefits to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality;
 - xii. **Provide legal assistance to barangay officials.** Provide for legal assistance to Barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action; and,
 - xiii. **Provide insurance coverage for barangay officials.** Provide for group insurance or additional insurance coverage for 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 said coverage.

(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of the LGC with particular attention to agro-industrial development and countryside growth and progress, and relative thereto, shall:

- i. **Enact budgets.** Approve the annual and supplemental budgets of the municipal government and appropriate funds for specific programs, projects, services and activities of the municipality, or for other purposes not contrary to law, in order to promote the general welfare of the municipality and its inhabitants;
- ii. **Levy taxes, fees and charges.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Bayan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;
- iii. **Authorize contract of loans.** Subject to the provisions of Book II of the LGC and upon the majority vote of all the members of the Sangguniang Bayan, authorize the municipal mayor to negotiate and contract loans and other forms of indebtedness;
- iv. **Authorize bond floatation.** Subject to the provisions of Book II of the LGC and applicable laws and upon the majority vote of all the members of the Sangguniang Bayan, enact ordinances authorizing the floating of bonds or other instruments of indebtedness, for the purpose of raising funds to finance development projects;
- v. **Authorize construction and lease of public buildings.** Appropriate funds for the construction and maintenance or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the Sangguniang Bayan, authorize the municipal mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;
- vi. **Regulate use of property.** Prescribe reasonable limits and restraints on the use of property within the jurisdiction of the municipality;
- vii. **Adopt a comprehensive land use plan.** Adopt a comprehensive land use plan for the municipality: Provided, That the formulation, adoption, or modification of said plan shall be in coordination with the approved provincial comprehensive land use plan;
- viii. **Reclassify use of land.** Reclassify land within the jurisdiction of the municipality, subject to the pertinent provisions of the LGC;
- ix. **Enact a zoning ordinance.** Enact integrated zoning ordinances in consonance with the approved comprehensive land use plan, subject to existing laws, rules and

regulations; establish fire limits or zones, particularly in populous centers; and regulate the construction, repair or modification of buildings within said fire limits or zones in accordance with the provisions of the Fire Code;

- x. **Approve subdivision plans.** Subject to national law, process and approve subdivision plans for residential, commercial, or industrial purposes and other development purposes, and collect processing fees and other charges, the proceeds of which shall accrue entirely to the municipality: Provided, however, That, where approval by a national agency or office is required, said approval shall not be withheld for more than thirty (30) days from receipt of the application. Failure to act on the application within the period stated above shall be deemed as approval thereof;
- xi. **Grant privilege for fish pen construction.** Subject to the provisions of Book II of the LGC, grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag or fry of any species or fish within the municipal waters;
- xii. **Provide tax incentives.** With the concurrence of at least two-thirds (2/3) of all the members of the Sangguniang Bayan, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, subject to the provisions of Chapter 5, Title I, Book II of the LGC;
- xiii. **Grant loans to charitable or educational institutions.** Grant loans or provide grants to other local government units or to national, provincial and municipal charitable, benevolent or educational institutions: Provided, That said institutions are operated and maintained within the municipality;
- xiv. **Regulate numbering of buildings.** Regulate the numbering of residential, commercial and other buildings; and,
- xv. **Regulate the inspection, weighing and measuring of articles of commerce.**

(3) Subject to the provisions of Book II of the LGC, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

- i. **Fix service fees.** Fix and impose reasonable fees and charges for all services rendered by the municipal government to private persons or entities;
- ii. **Regulate business.** Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;
- iii. **Determine terms for use or lease of public utilities.** Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities, preferably cooperatives;
- iv. **Fix license fees for signs and billboards.** Regulate the display of and fix the license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted;
- v. **Regulate cockfighting activities.** Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;
- vi. **Grant tricycle operation franchises.** Subject to the guidelines prescribed by the Department of Transportation and Communications, regulate the operation of tricycles and grant franchises for the operation thereof within the territorial jurisdiction of the municipality;
- vii. **Grant franchises to operate wharves, markets or slaughterhouses.** Upon approval by a majority vote of all the members of the Sangguniang Bayan, grant a franchise to any person, partnership, corporation, or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or such other similar activities within the municipality as may be allowed by applicable laws: Provided, That, cooperatives shall be given preference in the grant of such a franchise.

(4) Regulate activities relative to the use of land, buildings and structures within the municipality in order to promote the general welfare and for said purpose shall:

- i. **Declare, prevent or abate any nuisance;**
- ii. **Establish sanitation regulations.** Require that buildings and the premises thereof and any land within the municipality be kept and maintained in a sanitary condition;

- impose penalties for any violation thereof, or upon failure to comply with said requirement, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same; or require the filling up of any land or premises to a grade necessary for proper sanitation;
- iii. **Regulate disposal of hospital wastes.** Regulate the disposal of clinical and other wastes from hospitals, clinics and other similar establishments;
 - iv. **Regulate establishment of restaurants and lodging houses.** Regulate the establishment, operation and maintenance of cafes, restaurants, beerhouses, hotels, motels, inns, pension houses, lodging houses, and other similar establishments, including tourist guides and transports;
 - v. **Regulate the sale of liquor.** Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;
 - vi. **Regulate the establishment of heat devices.** Regulate the establishment and provide for the inspection of steam boilers or any heating device in buildings and the storage of inflammable and highly combustible materials within the municipality;
 - vii. **Regulate establishment and operation of amusement facilities.** Regulate the establishment, operation, and maintenance of entertainment or amusement facilities, including theatrical performances, circuses, billiard pools, public dancing schools, public dance halls, sauna baths, massage parlors, and other places of entertainment or amusement; regulate such other events or activities for amusement or entertainment, particularly those which tend to disturb the community or annoy the inhabitants, or require the suspension or suppression of the same; or, prohibit certain forms of amusement or entertainment in order to protect the social and moral welfare of the community;
 - viii. **Regulate the keeping, sale and disposition of animals.** Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals; and
 - ix. **Regulate establishment of funeral parlors.** Regulate the establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead, subject to existing laws, rules and regulations.

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of the LGC, and in addition to said services and facilities, shall:

- i. **Establish watersheds and forest development projects.** Provide for the establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects;
- ii. **Establish markets and slaughterhouses.** Establish markets, slaughterhouses or animal corrals and authorize the operation thereof, and regulate the construction and operation of private markets, talipapas or other similar buildings and structures;
- iii. **Authorize establishment of wharves and other marine structures.** Authorize the establishment, maintenance and operation of ferries, wharves, and other structures, and marine and seashore or offshore activities intended to accelerate productivity;
- iv. **Regulate food preparation and sale.** Regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption;
- v. **Regulate use of streets.** Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;
- vi. **Regulate traffic.** Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;
- vii. **Ensure adequate water supply.** Subject to existing laws, provide for the establishment, operation, maintenance, and repair of an efficient waterworks system to supply water for the inhabitants; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the municipality and, for this purpose, extend the coverage of

appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service; and regulate the consumption, use or wastage of water;

- viii. **Regulate public works.** Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; regulate the placing of poles and the use of crosswalks, curbs, and gutters; adopt measures to ensure public safety against open canals, manholes, live wires and other similar hazards to life and property; and, regulate the construction and use of private water closets, privies and other similar structures in buildings and homes;
- ix. **Regulate installation of gas, electric and telecommunication equipment.** Regulate the placing, stringing, attaching, installing, repair and construction of all gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus; and, provide for the correction, condemnation or removal of the same when found to be dangerous, defective or otherwise hazardous to the welfare of the inhabitants;
- x. **Establish vocational and technical schools.** Subject to the availability of funds and to existing laws, rules and regulations, establish and provide for the operation of vocational and technical schools and similar post-secondary institutions and, with the approval of the Department of Education, Culture and Sports, fix and collect reasonable fees and other school charges on said institutions, subject to existing laws on tuition fees;
- xi. **Establish scholarship funds.** Establish a scholarship fund for poor but deserving students residing within the municipality in schools located within its jurisdiction;
- xii. **Adopt quarantine regulations.** Approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;
- xiii. **Establish a solid waste management program.** Provide for an efficient and effective system of solid waste and garbage collection and disposal and prohibit littering and the placing or throwing of garbage, refuse and other filth and wastes;
- xiv. **Establish programs for the disadvantaged.** Provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of

age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

- xv. **Maintain jails and detention centers.** Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;
- xvi. **Establish council for culture and the arts.** Establish a municipal council whose purpose is the promotion of culture and the arts, coordinate with government agencies and non-governmental organizations and, subject to the availability of funds, appropriate funds for the support and development of the same; and
- xvii. **Establish council for the elderly.** Establish a municipal council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly; and

(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Checklist: Powers, Duties and Functions of the Sangguniang Barangay

Sections 391 and 392 of the LGC define the powers and functions of the sangguniang barangay as follows:

- (1) **Enact ordinances to promote the general welfare.** Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law or ordinance and to promote the general welfare of the inhabitants therein;
- (2) **Enact tax ordinances.** Enact tax and revenue ordinances, subject to the limitations imposed in the LGC;
- (3) **Enact budgets.** Enact annual and supplemental budgets in accordance with the provisions of the LGC;
- (4) **Construct and maintain barangay facilities.** Provide for the construction and maintenance of Barangay facilities and other public works projects chargeable to the general fund of the Barangay or such other funds actually available for the purpose;
- (5) **Recommend measures for barangay improvement.** Submit to the Sangguniang Panlungsod or Sangguniang Bayan such suggestions or recommendations as it may see fit for the improvement of the Barangay or for the welfare of the inhabitants thereof;
- (6) **Assist in establishment of cooperatives.** Assist in the establishment, organization, and promotion of cooperative enterprises that will improve the economic condition and well-being of the residents;
- (7) **Regulate use of barangay facilities.** Regulate the use of multi-purpose halls, multi- purpose pavements, grain or copra dryers, patios and other post-harvest facilities, Barangay waterworks, Barangay markets, parking areas or other similar facilities constructed with government funds within the jurisdiction of the Barangay and charge reasonable fees for the use thereof;
- (8) **Solicit funds for barangay public works.** Solicit or accept monies, materials and voluntary labor for specific public works and cooperative enterprises of the Barangay from residents, land owners, producers and merchants in the Barangay; monies from grants-in-aid, subsidies, contributions, and revenues made available to the Barangays from national, provincial, city or municipal funds; and monies from other private agencies and individuals: Provided, however, That monies or

properties donated by private agencies and individuals for specific purposes shall accrue to the Barangay as trust fund;

- (9) **Solicit financial and technical cooperation.** Solicit or accept, in any or all the foregoing public works and cooperative enterprises, such cooperation as is made available by national, provincial, city, or municipal agencies established by law to render financial, technical, and advisory assistance to Barangays and to Barangay residents: Provided, however, That in soliciting or accepting such cooperation, the Sangguniang Barangay need not pledge any sum of money for expenditure in excess of amounts currently in the Barangay treasury or encumbered for other purposes;
- (10) **Provide compensation and allowances of barangay government personnel.** Provide compensation, reasonable allowances or per diems as well as travel expenses for Sangguniang Barangay members and other Barangay officials, subject to the budgetary limitations prescribed under Title Five, Book II of the LGC: Provided, however, That no increase in the compensation or honoraria of the Sangguniang Barangay members shall take effect until after the expiration of the full term of all members of the Sangguniang Barangay approving such increase;
- (11) **Hold fund raising activities.** Hold fund-raising activities for Barangay projects without the need of securing permits from any national or local office or agency. The proceeds from such activities shall be tax-exempt and shall accrue to the general fund of the Barangay: Provided, That in the appropriation thereof, the specific purpose for which such fund-raising activity has been held shall be first satisfied: Provided, further, That no fund-raising activities shall be held within a period of sixty(60) days immediately preceding and after a national or local election, recall, referendum, or plebiscite: Provided, finally, That said fund-raising activities shall comply with national policy standards and regulations on morals, health, and safety of the persons participating therein. The Sangguniang Barangay, through the Punong Barangay, shall render a public accounting of the funds raised at the completion of the project for which the fund-raising activity was under- taken;
- (12) **Authorize the contracting of loans.** Authorize the Punong Barangay to enter into contracts in behalf of the Barangay, subject to the provisions of the LGC;
- (13) **Authorize purchases.** Authorize the Barangay treasurer to make direct purchases in an amount not exceeding One thousand pesos (P1,000.00) at any one time for the ordinary and essential administrative needs of the Barangay;

- (14) **Prescribe fines.** Prescribe fines in amounts not exceeding One thousand pesos (P1,000.00) for violation of Barangay ordinances;
- (15) **Provide for the administrative needs of the Lupong Tagapamayapa and the pangkat ng tagapagkasundo;**
- (16) **Organize barangay tanods.** Provide for the organization of community brigades, Barangay tanod, or community service units as may be necessary;
- (17) **Organize barangay assemblies.** Organize regular lectures, programs, or fora on community problems such as sanitation, nutrition, literacy, and drug abuse, and convene assemblies to encourage citizen participation in government;
- (18) **Prevent proliferation of squatters and mendicants.** Adopt measures to prevent and control the proliferation of squatters and mendicants in the Barangay;
- (19) **Provide for the proper development and welfare of children** in the Barangay by promoting and supporting activities for the protection and total development of children, particularly those below seven (7) years of age;
- (20) **Adopt measures towards the prevention and eradication of drug abuse, child abuse, and juvenile delinquency;**
- (21) **Initiate the establishment of a Barangay high school,** whenever feasible, in accordance with law;
- (22) **Provide for the establishment of a non-formal education center** in the Barangay whenever feasible, in coordination with the Department of Education, Culture and Sports, ;
- (23) **Provide for the delivery of basic services;** and
- (24) **Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.**

In addition to their duties as members of the Sangguniang Barangay, Sangguniang Barangay members may:

- (1) Assist the Punong Barangay in the discharge of his/her duties and functions;
- (2) Act as peace officers in the maintenance of public order and safety; and
- (3) Perform such other duties and functions as the Punong Barangay may delegate.

B. CHOOSING THE LEGISLATIVE LEADERSHIP

The following questions are basic to any organization, especially a sanggunian with a public mandate:

- Who will provide leadership to the sanggunian so it can attain its objectives?
- How does the sanggunian choose its leaders?
- What qualities should these leaders have?

The leadership of the sanggunian is composed of:

1. **The Presiding Officer** - the one who presides over the session or meeting of the sanggunian.
2. **The Presiding Officer Pro-Tempore** – the one who presides over the session in the absence of the presiding officer.
3. **The Floor Leader** – the one who manages floor deliberations in large legislative bodies particularly where there is a majority party and a minority party.
4. **The Secretary to the Sanggunian** – the one who provides technical and management support to the sanggunian members. He or she is not an elected official, but his/her role is essential to the legislative organization.

The 1991 Local Government Code prescribes the role of the **Presiding Officer** to the:

- The **Vice Governor** for the sangguniang panlalawigan;
- The **Vice Mayor** for the sangguniang bayan and sangguniang panlungsod; and
- The **Punong Barangay** for the sangguniang barangay.

Sanggunian officers are expected to provide leadership and guidance to accomplish the work of the sanggunian, and to enforce order in the sanggunian. Except for the secretary to the sanggunian, they are chosen from among the elected members of the sanggunian.

The following tools are useful in choosing legislative leaders:

Tool 1 -	Checklist: Powers and Duties of a Presiding Officer
Tool 2 -	Checklist: Qualities of a Good Presiding Officer

Checklist: Powers and Duties of a Presiding Officer

A presiding officer has the following powers and duties:

- Preside over the session of the sanggunian
- Preserve order and decorum during sessions and in case of disturbance or disorderly conduct in the session hall or within the premises, take measures as he/she may deem advisable or as the sanggunian may direct
- Decide all questions of order, subject to appeal of any sanggunian member in accordance with the internal rules of procedure
- Sign all acts, ordinances, resolutions, memorials, writs issued by, or upon order of the sanggunian
- Exercise such other powers and perform such other functions as may be provided by law, ordinance or regulation

The powers of the presiding officer are limited as follows:

- He/she can vote only to break a tie.
- He/she can be elected as chairperson of any special committee.
- He/she cannot be elected as chairperson of any standing committee.
- He/she cannot relinquish the chair to participate in the deliberation of the body. **

* * The Vice Governor/Vice Mayor is not a “regular member” or an “ex-officio” member of the sanggunian. Thus, he/she cannot relinquish the Chair in order to participate in the deliberation of the body.

Checklist: Qualities of a Good Presiding Officer

A good presiding officer must have the following desired qualities:

Able to implement the internal rules of procedure of the sanggunian

Able to use parliamentary procedures well to ensure orderly and productive conduct of business during a session

Able to provide leadership during deliberations and guide members towards decision-making

Able to steer the members to engage in productive discussion and debate

Able to exercise objectivity, fairness and justice

Able to ensure that all members get information necessary for them to make legislative decisions

Able to provide opportunities for staff to enhance their knowledge and skills to provide efficient legislative support.

C. ADOPTING THE INTERNAL RULES OF PROCEDURE

Order is essential to the successful conduct of business of deliberative bodies. For the sanggunian, order can be achieved by implementing a set of rules agreed upon by all members, known as the Internal Rules of Procedure. These rules allow for the orderly conduct of deliberations as well as formulation and approval of decisions. These rules enable sanggunian members to articulate their thoughts, reconcile conflicts and differences, determine the will of the majority, and take action.

Internal Rules of Procedures (IRP)

- A “document containing a set of procedural rules that governs the orderly transaction of business and defining the duties and responsibilities of the officers during the conduct of meetings.”¹⁰
- Must be adopted by the sanggunian in the first regular session following the election of the members of the sanggunian and within 90 days thereafter.

There are five principles to consider in the implementation of the IRP. These are 1) courtesy and justice to all, 2) consider one topic at a time, 3) the majority rules, 4) the minority has a right to be heard, and 5) fairness to all and partiality to no one.

An important element of the IRP is parliamentary procedure or the manner of conducting business in a deliberative body. It ensures orderly discussion and decision-making in the sanggunian through the use of motion. A **motion** refers to a proposal of a member of the sanggunian for consideration of the body. To understand the types of motions and how to use them, the sanggunian may use as reference Reverendo Dihan’s *Handbook on Local Legislation* (1998). The following tools can guide the sanggunian in its task of preparing and adopting its IRP.

Tool 1 -	Template: Internal Rules of Procedure
Tool 2 -	Template: Resolution Adopting the IRP
Tool 3 -	Checklist: Minimum Contents of the IRP

¹⁰ Reverendo Dihan. *Handbook on Local Legislation, Revised Edition*. Manila: MaryJo Publishing Inc. 1998.

The template contains descriptive section headings which the sanggunian may use as a guide in developing its own set of internal rules of procedure.

RULE I – MEMBERSHIP

- Section 1. Composition
- Section 2. Term of Office
- Section 3. Oath or Affirmation

RULE II – DUTIES AND RESPONSIBILITIES OF INDIVIDUAL MEMBERS

- Section 4. Duties and Responsibilities of Individual Members

RULE IV – THE PRESIDING OFFICER

- Section 5. The Presiding Officer and Limitations on the His/Her Power
- Section 6. Powers and Duties of the Presiding Officer

RULE V – THE SECRETARY

- Section 7. Appointment and Compensation
- Section 8. Powers and Duties of the Secretary

RULE VI – REGULAR AND SPECIAL SESSIONS

- Section 9. Regular Sessions
- Section 10. Special Sessions
- Section 11. Committee Hearings and Meetings
- Section 12. Attendance in Session/Committee Meeting/Hearing
- Section 13. Call to Order
- Section 14. Open to Public
- Section 15. Suspension and Adjournment of Session
- Section 16. Quorum
- Section 17. Absence of Quorum
- Section 18. Motion to Adjourn

RULE VII – COMMITTEES

- Section 19. Standing Committees
- Section 20. Limitations
- Section 21. Special Committees
- Section 22. Vacancy
- Section 23. Committee Meetings or Hearings
- Section 25. Committee Reports
- Section 26. Period to Report

RULE VIII – ORDER AND CALENDAR OF BUSINESS

- Section 27. Order of Business
- Section 28. Calendar of Business
- Section 29. Calendaring of the Minutes
- Section 30. Distribution of Calendar

RULE IX – THE LEGISLATIVE PROCESS

- Section 31. Ordinances and Resolutions Distinguished
- Section 32. Content and Form of Ordinances and Resolutions
- Section 33. First Reading
- Section 34. Second Reading and Debate
- Section 35. Five-Minute Rule
- Section 36. Approval of Measure on Second Reading
- Section 37. Third Reading
- Section 38. Approval of Resolutions
- Section 39. Voting
- Section 40. Special Provision on the Budget Ordinance
- Section 41. Approval by the LCE
- Section 42. Veto Override
- Section 43. Review by the Sanggunian Panlalawigan
- Section 44. Enforcement of Disapproved Measures
- Section 45. Effectivity of Enactment

RULE X – DECORUM AND DEBATE

- Section 46. Decorum Defined
- Section 47. Rules of Decorum
- Section 48. Rules in Asking Questions
- Section 49. Call to Order
- Section 50. Discipline of Members
- Section 51. Absence in the Session Hall

RULE XI – VOTING AND MOTIONS

- Section 52. A Tie on an Appeal
- Section 53. Who May Move
- Section 54. Recording of Motions
- Section 55. Reading and Withdrawal of Motions
- Section 56. Precedence of Motions
- Section 57. Amendments
- Section 58. Prohibitions on Riders
- Section 59. Motion to Cover One Subject Matter
- Section 60. Question of Privilege
- Section 61. Privileged Questions

RULE XII – SUSPENSION OF THE RULES

- Section 62. Who Can Move for Suspension
- Section 63. Vote Requirement
- Section 64. Interruption of Motion
- Section 65. Effect of Suspension

RULE XIII – MISCELLANEOUS PROVISIONS

- Section 66. Render of Duty at Office

RULE XIV – AMENDMENTS

- Section 66. Amendments

RULE XV – PENALTIES

- Section 68. Penalties for Violations of Rules
- Section 69. Collection of Penalties

RULE XVI – EFFECTIVITY

- Section 70. Effectivity of the Rules

Template: Resolution Adopting the Internal Rules of Procedure

Republic of the Philippines

Province of _____

Municipality of _____

Sangguniang Bayan

RESOLUTION NO. ____

Series of 200__

ADOPTING THE INTERNAL RULES OF PROCEDURES OF
THE SANGGUNIANG BAYAN OF _____

WHEREAS, the Sangguniang Bayan of _____ is a legislative body duly organized pursuant to law for the enactment of ordinances and the adoption of resolutions for the governance of the municipality of _____.

WHEREAS, Article 103 of the Rules and Regulations Implementing the Local Government Code of 1991 provides that local legislative bodies have the inherent right and obligation of adopting its own rules of procedure for the proper discharge of legislative functions;

WHEREAS, in the maintenance of good order and pursuant to its legislative functions, it is necessary that specific rules be adopted and enforced in its deliberations in the interest of effective legislation;

NOW THEREFORE, on motion of Hon. _____, duly seconded by _____ Hon. _____, the body RESOLVED as it hereby RESOLVED to adopt the following Rules and Regulations to govern its deliberations.

ADOPTED this __ day of _____, 200__.

I hereby certify to the correctness of the foregoing resolution.

Secretary to the Sanggunian

Attested:

Vice Mayor/Presiding Officer

Checklist: Minimum Contents of the IRP

Article 103 of the Rules and Regulations Implementing the 1991 LGC defines the minimum requirements of the Internal Rules of Procedure.

- Organization of the sanggunian and election of its officers
- Creation of committees, which shall include but not limited to the committees on:
 - appropriation
 - women and family
 - human rights
 - youth and sports development
 - environmental protection
 - cooperatives
 - barangay affairs
- Order and calendar of business
- The Legislative Process
- Parliamentary procedures and conduct of members during sessions
- The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they maybe:
 - censured
 - reprimanded, or
 - excluded from the session,
 - suspended for not more than sixty (60) days, provided the penalty is approved by at least two-thirds vote of all sanggunian members; or
 - expelled, provided the penalty is approved by at least two-thirds vote of all sanggunian members.

D. ORGANIZING THE COMMITTEES

To get work done in an efficient and timely manner, the sanggunian must organize itself into work groups or committees.

Legislative Committee

- is a group tasked by the body or assembly to consider, or investigate, or take action in regard to, certain matters or subjects of public interest.

Standing or Permanent Committees

- are “tasked or assigned a continuing function and usually remain ‘standing’ or existing co-terminus with the life of the body that created them” ¹¹
- are created for the purpose of:
 - ordinance or resolution sponsorship
 - undertaking public hearings on proposed measures in aid of legislation
 - legislative review and referrals.

Special or *Ad-hoc* Committees

- are created to perform an *ad-hoc* or specific task that does not fall within the jurisdiction of a standing committee
- cease to exist upon completion of its assigned task.

The following tools can be used to guide the sanggunian in organizing its committees:

Tool 1 -	Functions, Structure and Composition of Committees
Tool 2 -	Guide Questions for Organizing Sanggunian Committees
Tool 3 -	Basic Standing Committees and Their Functions

¹¹ Dihan, *ibid.*

Functions, Structure and Composition of Committees

In organizing the sanggunian committee system, the following points are important to consider:

1. Functions

- The functions of committees are determined by the areas of legislation or concerns of the sanggunian, e.g. environment and natural resources, women and family.
- A committee is required to perform legislative work pertinent to a particular field or issue. The jurisdiction of each committee must be defined in the IRP to ensure an efficient legislative process.

2. Structure and Composition

- The number and composition of committees of a sanggunian may be determined on the basis of policy areas defined in 1991 LGC pertaining to duties and functions of the sanggunian or by local law, e.g. the Naga Empowerment Ordinance mandates the representation of the Naga People's Council in the standing committees of the sanggunian.
- A standing committee is usually composed of a chair, vice chair and members; and has usually no more than five members.
- The sanggunian may appoint the chair of the committees, either directly or indirectly through its presiding officer.
- Generally, only elected sanggunian members compose the standing committee. In the case of the Sangguniang Panlungsod of Naga, standing committees have two representatives, one from the association of barangays and another from the Naga People's Council, with voice and vote.
- Membership in committees is best determined based on the expertise and interests of local legislators.
- Membership in committees may be limited to a certain number to allow sanggunian members to attend to their committee duties in an efficient manner, e.g. a member is allowed to chair no more than two standing committees, or to be a member of no more than three standing committees.

Guide Questions for Organizing Sanggunian Committees

Rules pertaining to committees must be defined in the Internal Rules of Procedure to ensure an efficient and responsive legislative process. The following questions can help the sanggunian determine the structure, composition, function, size and responsibilities of its committees.

- 1) How many committees does the sanggunian need?
- 2) What are the areas of legislative concern of the sanggunian?
- 3) What are the powers and responsibilities of each standing committee?
- 4) How many members including the chair and vice chair should each committee have?
- 5) What are the duties of a committee chair? Of a committee vice chair? Of committee members?
- 6) What is the basis for selecting the chair of the committee? Should the body elect the chair? Should the Presiding Officer appoint the chair?
- 7) What are the duties and responsibilities of committee members? What sanctions should apply to committee members who do not perform their duties?
- 8) How often should the committees meet? How often should committee hearings be held? Where should committees meet?
- 9) When should committee reports be submitted? Should committees be discharged to report out measures referred to it after a specified period for study has lapsed?
- 10) How can committees ensure the attendance and active participation of civil society organizations in committee hearings? Are committee meetings and committee hearings sufficient to get the participation of civil society in the legislative process?

Basic Standing Committees and Their Functions

The 1993 national survey results of the Bureau of Local Government Supervision of the Department of Interior and Local Government identified 14 basic standing committees and their jurisdiction which are common to many sanggunian at various levels.¹²

Committee	Functions
Rules	All matters relating to the Order of Business, the implementation of national laws and enforcement of local ordinances, revision and interpretation of the sanggunian Internal Rules of Procedure; codification of local ordinances; committees and their jurisdiction; and privileges and disorderly conduct of the members of the sanggunian.
Ways and Means	All matters relating to taxes, fees, charges, loans; study and revision of tax measures; and generation of other sources and forms of revenue from both public and private sectors, including codification of revenue ordinances.
Appropriations	All matters relating to the approval of the budget, appropriation of funds or payment of obligations; determination of compensation of personnel; reorganization of local offices; allocation of funds for projects and other services.
Education, Culture and Sports	All matters relating to education and culture, i.e. local schools, colleges and universities, libraries and museums, non formal and community adult education; scientific and technological research; development and advancement, preservation and enrichment of Filipino arts and culture; promotion and protection of the youth's physical, moral, spiritual, intellectual, and social well being; inculcation of patriotism and nationalism among the youth and their involvement in public and civic affairs; and all other related matters.

¹² Institute of Local Government Studies, *Ibid.*

Committee	Functions
Environment and Natural Resources	All matters relating to environmental protection, exploration, development, utilization and conservation of natural resources, including flora and fauna; and beautification, cleaning and greening of parks and places of public interest.
Health and Sanitation	All matters relating to health, sanitation and hygiene; health centers, medical hospitals and clinics; purchase of medicine and other health and sanitary measures.
Public Order and Safety	All matters relating to police matters, maintenance of peace and order, protective services, traffic rules and regulations, fire prevention and control measures, jail management, human rights and disaster preparedness.
Food and Agriculture	All matters relating to agriculture, food production and agri-business, agricultural education and extension services; animal industry and livestock quarantine, farm credits; fisheries and aquatic resource preservation and development of fishing grounds; and construction of fish ponds, corrals, oyster beds, and regulatory measures thereto.
Labor and Employment	All matters relating to labor disputes and conciliation, labor employment and human resource development, maintenance of industrial peace and promotion of employee-employer cooperation, labor education, standards and statistics, organization of labor market, including recruitment, training and placement of workers for employment, human resource promotion and development of labor-intensive technology.
Transportation and Communications	All matters relating to the regulation of tricycles and the granting of franchises; construction, maintenance, repair, operation and management of public transportation utilities and other conveyances for hire; establishment of vehicle stops, terminals and garages; land water and air transportation concerns; telecommunication and power services.

Committee	Functions
Public Works and Infrastructure	All matters relating to planning, construction, maintenance, improvement, repair of public edifices; drainage, sewerage, flood control and protection; irrigation and water utilities; encroachments and illegal construction in public places.
Women and Family	All matters relating to women's rights including girl/child rights, protection and welfare of women and family, measures to protect working women by providing safe and healthful working conditions, taking into account their reproductive functions, and such facilities and opportunities that will enhance their welfare and potentials; measures to protect the rights of spouses and children including assistance for proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other forms of conditions prejudicial to their development; measures to protect the rights of families to participate in the planning and implementation of policies and programs that affect them; and other assistance that will safeguard the development of women and family.
Social Welfare and Community Development	All matters relating to public and social welfare and ameliorative services; public social services for the disadvantaged groups in the society including the elderly, the disabled, street children, drug dependents, criminal offenders and squatters.
Tourism, Trade and Industry	All matters relating to the promotion, establishment and operation of all kinds of trade and industry, including tourism and cooperatives development and other economic enterprises; inspection, weighing and measuring of articles of commerce; consumer protection; accreditation of nongovernmental organizations and people's organizations.

E. SETTING UP THE OFFICE OF THE SECRETARY

Imagine a sanggunian without a secretary or staff. Who will take the minutes of sessions? Who will prepare documents needed in the session? Who will assist members in drafting ordinances? Who will invite participants to the committee hearing? Who will ensure that ordinances are transmitted to the local chief executive for action? All these things and more are the responsibilities of the secretary to the sanggunian.

The question is: must the secretary do all these things by himself/herself? The answer is “no” if the mission of the sanggunian is to produce effective local legislation. Hence, a critical step in getting the sanggunian organized is setting up the Office of the Secretary, which is a key factor to ensuring the efficiency of the legislative process.

The Office of the Secretary to the Sanggunian

- is composed of the secretary and staff responsible for providing technical and administrative services necessary in legislative work; and
- is headed by the secretary to the sanggunian who is appointed by the vice governor/vice mayor.

Ideally, the secretary to the sanggunian acts as a manager with a team of technical and administrative staff under his/her supervision to provide timely and relevant support to assist sanggunian members in performing their multiple roles.

The following tools can help the sanggunian in setting up the Office of the Secretary:

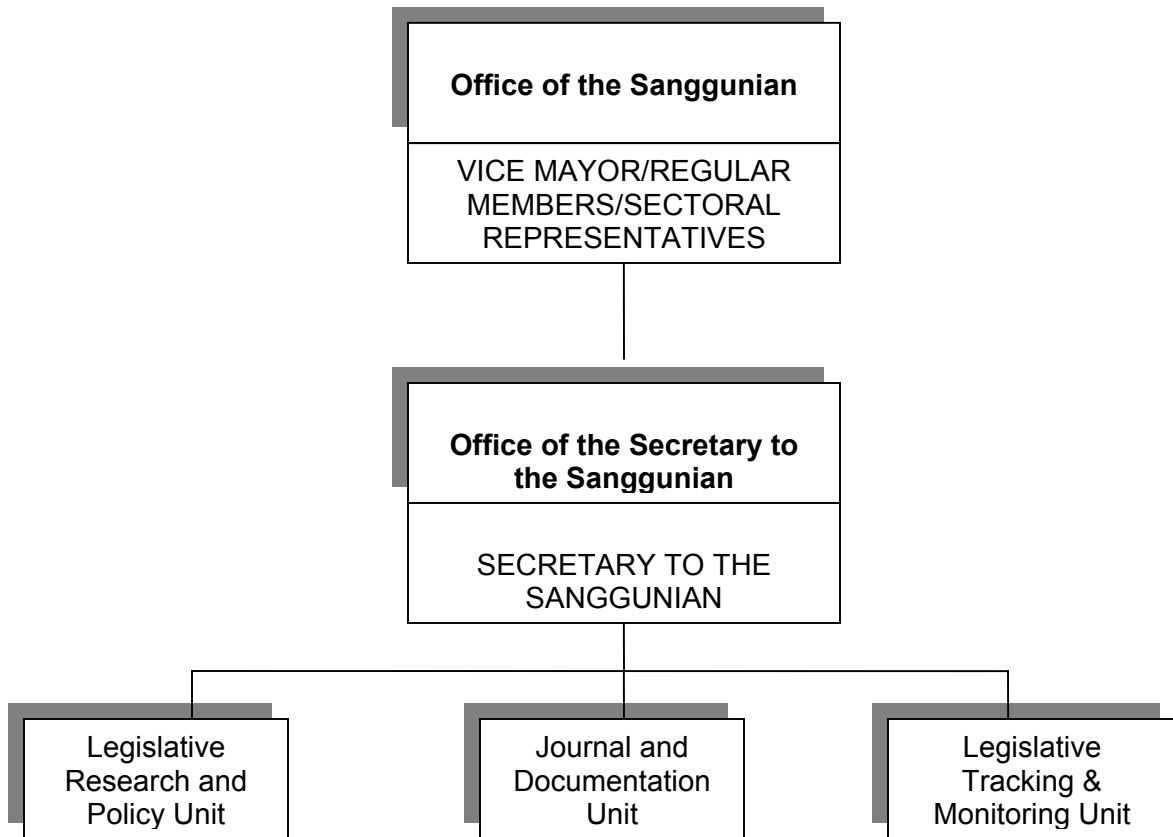
Tool 1 -	Checklist: Duties of the Secretary to the Sanggunian
Tool 2 -	Sample Organizational Chart of the Sanggunian

Checklist: Duties of a Secretary to the Sanggunian

Section 469 of the 1991 LGC defines the powers and duties of the secretary to the sanggunian.

- Attend meetings of the sanggunian and keep a journal of its proceedings
- Keep the seal of the local government unit and affix the same with his/her signature to all ordinances, resolutions, and other official acts of the sanggunian and present the same to the presiding officer for his/her signature
- Forward to the governor or mayor, as the case may be, for approval, copies of ordinances enacted by the sanggunian and duly certified by the presiding officer
- Forward to the sanggunian panlungsod or bayan concerned, in the case of the Sangguniang Barangay, and to the Sangguniang Panlalawigan concerned, in the case of the Sangguniang Panlungsod of component cities or Sangguniang Bayan, copies of duly approved ordinances
- Furnish, upon request of any interested party, certified copies of records of public character in his custody, upon payment to the treasurer of such fees as may be prescribed by ordinance
- Record in a book kept for the purpose, all ordinances and resolutions enacted or adopted by the sanggunian, with the dates of passage and publication thereof
- Keep his/her office and all non-confidential records therein open to the public during the usual business hours
- Translate into the dialect used by the majority of the inhabitants all ordinances and resolutions immediately after their approval, and cause the publication of the same together with the original version in the manner provided under the LGC
- Take custody of the local archives and, where applicable, the local library and annually account for the same

Tool 2
Sample Organizational Chart of the Sanggunian



In the sample organizational chart, the Office of the Secretary has three operating units:

1. **Legislative Research and Policy Unit** – provides technical support to the sanggunian and its committees in formulating draft legislative measures and codification of ordinances. Staff should have knowledge and skills in problem solving, policy analysis, research and ordinance drafting. Ideally, they have background in economics, community development, political science, public administration, public finance and other social science disciplines.

2. **Journal and Documentation Unit** – documents, publishes and keeps the record of the proceedings of sessions including committee hearings and meetings of the sanggunian and prepares legislative information materials for the public.

3. **Legislative Tracking and Monitoring Unit** – records, monitors and keeps track of legislative measures being considered by the sanggunian including their implementation by executive agencies. The staff is responsible for recording of titles of legislative proposals filed and adopted and preparing reports on the status of implementation of ordinances enacted. Ideally, the staff has training or background in information technology or computer systems as they are responsible for operating and maintaining the computerized legislative tracking system of the sanggunian.

F. SETTING UP THE LEGISLATIVE-EXECUTIVE COORDINATING COUNCIL

The success of local government programs largely depends on two factors:

- the ordinance formulated to provide the legal basis for policy implementation, and
- the implementation of the policy or ordinance.

These factors highlight the two interrelated roles of the legislative body and the local chief executive – legislation and policy implementation. One branch cannot function without the other. Strong coordination and cooperation between the two branches is essential for the local government to function well.

The Local Legislative-Executive Development Advisory Coordinating Council or LLEDAC

- is an advisory body or mechanism for regular coordination, consultation and cooperation between the legislative and executive branches of the LGU.
- is a strategy for institutionalizing legislative-executive collaboration in all areas of local governance: formulation of the local development plan, formulation of the ELA and the LA, budgeting, policy formulation, policy implementation, policy evaluation, service delivery and public consultation.
- is a mechanism for monitoring and evaluating the attainment of LGU development priorities towards a common vision for the locality.

The LLEDAC should be organized immediately at the start of the term of the new set of elected officials. This means the LLEDAC is already functioning when the ELA team convenes. Otherwise, the formation of the LLEDAC may spin off or result from the ELA formulation process that LGUs are enjoined to produce at the start of the term of elected officials.

The LLEDAC is composed of representatives from the legislative and executive branches and is usually chaired by the LCE. It may also include representatives from **civil society** and the **private sector** to ensure people's participation in local governance.

The following tools may be employed by the sanggunian to initiate the creation of the LLEDAC:

Tool 1 -	LLEDAC Areas of Concern
Tool 2 -	Steps in Creating the LLEDAC
Tool 3 -	Sample LLEDAC Ordinance
Tool 4 -	Template: LLEDAC Rules of Procedure

The LLEDAC promotes and strengthens legislative-executive partnership in local governance, particularly in the performance of the following tasks and functions:

1. Formulation of the Local Development Plan

The LLEDAC can assist the Local Development Council in determining and recommending socio-economic development goals and policies that will guide the formulation and implementation of the local development plan. As necessary, it may be convened to review socio-economic developments.

2. Formulation of the ELA and the LA

The LLEDAC may be convened to identify and recommend policy priorities for the ELA team to consider in formulating the ELA and the LA which are subject to stakeholder consultations.

3. Approval of legislative measures

The LLEDAC may recommend legislative measures that need to be certified as priority measures by the LCE such as those in the ELA, including measures that respond to special situations or circumstances, e.g. calamities, which may not have been included in either in ELA or LA.

4. Implementation and evaluation of ordinances

The LLEDAC can be a venue for checking when and how ordinances enacted by the sanggunian are being implemented. It may also recommend amendments to ordinances or changes to implementing rules and regulations to improve effectiveness of programs being implemented. To do this, the LLEDAC may conduct or initiate studies to assess the effects of LGU programs on the constituents.

5. Preparation and approval of the local budget

The LLEDAC may recommend the basis for allocating the budget and reviews the executive budget before it undergoes approval by the sanggunian. It also studies and evaluates requests for supplemental budgets to be enacted by the sanggunian.

6. Consultation with the public or constituents

To ensure the participation of the communities in local government affairs, the LLEDAC may conduct joint legislative-executive public or stakeholder consultations. This way the people sees a common and united front working towards the attainment of the LGU vision for development.

Tool 2 **Steps in Creating the LLEDAC**

The following steps are suggested in creating a LLEDAC in the LGU:

Step 1. Request the creation of the LLEDAC

The sanggunian thru the Vice Governor/Vice Mayor presents a resolution requesting the LCE to create a legislative-executive mechanism for regular coordination.

Step 2. Draft the ordinance

The sanggunian appoints members or a committee to draft the ordinance defining the structure and functions of the LLEDAC.

Step 3. Secure LCE Support

The sanggunian thru the Vice Governor/Vice Mayor presents the draft LLEDAC ordinance to the LCE to get the latter's comments and support. At this juncture, the sanggunian may also seek the support of the Planning and Development Officer as the focal person for development priorities and programs.

Step 4. Adopt and approve the ordinance

The sanggunian adopts the LLEDAC ordinance and submits it to the LCE for approval.

Step 5. Adopt rules of procedure for LLEDAC

The LCE appoints a team composed of members from the legislative and executive branches to draft the rules of procedure to be adopted by the LLEDAC.

Sample Ordinance Creating the LLEDAC

Republic of the Philippines
Province of Capiz
Office of the Sangguniang Panlalawigan

ORDINANCE NO. 20

Series of 2003

**CREATING THE LOCAL LEGISLATIVE-EXECUTIVE DEVELOPMENT
ADVISORY COUNCIL (LLEDAC) OF THE PROVINCE OF CAPIZ**

WHEREAS, strong legislative-executive relations is key to effective and efficient formulation and implementation of policies promoting the public welfare,

WHEREAS, there is a need to institutionalize regular coordination and cooperation among the Local Chief Executive, the Sangguniang Panlalawigan and the various offices under them,

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlalawigan in SESSION ASSEMBLED, that:

Section 1. This ordinance shall be known as the “An Ordinance Creating the Local Legislative-Executive Development Advisory Council (LLEDAC) of the Province of Capiz.”

Section 2. The provisions of this ordinance shall govern the creation of the Local Legislative-Executive Development Advisory Council of the Province of Capiz.

Section 3. Composition. The Council shall be composed of the following: the Governor as Chairperson; the Vice Governor as Co-Chairperson; and all regular and ex-officio members of the Sangguniang Panlalawigan; all department heads, including the SP Secretary; and all heads of the national government agencies in the

province as members. ***(Note: The LLEDAC may also include representatives from civil society organizations and the private sector to ensure broader citizen participation in local governance.)***

There shall be an Executive Committee composed of the Governor as Chair, the Vice Governor as Co-Chair and five ((5) members. The Chair shall appoint two (2) members. The three (3) members shall be elected by the Sanggunian from among its members. The Provincial Planning and Development Officer shall act as the Secretary to the Council.

Section 4. Functions

- a. To determine and recommend socio-economic development goals and policies which shall guide the formulation and implementation of the Provincial Development Plan;
- b. To recommend to the Executive appropriate and necessary measures requiring enactment by Sangguniang Panlalawigan;
- c. To review the relationship of the legislative agenda to the executive agenda to ensure the integration of both;
- d. To receive and in appropriate cases, require reports on and study measures to improve the implementation of development assistance from multilateral and bilateral entities;
- e. To monitor the implementation by the Executive of all resolutions and ordinances, approved by the Sangguniang Panlalawigan;
- f. To assess the effect or impact of approved measures on the citizens and others concerned, and
- g. To report and recommend to proper officials or agencies the result of their work and such measures it feels necessary and imperative to be undertaken.

Section 5. Meetings. The Council shall meet on the first Monday of every quarter. Each member shall be duly notified of the time and place before the meeting. The Executive Committee shall meet every first Wednesday of the month.

Section 6. Effectivity. This ordinance shall take effect 15 days upon its approval.

ENACTED UNANIMOUSLY: 25 November 2003.

I hereby certify to the correctness of the foregoing Ordinance No. 20, Series of 2003.

(Sgd.) ZOE G. HERRERA, JR.
Secretary to the Sangguniang Panlalawigan

ATTESTED:

(Sgd.) VICTOR A. TANCO
Vice Governor
Presiding Officer

APPROVED:

(Sgd.) VICENTE B. BERMEJO
Governor

RULE I ROLE AND FUNCTIONS OF THE LLEDAC

- Section 1. The role of the Local Legislative-Executive Development Advisory Council, hereinafter referred to as LLEDAC, shall be provided by existing ordinances and/or executive orders, specifically by Ordinance No. xxx “Creating the Local Legislative-Executive Development Advisory Council of the Municipality of xxx”.
- Section 2. The LLEDAC shall be an advisory and consultative body to the Local Chief Executive and the Sangguniang Bayan on various socio-economic issues and concerns to ensure consistency in coordinating executive and legislative development planning and budgeting, and formulation and implementation of priority local policies.
- Section 3. The LLEDAC shall have the following functions:
- a. To determine and recommend socio-economic development goals and policies which shall guide the formulation and implementation of the municipal development plan.
 - b. To ensure the convergence of the legislative agenda and the executive-legislative agenda in attaining a common vision for the municipality.
 - c. To receive and in appropriate cases, require reports on and study measures to improve the implementation of development assistance from multilateral and bilateral entities.
 - d. To monitor the implementation by the executive of all resolutions and ordinances approved by the sanggunian.
 - e. To assess the effect or impact of approved measures on citizens and others concerned.
 - f. To report and recommend to proper officials or agencies the result of their work and such measures it feels necessary and imperative to be undertaken.

RULE II COMPOSITION

- Section 4. The LLEDAC shall be composed of the Mayor as Chairperson; the Vice

Mayor as Co-Chairperson; and all regular and ex-officio members of the Sangguniang Bayan; all department heads, including the SP Secretary; and all heads of the national government agencies in the municipality as members.

Section 5. There shall be an Executive Committee composed of the Mayor as Chair, the Vice Mayor as Co-Chair and five ((5) members. The Chair shall appoint two (2) members. The three (3) members shall be elected by the Sanggunian from among its members. The Municipal Planning and Development Officer shall act as the Secretary to the LLEDAC.

RULE III DEFINITION OF TERMS

Section 6. Legislative Agenda (LA) – It is a package of priority legislative measures to support local development priorities, particularly those contained in the Executive-Legislative Agenda.

Section 7. Executive-Legislative Agenda (ELA) – It is an integrated plan that contains the major development thrusts and priorities of both the executive and legislative branches towards a common vision for the locality. The items for inclusion in the ELA are proposed and decided in the LLEDAC based on the results of public or stakeholder consultations.

RULE IV DUTIES AND RESPONSIBILITIES OF LLEDAC MEMBERS

Section 8. Every member shall attend all meetings of the LLEDAC unless he/she is prevented from doing so by reason of sickness or other unavoidable circumstances provided that, as a general rule, previous notice thereto shall be sent to the LLEDAC thru the Presiding Officer or the Head of the Secretariat.

Section 9. As a general rule, every member is required to vote on every question or proposed matter being voted upon by the LLEDAC.

Section 10. Every member shall observe proper deportment and decorum during meetings.

RULE V MEETINGS OF THE LLEDAC

Section 11. The Presiding Officer – The Local Chief Executive as LLEDAC Chair

shall be the Presiding Officer of the LLEDAC and, as such, shall have the following rights and duties:

- a. To preside over the meetings of the LLEDAC.
- b. To exact from all the members present during the meetings proper deportment and decorum.
- c. To enforce the rules and procedures of the LLEDAC.
- d. To maintain order during meetings and render a ruling on questions of order, subject to appeal by the member concerned to the body for a final decision.
- e. To sign all LLEDAC documents and papers requiring his/her signature.
- f. To relinquish the Chair to the Vice-Chair, or to the latter's absence, to any member of the LLEDAC who shall act as "temporary presiding officer."
- g. To vote but only to break a tie.

Section 12. Quorum – A simple majority of all members of the LLEDAC shall constitute a quorum. In the absence of a quorum, the LLEDAC members present may discuss the items in the agenda and make the necessary recommendations for consideration in its next meeting.

Section 13. Schedule of regular meetings – The LLEDAC shall meet on the first Monday of every quarter. The Executive Committee shall meet on the first Wednesday of the month. The Members shall be duly notified of the time and place at least three (3) days before the meeting.

Section 14. Special meetings – The Chair shall convene the LLEDAC to such special meetings as may be necessary. Each member shall be notified of the date, time and place at least one day before the meeting.

Section 15. Venue – The meeting of the LLEDAC whether special or regular shall be held in Sanggunian Bayan Session Hall unless otherwise specified by the Chairperson.

Section 16. Decisions and resolutions – The decisions of the LLEDAC shall be made through the concurrence of a majority of the members constituting a quorum.

Section 17. Minutes of the meeting – The minutes of the meeting shall be prepared by the LLEDAC Secretariat.

RULE VI ORDER OF BUSINESS

Section 18. The Order of Business of the LLEDAC shall be as follows:

- a. Call to Order
- b. Roll Call
- c. Reading and consideration of previous minutes
- d. Cluster Reports
- e. Agenda
 - Unfinished Business
 - Business for the Day
 - New Business
- f. Announcements
- j. Adjournment

Section 19. The Agenda shall contain the following:

- a. Unfinished Business – refers to a list of items that have been left unacted upon, postponed or left unfinished during the previous meeting.
- b. Business for the Day – refers to a list of items for discussion/decision of the body.
- c. New Business – refers to a list of new items that arise during the meeting

RULE VII LLEDAC CLUSTERS

Section 20. Creation of clusters – The LLEDAC may form clusters or committees as may be needed based on related sectoral or policy concerns.

Section 21. Membership – A committee shall consist of the sanggunian committee chair whose jurisdiction is related to the concerned LLEDAC cluster, his/her counterpart in the executive department, and other members as may be defined by LLEDAC.

Section 22. Meetings – The clusters shall meet at least once a month.

RULE VIII LLEDAC SECRETARIAT

Section 23. The Office of the Secretary to the Sanggunian shall serve as the principal secretariat of the LLEDAC.

- Section 24. The Secretariat shall have the following duties and responsibilities:
- a. Provide technical and administrative support to the LLEDAC and its subcommittees, if any;
 - b. Determine and prepare the agenda for and minutes of the LLEDAC meetings;
 - c. Receive and prepare communications pertinent to the work of the LLEDAC;
 - d. Manage and maintain the official records of the LLEDAC;
 - e. Prepare the annual budget of the LLEDAC;
 - f. Prepare reports as required by the LLEDAC; and
 - g. Perform other duties as may be assigned by the LLEDAC.

RULE IX RELATIONSHIP WITH THE SANGGUNIAN, LOCAL DEVELOPMENT COUNCILS AND RELEVANT LOCAL BODIES

Section 25. The LLEDAC shall be an advisory body to the Local Chief Executive. In performing its tasks, it shall coordinate with the Sangguniang Bayan, the Local Development Councils, the Local Special Bodies, and other existing advisory bodies on socio-economic development both in the executive and the legislative branches.

Section 26. The LLEDAC may call on any government agency or private institution or resource person for assistance.

RULE X PRIORITY CONCERNS

Section 27. The LLEDAC shall give special attention to measures which will:

- a. Actively involve private sector, nongovernmental groups and people's organizations in the process of socio-economic development planning by local government entities and special bodies, as well as in monitoring the implementation of development projects;
- b. Bring about effective coordination and integration of priority development programs and projects especially those requiring enabling legislation, in consonance with the formulation of the ELA and within the constraints of the municipal budget;
- c. Accelerate the study and formulation of projects which will answer priority needs of the constituents for livelihood and social services, and

which may be funded from local revenue and/or grants and concessional loans from external sources;

d. Hasten the utilization of grants and loans for priority development projects and programs while also improving the efficiency of project implementation; and

e. Recommend the strengthening of mechanisms such as the Project Monitoring Committee of the Local Development Council for monitoring the implementation of development projects and programs and for promoting efficiency, economy and transparency.

RULE XI AMENDMENTS

Section 28. This Rules of Procedure may be amended at any regular meeting by two-thirds vote of all the members of the LLEDAC, provided that prior notice of such proposed amendments is given to all members of the LLEDAC, and provided further that no provision herein which is based on, or prescribed by, existing laws shall be amended.

RULE XII EFFECTIVITY

Section 29. These rules and procedures shall take effect upon approval.

PART THREE

THE SANGGUNIAN AT WORK: THE LOCAL LEGISLATION CYCLE

The work of the sanggunian, or what is referred to in this toolkit as the local legislation cycle, involves more than just the approval of ordinances and resolutions. It involves other participatory and knowledge-intensive tasks that require gathering and analyzing data from elected leaders, LGU personnel and civil society leaders of the community at various stages that form a cycle. This section provides tools in performing the major tasks related to the four phases of the local legislation cycle:

- **Formulating the Legislative Agenda**
- **Crafting Ordinances and Resolutions**
- **Enacting Ordinances and Codes of Ordinances**
- **Evaluating the Implementation of Ordinances**

A. FORMULATING THE LEGISLATIVE AGENDA

A key indicator of effective local legislation is the capacity of local legislators to analyze the problems and concerns of the community, aggregate these, and focus efforts to address them in the context of available resources of the community towards local development. This is essentially what formulating a legislative agenda is about.

A legislative agenda (LA)

- is a package of priority legislative measures designed to support local development priorities, particularly those defined in the executive-legislative agenda (ELA).
- serves as the road map to guide the sanggunian in identifying, analyzing and formulating solutions to problems and issues requiring public policy action.
- is a list of prioritized ordinances and resolutions for enactment during a specified period, usually three years, contributing to the attainment of the LGU vision and mission.

The LA is a tool for fulfilling the sanggunian members' mandate as elected representatives of the people and is useful for:

- **organizing** and **prioritizing** the work of the sanggunian
- ensuring **convergence** of the LA and ELA
- setting clear performance **targets** of the sanggunian
- **educating** the people on the work of the sanggunian
- **assessing** the performance of the sanggunian.

The LA may be prepared as soon as the newly-elected officials assume office. As mentioned in Part One, *the LA process may be undertaken as a joint executive-legislative activity through the ELA team or as a separate, parallel activity to the ELA process*. In either case, the ELA and LA process converges at Step 7 described below where legislative measures or requirements are identified to ensure support for the implementation of LGU priorities.

Following are the suggested steps in undertaking a participatory LA process:

- Step 1. Organizing the LA team
- Step 2. Identifying and prioritizing issues
- Step 3. Consulting with stakeholders
- Step 4. Revisiting the LGU Vision and Mission
- Step 5. Formulating goals and objectives
- Step 6. Prioritizing programs and projects
- Step 7. Determining legislative requirements
- Step 8. Identifying legislative capacity development needs
- Step 9. Building commitment
- Step 10. Adopting the LA and preparing action plans
- Step 11. Popularizing the LA
- Step 12. Managing the LA

The following tools may be used in formulating and managing the LA:

Tool 1 -	LA Process vis-à-vis the ELA Process
Tool 2 -	Sample LA Team Structure
Tool 3 -	Sample Format of Priority Legislative Measures
Tool 4 -	Template: The Legislative Agenda
Tool 5 -	Checklist: Criteria of a Good LA
Tool 6 -	Sample Resolution Adopting the LA
Tool 7 -	Guide to Developing the LA Advocacy Brochure
Tool 8 -	Sample Format of the LA Calendar of Activities

Step 1: Organizing the LA Team

The first step in the LA process is to organize an LA team to work on the details of the LA. In organizing the team, the sanggunian has to decide whether the LA team will work jointly with the executive through the ELA team or separately but parallel to the ELA team.

As illustrated in Tool 1, **Steps 1 to 7 of the LA process can be undertaken jointly with the executive through the ELA team or parallel to the ELA team.** The LA process and ELA process converges at Step 7 at which stage priority legislative measures are identified and mutually agreed upon by the executive and legislative branches to support priority development thrusts. The LA process departs from the ELA process at Step 7 at which point the LA team conducts its own planning and advocacy for the LA. ¹³

Tool 1
LA Process vis-à-vis ELA Process

LA PROCESS		ELA PROCESS	
Step 1	Organizing the LA Team	Step 1	Planning to Plan
Step 2	Identifying and Prioritizing Issues	Step 2	Prioritizing Issues
Step 3	Consulting with Stakeholders	Step 3	Consulting with Stakeholders
Step 4	Formulating or Revisiting the Vision & Mission	Step 4	Defining/Revisiting the Vision & Mission
Step 5	Formulating Goals and Objectives	Step 5	Formulating Goals and Objectives
Step 6	Prioritizing Programs and Projects	Step 6	Prioritizing Programs and Projects and Capacity Development Needs
Step 7	Determining Legislative Requirements	Step 7	Determining Legislative Requirements
Step 8	Identifying Legislative Capacity Development Needs	Step 8	Building Commitment
Step 9	Building Commitment	Step 9	Securing Endorsement and Approval
Step 10	Adopting the LA and Preparing Action Plans	Step 10	Moving the ELA to Action
Step 11	Popularizing the LA	Step 11	Popularizing the ELA
Step 12	Managing the LA	Step 12	Managing and Sustaining ELA

¹³ LGSP and LGA, *How to Formulate an Executive-Legislative Agenda for Local Governance and Development*, 2004.

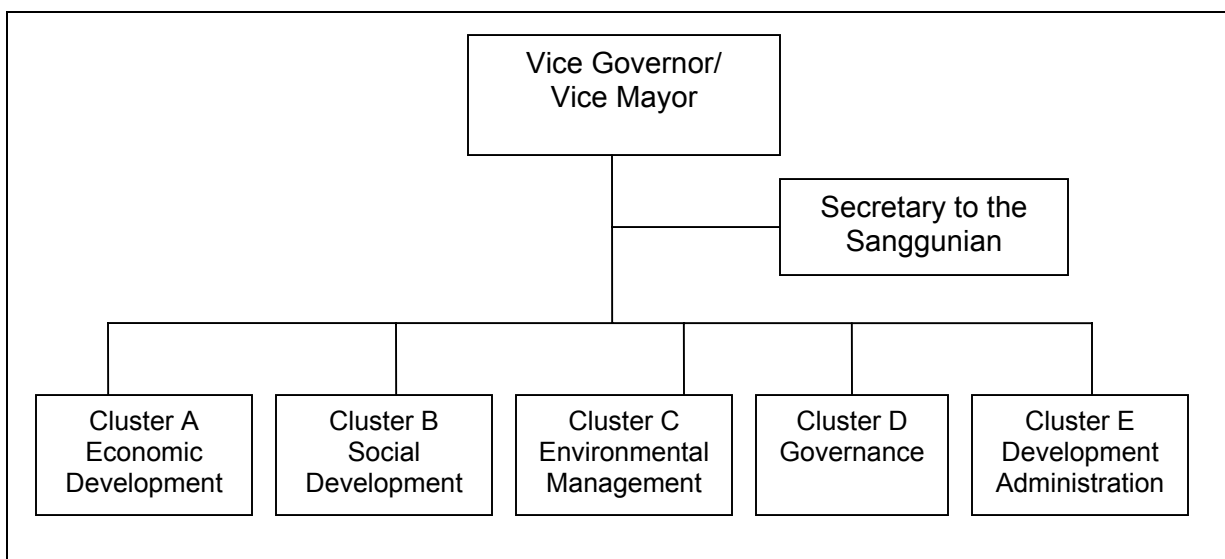
Sample LA Team Structure

If the formulation of the LA is to be undertaken as a separate, parallel activity to the ELA, the individuals chosen to serve as members of the LA team should have the necessary knowledge, analytical and advocacy skills and right attitude to help push the LA process forward. It is suggested that the LA team be composed of eight to ten members to include the:

- vice governor/vice mayor
- secretary to the sanggunian
- selected members of the sanggunian.

The LA team may include other stakeholders that may be identified by the sanggunian as strategic partners for LA implementation such as representatives from the Local Development Council, CSOs and the private sector in the LGU.

Members are grouped according to development themes or clusters: economic development, social development, environmental management, governance and development administration to ensure an integrated development approach to the LA process. Clustering intends to divide the work of gathering and analyzing data necessary for prioritizing issues. A prototype structure is provided below.



Step 2. Identifying and prioritizing issues

The first immediate task of the LA team is to conduct an assessment of the local situation.

The assessment begins with the study of the following existing LGU plans and documents:

1. Powers, Duties and Functions of the Sanggunian in the 1991 LGC
2. Mandates from national laws or republic acts
3. Presidential and administrative issuances
4. Minimum Basic Needs data
5. Comprehensive Land Use Plan
6. Comprehensive Development Plan
7. Local Poverty Reduction Action Plan
8. Executive Agenda or program of action of the past administration
9. Legislative Agenda of previous sanggunian

The result of the study is usually a long list of needs and problems in the LGU, which needs to be prioritized using participatory tools and techniques. To make the list manageable, the issues can be clustered according to development themes derived from the Comprehensive Development Plan (CDP) and the Local Governance Performance Management System (LGPMS):

- a) Social development
- b) Economic development
- c) Environmental management
- d) Governance
- e) Development Administration

It is suggested that the LA team adopt the tools and techniques described in Steps 2 to 7 of the ELA process, which can be found in the following resources:

- **LGSP and LGA, *How to Formulate an Executive-Legislative Agenda for Local Governance and Development, A Manual*, pp. 26-46.**
- **LGSP and LGA, *How to Formulate an Executive-Legislative Agenda for Local Governance and Development, A Facilitator's Guide*, pp. 14-50.**

Step 3. Consulting with stakeholders

The initial list of priority issues and concerns needs to be validated with a cross-section of LGU stakeholders. Validation may be done by holding consultations with the:

- f) Local Development Council
- g) Heads of administrative departments or local executives
- h) National agency representatives in the LGU
- i) Civil society leaders from the private sector, NGOs and POs

Consultation with stakeholders is important at this stage:

- j) To ensure the accuracy of the identified needs and concerns
- k) To build stakeholder support and ownership of the LA
- l) To generate ideas on possible programs and projects to address identified issues
- m) To generate ideas on relevant policies and legislative measures to address identified issues.

Step 4. Formulating or Revisiting the LGU Vision and Mission

The next task is to revisit the vision and mission statement of the LGU. If none exists, it is imperative to define the vision and mission of the LGU. Revisiting the LGU vision and mission will provide the LA team with the strategic perspective necessary in formulating the LA. The following questions can guide the LA team:

- What do you want your LGU to become? (vision)
- What is your LGU trying to accomplish and for its people? How is your LGU going to attain its purpose? (mission)
- Does the vision remain valid in expressing the general aspirations of the LGU?
- Does the mission translate the LGU vision in concrete and measurable terms?
- Does the initial list of priorities contribute to the attainment of the VMO?

Step 5. Formulating goals and objectives

Goals and objectives translate the LGU's mission into more concrete and measurable terms. They are statements of desired results. Goals are long-term results while objectives are immediate results that LGUs can attain. For example:

- Goal: To provide access to affordable and clean water for all households in the LGU.
- Objective 1: To install a potable water supply system in each barangay.
- Objective 2: To rehabilitate 50% of the existing water supply network in the municipality.

Step 6. Prioritizing programs and projects and capacity development needs

Goals and objectives can make an impact on the lives of the people in the LGU only if they are translated into programs and projects. Many programs and projects are pursued with the best of intentions, but not necessarily the most appropriate and responsive to the issues and problems they sought to address. In this case, there is need to “sift” through the initial short list of priority issues and concerns identified in Step 2 and the corresponding ideas for policies, ordinances, programs and projects generated from multi-sectoral consultations conducted in Step 3.

The following parameters can be used, together with tools and techniques (e.g. SWOT analysis, stakeholder analysis, etc.) described in the ELA Manual Facilitator's Guide to prioritize programs and projects.

1. **Impact and Relevance.** Will the program/project directly contribute to the LGU's vision and mission?
2. **Timeframe.** Can the program/project be implemented within the term of the LCE and the sanggunian?
3. **Resource constraints.** Can the program/project be implemented immediately given existing organizational and financial resources, technology, information, etc.?
4. **Acceptability.** Is the program/project acceptable to key stakeholders? Is there resistance from influential groups?
5. **Contribution to shared goals of cross-cutting development themes.** Does the program/project reduce poverty? Promote gender equality? Protect the environment?

Promote accountability and transparency among LGU officials? Promote peace and unity? Engage the citizens to actively participate in local governance?

To implement the LA effectively, the sanggunian needs a set of competencies and institutional arrangements that comprise its organizational capacity. The role of the LA team is to identify interventions needed to develop the required capacities, which are priority areas subsumed under the strategic thrust of Development Administration. Interventions for capacity development of the sanggunian may require developing or enhancing:

- knowledge, skills and attitudes (e.g. drafting ordinances, policy analysis, codification of ordinances, preparing issue or policy briefs, etc.)
- structures (e.g. creating a legislative research and policy unit in the sanggunian)
- systems and procedures (e.g. installation of a computerized legislative tracking system)
- policies (e.g. creating a Local Legislative-Executive Development Advisory Coordinating Council)
- logistical needs (e.g. acquisition of computers for the sanggunian, legal reference books, budget for xx number of committee hearings and committee meetings)

In identifying capacity development needs specific to the sanggunian, the LA team may use the **Capacity GAP Analysis Matrix** in the ELA Manual, p.49.

Step 7. Determining legislative requirements

Most programs and projects require ordinances and resolutions before they can be implemented by executive agencies. At this stage, it is imperative to identify which among the items in the list of priority programs and projects require legislative action in the form of ordinances and resolutions.

Adopting Step 7 of the ELA process, the steps in determining legislative requirements are as follows: (See Tool 3 for sample format of the output):

1. Identify LGU development thrusts and strategic directions.
2. Examine each of the strategic thrusts and actions (i.e. goals and objectives, programs, projects, policies) and identify policy/legislative gaps.
3. Identify areas requiring policy/legislative gaps.
4. Draw up a list of priority policy/legislative measures.

Sample Format of Priority Legislative Measures

Strategic Thrust/Policy	Priority Programs/Projects	Needed Legislative Measures	When Needed
1. Development Administration <i>A more self-reliant LGU</i>	Revenue Generation Program	Updating of the Revenue Code	July – Dec 2004
2. Economic Development <i>A more vibrant local economy</i>	Local Investment Program	Review and amendment of the Investment Code	Sept – March 2000

Step 8. Drafting the LA

In drafting the LA, the LA team needs to put together the highlights of the various outputs from Step 2 to 7. Tool 4 provides a template of an LA which has the following elements:

1. Title and Period Covered
2. LGU Vision and Mission Statement
3. Statement of Goals and Objectives
4. Strategic development thrusts
5. Priority Programs and Projects
6. Needed Legislative Measures
7. Purpose (i.e. state purpose of each legislative measure)
8. When Needed (i.e. state month and year ordinance/resolution will be adopted)
9. Committee Responsible (i.e. identify the sanggunian committee which will take the lead for crafting the ordinance or resolution)

LEGISLATIVE AGENDA OF THE MUNICIPALITY OF _____

For the Year 2004 - 2007

LGU Vision:

LGU Mission:

Goals and Objectives:

- 1.
- 2.
- 3.

Strategic Thrusts	Priority Programs & Projects	Needed Legislative Measures	Purpose	When Needed	Responsible Committee
Social Development					
Economic Development					
Environmental Management					
Governance					
Development Administration					

Step 9: Mobilizing support of stakeholders

The LA needs to be legitimized to accord it greater acceptability and validity. Thus, the next step is for the sanggunian to present the draft LA in a multi-sectoral consultation. This involves soliciting the support and commitment of stakeholders from civil society.

The role of the LA team is to gather the comments and suggestions of participants to the public consultation and use these to revise the LA before it is adopted by the sanggunian. After revising the LA, use Tool 5 as a final checklist to determine if indeed you have formulated a good LA.

Tool 5

Checklist: Criteria of a Good LA

Supports the ELA of the LGU
Consistent with the vision, mission and objectives of the LGU
Doable within the sanggunian's term
Promotes the cross-cutting development themes of poverty reduction, gender equality, environmental protection, peace and unity, accountability/transparency and citizen participation.
Backed by support and commitment of all members of the sanggunian
Considers the views, opinions and perspectives of civil society
Congruent to the goals and objectives of the sanggunian
Benefits the constituents, not a selected group of people
Balances interests of various stakeholders in the LGU
Developed using sufficient research data
Conforms to legal and technical specifications

Step 10. Adopting the LA

This step involves the finalization of the LA into the Sanggunian's roadmap or blueprint for LGU development through a resolution. The sanggunian should be unanimous in adopting a resolution to implement the LA within its term. By adopting a resolution, the sanggunian declares its sincerity and commitment to give flesh and spirit to the LA by translating it into responsive legislative measures.

Tool 6

Sample Resolution Adopting the LA

Republic of the Philippines
Province of Capiz
Municipality of Sigma
Office of the Sangguniang Bayan

RESOLUTION NO. 18
Series of 2003

ADOPTING THE LEGISLATIVE AGENDA OF
THE SANGGUNIANG BAYAN OF _____

WHEREAS, through the various programs and projects of the Philippines-Canada Local Government Support Program (LGSP), the municipal officials of the Municipality of Sigma were able to formulate the Executive Agenda and the Legislative Agenda covering the period 2002-2004 and the Municipal Capacity Development Plan for the same period;

WHEREAS, the Executive Agenda sets the municipal government's work plan and major thrusts for the next three years and provides an explicit expression of the present administration's goal, objectives, strategic priorities and programs it will be implementing, as well as its expenditure priorities based on the municipality's Vision and Mission;

WHEREAS, the formulation of the Legislative Agenda is one of the priority capacity development requirements identified under the Municipal Capacity Development Plan that qualified for LGSP assistance;

WHEREAS, the Legislative Agenda of this Sangguniang Bayan is supportive of the Executive Agenda and it is an expression and testament of genuine concern for the welfare of every Sigmahanon;

WHEREAS, the Executive Agenda and Legislative Agenda combined together is this administration's sincere invitation to all its constituents and resource institutions to be its proactive partners in progress.

NOW THEREFORE, this body in session assembled,

RESOLVED, to adopt as it hereby adopts the Legislative Agenda of the Sangguniang Bayan of the Municipality of Sigma.

RESOLVED FURTHER, that copies of this resolution be furnished all parties concerned for their information.

CARRIED.: 19 February 2003.

I hereby certify to the correctness of the foregoing resolution which was duly adopted by the Sangguniang Bayan during its Regular Session on February 19, 2003.

(Sgd) GIOVANNI J. JARENCIO
Secretary to the Sanggunian

Attested:

(Sgd.)HON. LEMUEL A. DE PEDRO
Vice Mayor/Presiding Officer

Approved:

(Sgd.)HON. ROBERTO R. SUALOG
Municipal Mayor

Step 11. Popularizing the LA

The LA can be the sanggunian’s advocacy tool. It can be used by the sanggunian to get the community aware, interested and involved in translating the LA into ordinances. It can also serve as a marketing tool which the sanggunian can use to orient visitors and possible donors and investors in the LGU. This can be done by producing copies of the LA in brochure form which can be understood and appreciated by the constituents.

Tool 7

Guide to Developing the LA Advocacy Brochure

Parts	Content
1. Cover Page	<ul style="list-style-type: none">• Seal of the Municipality• Name of the Sangguniang Bayan• Title of Document: “Legislative Agenda of the Sangguniang Bayan of ____, 2004-2007”• Date of Adoption of LA
2. Table of Contents	
3. Introduction	<ul style="list-style-type: none">• Message from the Vice Mayor/Vice Governor on what the LA is about, its relation to the ELA and its role in the development of the LGU. The message may advocate for the support of the community for the LA.• List the names of Members of the Sanggunian. Include photos if possible.• List of members of the standing committees.• Municipal Base Map and Location Map• General Profile of the LGU
4. Legislative Agenda	<ul style="list-style-type: none">• LGU Vision and Mission Statement• Statement of Goals and Objectives• The LA
5. Appendices	<ul style="list-style-type: none">• Resolution Adopting the LA• Photo gallery
6. Back Cover Page	<ul style="list-style-type: none">• Contact details for requesting information about the LA

Step 12. Managing the LA

The LA will remain a vision for the LGU if it is not translated into ordinances. The legislative agenda has to be managed so it will produce desired outputs. This involves preparing an action plan or calendar of activities to translate the LA into a working document particularly for the committees tasked to study proposed legislative measures. It can also be used by the Presiding Officer and the secretary to the sanggunian in tracking the progress of the implementation of the LA on an annual basis. Below is a sample format of the LA calendar of activities.

Tool 8

Sample Format of the LA Calendar of Activities

Sangguniang Bayan of _____
Legislative Agenda Calendar of Activities for CY 2004

Date	Activity	Purpose	Committee
June 7	Committee meeting	Formulate amendments to the Revenue Code	Committee on Ways and Means
June 7-11	Committee hearing	Consult stakeholders on the proposed Investment Incentives Code	Committee on Trade and Industry
June 14	Regular session	Consideration of Committee Report on the Proposed Ordinance Creating a Gender and Development Council	Committee on Women and Family Relations

B. CRAFTING ORDINANCES AND RESOLUTIONS

After the sanggunian has formulated the LA, the next step is to translate the LA into concrete ordinances and resolutions. At this stage of the local legislation cycle, it is time to “walk the talk.”

Crafting ordinances is essentially about giving substance or flesh and form to ideas. These ideas are generally about how to solve problems that affect the community and the search for lasting and effective solutions to community problems. They will remain ideas if they are not translated into ordinances. However, ideas need to be further analyzed and discussed before they can result into action. Viewed in this manner, a good ordinance requires two basic ingredients: 1) sound policy analysis and research, and 2) form.

Crafting ordinances may be done by the sanggunian member, secretary or staff of the sanggunian. It involves three major steps:

- Step 1. Identifying and analyzing the policy problem.
- Step 2. Gathering research-based information.
- Step 3. Drafting the ordinance.

A basic rule in crafting legislative measures is to know the difference between an ordinance and a resolution.

- A **resolution** is a legislative action of a temporary nature; a mere expression of the opinion or sentiment of the sanggunian on matters relating to proprietary function and to private concerns.
- An **ordinance** is a local law prescribing rules of conduct of a general, permanent nature. It continues to be in force until repealed or superseded by a subsequent enactment.

The following tools can help sanggunian in crafting ordinances and resolutions:

Tool 1 -	Steps in Fishbone Analysis
Tool 2 -	Sample Fishbone Analysis
Tool 3 -	Basic Research Methods
Tool 4 -	Elements of an Ordinance
Tool 5 -	Kinds of Ordinances
Tool 6 -	Sample Format of an Ordinance
Tool 7 -	Checklist: Requisites of a Valid Ordinance
Tool 8 -	Checklist: Grammar and Usage in Ordinance Drafting
Tool 9 -	A Final Checklist for Drafting Ordinances
Tool 10 -	Rules on Gender-Neutral Writing

Step 1. Identifying and analyzing the problem

Before writing the ordinance, it is essential for the drafter to be clear about what the problem is and about how he/she is supposed to solve it. This requires the drafter to define the policy problem by asking the following questions of the proponent:

- What end is to be achieved?
- What specific problems are involved?
- What is the magnitude and extent of the problem?
- What specific areas of existing ordinances or laws are unsound, inadequate or will be affected by addressing the problem?

This preliminary step to writing an ordinance is known as policy analysis or simply problem analysis. **Policy analysis** may be defined as a process of identifying the causes and effects of a problem, generating and prioritizing possible alternatives or solutions; and specifying which alternatives or options will bring about the maximum benefit or gain for the least cost. **Public policy**, on the other hand, generally refers to rules for action for addressing public problems and attaining societal goals. They are statements of intent – what government intends to do about a matter of public interest. Public policy comes in several forms depending on which institution of government makes it. These are:

- laws, statutes, ordinances and resolutions, if created by legislative bodies;
- executive and administrative orders, if created by executive agencies;
- court orders, if created by courts.

Policy analysis is a knowledge-intensive process that is useful for sanggunian members to know even if the technical staff in the sanggunian can do the task. By having knowledge of basic methods of policy analysis, sanggunian members can better perform their roles as policymakers and decision-makers committed to producing effective legislation.

The ELA Manual describes several problem analysis methods that can be used by the sanggunian such as fishbone analysis, problem tree, among others.

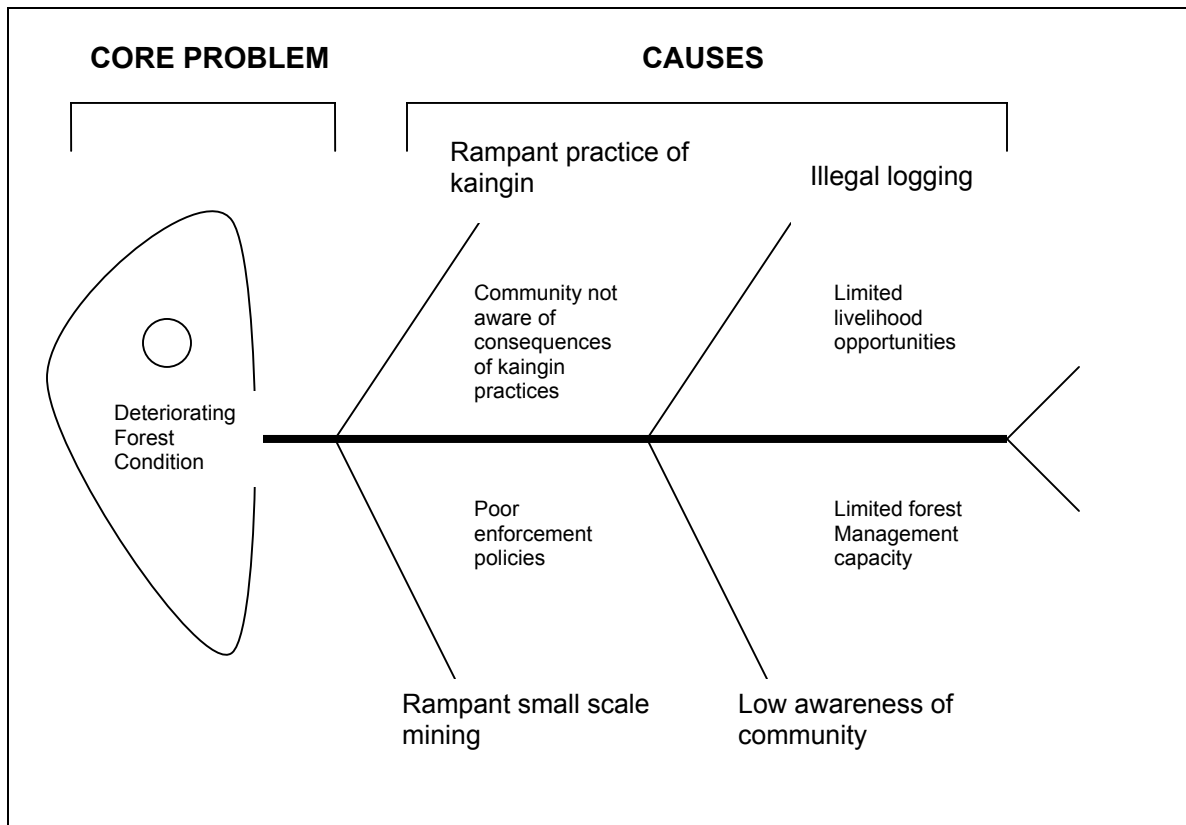
Tool 1
Steps in Fishbone Analysis

The **fishbone analysis** is a basic method for identifying, analyzing and presenting possible causes connected with a problem or condition. It is focused on presenting the contents of a problem and creates consensus about possible solutions to the problem. The ELA Manual Facilitator’s Guide, p. 20 provides the steps in doing the fishbone analysis.

Step 1	Decide on the problem area that you want to investigate.
Step 2	Write the problem area/s for improvement on the head of the fish. Draw a broad arrow from the left side to the right side.
Step 3	Identify the main factors causing the problem.
Step 4	Draw branch arrows to the main arrow. Write the major possible causes previously identified on each branch.
Step 5	Identify the detailed factors of each group of major causes. Draw smaller twig arrows to the branch arrows. Write the detailed factors on each twig arrow.
Step 6	Continue connecting more arrows to the twig arrows. If arrows are attached to twig arrows, it means that the cause of the problem have underlying causes.
Step 7	Label the fishbone “causes” and the head, the “core problem”
Step 8	Check whether all the factors that may be causing the problem have been included in the diagram.
Step 9	Check if the relationship of causes to the “core problem” is properly illustrated.

Tool 2
Sample Fishbone Analysis

The ELA Manual Facilitator's Guide, p. 20 provides a sample fishbone analysis.



Step 2. Gathering research-based information.

The next preliminary step in ordinance drafting is gathering research data, which can enhance the analysis of the policy problem and allow the generation of more alternatives for choosing an appropriate solution to the problem.

Common research methods include interviews, surveys and library research. However, before undertaking a time-consuming interview or before launching a survey that could be both expensive and time-consuming, it is best to seek data from statistical reports, management records and observation. The choice of research methods is determined by the type of information needed, the time available for research, and the availability of data.

There are many data sources that can be used to gather data for policy analysis. These include:

1. **Statistical reports** – provide demographic, economic and social data; includes formal statistical reports published regularly by government agencies, e.g. National Census and Statistics Office, NEDA, etc; and occasional data and reports published by public and private organizations.
2. **Management data** – includes agency files, e.g. tax collection reports that may provide historical or trend data.
3. **Journals** – provide the latest information and developments on various subject matters, e.g. University of the Philippines Journal of Public Administration, and can be searched from libraries.
4. **Indexes, abstracts and guides** – are library search methods; indexes list the contents of journals, abstracts provide summaries of articles, and guides are annotated bibliographies often with an introduction to the subject area.
5. **Newspapers** – are major sources of information on current policy issues; use only reliable and credible newspapers.
6. **Government publications** – include newsletters, annual reports and occasional papers published by government agencies.
7. **Legal searches** – involves consulting a legal dictionary e.g. Black’s Law Dictionary, legal periodicals, casebooks, legal journals, etc.
8. **Policy or research papers** – published by government agencies, academic institutions and private research institutions or think tanks.

Step 3. Drafting the ordinance.

Writing or drafting of the ordinance takes time, patience and skill. Understanding of the kinds of ordinances and requisites of a valid and binding ordinance can help simplify the drafting process and hopefully make the task easier. Knowing basic rules in grammar and word usage are also necessary to make the ordinance easily understood by those who will read or use it.

Tool 4

Elements of an Ordinance

An ordinance must have the following elements or basic parts:

1. Title

- The long title of an ordinance is the general description of what it does. It appears on the first pages, just after the heading “An Ordinance.”
- The long title should always describe the ordinance’s main thrust and if there are other miscellaneous, minor or unrelated items in the ordinance, they are usually handled by simply adding “and for other purposes” just before the period at the end of the title.
- A short title should simply cover the field that the ordinance covers; it is needed in major ordinances or codes so they can be easily cited and referred to.

2. Enacting Clause

- It indicates the authority or source of the ordinance.

3. Body or Central Provisions

- The body or central provisions carry out the ordinance’s principal objective
- The body consists of the statement of policy or purpose, definitions, structural or administrative and reporting provisions, appropriations provisions, and reporting provisions.

4. Penalty Clause

- The penalty clause is optional as it applies only to general ordinances and tax ordinances.

5. Transitional Provisions

- Transitional provisions are optional and most frequently used in tax and regulatory ordinances.
- These provisions are the means to make the changeover from an old ordinance to a new one.

6. Repealing Clause

- It is also known as the severability or separability clause
- It declares that if any part of the ordinances in which it appears is found to be unconstitutional, the rest of the ordinance is not to be affected.

7. Effectivity Clause

- It specifies exactly when and how the ordinance is to go initially into effect.

Tool 4 Kinds of Ordinances

Following are the four general kinds of ordinances.¹⁴

1. **General Ordinance** - refers to an ordinance enacted by a sanggunian in the exercise of its police power whose primary aim is the general welfare of the people by prescribing certain regulatory measures.
2. **Appropriation Ordinance** – refers to an ordinance whose primary aim is to appropriate local funds for purposes allowed by existing laws.
3. **Tax Ordinance** – refers to an ordinance enacted by a sanggunian in the exercise of the local government unit's taxing power whose primary purpose is to raise local revenues thru the imposition or levying of taxes, fees and charges subject to certain limitations prescribed by existing law.
4. **Special Ordinance** – refers to an ordinance aimed to address a special purpose.

¹⁴ Dihan, *ibid.*

Checklist: Requisites of a Valid Ordinance

An ordinance to be valid must conform to the following cardinal rules ¹⁵:

It must be in harmony with the Constitution, laws and statutes as well as general principles of law and equity; in a sense, must be consistent with public policy and must not contravene human rights.

It must be enacted in good faith, in the public interest, and designed to enable the LGU to perform its functions.

It must extend only to subjects or matters which are within the powers of the sanggunian to enact.

It must be reasonable in its terms.

It must not be partial or discriminatory.

It must not restraint, but may regulate trade.

It must be adopted by an authorized sanggunian, legally convened.

¹⁵ Institute of Local Government Studies, *ibid.*

Checklist: Grammar and Usage in Ordinance Drafting

Good legislative language, like all good writing should be mechanically sound in grammar, punctuation and word usage. Following are some rules to follow in ordinance drafting.¹⁶

1. Consistency

- Use the same words to denote the same things.
- Synonyms should not be relied upon to indicate difference in substance.

2. Brevity

- Do not condense language unless to do so helps rather than hinders understanding. Omit needless words, e.g. say “pay” instead of “make payment.”

3. Sentences

- Avoid long sentences where short ones will say the same thing as well.
- Using two or three sentences to make a point is better English than using one long possibly convoluted one.
- Where there are a number of unwieldy contingencies, make each contingency a separate clause.

4. Tense

- Use the present tense. Say “Any person who violates this ordinance, shall be fined...” instead of “If any person shall violate this ordinance, he/she shall be fined.”
- If it is necessary that a provision should include past as well as future events, the present tense should be used with “before or after this act takes effect” inserted.

¹⁶ Lawrence Filson, *The Legislative Drafter's Desk Reference*. Washington D.C. Congressional Quarterly, Inc. 1992, and The Center for Legislative Development, *Training Materials for the Seminar Workshop on Local Legislative Agenda Development Course*, May 1999, Iloilo City sponsored by LGSP VI.

5. Mood

- Always try to express ideas positively rather than negatively.
- The words “shall” and “shall not” normally imply that to accomplish the purpose of the provision, one must act or refrain from acting; hence, in declaratory provisions, the indicative mood is appropriate for cases and conditions.
- If a right, privilege or power is conferred, “may” should be used.
- Avoid the common error of using “shall” to confer a right.

6. Voice

- Use the active rather than the passive voice. For example: say “No person shall throw garbage in the rivers” instead of “It is unlawful to throw garbage in the river.”
- Use of active voice in provisions conferring powers or privileges or imposing duties helps avoid vagueness.

7. Person

- Use the third person.
- The second person is inappropriate in statutes but maybe acceptable when writing administrative regulations directly addressed to an unsophisticated public.
- Use gender-neutral language, e.g. use “he/she” instead of “he” for the generic term “man”, “human resources” instead of “manpower,” etc.

8. Number

- Use the singular.
- If it is necessary to use the plural, do so but change to the singular, whenever desirable.

9. Directness

- Where the same idea can be correctly expressed positively, express positively.
- The negative form “no person....unless....” is appropriate in mandatory provisions.
- Avoid unnecessary modifying adjectives or explanatory phrases, e.g. “real”, “true”

10. Punctuations

- Avoid excess use of comma.
- A comma is used to set off parenthetical words, phrases and clauses.
- In legislative conditions, put punctuation inside quotation marks if it is part of quoted material; outside if it is not.

11. Live Words

- Use live words.

Don't say...

give consideration to
give recognition to
make application
make provision for
make an appointment of
is applicable
is dependent on
is have need of
have knowledge of

Say...

consider
recognize
apply
provide for
appoint
applies to
depends on
need
know

12. Choice of words

- Select short, familiar words and phrase that best express the intended meaning according to common and approved usage
- **Avoid** using the following terms and phrases:

above (as an adjective)	it is directed
said (as a substitute for "the", "that")	for the purpose of
aforementioned	in the case that
to wit	in the event that
whatsoever	in cases with
wheresoever	for the reason that
whenever	in order to
aforesaid	hereinafter
same (as substitute for "it", "him", "he", etc.)	with the object that
pursuant to	until such time

A Final Checklist for Drafting Ordinances

The Center for Legislative Development developed the following questions to check the construction, form and style of a draft ordinance:

Is the title short yet clearly expressive of the general subject matter of the ordinance?

Is the enacting clause in the ordinance at the proper point and is it exactly correct in form?

Are definitions provided for those words used in the ordinance that do not have a fixed and single meaning in normal usage and that might give rise to ambiguity in the ordinance if not defined?

If a definition is set out for a word, is the word used throughout the ordinance with exactly the defined meaning?

Is the ordinance written in a clear style and can be easily understood by those who are affected by it?

Is the ordinance divided into sections and subsections in such a way as to achieve maximum clarity?

Are the substantive provisions of the ordinance logically arranged?

Does the ordinance accomplish its intended purpose?

Does the ordinance do more than is intended?

Does the ordinance create new problems without providing solutions?

Does the ordinance affect existing ordinances without intending to do so?

If the ordinance is intended to affect existing ordinances, are its provisions properly integrated with such ordinances so that no conflicts will arise in interpretation or administration?

Does the ordinance affect pending matters? If so, does it indicate their disposition?

Are all statutory references in the ordinance accurate?

Are all conflicting ordinances specifically repealed?

Does the ordinance contain a properly phrased safety/ separability clause?

Has a specific effective date been considered and a clause inserted providing for it, or is it desired that the ordinance become effective upon passage?

Language can be used to discriminate against women, particularly if used in laws and ordinances and parliamentary discussion and debate. The use of gender-fair language is an important tool for promoting gender equality. The following rules in gender-fair writing as contained in *Gender Fair Language, A Primer*¹⁷ are reprinted below.

Generic “man”

Problem

The term **man** is often associated with the adult male and it is difficult to distinguish its generic use. It reflects gender inequality in that women are never seen in terms of general or representative humanity but always in terms of their gender. Man represents the universe and the human to which women is the “other.”

Alternatives

1. Replace **man** with specific pronouns or verbs that say explicitly what you mean.

Instead of

Use

manpower

labor, human resources, personnel

2. Use nouns that encompass both man and women.

Instead of

Use

mankind

humanity

3. In making general statements that apply to both sexes, specify that women are also being referred to.

Instead of

Use

Man is vulnerable

Women and men are vulnerable.

¹⁷ Thelma Kintanar, *Gender-Fair Language, A Primer*. UP Center for Women’s Studies., 1988.

The pronouns “he”, “his”

Problem

The pronouns he and his are used to replace generic man and pose the same problems.

Alternatives

- Choose from the most common alternatives – **he or she, he/she, she or he** and lately, **s/he**

- Use the plural form.

Instead of

Use

The student must submit his paper on time.

Students must submit their papers on time.

- Use the first or second person, when appropriate.

Instead of

Use

As a government employee, he faces the problem of low wages.

As government employees, we face the problem of low wages.

- Replace **his** with an article or drop it altogether.

Instead of

Use

A researcher must acknowledge all his sources.

A researcher must acknowledge all sources.

- Replace **he** with **one** when warranted by the text.

Instead of

Use

The individual often wonders how he can help at this time of crisis.

One often wonders how one can help in this time of crisis.

- Recast the sentence into an impersonal or passive form.

Instead of

Use

The student must submit his papers on time.

Papers must be submitted on time.

- When you have to use third person pronouns throughout a long text,
 - use both female and male pronouns but vary the order.

- alternate male and female pronouns throughout the text.
- repeat the noun or find a synonym.

Sex-role stereotyping

Problem

Our language often has unconscious sexist assumptions, e.g. that surgeons are always men or nurses are always women.

Alternatives

- Identify both men and women in the same way when it comes to profession or employment.

Instead of

Use

stewardess, steward

flight attendant

- Do not represent women or men as occupying only certain jobs or roles.

Instead of

Use

convention participants and their wives

convention participants and their spouses

- Treat men and women in a parallel manner.

Instead of

Use

man and wife

husband and wife

- Avoid language that calls attention to the sex or sex role of the referent, e.g. **working mothers** or **working wives**.

Sexist language in quoted material

Problem

What do you do when your secondary sources use sexist language?

Alternatives

- Paraphrase the quote, using non-sexist language and give the original author credit for the idea.
- Quote directly and add sic after the sexist part.
- Partially quote the material, rephrase the sexist part and name the source.

C. ENACTING ORDINANCES AND CODES OF ORDINANCES

The next phase in the local legislation cycle is the enactment of ordinances and codes of ordinances. An ordinance is deemed effective only when it has been duly enacted by the sanggunian and approved by the local chief executive according to a set of prescribed rules of procedure referred to as the **legislative process**. All legislative measures go through the legislative process before they are deemed approved and ready for implementation.

The process of enactment of ordinances involves two core activities or tasks of the sanggunian: 1) the conduct of sessions, and 2) the conduct of committee meetings and hearings. This section provides tools for:

- **understanding the legislative process**
- **conduct of sessions**
- **conduct of committee meetings and hearings**
- **codification of ordinances**

The following tools may be useful to the sanggunian in enacting ordinances and codes of ordinance:

Tool 1 -	The Local Legislative Process
Tool 2 -	The Local Legislative Process Flowchart
Tool 3 -	Template: The Order of Business
Tool 4 -	Template: The Committee Report
Tool 5 -	Template: Minutes of a Public Hearing
Tool 6 -	Template: The CSO Yellow Pages
Tool 7 -	Steps in Codification
Tool 8 -	Template: Resolution Creating the Technical Committee on Codification
Tool 9 -	Template: Action Plan for Codification
Tool 10-	Sample Format for Listing of Ordinance
Tool 11-	Sample Format for Classification of Ordinances
Tool 12-	Sample Code of General Ordinances
Tool 13-	Sample Administrative Code
Tool 14-	Sample Gender and Development Code
Tool 15-	Sample Environment Code

1. Understanding the Legislative Process

Sanggunian members should know and understand the **legislative process as the core of the sanggunian's work**. With this knowledge, sanggunian members can actively participate in sessions and committee work.

Tools 1 and 2 describe the legislative process as a set of procedures that ensure the participatory and transparent nature of legislative decision-making. It involves stakeholders internal and external to the sanggunian, which play roles that influence the substance of the ordinance. Internal stakeholders are sanggunian members, sanggunian secretary and staff. External stakeholders are the LCE, heads of administrative departments, civil society organizations and individuals.

Tool 2 Steps in Enacting Ordinances and Resolutions

Following are the procedural steps in enacting ordinances and resolutions:

Phase 1. Introduction or Sponsorship

Step 1. The measure is filed by a sanggunian member or group of members with the secretary in its draft form.

Step 2. The secretary records the draft measure in a logbook with the following information:

- Name of the author/authors
- Title of the proposed ordinance or resolution
- Date filed, and
- The number assigned to it.

Step 3. The title of the measure is read on first reading. If a measure is proposed by a committee and presented with a report, it need not go through first reading but is scheduled for second reading.

Step 4. The presiding officer assigns the measure to a committee that will study it.

Phase 2. Committee Deliberation and Action

Step 5. The committee conducts a meeting and/or hearing to hear the arguments for and against the measure. These can be attended by members of government agencies and nongovernmental organizations.

Step 6. The committee takes action by reporting out the measure. The committee action is either favorable or unfavorable.

- If favorable, report is submitted to the committee on rules which calendars the measure for second reading.
- If unfavorable, measure is laid on the table, the author or authors are given notice stating reasons for the action.
- To ensure that all measures are acted upon without delay, committees may be mandated by the internal rules to prepare a report whether action on a measure is favorable or unfavorable. This will ensure no measure is left unacted and build the civil society groups' trust in the sincerity and capacity of the sanggunian to address community issues and problems.

Phase 3. Sanggunian Deliberations

Step 7. The measure is read in its entirety on second reading during a session.

Step 8. The committee that studied the measure sponsors it on the floor by explaining the nature of the measure and recommending its approval by the body.

Step 9. The measure is subjected to debate and amendments.

Step 10. The secretary prepares copies of the measure incorporating the amendments and distributes these to the members at least three days before its third and final reading.

Phase 4. Third Reading and Final Voting

Step 11. The measure is voted upon on third reading in the session.

- A quorum must be present before voting is taken.
- The number of those who voted for and against is recorded.
- The measure is deemed approved by the sanggunian. The secretary certifies the measure correct and the presiding officer signs it before it is transmitted to the LCE for approval.

Phase 5. Approval and Review

Step 12. The approved measure is presented to the LCE for action. The LCE may approve or veto the ordinance.

- If the LCE approves the measure, he/she affixes his/her signature on each and every page of the measure

- If it is vetoed by the LCE, the measure is returned to the sanggunian for reconsideration.
- The veto shall be communicated to the sanggunian within 15 days in the case of the province, and 10 days in the case of city or municipality; otherwise, the ordinance is deemed approved as if the LCE had signed it.
- The sanggunian may override the veto with a two thirds vote of its members making the ordinance or resolution legal and binding.

Step 13. An approved ordinance or resolution goes to a higher level sanggunian for review.

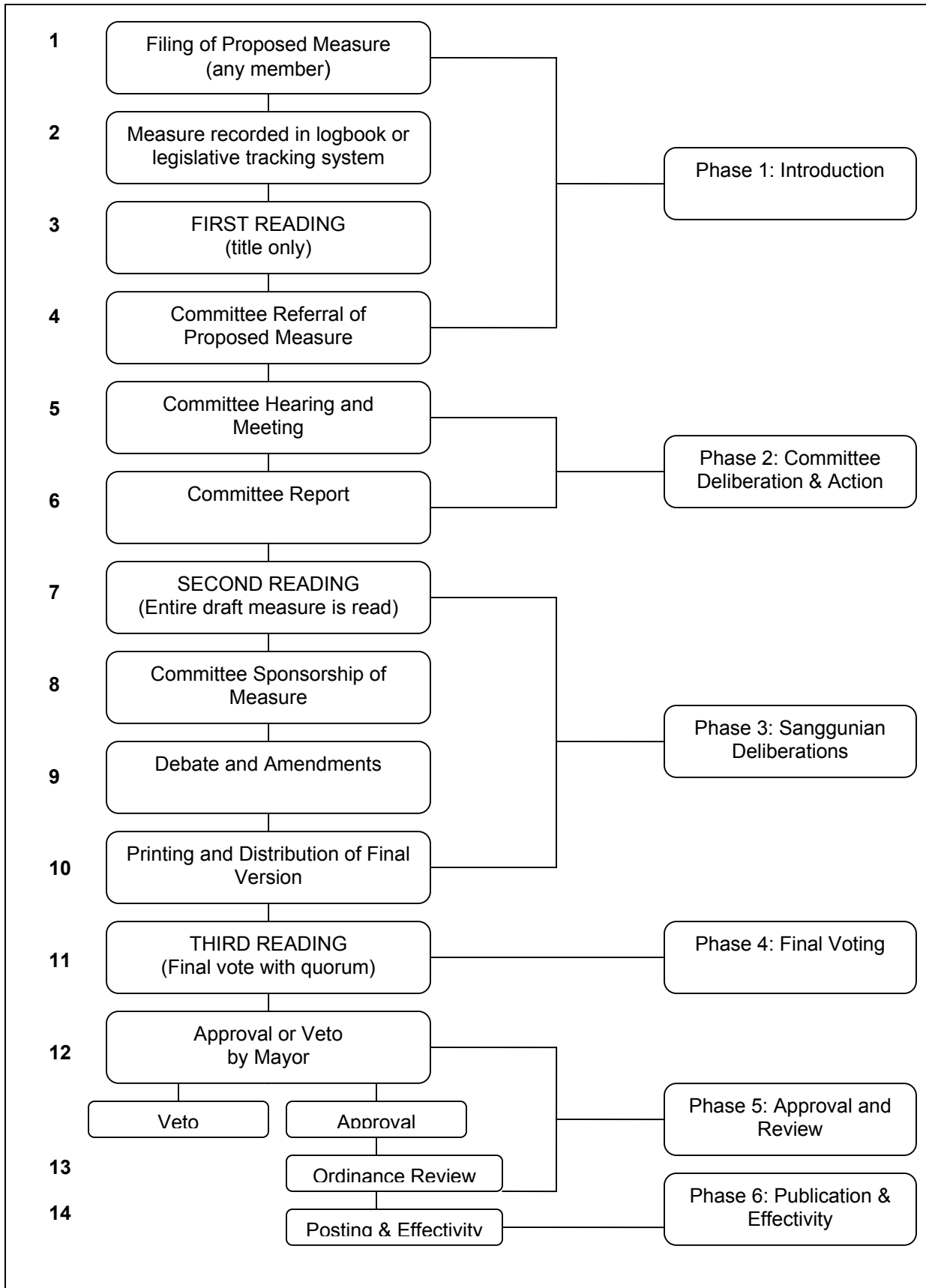
- An ordinance or resolution from a component city or municipality shall be reviewed by the provincial sanggunian three days after its approval.
- An ordinance or resolution of a sangguniang barangay shall be submitted for review within 10 days after its enactment.
- If no action is taken by a higher level sanggunian within 30 days after submission of an ordinance or resolution, it shall be deemed valid.

Phase 6. Publication and Effectivity

Step 14. The secretary shall order the posting of the ordinance or resolution in a bulletin board at the entrance to the city or municipal hall or at the provincial capitol; and in at least two conspicuous places in the LGU concerned not later than five days after its approval.

- The text of the ordinance or resolution shall be disseminated in Pilipino or English and in the Philippine dialect understood by the majority of the people.
- Unless otherwise stated therein, the ordinance shall take effect ten days from the date a copy of it is posted.
- Ordinances with penal provisions shall be posted for a minimum of three consecutive weeks, and published in a newspaper of general circulation within the territorial jurisdiction of the local government unit concerned except in the case of barangay ordinances. Unless otherwise provided therein, the ordinance shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later.

Tool 2
The Local Legislative Process



2. Conducting a Sanggunian Session

“Be it enacted by the Sanggunian assembled that...” This phrase captures the importance of the sanggunian acting as a collegial body in approving an ordinance or resolution. In short, an ordinance can only be valid if enacted by a sanggunian that has assembled in a session for the purpose. The conduct of sessions therefore is an important activity of the sanggunian and must be guided by clear procedures.

A session refers to a single meeting or a series of meetings which may last for one-half day or for a number of days until the purpose for which the meeting is called is transacted.

A basic requirement for the conduct an effective session is an agenda or what is referred to in legislative bodies as the “Order of Business.” The **Order of Business** is simply the order in which the sanggunian considers items of legislative business.

The Order of Business contains the following:

1. **Call to Order.** The Presiding Officer calls the session to order by banging his gavel and saying, “The session is called to order.”
2. **National Anthem and Invocation.** This is optional for legislative bodies.
3. **Roll Call.** This is done to determine if a quorum exists. A quorum is the number of sanggunian members who must be present at a particular session to legally transact legislative business.
4. **Privilege Speech.** In this part, any member of the sanggunian may speak on any matter of general interest.
5. **Question Hour.** This refers to the appearance of a department head before the sanggunian to answer questions on any matter pertaining to his department.

6. **First Reading and Referral of Measures and Communications.** This refers to the part of the meeting where important documents such as proposed ordinances, resolutions, petitions or requests and other communication, are referred to specific committees for action.
7. **Committee Reports.** Committee reports are read by number, title and subject matter together with the recommendations of the committee that is making the report.
8. **Calendar of Business.** This is the core of the session and consists of the following:
 - Unfinished Business. Refers to business being conducted by the sanggunian at the time of its last adjournment. Its consideration shall be resumed until it is disposed of.
 - Business for the Day. Refers to ordinances and resolutions reported out by committees for second reading. The items are taken up in the order they appear in the calendar.
 - Unassigned Business. Refers to the list of proposed legislative measures reported by the committee but not calendared for discussion as the dates have yet to be determined by the Committee on Rules.
9. **Business on Third and Final Reading.** This refers to the ordinances and resolutions approved on second reading and scheduled by the sanggunian for a final vote.
10. **Other Matters.** In this part, the sanggunian may discuss other matters not included in the calendar of business.
11. **Adjournment.** To adjourn means to end a session.

Republic of the Philippines

Province of _____

Sangguniang Bayan

____th Regular Session

Sanggunian Hall, _____

_____, 200__, __ P.M.

ORDER OF BUSINESS

- I. Call to Order**
- II. National Anthem and Invocation**
- III. Roll Call** (optional)
- IV. Reading and Consideration of the Minutes of the Session** dated ____, 200 __
- V. Privilege Hour** (optional)
- VI. Question Hour** (optional)
- VII. First Reading and Referral of Measures or Communications**
 - 1. Proposed Ordinances
 - 2. Proposed Resolutions
 - 3. Petitions or Requests
 - 4. Other Communication
- VIII. Committee Reports**
- IX. Calendar of Business**
 - 1. Unfinished business
 - 2. Business of the day
 - 3. Unassigned business
- X. Business on Third and Final Reading**
- XI. Other Matters**
- XII. Adjournment**

3. Conducting a Committee Meeting and Hearing

The sanggunian committees are considered “workshops.” It is in the committees where a lot of the work of the sanggunian gets done. All legislative proposals must be referred to committees before they can be acted upon by the body.

It is the duty of committee members to meet as group, study legislative proposals, solicit views of the public on the proposals and make recommendations about the measure contained in a **committee report**. It is also the duty of committee members to conduct a **committee or public hearing** to solicit the views and positions of your constituents and organized groups in your LGU on legislative proposals. Most often than not, hearings are held only for consideration of tax or revenue ordinances as these are mandated by the 1991 LGC.

NGOs, POs and resource institutions such as academe, professional associations, among others in your LGU may have research information to share on specific policy issues being considered in your sanggunian. Many of them are only waiting to be invited by the committees to share their expertise and opinions. To assist the sanggunian in identifying resource persons to committee hearings or meetings, prepare a “**CSO Yellow Pages**,” which is a specialized directory of civil society groups in the LGU grouped according to their sector or area of interest. The sanggunian can start building one by using attendance or participants list from public hearings conducted by the sanggunian or by conducting a survey to gather the information needed.

Republic of the Philippines

Province of _____

Municipality of _____

SANGGUNIANG BAYAN

COMMITTEE ON _____

COMMITTEE REPORT

_____, 200__

SUBJECT:

FINDINGS AND RECOMMENDATION:

(Sgd) _____

Committee Chair

CONCURRING:

DISSENTING:

(Sgd) _____

Member

(Sgd) _____

Member

(Sgd) _____

Member

(Sgd) _____

Member

ABSTAIN:

(Sgd) _____

Member

APPENDICES:

e.g. Minutes of Public Hearing and Committee Meetings and Attendance Sheet

Template: Minutes of a Public Hearing

Republic of the Philippines

Province of _____

Municipality of _____

SANGGUNIANG BAYAN

**MINUTES OF THE PUBLIC HEARING CONDUCTED BY THE COMMITTEE ON _____ ON
THE PROPOSED ORDINANCE _____ ON _____, 200____
AT THE _____, PRESIDING OFFICER: HON. _____,
COMMITTEE CHAIR.**

Members Present:

- 1.
- 2.
- 3.

Members Absent:

- 1.
- 2.

(Provide a summary of the proceedings. Cite the following:

- Time the hearing started and ended
- Number of persons attending (attach the attendance sheet)
- Issues Raised by Invited Resource Persons

CERTIFIED CORRECT:

(Sgd) _____

Secretary to the Sanggunian

ATTESTED:

(Sgd) _____

Committee Chair

The CSO Yellow Pages is a specialized directory of civil society groups in the LGU grouped according to their sector or area of interest and service they provide.

SECTOR:			
ORGANIZATION	SERVICES PROVIDED	CONTACT PERSON AND POSITION	CONTACT DETAILS
List the organizations in alphabetical order.	Indicate the type of services or activities of each organization, e.g. research, policy advocacy, health service delivery	Indicate the name of the head of the organization and position. This section should be updated from time to time	Indicate the following: <ul style="list-style-type: none"> • Address • Telephone No., Fax No./ Cell phone No. • Email Address
SECTOR:			
ORGANIZATION	SERVICES PROVIDED	CONTACT PERSON AND POSITION	CONTACT DETAILS

4. Codification of Ordinances

The job of local executives and law enforcers are often made difficult due to the lack of coherency and consistency of laws and regulations being implemented as well as convenient access to information contained in the laws. These obstacles can be removed by the sanggunian as the source of legislative enactments through codification.

Codification is a process of organizing and arranging all local laws and regulations of a general and permanent nature into a Code. It is a process of collecting, classifying, revising and the supplementing ordinances of the LGU. It is a systematic process resulting in a new enactment – a code of ordinances. Ordinances are codified to provide **convenience, completeness, clarity and consistency** in the enforcement of ordinances. Local law enforcers, for instance, need only refer to one document or code and find the what they need quickly because the information are arranged systematically and logically.

The sanggunian can initiate the process of codifying general and special ordinances by adopting a **Resolution Creating a Technical Committee on Codification (TCC)**. The committee is expected to function as a technical working group responsible for undertaking research and drafting of the code. Members may come from the sanggunian, executive departments and civil society organizations in the LGU. To guide and monitor the work of the TCC, an **action plan on codification** may be prepared by the TCC in consultation with the sanggunian.

This section of the toolkit contains four different codes enacted by selected LGUs¹⁸. The following codes may be used as reference material and adapted to suit the conditions of a specific LGU.

1. Code of General Ordinances
2. Administrative Code
3. Gender and Development Code
4. Environment Code

¹⁸ The codes were outputs of selected LGUs that participated in the project on Enhancing Structures and Systems of Local Legislative Bodies (2003-2004) implemented by the LGSP VI and Development Academy of the Philippines.

Following are basic steps in the codification of ordinances:¹⁹

Step 1. Organize the Technical Committee on Codification (TCC)

This can be done by adopting a **resolution or executive order creating an ad-hoc committee or technical working group** composed of selected members of the sanggunian and representatives from the executive department and civil society organizations, e.g environment groups for Environment Code. The resolution will serve as a tool for ensuring the support and commitment of the LCE considering the required investments in human, material and financial resources in the codification.

As soon as it is organized, the TCC members should draw up and agree on an **Action Plan for Codification** which should have the following elements: activities/tasks, timeframe, person/s responsible.

Step 2. Research

Research involves the following tasks:

1. Identification of ordinances to be codified and sources, i.e. in ordinance books, minutes, mayor's office, etc.
2. Compile a list of ordinances found during research using the **Sample Format for Listing Ordinances**. The status of each ordinance should indicate if the ordinance is original, amended or repealed.
3. Collect complete signed copies of ordinances.

¹⁹ Adapted from Colleen Wight, *Codification of Town Local Laws and Ordinances*, General Code Publishers Corp. <http://www.generalcode.com/present2.html>, and from Local Government Development Foundation, Inc. *A Simple Guide to the Codification of Ordinances*, Training Materials for a Series of Local Legislation Specialist Courses.

Step 3. Organization and Drafting

Once the legislation to be codified has been gathered, it is organized as follows:

- Ordinances are sorted topically.
- Similar pieces of legislation are grouped together. The TCC may use the **Sample Format for Classification of Ordinances**.
- Repealed or superseded ordinances are eliminated.
- Amendatory provisions are inserted where necessary.
- A manuscript or draft code is prepared for review and consultation. Use the topical headings or subjects for classification to prepare an outline, e.g. environmental measures may be classified as water use and sanitation, land use and management, air quality management, etc.

Step 4. Review and Revision

Before the draft code is presented in a public consultation, the committee should carefully review the provisions and revise them as necessary. The committee should look for:

- conflicts, inconsistencies and duplications
- compliance with statutory requirements
- conformance to current practice or policy
- missing information or legislation
- provisions that could be standardized
- possible enforcement problems
- ineffective wording or misleading information
- practical application
- current titles of officials and names of agencies
- ways to make the language gender-neutral, e.g. use “chairperson” or “chair” instead of “chairman”

Step 5. Public Consultation

The draft code may undergo several revisions before it is presented in several public consultations, which should have multi-stakeholder participation. This way the TCC will get

different perspectives and inputs on how the proposed code can be improved to impact on the lives of workers, farmers, women, children, the youth, and the elderly, among others.

Step 6. Adoption

To complete the codification process, the code must be enacted by the sanggunian as an ordinance, superseding and repealing prior laws. A legislative action to adopt the code is necessary to:

- establish the code as the official body of law in the LGU, e.g. on environmental protection and management
- provide for a future process of enactment
- ratify any substantive or non-substantive changes made during the revision process and give a point in time when the legislation was amended
- provide an effective date for the codification and the revisions in order to begin enforcement or new or altered provisions or to begin referring to or amending the new organization and numbering
- allow for provisions generally applicable to the entire code such as general severability sections, common definitions or general rules of construction, and general penalty provisions if applicable.
- repeal regulatory legislation not included, basically providing a 'clean' codification or a starting point.
- approve the renumbering and reorganization of the legislation
- provide for the maintenance of the code and establish the process of updating.

Template: Resolution Creating a Technical Committee on Codification

Republic of the Philippines
 Province of _____
 Municipality of _____

SANGGUNIANG BAYAN**RESOLUTION NO. _____**

CREATING THE TECHNICAL COMMITTEE ON CODIFICATION (TCC)
 TO UNDERTAKE THE FORMULATION OF THE ADMINISTRATIVE,
 ENVIRONMENTAL MANAGEMENT AND GENDER AND
 DEVELOPMENT CODES OF THE _____

WHEREAS, legislation is one of the most important functions of local governments,

WHEREAS, it is the mission of the Sangguniang Bayan to enact quality and substantive legislation that will promote the general welfare and development their communities,

WHEREAS, the Sangguniang Bayan finds the need to codify ordinances to provide a coherent, clear and convenient access to ordinances relating to environmental management, gender and development, and general ordinances in the municipality.

WHEREAS, a code of general ordinances, environment code, and gender and development code are envisioned to address urgent policy and administrative concerns of the municipality,

WHEREAS, a Technical Committee on Codification (TCC) is needed to take the lead in the formulation of the codes of ordinances, and specifically tasked to:

- a] undertake steps necessary for the retrieval of ordinances, executive orders and resolutions for analysis and classification of such;
- b] undertake legislative research in support of current development programs of the provincial / municipal government;
- c] formulate the draft Code of General Ordinances, Environment Code and Gender and Development Code for submission to the Sanggunian for enactment;
- d] conduct the necessary steps prior to enactment of the General Ordinances, Environment and Gender and Development Codes, and
- e] assist the Sanggunian in conducting various public consultations and information dissemination activities concerning these Codes.

WHEREAS, the task of codification shall be done in a participatory manner, and for this purpose the TCC shall be composed of representatives from the Sanggunian, the Office of the Mayor and administrative departments, and civil society organizations in the

municipality.

WHEREAS, the TCC shall be composed of the following:

Overall Chairperson : _____

Code of General Ordinances Chairperson: _____

Members: 1. _____
2. _____
3. _____

Environment Code Chairperson : _____

1. _____
2. _____
3. _____

Gender and Development Code Chairperson: _____

Members: 1. _____
2. _____
3. _____

NOW THEREFORE, this body in session assembled,

RESOLVED, to create as it hereby creates the Technical Committee on Codification of the Municipality of _____,

RESOLVED FURTHER, that copies of this resolution be furnished to all parties concerned for their information and guidance.

ADOPTED. _____, 2003

I hereby certify to the correctness of the foregoing resolution which was duly adopted by the Sangguniang Bayan during its Regular Session held on _____ 2003.

(Sgd.) _____
Sanggunian Secretary

ATTESTED:

(Sgd.) _____
Presiding Officer

APPROVED: Date : _____

(Sgd.) _____
Mayor

Template: Action Plan for Codification

Republic of the Philippines
 Province of _____
 MUNICIPALITY OF _____

ACTION PLAN FOR CODIFICATION

From _____ to _____

ACTIVITIES/TASKS	TIMEFRAME		PERSON/S RESPONSIBLE
	START	END	
1. Research			
2. Organization			
3. Preparation of Draft Code			
4. Submission of Draft to SB and Committee Referral			
5. Public Hearings			
6. Preparation of Committee Report			
7. Second Reading			
8. Third Reading/Final Voting			
9. Approval by LCE			

Prepared by:

Names & Signature	Position
-------------------	----------

Tool 10

Sample Format for Listing of Ordinances

In listing ordinances, it is easier and faster to start with the most recent to the oldest. The status of the ordinance may be indicated as original, amendment, repealing, or obsolete.

Ordinance No.	Date Enacted	Subject/Short Title	Status
03	8/27/03	Fees and charges pursuant to DTI AO No. 01 s 2003 and provision of incentives to businesses	Original
02	2/26/03	Sale or rental or pornographic video materials to minors	Original
01	2/19/03	Revised zoning regulations	Original
02	6/05/02	Amending Chapter II of Ordinance No. 1 s-2000 of the Municipality of Sigma (Traffic Ordinance)	Amendment to Ordinance No. 01 s-1998
01	5/10/02	Smoking in public buildings and offices and public modes of transportation	Repeals Ordinance No. 1 s-1999

Tool 11

Sample Format for Classification of Ordinances

At this stage of the codification process, it is necessary to exclude ordinances that will not be relevant to the subject of the code being prepared. For instance, in preparing a code of general ordinances, revenue and zoning ordinances are excluded.

Ordinance No.	Date Enacted	Subject/Short Title	Classification	Remarks
03	8/27/03	Excluded	Revenue	Revenue Generation
02	2/26/03	Sale or rental or pornographic video materials to minors	Public Morality	Original
01	2/19/03	Excluded	Zoning	Original
02	6/05/02	Amending Chapter II of Ordinance No. 1 s-2000 of the Municipality of Sigma (Traffic Ordinance)	Transportation	Amendment to Ordinance No. 01 s-1998
01	5/10/02	Smoking in public buildings and offices and public modes of transportation	Health	Repeals Ordinance No. 1 s-1999

Republic of the Philippines
Province of Capiz
Municipality of Sigma

SANGGUNIANG BAYAN

ORDINANCE NO. 06 -S- 2003

**ENACTING THE CODE OF GENERAL ORDINANCES OF THE
MUNICIPALITY OF SIGMA, PROVINCE OF CAPIZ**

Be it ordained by the Sangguniang Bayan, that:

**CHAPTER I
GENERAL PROVISIONS**

Article A. Short Title and Scope

Section 1A.01. Title. This Ordinance shall be known as the “**Sigma Code of General Ordinances of 2003**”.

Section 1A.02. Scope. This Code covers all general ordinances and special ordinances enacted by the Sangguniang Bayan of this municipality.

Article B. Rules of Construction

Section 1B.01. Words and Phrases. Words and phrases embodied in this Code not herein specifically defined shall have the same meaning as found in legal dictionaries as well as in existing laws.

Section 1B.02. Construction of Codal Provisions. In construing the provisions of this Code, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provisions or when applied they would lead to absurd or highly improbable results:

- a) **General Rule.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other words in this Code which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning.
- b) **Gender and Number.** Every word importing the masculine gender as well as the words “he/she”, “his/her” and “him/her” shall extend to both male and female. Every word importing the singular number shall extend and apply to several

persons or things as well; and every word importing the plural number shall extend and apply also to one person or thing.

- c) **Computation of Time.** The time within which an act is to be done as provided in this Code, or in any rule or regulation issued pursuant to the provisions thereof, when expressed in days shall be computed by excluding the first day and including the last day, except when the last day falls on a Sunday or holiday, in which case the same shall be excluded from the computations and the next business day shall be considered the last day.
- d) **Tenses.** The use of any verb in the present tense shall include the future whenever applicable. The words "shall have been" shall include past and future cases. The use of the word "shall" in this Code means the act being required to be done is mandatory, whereas when the word "may" is used it means permissive.
- e) **References.** All references to "Chapters", "Articles", or "Sections" are to chapters, articles or sections in this Code unless otherwise specified.
- f) **Conflicting Provisions of Chapters.** If the provisions of different Chapters conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matter and questions involved therein.
- g) **Conflicting Provisions of Sections.** If the provisions of different sections in the same chapter conflict with each other, the provision of the section which is last in point of sequence shall prevail.

Section 1B.03. Amendment and Integration of Additional Provisions. Any amendment on this Code may be introduced to the chapter, article or section concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be complied in such a way as to bear the corresponding chapter, article or section to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sanggunian.

Section 1B.04. Existing Rights. No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code whenever possible.

Section 1B.05. Reference to Code. Whenever reference is made to any portion of this Code, such reference shall apply to all amendments and additions now or may hereafter be introduced.

Section 1B.06. Effect of Headings. The Chapter, Article and Section headings do not in any manner affect the scope, meaning or intent of the provisions contained in this Code.

Section 1B.07. Relation to Prior Ordinance. The provisions of this Code which are substantially the same as that of previous or existing ordinances particularly when dealing with the same subject matter shall be construed as "restatements" and not as new enactments.

Article C. Definitions

Section 1C.01. Meaning of Technical Terms. As used in this Code -
Amusement is a pleasurable diversion and entertainment. It is synonymous to

recreation, relaxation, avocation, pastime or fun.

Amusement places includes theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain himself by seeing or viewing the show or performance. It includes those places where one seeks admission to entertain himself by direct participation such as in Karaoke-TV or Videoke establishments.

Business means commercial activity customarily engaged in as a means of livelihood and typically involving some independence of judgment and power of decision.

Calling means one's regular business, trade, profession, vocation or employment which does not require the passing of an appropriate government board or bar examination, such as professional actors and actresses, masseurs, commercial stewards and stewardesses and the like.

Capital signifies the actual estate, whether in money or property owned by an individual or corporation; it is a fund with which it transacts its business, which would be liable to its creditor, and which in case of insolvency passes on to a receiver.

Capital Investment is the capital which a person puts in any undertaking, or which he/she contributes to the common stock of a partnership, corporation, or any other juridical entity or association.

Charges refer to pecuniary liability, as rents or fees against property, persons or organizations.

Corporation includes joint-stock company, partnership, association, insurance company, or any other juridical entity, no matter how created.

Excessive means that which is characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just.

Fee means a charge fixed by law or agency for the services of a public officer.

Levy means an imposition or collection or an assessment, tax, tribute or fine.

License or Permit is a right or permission granted in accordance with law by a competent authority to engage in some business or occupation or to engage in some transaction.

Market Premises refers to any open space in the public market compound; part of the market lot consisting of bare ground not covered by market buildings, usually occupied by transient vendors specially during market days.

Market Stalls refers to any allotted space or booth in the public market buildings where merchandise of any kind is sold or offered for sale.

Tax means an enforced contribution, usually monetary in form, levied by the law-making body on persons and property subject to its jurisdiction for the precise purpose of supporting government needs.

Occupation means one's regular business or employment, or an activity which principally takes up one's time, thought and energies. It includes any calling, business, trade, profession or vocation.

Operator includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of business establishments or undertakings.

Person means every physical or moral, real or juridical and legal being, susceptible of rights and obligations or of being the subject of legal relations.

Privilege means a right or immunity granted to a person as a peculiar benefit, advantage or favor.

Profession means a calling which requires the passing of an appropriate government board or bar examination, such as the practice of law, medicine, public accountancy, engineering and the like.

Residents refer to natural persons who have their habitual residence in the province, city or municipality where they exercise their civil rights and fulfill their civil obligations and to juridical persons for whom the law or any other provisions creating or

recognizing them fixes their residence in a particular province, city or municipality. In the absence of such law, juridical persons are residents of the province, city or municipality where their legal representation is established or where they exercise their principal functions.

Revenue includes taxes, fees and charges that a state or its political subdivision collects and receives into the treasury for public purposes.

Services mean the duties, work or functions performed or discharged by a government officer, or by a private person contracted by the government, as the case may be.

Night Club or Day Club includes places frequented at night or daytime, as the case may be, where foods, wines and drinks are served and music is furnished by the operator and the patrons are allowed to dance with their own partners or with hostesses furnished by the management.

Cabaret or Dance Hall includes any place or establishments where dancing is permitted to the public in consideration of any admission, entrance or any other fee paid on, before or after the dancing, and where professional hostesses or dancers are employed.

Bars include beer gardens or any place where intoxicating and fermented liquors or malts are sold, disposed of, or given away for compensation, even without foods, where the services of hostesses and/or waitresses are employed and where customers are entertained by occasional dancing to music not rendered by a regular dance orchestra or musicians hired for the purpose, otherwise the place shall be considered and classified as a dance hall or night club. A **cocktail lounge** is considered a 'bar' even if there is no hostess or waitress to entertain customers.

CHAPTER II PUBLIC MORALITY

Article A. Illegal Gambling

Section 2A.01. Prohibited Acts. No person shall operate, maintain or conduct any game of chance including "jueteng", "monte", "baklay" (or sakla), "tupada" (illegal cockfight), "masiao", "cara y cruz" and any other games of chance, scheme or hazard wherein bets or wagers consisting of money, articles or representatives of value are made, or in the exploitation or use of any other mechanical devices or contrivances to determine by chance the loser or winner thereof.

Section 2A.02. Rules and Regulations.

1) No person shall allow any form of gambling mentioned and embraced in the preceding Section to be conducted or carried on in any real property that he/she owns or under his/her administration and control.

2) No person shall participate, directly or indirectly, in any gambling being prohibited in Section 2A.01 hereof.

3) No person shall possess any ticket, paper or matter containing letters, figures, signs or symbols which pertain to or are connected with the game of "jueteng", "masiao" or similar games prohibited herein; nor possess cards, chips, and other gambling paraphernalia which have been used, or about to be used, in any illegal gambling mentioned herein. Mere possession of those things before, during and immediately after the conduct of such illegal gambling shall be considered as a "prima facie" evidence for purposes of this

Article.

Section 2A.03. Exemptions. Conduct or holding of “bingo socials”, “popularity contest” or “raffles” and similar fund-raising activities are exempted from the provision of this Article provided, that a permit therefore has been secured from the Mayor.

Section 2A.04. Applicability Clause. All other matters pertaining to illegal gambling not herein specified shall be governed by the provisions of existing laws, ordinances, rules and regulations.

Section 2A.05. Penalty. Any person who violates any provision of this Article shall be punished by a fine of not more than Five Hundred Pesos (P 500.00) or imprisonment of not more than fifteen (15) days or both fine and imprisonment, at the discretion of the Court without prejudice to the imposition of a higher penalty under the provision of existing laws.

Article B. Betting on Sports Contest

Section 2B.01. Regulated Acts. No person shall bet or wage money or any object, article or representative of value upon the result of boxing contest, basketball game, or other kinds of sports competition.

Section 2B.02. Penalty. Any person who violates the provision of the preceding Section shall be punished by a fine of not more than Two Hundred Pesos (P 200.00) or imprisonment of not more than fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

Article C. Loitering

Section 2C.01. Regulated Acts. No person shall loiter in any public place in this municipality in such manner as to:

- 1) create or cause to be created a danger or a breach of the peace;
- 2) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- 3) obstruct the free passage of pedestrian or vehicles; or,
- 4) molest, or interfere with the lawful activity of any other person in such public place.

Section 2C.02. Definitions. As used in this Article

“*Public Place*” means any place to which the public has access including streets, highways, parks, plazas, alley or sidewalk and such other places open to the public. It also includes parking lots or other vacant private property not owned by the individual found loitering therein, or in the case of the minor, not owned or under the control of his/her parent or guardian.

“*Loiter*” means to remain idle in essentially one location and spending the time idly, loafing or walking about aimlessly.

Section 2C.03. Rules and Regulations. Any police officer may, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section 2C.01 hereof and he/she

may, if he/she deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave that public place after being ordered to do so by a police officer shall be prosecuted for violation of this Article.

Section 2C.04. Penalty. Any person who violates any provision of this Article shall be punished by a fine of not more than One Hundred (P100.00) or imprisonment of not more than five (5) days, or both fine and imprisonment, at the discretion of the Court.

Article D. Nudism in Public Places

Section 2D.01. Regulated Acts. It shall be unlawful for any person to appear nude in any place open to the public within this municipality.

Section 2D.02. Rules and Regulations. No operator of any showhouse, day or night club, bar or cocktail lounge shall allow or permit any person to perform nude in any kind of stage play, stage show, or stage exhibition in his/her establishment.

Section 2D.03. Penalty. Any person who violates any provision of this Article shall be punished by a fine of not more than Five Hundred (P500.00) or imprisonment of not more than fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

Article E. Sale or Rental of Pornographic Video Materials

Section 2E.01: Definition of Terms. The following terms shall be understood in the sense indicated hereunder:

- a) *Pornography* – depiction of sexual acts or behavior to stimulate erotic feelings.
- b) *Video Materials* – movies or films, whether in Digital Video Disc (DVD), Video Compact Disc (VCD), Betamax or VHS tape format.
- c) *Pornographic Films* –films depicting sexual acts between people, male and female, or of the same sex, or between people and animals.

Section 2E.02. Rules and Regulations

- a. Business establishments are prohibited from selling or renting pornographic video materials to minors.
- b. Business establishments engaged in the sale or rental of video materials are required to post conspicuous notices in their establishments that films which are rated “For Adults Only” shall not be rented to or sold to a minor.
- c. Additional rules and regulations may be issued by the Office of the Mayor for the proper implementation of this Article.

Section 2E.03. Penalty. Any person who violates any provision of this Article shall be punished by a fine of not more than Five Hundred Pesos (P500.00) or imprisonment of not more than fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

CHAPTER III HEALTH AND SANITATION

Article A. Availability of Iodized Salt

Section 3A.01. Definition of Terms. As used in this Article (Ord. No. 03 –s- 1999)

- a) *Food Establishment* – refers to cafeterias, restaurant, refreshment houses, carinderias, catering firms and other similar establishments serving food to customers.
- b) *Iodized Salt* – this refers to the salt fortified with Iodine as defined under the “Asin Law”, otherwise known as R.A. No. 8172.
- c) *Customers* – refers to person or persons entering a food establishment and buying food for consumption.

Section 3A.02. Rules and Regulations (Ord. No. 03 -s- 1999)

- a) All food establishments are required to make available iodized salt for the consumption of their customers.
- b) Iodized Salt must be displayed and provided in every table of food establishments and clearly marked with the words “*Iodized Salt*”

Section 3A.03. Administrative Provisions (Ord. No. 03 -s- 1999)

- a) The Municipal Health Officer, through the Rural Sanitary Inspector, shall conduct regular monitoring activities using an iodine food tester and see to it that the provisions of this Article are complied with.
- b) The Municipal Health Officer is empowered to enlist the assistance of the local PNP if deemed necessary.
- c) The Municipal Health Office in coordination with other lead agencies shall conduct the necessary information dissemination.

Section 3A.04. Penalty. Any person who violates Section 3A.02 of this Chapter shall be penalized as follows: (Ord. No. 03 -s- 1999)

- a) First Offense – Reprimand from the Municipal Health Officer
- b) Second Offense– The offender shall, upon conviction by the Court, pay a fine of not less that Three Hundred Pesos (P300.00) but not more than Five Hundred Pesos (P500.00)
- c) Third Offense – The offender shall, upon conviction by the Court, pay a fine of not less than Eight Hundred Pesos (P800.00) but not more than One Thousand Pesos (P1,000.00) or imprisonment of not less that three (3) days but not more than five (5) days, or both such fine and imprisonment at the discretion of the court. The subject establishment shall also be closed.

Article B. Rabies Control

Section 3B.01: Definition of Terms (Ord. No. 02-s-1997)

- a) *Dog* – shall apply to a specific domestic animal (*Canis Familiaries*) either male or female
- b) *Anti-Rabies Vaccination* – inoculation of a dog with anti-rabies vaccine licensed by the Bureau of Animal Industry [BAI], Department of Agriculture. Such vaccination

- performed by a duly licensed representative of the Office of the Municipal Agriculturist [OMA] of Sigma or any veterinarian approved by the OMA.
- c) *Owner* – Applies to a person/s keeping, harboring or having charge or control of or permitting any dog to habitually remain or lodged or fed in his/her house, yard or premises.
 - d) *Rabies Control Authority* - duly authorized person/s responsible for enforcement of this Article (policemen, BAI personnel, trained vaccinator, members of the Barangay Council, etc.)
 - e) *Has Been Bitten* – means has been seized with the teeth of the dog so that the skin of the person has been wounded or pierced, including scratches.
 - f) *Enclosed Premises* – means the owner’s house, or fenced yard, where other people have no reason to enter except to conduct business or visit with the members of the household.
 - g) *Restrained* – means tethered, leashed or caged.

Section 3B.02: Setting up of Municipal Rabies Control Committee A Municipal Rabies Control Committee (MRCC) shall be formed and shall possess the main authority of implementing these rabies control provisions and other rabies control related activities as it may deem necessary. (Ord. No. 02-s-1997)

This committee shall be composed of the following members, subject to additional membership as the need arises:

1. Mayor – Chairperson
2. Sangguniang Bayan Member (Chairperson of the Committee on Health)
3. Municipal Agriculturist
4. Municipal Health Officer
5. Municipal PNP Commander
6. DepEd District Supervisor
7. President, Liga ng mga Barangay
8. Two NGO Representatives
9. Municipal Veterinary Officer
10. Information Officer
11. President, Federation of Homeowners Association
12. Other suggested members: MPDC
Religious Sector Representative
DILG Representative

Section 3B.03: Rabies Vaccination. Every dog 3 months of age and older should be submitted by the owner for vaccination against rabies every year or as indicated on the label/literature of the vaccine but in no case should this exceed 24 months. Young dogs shall be vaccinated within 30 days after they have reached 3 months of age. (Ord. No. 02-s-1997)

Section 3B.04: Duties of the Veterinarian. It shall be the duty of each veterinarian, when vaccinating any dog, to complete a Certificate of Rabies Vaccination (in duplicate) for each animal vaccinated. The certificate shall include the following information: (Ord. No. 02-s-1997)

1. Owner’s name, address and telephone number (if any)
2. Description of dog (color, sex, markings, age, name, species and breed, if any)
3. Dates of vaccination and vaccine expiration (if known)
4. Rabies vaccination tag number
5. Vaccine producer

6. Vaccinator's signature
7. Veterinarian's license number/vaccinator's address

The dog owner shall be provided with a copy of the certificate. The veterinarian/vaccinator shall retain one copy for the duration of the vaccination. A durable metal or plastic tag, serially numbered, issued by the veterinarian/vaccinator, shall be securely attached to the collar of the dog. (Ord. No. 02-s-1997)

The above provisions may not apply in the case of a mass vaccination campaign.

Section 3B.05. Cost of Vaccination. The cost of rabies vaccination shall be borne by the owner of the dog at a cost agreed upon by the Sangguniang Bayan. (Ord. No. 02-s-1997)

Section 3B.06. Registration of Dogs. Dogs should be registered by their owners upon reaching the age of three (3) months and every year thereafter. Unvaccinated dogs registered after it reaches the age of 3 months old and above not previously registered shall be vaccinated upon registration. The dog owner shall pay such vaccination fee as maybe determined by the Sangguniang Bayan. The registration officer shall provide the owner with a certificate of registration for the dog and affix to it a distinguishing collar tag as proof of registration. (Ord. No. 02-s-1997)

Section 3B.07. Elimination of Unregistered Dogs. (Ord. No. 02-s-1997) Unregistered dogs over the age of 4 months shall be seized and humanely destroyed under the supervision of a licensed veterinarian or the Municipal Rabies Control Committee or vaccinated and registered under the provisions of Section 3B.06.

The licensed veterinarian/trained vaccinator or the Rabies Control Committee shall provide guidance on the destruction methods to be used (shooting, poisoning, carbon dioxide, anesthetic overdose) in different environments (area of habitation, marketplace, rubbish dumps, open countryside, etc.).

The licensed veterinarian/trained vaccinator, Rabies Control Committee members or a police officer may enter any land for the purpose of seizing or destroying a dog which is liable to be seized under this Section.

The elimination shall be based on the presence or absence of a dog tag or a registration or vaccination certificate.

Section 3B.08. Reporting of Biting Incidents. The owner of a dog that has bitten any person and the person who has been bitten shall within 24 hours of the occurrence, report the incident to the municipal health authorities or the police. The health care worker or the police officer receiving such information shall immediately transmit it to the Municipal Rabies Control Committee for investigation. (Ord. No. 02-s-1997)

Section 3B.09. Owner's Liability. The owner of the dog which has bitten any person shall be responsible for all the treatment and dog examination related expenses incurred by the bite victim(s), unless the bite was inflicted by a restrained and registered dog, or had occurred within the owner's enclosed premises, in which case arrangements shall be made between the owner and the bite victim. (Ord. No. 02-s-1997)

Section 3B.10. Penalties. Any dog owner who fails to abide with the provisions of this article shall be subjected to a fine of not less than P1,000.00 but not more than P2,500.00.

Article C. Smoking Ban in Public Buildings, Offices and Public Modes of Transport

Section 3C.01. Definition of Terms. When used in this Article: (Ord. No. 05 –s- 2002)

- a) *Public Building/Office* – structures enclosed with walls and used for public functions or purposes.
- b) *Public Mode of Transport* – any vehicle-for-hire carrying people or cargos.
- c) *Smoking* – the inhalation and exhalation of smoke from tobacco, cigars or cigarettes.
- d) *Tobacco* – cultivated leaves, dried and processed chiefly for cigarettes, cigars or for smoking in pipes.
- e) *Cigarette* – a small roll of finely cut tobacco rolled in thin paper or sometimes in tobacco leaf.
- f) *Cigar* – a small, compact roll of tobacco leaves prepared for smoking.

Section 3C.02. Prohibited Acts. No person shall engage in any smoking activity within an enclosed public building or office or while riding inside any public mode of transport.

Section 3C.03. Administrative Provisions. The Municipal Mayor, in the case of the municipal government, or the institutional administrators, in the case of other institutions and agencies, may designate smoking areas in their respective buildings and offices. These designated smoking areas shall be well-ventilated and the smoke generated therein shall not cause inconvenience to the other occupants of the buildings and offices.

Section 3C.04 Penalty. Any person who violates the provisions of Section 3C.02 of this Article shall be punished by a fine of Two Hundred Pesos (P200.00) for the first offense and succeeding offenses shall be punished by a fine of Five Hundred Pesos (P500.00) per offense. (Ord. No. 05 –s- 2002)

Article D. Construction of Pens or Corrals for Cattle, Swine, Chicken, Duck or Other Domestic Animals or Fowls

Section 3D.01. Regulated Acts. No person shall construct any pen or corral for cattle, swine, chicken, duck and other domestic animals or fowls within this municipality without securing a permit therefor from the Office of the Mayor and paying the corresponding tax or fee imposed under existing revenue ordinances.

Section 3D.02. Administrative Provisions. Before an application for a permit is acted upon, the concerned municipal authorities shall inspect the premises where the pen or corral shall be constructed to determine whether the site and the construction of the pen or corral conforms to existing laws, ordinances and rules and regulations on health, sanitation and zoning.

Section 3D.03. Penalty. Any person who violates any provision of this Article shall be punished by a fine of Two Hundred Pesos (P200.00) or imprisonment of not more than fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

CHAPTER IV TRANSPORTATION

Article A. Franchising of Tricycles-for-Hire and Pedicabs-for-Hire

Section 4A.01. Definition of Terms. The following terms shall be understood in the sense indicated hereunder:

- a) *Tricycle-for-hire* - is a motor vehicle composed of a motorcycle fitted with a single-wheeled sidecar or a motorcycle with a two-wheel cab operated to render transport services to the general public for a fee.
- b) *Pedicab-for-hire* – is a three wheeled light passenger vehicle that the driver propels by pedaling and usually with the cab attached to the right side of a bicycle. Also known locally as '*sikad*' or '*trisikad*' and operated to render transport services to the general public for a fee.
- c) *Motorized Tricycle Operator's Permit (MTOPI)* - is the document granting a franchise or license to operate issued to a person, natural or juridical, allowing him/her/it to operate a tricycle-for-hire over routes specified therein;
- d) *Pedicab Operator's Permit (POP)* - is the document granting franchise or license to operate issued to a person, natural or juridical, allowing him/her/it to operate a pedicab-for-hire over routes specified therein.
- e) *Zone* - is a contiguous land area such as a barangay or a municipality, where a tricycle-for-hire or a pedicab-for-hire may operate without a fixed origin and destination.
- f) *Board* - refers to the Sigma Franchising and Regulatory Board created by the Sangguniang Bayan to process and recommend to the latter the approval or disapproval of applications for the issuance, amendment, revision, renewal, suspension, or cancellation of Motorized Tricycle Operator's Permits (MTOPI) and Pedicab Operator's Permits (POP).
- g) *Secretariat* - refers to the administrative arm of the Board wherein documents with regards to the franchising of motorized tricycles and pedicabs are processed and reposed. It is administered by the Office of the Secretary to Sangguniang Bayan.
- h) *Reflectorized Sticker* – refers to any adhesive material, decal or metal object or device with a polished surface for reflecting light or providing illumination during nighttime.
- i) *Silencer* – is a gadget attached to the exhaust system of a motorcycle to suppress excessive noise.

Section 4A.02. Composition of the Sigma Franchising and Regulatory Board. In line with the official guidelines issued by the Department of Transportation and Communication effective July 1, 1992, the Sigma Franchising and Regulatory Board [SFRB] shall be composed of the following: (Ord. No. 04 –s- 1993)

- | | |
|-------------------|--|
| Board Chairperson | - SB Committee on Transportation Chairperson |
| Board Members | - Municipal Mayor his/her representative
-SB Committee on Transportation Vice Chairperson and Member/s
- Municipal Planning and Development Coordinator [MPDC] or his/her representative |

Section 4A.03. Powers, Duties and Functions of the Board. The Board shall exercise the following powers, duties and functions: (Ord. No. 04 –s- 1993)

- a) Accept, evaluate, process and recommend to the Sangguniang Bayan the approval or disapproval of applications for the issuance, amendment, revision, renewal, suspension, or cancellation of Motorized Tricycle Operator’s Permit (MTO) and Pedicab Operator’s Permit (POP).
- b) Determine the number of allowable passengers for each tricycle or pedicab unit
- c) Identify the different routes within the Municipality of Sigma and to prescribe the appropriate fare rates thereon.
- d) Accept petitions for fare rate increase, conduct public hearings thereon and prescribe the appropriate fare rates thereafter.
- e) Formulate the proper documentary forms to enable it to execute its mandated functions.
- f) Formulate additional rules and regulations pertaining to the operation of Motorized Tricycles and Pedicabs, with such rules and regulations subject to the approval of the Sangguniang Bayan.
- g) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Section 4A.04. Secretariat. The Office of the Secretary to the Sangguniang Bayan shall serve as the Secretariat of the Board and provide the latter with administrative, clerical and technical support services. The Secretariat shall accept all applications for the issuance or renewal of MTO’s/POP’s, including petitions for the amendment, revision, suspension or cancellation of the same, and submit them to the Board for deliberation and proper action. In this connection, this office shall be entitled to an appropriate annual budget to cover the expenses brought about by its added duties and responsibilities. (Ord. No. 04 –s- 1993)

Section 4A.05. MTO and POP Service Fees. There shall be collected the following service fees from applicants of a Motorized Tricycle Operator’s Permit (MTO) and Pedicab Operator’s Permit (POP): (Ord. No. 04 –s- 1993)

	Rate of Fee
I. Franchise Application Fee (To be paid upon filing of application)	
a) Motorized Tricycle Operator’s Permit (MTO)	P 100.00 per unit
b) Pedicab Operator’s Permit (POP)	50.00 per unit
II. Fare Adjustment Fee for Fare Rate Increase (To be paid upon filing of petition)	
a) Motorized Tricycle Operator’s Permit (MTO)	P 50.00 per unit
b) Pedicab Operator’s Permit (POP)	25.00 per unit
III. Filing Fee for Amendment (To be paid upon filing of petition)	
a) Motorized Tricycle Operator’s Permit (MTO)	P 75.00 per unit
b) Pedicab Operator’s Permit (POP)	30.00 per unit

Section 4A.06. Validity of the Franchise Application Fee. The validity of the franchise application fee shall be within 60 days from the time it was paid. Failure on the part of the operator to file his/her complete franchise application with the Board Secretariat within this period shall invalidate that payment and result in its automatic forfeiture in favor of the municipality.

Section 4A.07. Time of Payment. The fees imposed in this article shall be paid to the Municipal Treasurer upon filing of application for the required permit.

No application for MTOP, POP, Fare Rate Increase or Amendment shall be given due course without the Official Receipt/s attached to it showing that the corresponding fees were paid. (Ord. No. 04 –s- 1993)

Section 4A.08. Adjustment of Fees. The Sangguniang Bayan shall periodically review, fix, impose and adjust but not oftener than once every three (3) years, the Service Fees prescribed in this article. Before any fee adjustment is made, a public hearing shall first be conducted. (Ord. No. 04 –s- 1993)

Section 4A.09. Fare Rates for Tricycles-for-Hire. The approved fare rates for tricycles-for-hire shall be in accordance with Resolution No. 1 –s- 2000 of the Sigma Franchising and Regulatory Board, unless otherwise adjusted by the Board in accordance with existing ordinances, rules and regulations.

The table of approved fare rates should be posted prominently at the tricycle terminals and in a conspicuous part of the tricycle. (Ord. No. 04 –s- 1993)

Section 4A.10. Fare Rates for Pedicabs-for-Hire. The minimum fare rate for pedicabs-for-hire is P3.00 for the first 2 kms. and an additional P0.50 for each succeeding kilometer or a fraction thereof, unless otherwise adjusted by the Board in accordance with existing ordinances, rules and regulations.

The table of approved fare rates or notice of minimum fare rate should be posted in a conspicuous part of the pedicab.

Section 4A.11. Qualification of Operators. Only Filipino citizens or corporations with sixty percent (60%) Filipino equity are qualified to be operators of tricycles–for-hire and pedicabs-for-hire. (Ord. No. 04 –s- 1993)

Section 4A.12. Illegal Operation. No tricycle-for-hire or pedicab-for-hire, either for passenger or for cargo or both, shall be operated in this municipality without a Motorized Tricycle Operator’s Permit [MTOP] or Pedicab Operator’s Permit [POP] from the Sangguniang Bayan (Ord. No. 04 –s- 1993) and a corresponding permit from the Office of the Mayor under the Municipal Revenue Code.

Section 4A.13. Application Forms and Venue of Filing. Application forms shall be secured from and filed with the Office of the Secretary to the Sangguniang Bayan together with the required supporting documents. (Ord. No. 04 –s- 1993)

Section 4A.14. Valid LTO Registration Papers. No MTOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office (LTO). (Ord. No. 04 –s- 1993)

Section 4A.15. Qualification of Tricycle Drivers. Operators shall only employ drivers who are duly licensed by the LTO for tricycles–for-hire. (Ord. No. 04 –s- 1993)

Section 4A.16. Time of Filing and Required Documents for a MTOP. An application for a Motorized Tricycle Operator’s Permit [MTOP] may be filed any time of the year using the appropriate franchising forms and submitted together with the other documents listed hereunder:

- a) Proof of Ownership (Original Purchase Receipt, Deed of Sale, Deed of Conditional Sale or Registration Papers);
- b) Community Tax Certificate;
- c) Proposed route/s with corresponding rates;
- d) Valid registration papers from the Land Transportation Office [LTO] for the units to be used;
- e) A duly certified photocopy of a common carrier's insurance certificate sufficient to answer for any liability to passengers and third parties in case of accidents;
- f) A picture of the applicant beside his/her tricycle for easy determination of its usage;
- g) Road worthiness certification from the Sigma PNP station; and
- h) Affidavit of the applicant stating that his/her tricycle will be driven only by a person with a Professional Driver's License.

Section 4A.17. Noise Suppression. No tricycle-for-hire shall be operated without a silencer attached to its exhaust system. Any violation of this provision shall be penalized under Section 4A.29 of this Chapter.

Section 4A.18. Time of Filing and Required Documents for a POP. An application for a Pedicab Operator's Permit [POP] may be filed any time of the year using the appropriate franchising forms and submitted together with the other documents listed hereunder:

- a) Proof of Ownership (Original Purchase Receipt, Deed of Sale, Deed of Conditional Sale or Affidavit of Ownership)
- b) Community Tax Certificate
- c) Proposed route/s with corresponding rates
- d) A picture of the applicant beside his/her pedicab for easy determination of its usage;
- e) Road worthiness certification from the Sigma PNP Station; and
- f) Affidavit of the applicant stating that his/her pedicab/s will be driven only by persons not less than eighteen (18) years old.

Section 4A.19. Qualification of Pedicab Drivers. No person shall drive a pedicab-for-hire in this municipality unless he/she is at least eighteen (18) years old. (Ord. No. 04 –s- 1993)

Section 4A.20. Safety Devices for Pedicabs. Pedicab-for-hire units shall be equipped with the following safety devices:

- a) *Warning Devices.* Pedicab operators should install bicycle horns, ringers or equivalent warning devices in their respective units. (Ord. No. 04 –s- 1993)
- b) *Reflectorized Stickers.* Reflectorized stickers shall be installed at the front and back portions of pedicab units to enhance nighttime visibility. Battery-operated electronic flashers may also be installed on pedicabs as additional nighttime safety devices.

Section 4A.21. Consideration and Approval of Applications. MTOP and POP applications endorsed by the Board to the Sangguniang Bayan may be reported out and sponsored by the Committee on Transportation during any regular session or a special session called for this purpose.

Section 4A.22. Validity of MTOP and POP. A Motorized Tricycle Operator's Permit (MTOP) or a Pedicab Operator's Permit (POP) shall be valid for a period of three (3) years. (Ord. No. 04 –s- 1993)

Section 4A.23. Cessation of Operation. An operator wishing to stop service completely, or to suspend service for more than one month, should report in writing such suspension or termination to the Board. (Ord. No. 04 –s- 1993)

Section 4A.24. Amendment of MTOP/POP. a) A Motorized Tricycle Operator's Permit (MTOP) or a Pedicab Operator's Permit (POP) is non-transferable whenever there is change of ownership. Such change of ownership shall be construed as an amendment thereto and any amendment shall require appropriate approval from the Sangguniang Bayan upon the recommendation of the Board.

b) If the new owner opts to apply for a new franchise, the unit's previous franchise shall be deemed automatically cancelled upon the issuance of a new franchise.

Section 4A.25. Renewal of MTOP/POP and Fines for Late Renewal. a) Within two (2) months before the expiry date of the MTOP or POP, the appropriate application for its renewal must be filed with the Board upon payment of the corresponding fees as herein provided.

b) If filed after its expiry date, no application for renewal shall be accepted unless the following fines are paid first:

- | | |
|-------------------------|---------|
| 1) For a MTOP, per unit | P 50.00 |
| 2) For a POP, per unit | 25.00 |

Section 4A.26. Seminar for Drivers. The Sigma Franchising and Regulatory Board, in coordination with the PNP, shall conduct seminars on road safety and traffic rules and regulations for pedicab and tricycle drivers at least once every six months.

After each seminar, the Board may issue identification cards to participating pedicab drivers, the cost of which shall be borne by the concerned individuals.

Section 4A.27. Solid Waste Management. a) Operators and drivers of all tricycle-for-hire and pedicab-for-hire are required to install at least two (2) garbage receptacles in their vehicles – one (1) for biodegradable and one (1) for non-biodegradable solid waste. The color scheme and usage designation of the said receptacles shall be in accordance with the guidelines set forth by the Kabalikat sa Maunlad na Kalikasan (KASAMA KA) Program of this municipality.

b) Any violation of the provisions of this Section shall be penalized under Ordinance No. 02 –s- 1999.

Section 4A.28. Operation of Private Tricycles and Pedicabs. Tricycles and pedicabs intended for private or personal use should be registered with the Office of the Mayor and should display conspicuously a "NOT-FOR-HIRE" or "PRIVATE" sign at the front and back portions of their sidecars.

Section 4A.29. Penal Provisions –

1. Violation of Section 4A.12 (Illegal Operation) of this Article: a) Any person operating or driving a tricycle-for-hire or pedicab-for-hire without the necessary MTOP or POP shall be punished by a fine of not less than Five Hundred Pesos (P500.00) but not exceeding One Thousand Pesos (P1,000.00) or imprisonment of not less than ten (10) days but not exceeding one (1) month, or both, at the discretion of the court. (Ord. No. 04 –s-

1993)

b) In the case of a minor pedicab-for-hire driver, the owner of the pedicab unit shall be liable for the fine or imprisonment, or both fine and imprisonment, that may be imposed by the court based on paragraph a) of this Section.

2. For Other Violations. Unless specifically provided for in the particular Section, all other violations in relation to the operation of tricycles and pedicabs shall be penalized as follows:

- a) For violation of Section 4A.17 [*Noise Suppression*] of this Article:
- | | |
|--|---|
| First Offense | Warning (to be indicated in the Citation Ticket) |
| Second Offense | P 50.00 fine |
| Third Offense and
for every violation | P 100.00 fine and impounding of tricycle unit until the
appropriate silencer has been attached to its
exhaust thereafter system |
- b) For violation of Section 4A.20 [*Safety Devices for Pedicabs*] of this Article:
- | | |
|--|--|
| First Offense | Warning (to be indicated in the Citation Ticket) |
| Second Offense | P 50.00 fine |
| Third Offense and
for every violation | P 75.00 fine and impounding of pedicab unit until the
required safety devices are installed therein
thereafter |

Article B. Traffic Rules and Regulations

Section 4B.01. Scope. This Article shall govern and regulate traffic in the Municipality of Sigma and provide penalties for violation thereof.

Section 4B.02. Definition of Terms. For the purposes of this Article, the following terms shall be understood in the sense indicated hereunder: (Ord. No. 1 –s- 2000)

- a) *Vehicle* - as used hereunder, shall be construed to include all motor vehicles propelled by gasoline or diesel fuel engines, such as automobiles, passenger buses, trucks, tractors, motorcycles, jeeps, jeepneys, station wagons, pick ups, ambulances, road rollers, cranes, bulldozers, trailers of any capacity, whether private use or for hire or government owned, and motorized bicycles used as means of transportation or locomotion using the public streets of this Municipality.
- b) *Out of Line* - means a public utility vehicle operating outside of its authorized franchise area.
- c) *Colorum/Unfranchised Operation* - means a private vehicle operating as a public utility vehicle and having no appropriate franchise.
- d) *Required Motor Vehicle Parts and Accessories* - as used hereunder, includes headlights, signal lights, horns, mufflers/silencers and stop lights.
- e) *Reckless Driver* - any person not complying with the provisions of Sections 4B.09 and 4B.10 of this Article.
- f) *Over Speeding* - means non-compliance with Section 4B.10 of this Article.
- g) *Overloading* - means having a load exceeding the authorized capacity as stated in the vehicle's franchise.
- h) *Cargo* - refers to sugar cane, gravel, sand and other aggregates or filing materials and usually loaded on cargo trucks or similar vehicles.
- i) *Vertical Clearance of Cargo* - refers to the total height of the vehicle plus its cargo,

measured from the road surface and not exceeding sixteen [16] feet.

Section 4B.03. Traffic Routes. All streets and highways within the municipality are two-way streets, except for the following streets, to wit:

- a) The Provincial Road around the Public Market which shall be a one-way street during market days (Wednesdays and Saturdays from 8:00 AM to 12:00 Noon); and
- b) That portion of Villanoy Street from the direction and corner of the National Highway up to the corner of Juare Street which shall be a one-way street from Monday to Sunday.

Section 4B.04. Penalty for Violation of Section 4B.03. Any violation of Section 4B.03 shall be punishable by a fine of One Hundred Pesos (P 100.00). (Ord. No. 2 –s- 2000)

Section 4B.05. Designation of Loading Areas for Tricycles and Pedicabs.

- a) The Office of the Mayor shall identify and designate the loading areas in the Poblacion for tricycles and pedicabs servicing the various routes in this municipality. If their location so warrants, these loading areas may also serve as parking areas.
- b) The designated loading areas shall be situated at least six (6) meters from the road intersections.
- c) The Office of the Mayor may also designate separate parking areas for tricycle and pedicab units while these are not on line for loading.

Section 4B.06. No Parking, Loading and Unloading Area in Pob. Sur. There shall be no parking, loading and unloading of passengers and/or cargoes for vehicles bound in the general directions of Kalibo, Iloilo and Roxas City within twenty (20) meters from the center of the crossroad located at Pob. Sur, this Municipality. The loading and unloading areas in Pob. Sur for vehicles shall be beyond this twenty [20] meters from the center of the crossroad and they are hereby designated as follows:

- a) *In the general direction of Roxas City:*
 - a.1. Right lane of the highway and before the Mambusao River Bridge, if Incoming from Iloilo
 - a.2. Right lane of the highway and before the Mambusao River Bridge, if Incoming from Kalibo
- b) *In the general direction of Iloilo:*
 - b.1. Right lane of the highway and after the Mambusao River Bridge, if Incoming from Roxas City and Aklan
- c) *In the general direction of Kalibo:*
 - c.1. Right lane of the highway and after the Mambusao River Bridge, if Incoming from Iloilo and Roxas City

Section 4B.07. No Loading and Unloading During Market Days. There shall be no loading and unloading of passengers and cargoes in front of the Public Market from 8:00 A.M. to 12:00 Noon during market days. (Ord. No. 1 –s- 2000)

Section 4B.08. Loading and Unloading Areas During Market Days. The loading and unloading areas for all passenger jeeps passing thru this Municipality and for all vehicles bearing goods for the Public Market shall be at the back thereof during market days from 8:00 A.M. to 12:00 Noon. The Provincial Road facing Ponsaran St. across the National Highway shall be the entrance for these vehicles. (Ord. No. 1 –s- 2000)

Section 4B.09. Speed Restrictions. Any person driving a motor vehicle on the highway and on all the streets within the Poblacion of this Municipality shall drive the same at a careful and prudent speed, not greater nor less than what is reasonable and proper under the circumstances, having due regard for the traffic, the width of the highway or street, and of any other conditions then and there existing. No person shall drive any motor vehicle on the highway and on all streets within the Poblacion of this Municipality at such a speed as to endanger the life, limb and property of any person. (Ord. No. 1 –s- 2000)

Section 4B.10. Maximum Allowable Speed. All vehicles entering and passing thru all the streets in Pob. Sur and Pob. Norte of this Municipality should maintain a maximum speed of 20 kilometers per hour [kph]. Appropriate traffic signs to this effect shall be posted by the Sigma Philippine National Police [PNP] at strategic locations of the Poblacion. (Ord. No. 1 –s 2000)

Section 4B.11. Fines and Penalties. The following unlawful acts, when committed within the territorial limits of the Municipality shall be punishable by penalties indicated hereunder: (Ord. No. 1 –s- 2000)

a. Over Speeding	P 100.00
b. Unregistered Motor Vehicle	300.00
c. Unlicensed Driver	300.00
d. Colorum/Unfranchised operation	500.00
e. Invalid, suspended, revoked or expired Motor Vehicle Registration Receipt [MVRR]	300.00
f. Invalid, suspended, revoked or expired Driver's License	200.00
g. Out of Line	300.00
h. Student driver not accompanied by licensed driver	150.00
i Copy of Motor Vehicle Registration Receipt [MVRR] not carried	100.00
j. Unauthorized improvised plates	50.00
k. No required motor vehicle parts and accessories	50.00
l. No early warning device [for vehicles with four wheels and more only]	50.00
m. Allowing passengers on top of motor vehicle	50.00
n. Reckless driver	200.00
o. No safety net/cover for cargo [for cargo trucks or similar vehicles]	200.00
p. Double parking, loading and unloading	100.00
q. Overloading:	
a) Jeeps and Buses	100.00
b) Tricycles	50.00
r. Exceeding vertical clearance of 16 feet	200.00
s. No seat belt	100.00
t. Non-wearing of helmet [for single motorcycle driver]	100.00

Section 4B.12. Confiscation of Driver's License. Law enforcement and peace officers stationed in this municipality shall, in apprehending a driver for any violation of this Article, confiscate the license of the driver concerned and issue a Citation Ticket which shall substantially be in the form prescribed in Annex "A" of Ordinance No. 1 –s 2000. This ticket shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two [72] hours from the time and date of issue of said receipt. (Ord. No. 1 –s- 2000)

The period so fixed in the receipt shall not be extended, and it shall become invalid thereafter. Failure of the driver to settle his/her violation/s with the Office of the Mayor within these seventy-two [72] hours shall cause the Sigma PNP to file the appropriate complaint/s

in Court against him/her. (Ord. No. 1 –s- 2000)

For purposes of reckoning the seventy-two [72] hours stated herein, Saturdays, Sundays and non-working days shall be excluded. (Ord. No. 1 –s- 2000)

CHAPTER V GAMES AND AMUSEMENTS

Article A. Operation of Videoke Establishments

Section 5A.01. Definition of Terms. When used in this Article: (Ord. No. 07 –s- 2002)

- a) *Videoke* – an audio-video machine that plays songs and displays their lyrics on a TV set or monitor, with the customers or users singing along as the song progresses. A videoke machine may be any of the following:
 - a.1.) a video compact disk (VCD), digital video disk (DVD) or VHS player hooked up to a TV set or monitor and an amplifier; and
 - a.2.) a stand-alone and complete set of digital videoke machine where songs are selected from a set of buttons on its panel, usually found in malls, entertainment centers, restaurants, carinderias, transportation terminals, sari-sari stores and other similar establishments.
- b) *Videoke Bars* – shall be construed to mean as establishments where intoxicating beverages, videoke services and facilities are offered to customers.
- c) *Other Videoke Establishments* – shall be construed to mean as any establishment that offers videoke facilities to customers. Some examples of which are sari-sari stores, carinderias, restaurants and transportation terminals where videoke machines and facilities are offered to the public, whether for a fee or for free.
- d) *One Hundred (100) Meters from the School Perimeter* – refers to the distance starting from a point on the school fence or the school lot boundaries, whichever is applicable, and up to 100 meters from that point.
- e) *Class Hours* - shall mean the time between 7:30 A.M. to 11:30 A.M. and 1:00 P.M. to 5:00 P.M. during which day classes are normally held; in the case of colleges, from 5:00 P.M. to 9:00 P.M. during which night classes are held.

Section 5A.02. Rules and Regulations. In the operation of videoke bars and other videoke establishments, the following requirements shall be complied with: (Ord. No. 07 –s- 2002)

a) *Prohibition on Students.* Students are prohibited from availing of videoke services from all videoke establishments during class hours.

Further, it shall be unlawful for any videoke establishment to encourage, entertain, permit or allow students to avail of their videoke services and facilities during class hours.

b) *Posting of Notices.* All videoke establishments are hereby required to post appropriate notices in at least two (2) conspicuous locations in their premises regarding the prohibition on students from availing of their services and facilities during class hours. One such notice shall be posted right at the entrance of each establishment. The size of each notice shall be at least eight and a half inches by eleven inches (8½” x 11”).

c) *One Hundred (100) Meters Ban.* No videoke establishment shall be allowed to operate within 100 meters from the perimeter of any school in this municipality.

d) Videoke Operation in Open and Closed Establishments.

1. Videoke machines located in open establishments such as bars, restaurants, sari-sari stores, carinderias and transportation terminals shall only be operated from 8:00 A.M. to 8:00 P.M. The operation of these machines beyond these hours shall already be construed as a violation of this Article. Further, these establishments shall meet the noise pollution standards set by competent authorities like the Department of Environment and Natural Resources (DENR).
2. Closed or air-conditioned videoke bars or other videoke establishments may entertain customers without time limits, provided that adequate sound-proofing materials shall have been installed in these establishments. The sound-proofing of these establishments shall meet the noise pollution standards set by competent authorities like the Department of Environment and Natural Resources (DENR).

Section 5A.03. Penal Provisions. Any person who violates any provision of Section 5A.02 shall be penalized as follows: (Ord. No. 07 –s- 2002)

a) In the case of establishments:

a.1. For the First Offense – A fine of not less than Three Hundred Pesos (P300.00) but not exceeding Five Hundred Pesos (P500.00) at the discretion of the Court.

a.2. For Each Succeeding – A fine of not less than Five Hundred Pesos (P500.00) but not exceeding Offense One Thousand Pesos (P1,000.00) or cancellation of business permit to operate for one year, or both fine and cancellation of business permit, at the discretion of the court.

b) In the case of students:

Students found in videoke bars and other videoke establishments during class hours shall be entrusted to their respective school principals or authorities for appropriate action. Further, they shall render at least two (2) hours of community service. This community service shall be supervised by the Office of the Mayor or the MSWDO.

c) In the case of non-student customers:

All other customers found in videoke bars and similar establishments still availing of videoke services beyond the allowed operating hours shall be required to render appropriate community service for at least four [4] hours. This community service shall be supervised by the Office of the Mayor.

Article B. Operation of Video and Film Showing Establishments

Section 5B.01. Definition of Terms. As used in this Article:

a) Places of Amusement - places catering to the public's want for entertainment through the viewing of Betamax/VHS, Video Compact Disk [VCD] and Digital Video Disk [DVD] film showings.

b) Class Hours - shall apply to the period from 7:30 A.M. to 11:30 A.M. and 1:00 P.M. to 5:00 P.M. in the case of primary and secondary schools students; and 5:00 P.M. to 9:00 P.M. in the case of tertiary school students.

c) Poblacion - shall include both Poblacion Sur and Poblacion Norte of the Municipality of Sigma.

d) One Hundred (100) Meters from the School Perimeter – refers to the distance starting from a point on the school fence or the school lot boundaries, whichever is applicable, and up to 100 meters from that point.

Section 5B.02. Rules and Regulations. (Ord. No. 01 –s- 1997)

a) It is hereby prohibited for any places of amusement to admit primary, secondary or tertiary students in their establishments during class hours.

b) All students enrolled in any school in the Municipality of Sigma who may be found in places of amusements during their class hours shall be entrusted to their respective school principals for disciplinary action or guidance.

c) All establishments catering to this form of business are hereby required to post notices within their respective business establishments with regards to the prohibition of students from watching such shows during class hours.

d) Places of amusements covered by this article that are situated within 100 meters from the school perimeters are permanently prohibited from engaging in this kind of business.

e) All business establishments engaged in this kind of business located more than 100 meters from the school perimeters are prohibited from admitting students to their establishments during class hours.

Section 5B.03. Penal Provisions. Any person who violates any provision of Section 5B.02 shall be penalized as follows: (Ord. No. 01 –s- 1997)

a) Business establishments shall be fined Two Hundred Pesos [P200.00] to Three Hundred Pesos [P300.00] for the first offense. For each succeeding offense, they shall be fined Five Hundred Pesos [P500.00] to Six Hundred Pesos [P600.00] or their Mayor's Permit to operate shall be cancelled for one year, or both fine and cancellation of Mayor's Permit, at the discretion of the Court.

b) Failure to comply with the requirements stated in paragraph c. of Section 5B.02 [Posting of Notices] shall result in the immediate cancellation of the Mayor's Permit of the subject establishment.

Article C. Playing of Taksi

Section 5C.01. Definition of Terms. As used in this Article: (Ord. No. 04 –s- 1997)

Taksi – a game played with coins wherein the objective is to eject as many coins as possible from a square outline on the ground using another coin as a projectile. The coins successfully ejected from the square outline belong to the player launching the projectile.

Minor – persons below eighteen [18] years of age.

Apprehending Authority – refers to the members of the Philippine National Police [PNP], local officials, school teachers and barangay officials or any responsible person or adult.

MSWDO – Municipal Social Welfare and Development Office.

Section 5C.02. Prohibited Acts. The playing of "taksi" in the Municipality of Sigma is prohibited. (Ord. No. 04 –s- 1997)

Section 5C.03. Administrative Provisions. -

a) Confiscation of Game Paraphernalia. When making an apprehension of minor offenders, the apprehending authority shall confiscate the game paraphernalia and turn these over in favor of the municipality.

b) Handling of Minor Offenders. If the offender is a minor, the apprehending authority shall refer him/her to the Municipal Social Welfare and Development Office [MSWDO] for counseling. The MSWDO shall then invite the parents/guardian of the offending minor for a conference regarding the actuation of the said minor. (Ord. No. 04 –s- 1997)

Section 5C.04. Penalty. If the offender is already of legal age, a fine of not less than One Hundred Pesos [P100.00] but not more than Five Hundred Pesos [P 500.00] or in lieu thereof, the performance of community service of not less than one [1] day but not more than five [5] days at the discretion of the court shall be imposed. (Ord. No. 04 –s- 1997)

Article D. Operation of Billiards, Pool Tables and Video Games

Section 5D.01. Definitions. As used in this Article -

- a) *Billiards* - a game played on a rectangular, cloth-covered six-pocket table with raised, cushioned edges. A long tapering cue stick is used to propel the cue ball in order to hit and pocket the other balls.
- b) *Pool* - a Filipino game played on a four pocket square table with raised edges and usually with 12 plastic chips and a cue chip.
- c) *One Hundred (100) Meters from the School Premises* – refers to the distance starting from a point on the school fence or the school lot boundaries, whichever is applicable, and up to 100 meters from that point.
- d) *Video Game* - a computer based or stored electronic game usually played with the aid of hand held controllers or keyboard and with a video monitor.
- e) *Time of Operations* – for purposes of this Article shall be from 6:00 A.M. to 9:00 P.M. daily.
- f) *Class Hours* - shall mean the time between 7:30 A.M. to 11:30 A.M. and 1:00 P.M. to 5:00 P.M. during which day classes are normally held. In the case of colleges, from 5:00 P.M. to 9:00 P.M. during which night classes are held.

Section 5D.02. Rules and Regulations.

- a) No business establishment offering billiards, pools and video games shall be allowed to operate within 100 meters from the school premises in this municipality.
- b) No business establishment shall rent out video games, billiards or pools to students during class hours.

Section 5D.03. Penalties.

- a) The penalty of one (1) day to three (3) days imprisonment or a fine ranging from Two Hundred (P200.00) Pesos to Five Hundred (P500.00) Pesos, or both such fine and imprisonment at the discretion of the Court, shall be imposed upon any person or owner of business establishment who violates any provisions of Section 5D.02 of this Article. (Ord. No. 5 –s- 1993)
- b) The business permit or Mayor’s Permit of any business establishment whose owner has been convicted for the violation of any of the provisions of Section 5D.02 of this Article shall also be cancelled immediately. (Ord. No. 5 –s- 1993)

Article E. Holding of Cockfights and Cockpit Regulations

Section 5E.01. Definitions of Terms. When used in this Article -

- a) *Cockpit Manager* - a person who oversees the total operations of the cockpit and has overall supervision on all personnel therein.
- b) *Promoter* - refers to a person authorized by the Sangguniang Bayan to engage in the convening, meeting, holding and celebration of specially programmed and arranged cockfighting like local and international derbies or competitions, special or matched set or encounters, pintakasi or ordinary cockfights inside a duly

- licensed cockpit.
- c) *Gaffer* - refers to a person knowledgeable in the art of arming fighting cocks with gaffs on one or both legs.
 - d) *Referee [Sentenciador]* - refers to a person who watches and, oversees the proper gaffing of fighting cocks, determines the physical condition of gamecocks while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting, and decides and makes known his/her decision either by word or gesture the result of the cockfight by announcing the winner or deciding a tie in a contest game.
 - e) *Bet Promoter [Montonan]* - refers to an individual who calls and takes care of bets from owners of both gamecocks and those of other bettors before he/she orders commencement of the cockfight and thereafter distributes won bets to the winners after deducting a certain commission.
 - f) *Bet Taker [Kristo]* - refers to a person who participates in cockfights with the use of money or other things of value, bets with other bet takers and wins or loses his/her bets depending upon the result of the cockfight as announced by the referee.
 - g) *Handler* - refers to a person who personally takes physical custody and control of a fitted gamecock inside the arena and who actually releases the same for actual fight and combat.

Section 5E.02. Cockpits and Cockfighting: In General: (Ord. No. 01 –s- 1998)

[a] Ownership, Operation and Management of Cockpits. - Only Filipino citizens not otherwise inhibited by existing laws shall be allowed to own, manage and operate cockpits. Cooperative capitalization is encouraged.

[b] Establishment of Cockpits. - Only one cockpit shall be allowed in this municipality.

[c] Cockpits Site and Construction. - The cockpit shall be constructed and operated within the appropriate area as prescribed in the Zoning Ordinance and shall conform with the National Building Code [NBC] of the Philippines.

[d] Holding of Cockfights. - Cockfighting shall be allowed only in the licensed cockpit during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon authorization by the Sangguniang Bayan. No cockfighting shall be held on Holy Thursday, Good Friday, and on days prohibited by the Commission on Election [COMELEC].

[e] Cockfighting for Entertainment of Tourists or for Charitable Purposes. - Subject to the preceding subsection hereof, cockfighting may also be allowed for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as “Balikbayan”, or for the support of national or local fund-raising campaigns for charitable purposes as may be authorized by the Sangguniang Bayan.

[f] Other games during cockfights prescribed. - No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The owner, manager or lessee of such cockpit and the violators of this prohibition shall be held liable under this Article.

Section 5E.03. Licensing of Cockpits. No person shall operate or maintain any cockpit in this municipality without first securing a license from the Sangguniang Bayan under the terms and conditions set forth in this Article. (Ord. No. 01 –s- 1998)

Section 5E.04. Cockfighting Officials. No person shall officiate or take part in any kind of duly authorized cockfights either as promoter, cockpit manager, gaffer, referee, bet manager, bet taker and handler without first securing a permit from the Office of the Mayor.

(Ord. No. 01 –s- 1998)

Section 5E.05. Fees and Charges. All fees and charges in the establishment and operation of the cockpit shall be based on the applicable laws, rules and regulations and local ordinances. (Ord. No. 01 –s- 1998)

Section 5E.06. Barangay Cockfighting. The following shall govern the holding of cockfights in the barangays:

a) There shall be no cockfighting activities in all barangays of this municipality except during the occasion of the celebration of barangay fiestas. (Ord. No. 01 –s- 1998)

b) The barangay or sitio concerned shall only be allowed to hold cockfighting activities for two sessions and that is during the following: (1) the day before vespers (*bisperas*) and (2) the vespers day itself subject to the authority of the Sangguniang Bayan. (Ord. No. 03 –s- 2002)

c) Only the barangay governments shall be allowed to promote cockfighting activities in their respective barangays on the occasion of local fiestas. The concerned barangay governments shall be responsible for the maintenance of peace and order and the safety of the public during the holding of the abovementioned activities in their locality. (Ord. No. 01 –s- 1998)

d) *Filing of Request.* The request to the Sangguniang Bayan for authority to hold cockfighting activities shall be filed at least fifteen (15) days before the scheduled date/s of the cockfighting activities. The number of days shall be reckoned from the time such request is received and stamped by the Office of the Secretary to the Sangguniang Bayan. Failure to comply with this provision shall result in the disapproval of such request. (Ord. No. 06 –s- 2002)

Section 5E.07. Penal Provisions.

a) *For violation of Section 5E.06 b) of this Article.* Any violation of the provisions paragraph b) of Section 5E.06 shall be punished by a fine of One Thousand Pesos [P1,000.00] plus confiscation of the fighting cocks and cockfighting paraphernalia for the first offense and Two Thousand Pesos [P2,000.00] plus confiscation of the fighting cocks and cockfighting paraphernalia for the next offense, or imprisonment of not more than [1] month or both fine and imprisonment, at the discretion of the Court. (Ord. No. 03 –s- 2002)

b) *For violation of the provisions of the other Sections of this Article.* Any violation of the other provisions of this Article shall be punished by a fine of not more than Two Thousand Pesos [P1,000.00] or imprisonment of not more than one month, or both fine and imprisonment, at the discretion of the Court. (Ord. No. 01 –s- 1998)

CHAPTER VI PUBLIC SAFETY, PEACE AND ORDER

Article A. Usage of Trumpet Speakers

Section 6A.01. Definition of Terms. As used in this Article:

a) *Trumpet Speakers* – external loudspeakers used by sound systems, locally known as “*Trompa*”.

b) *Benefit Dances* – dances where community folks get together to celebrate any given occasion, examples of which are fiestas, Valentine’s Day, etc.

Section 6A.02. Rules and Regulations.

a) During benefit dances and other occasions, no trumpet speakers shall be operated beyond 10:00 P.M. within the territorial jurisdiction of this municipality. (Ord. No. 04 –s- 2002)

b) The hosts or organizers of these benefit dances or occasions shall cause the discontinuance of the usage of the trumpet speakers on or before 10:00P.M.

Section 6A.03. Penalty. Any person who violates any provision of this Article shall be punished as follows: (Ord. No. 04 –s- 2002)

a) For the First Offense - A fine of Five Hundred Pesos [P500.00] plus confiscation of the trumpet speakers

b) For the Second Offense - A fine of One Thousand Pesos [P1,000.00] plus confiscation of the trumpet speakers

c) For Each Succeeding Offense - A fine of Two Thousand Pesos [P2,000.00] plus confiscation of the trumpet speakers or imprisonment of one month, or both fine and imprisonment, at the discretion of the Court.

Article B. Ban on the Usage of Some Fishing Gears

Section 6B.01. Definition of Terms. As used in this Article:

a) Batteries – an arrangement of two or more primary cells, dynamos etc. for the purpose of building up a strong electric current.

b) Electric Fishing Gear – consists of aluminum, copper or any metal wiring fixed on a pole and connected to a generator, battery or directly plugged into an electrical power outlet. This device is designed to deliver electric shock to fishes.

c) Streams – refers to rivers and creeks in this municipality.

d) Canals – irrigation or drainage canals.

Section 6B.02. Identified Streams in the Municipality. The following streams emanate from or passes through this municipality:

1. Mambusao River – passes through Barangays Tawog, Oyong, Matangcong, Guintas, Pob. Norte, Pob. Sur and Dayhagon

2. Sigma Creek – passes near the Sigma Catholic Cemetery, Barangays Pob. Norte and Pagbunitan

3. Mianay River – passes through Barangays Parian, Malapad Cogon, Mianay, Amaga, Bangonbangon and Pagbunitan

4. Lintian Creek – passes through Barangays Matangcong and Acbo

5. Baliguian Creek – passes through Barangays Pagbunitan and Bangonbangon

6. Jalawig Creek – passes through Barangays Tawog, Guintas, Mangoso, Pob. Sur and Dayhagon

7. Balucuan River – passes through Barangays Pinamalatican, Matinabus, Balucuan, Mansacul, Cogon and Dayhagon

8. Baye Creek – passes through Barangays Pinamalatican and empties into the Balucuan River

9. Ibian Creek – emanates from Barangay Parian, passes through Barangay Malapad Cogon and empties into the Mianay River

10. Nasunugan Creek – passes through Barangays Balucuan and Mangoso and empties into the Balucuan River

11. Oyong Creek – emanates from Barangay Oyong and empties into the Mambusao River

12. Quinabcaban Creek – passes through Barangays Cogon and Dayhagon
13. Bangbang Creek – emanates from Barangay Guintas, passes through Pob. Sur and connects with the NIA drainage canal in Dayhagon

Section 6B.03. Rules and Regulations. It shall be unlawful for any person to use or encourage the usage of electric fishing gears in all rivers, creeks and canals in this municipality.

Section 6B.04. Penalty. Any person who violates any provision of this Article shall be punished as follows: (Ord. No. 02 –s- 1998)

- a) For the First Offense - A fine of Five Hundred Pesos [P500.00] and confiscation of the fishing paraphernalia
- b) For Each Succeeding Offense - A fine of One Thousand Pesos [P1,000.00] plus five (5) hours of community service under the supervision of the Office of the Mayor

Article C. Ban on the Catching and Gathering of Poisoned Fishes

Section 6C.01. Definition of Terms. As used in this Article:

- a) *Poison* - any substance which when introduced into an organism, acts chemically upon the tissue to produce injury or death.
- b) *Poisoned Fishes* - are those fishes which were affected by toxic or poisonous substances.
- c) *Canals* – irrigation or drainage canals.

Section 6C.02. Rules and Regulations.

- a) It shall be unlawful for any person to use or apply poison to catch fish in rivers, creeks and canals in this municipality.
- b) It shall be unlawful for any person to gather poisoned fishes in this municipality, whether for personal or commercial purposes.

Section 6C.03. Penalty. Any person who violates any provision of this Article shall be punished as follows: (Ord. No. 01 –S- 2002)

- a) For the First Offense - A fine of Five Hundred Pesos [P500.00]
- b) For Each Succeeding Offense - A fine of One Thousand Pesos [P1,000.00] plus five (5) hours of community service under the supervision of the Office of the Mayor

Article D. Liquor Ban Inside the Sigma Public Market

Section 6D.01. Definition of Terms. As used in this Article:

- a) *Liquor* - refers to an alcoholic drink made by distillation rather than by fermentation.
- b) *Alcoholic Beverages* – any intoxicating drink including those produced though the process of fermentation.
- c) *Inside the Public Market* – refers to the area of the public market enclosed by the back walls of the perimeter stalls and concrete fences.

Section 6D.02. Rules and Regulations. (Ord. No. 02 –s- 2001)

- a) It shall be unlawful for any person to drink liquor or alcoholic beverages inside the Sigma Public Market from 8:00 A.M. to 12:00 Midnight daily.
- b) It shall be unlawful for storeowners inside the Sigma Public Market to allow the buyers of their liquor or alcoholic beverages to consume the same within their establishments.

Section 6D.03. Penalties. Any person who violates any provision of this Article shall be punished by a fine of P300.00 to P500.00 for the first offense, P 500.00 to P 800.00 for the second offense, and P 800.00 to P 1,500.00 for the third and succeeding offenses, at the discretion of the Court. (Ord. No. 02 –s- 2001)

Article E. Liquor Ban on Minors

Section 6E.01. Definition of Terms. As used in this Article:

- a) *Public Places* - includes national, provincial, city or barangay streets, parks, plazas, and such other places open to the public.
- b) *Beer Gardens* - includes places where intoxicating and fermented liquors or malt are sold, disposed of, or given away for compensation, where the services of hostesses and/or waitresses are employed. This term shall include bars and videoke establishments serving liquor and intoxicating drinks to the public.
- c) *Institutions* - includes religious and educational establishments such as schools and churches. It shall also include cemeteries.
- d) *Minors* - includes all persons below 18 years of age at the time of violation of any provisions of this Article.
- e) *One Hundred (100) Meters from the School Premises* – refers to the distance starting from a point on the school fence or the school lot boundaries, whichever is applicable, and up to 100 meters from that point.
- f) *Class Hours* - shall mean the time between 7:30 A.M. to 11:30 A.M. and 1:00 P.M. to 5:00 P.M. during which day classes are normally held. In the case of colleges, from 5:00 P.M. to 9:00 P.M. during which night classes are held.

Section 6E.02. Rules and Regulations.

- a) *Liquor Ban on Minors.* It shall be unlawful for any retail storeowner, restaurant, carinderia, videoke or beer garden operator to serve or caused to be served liquor, alcoholic beverages and other intoxicating drinks to minors within the premises of their business establishments. (Ord. No. 2 –s- 1993)
- b) *Posting of Notices.* Retail store owners, restaurant, carinderia, videoke or beer garden operators serving intoxicating drinks to the public shall post appropriate notices in at least two (2) conspicuous locations in their business establishments regarding the liquor ban on minors. One such notice shall be posted right at the main entrance of the establishment. The size of each notice shall be at least eight and a half inches by eleven inches (8½” x 11”). Failure to comply with this requirement shall result in the immediate cancellation of their Mayor’s Permit to operate. (Ord. No. 2 –s- 1993)
- c) *One Hundred Meters Ban.* No retail store, carinderia, restaurant or any other business establishment shall be allowed to sell liquor or other intoxicating drinks within one hundred meters from the school premises.

Section 6E.03. Administrative Provisions.

a) Minors caught drinking liquor, alcoholic beverages or other intoxicating drinks in public places or institutions shall be entrusted to their parents for appropriate action. Should the situation call for it, the apprehending authorities may refer the erring minors and their parents or guardians to the Municipal Social Welfare and Development Office [MSWDO] for counseling.

b) In the case of minor students and during class hours, the apprehending authorities shall also furnish the school authorities of the names of their students who were caught drinking liquor, alcoholic beverages or other intoxicating drinks in public places or institutions.

Section 6E.04. Penalty. a) Any person who violates any provision of Section 6E.02 of this Article shall be punished by a fine of not less than Two Hundred Pesos (P 200.00) but not exceeding Five Hundred Pesos (P500.00) or imprisonment of not less than one (1) day but not exceeding three (3) days, or both fine and imprisonment, at the discretion of the Court. (Ord. No. 2 –s- 1993)

b) In the case of minor recidivists, they may also be required to render community service of not more than six (6) hours per offense. This community service shall be under the supervision of the Office of the Mayor or the MSWDO.

Article F. Vandalism of Public and Private Properties

Section 6F.01. Regulated Acts. No person shall wantonly or deliberately deface or destroy any public or private property, or portion thereof, through any kind or form of vandalism including writing or painting unnecessary letters, words, signs or symbols on any portion of edifices or structures.

Section 6F.02. Penalty. Any person who violates any provision of this Article shall be punished by a fine of not more than Two Hundred Pesos (P200.00) or imprisonment of not more than five (5) days, or both fine and imprisonment, at the discretion of the Court.

CHAPTER VII FINAL PROVISIONS

Article A. General Penal Provisions

Section 7A.01. Penalty. Any violation of the provisions of this Code not herein otherwise covered by a specific penalty, or of the rules and regulations promulgated under the authority of this Code, shall be punished by a fine of not exceeding Two Hundred Pesos (P200.00) or imprisonment of not exceeding fifteen (15) days, or both fine and imprisonment, at the discretion of the Court.

If the violation is committed by any juridical entity, the President, General Manager, or any person entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable therefore.

Article B. Participation in Voluntary Community Service Program

Section 7B.01. Voluntary Community Service Program. Before the appropriate proceedings are filed in court and within seventy-two hours (72) from the time of his/her apprehension, the apprehended party may opt to volunteer and participate in the Voluntary Community Service Program [VCSP] of this municipality. The Office of the Mayor shall conceptualize and package the said program for adoption by the Sangguniang Bayan and manage and supervise its implementation.

The VCSP shall be guided by the following basic policies and principles:

1. It shall respect human rights and the activities therein shall be designed to teach values such as responsibility towards the community, among others.

2. The activities of the program shall not be demeaning to volunteers and they shall not be made to wear anything that would mark them as an offender.

3. The program shall take into consideration the expertise of volunteers and assign them to activities that best suit their expertise, if practical and workable.

4. The areas of activities where the volunteers may participate could be in social services, value formation, environmental management, gender and development, peace and order, engineering, health services, agriculture and such other priorities of the local government where the volunteer's expertise could be put to good use.

5. The program shall devise a scheme for determining the number of hours of community service, for example:

In Terms of Fines:

- | | |
|---|-----------------------------|
| a) For a fine of P100.00 or less | - 2 hours community service |
| b) For a fine of P101.00 to P200.00 | - 3 hours community service |
| c) For each succeeding P200.00 fine
or a fraction thereof thereafter | - 2 hours community service |

In Terms of Imprisonment:

- | | |
|---|-----------------------------|
| a) For 2 days or less of imprisonment | - 8 hours community service |
| b) For each 2 days of imprisonment -
or a fraction thereof | - 4 hours community service |

6. After a volunteer has rendered in full his/her community service, he/she shall be entitled to a certificate of appreciation for the services rendered to this municipality and its constituents.

7. The program may also accept all other volunteers who just wish to serve their community in one way or the other.

8. The program shall make provisions for minors who may be required or may also volunteer to render community service.

9. The VCSP shall not be applicable to the payment of taxes, fees and charges imposed under the Revenue Code and other ordinances of this municipality.

Article C. Implementing Rules and Regulations

Section 7C.01. Implementing Rules and Regulations. The Office of the Mayor may issue rules and regulations for the proper implementation of this Code.

Article D. Separability, Applicability, Repealing and Effectivity Clauses

Section 7D.01. Separability Clause. If, for any reason, any provision, section or part of this Code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in force and effect.

Section 7D.02. Applicability Clause. All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances.

Section 7D.03. Repealing Clause. All ordinances, rules and regulations or parts thereof, in conflict with, or inconsistent with any provisions of this Code are hereby repealed or modified accordingly.

Section 7D.04. Effectivity. This Code shall take effect after its approval by the Mayor.

ENACTED 17 December 2003

I hereby certify to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Bayan during its Regular Session on December 17, 2003.

(Sgd) **GIOVANNI J. JARENCIO**
Secretary to the Sangguniang Bayan

ATTESTED:

(Sgd) **Hon. LEMUEL A. DE PEDRO**
Presiding Officer

(Sgd) **HON. LYNDON F. ALAYON**
SB Member

(Sgd) **HON. GONZALO S. JOREN**
SB Member

(Sgd) **HON. VICTORIA P. QUIRAO**
SB Member

(Sgd) **HON. RODOLFO B. SIMON**
SB Member

(Sgd) **HON. ARTURO T. MARCELINO**
SB Member

(Sgd) **HON. MELBAR P. FRANCISCO**
SB Member

(Sgd) **HON. OSCAR P. DE JUAN**
SB Member

APPROVED:

ATTESTED:

(Sgd) **HON. ROBERTO R. SUALOG**
Municipal Mayor

(Sgd) **GIOVANNI J. JARENCIO**
Secretary to the Sangguniang Bayan

Republic of the Philippines
Province of Iloilo
Municipality of Barotac Viejo

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO.2004-01

**AN ORDINANCE ENACTING THE MUNICIPAL
ADMINISTRATIVE CODE OF BAROTAC VIEJO
AND FOR OTHER PURPOSES**

Be it enacted by the Sangguniang Bayan of Barotac Viejo, in session assembled,
that:

**CHAPTER I
GENERAL PROVISIONS**

Section 1. Short Title. This ordinance shall be known as the “Administrative Code Ordinance of Barotac Viejo.”

Section 2. Statement of Purpose. The Code hereby establishes the legal, political, economic, social and cultural framework of local governance; the implementation, monitoring of the delivery of municipal government services; conservation and protection of natural resources, control of ambient air quality, rational utilization of marine and water resources, installation of appropriate public technology; and harnessing of the full potential of all sectors of society to attain a better quality of life for the present and future generations. It localizes and reinforces superior laws distinctly applicable in the municipality.

Section 3. Nature and Scope. This Code covers all general and special administrative ordinance of the Local Government Unit of Barotac Viejo enacted over the years, as well as provisions from Executive Orders of the Municipal Mayor and Resolutions of the Sangguniang Bayan that partake the nature of ordinances.

Section 4. Form and Style. Some provisions of this Code preserve the original text and form in which they were passed while others have been rewritten in the process of consolidation or for clarity and style.

Section 5. Numbering of Ordinances. This Code shall be recorded and identified as Municipal Ordinance No. 2004-01.

Section 6. Amendments of New Chapters or Sections. Any enactment shall refer to the chapter or section concerned. A new chapter may be placed where appropriate. A new section may be added or inserted in the proper Chapter with the corresponding decimal number.

Section 7. Other Codes. Other codes may be published separately, but the publications shall bear all amendments and additions now or hereafter made.

Section 8. Reference to Code. Whenever references are made to any portion of this Code the reference applies to all amendments and additions now or hereafter made.

Section 9. Subsequently New Ordinances and their Integration. All ordinances enacted subsequent to the date of affectivity of this code shall be integrated in such a manner that it will bear the corresponding chapter and section to which ordinance pertains.

Section 10. Relation of Code to Prior Ordinances. The provisions of this Code that are substantially the same with existing ordinances relating to the subject matters shall be construed as restatement and continuation and not as new enactments.

Section 11. Conflict Within/Between/Among Chapters or Articles. Should the provisions of the different chapters in this code conflict or contravene another, the provisions within each chapter shall prevail in so far as matters in each chapter are concerned.

Section 12. Existing Rights. No action or proceeding commenced before this code takes effect, and no right accrued shall be affected by this Code, and all procedures thereafter taken shall conform to the provisions of this Code in so far as possible. The chapter and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this Code. At the time this Code takes effect, all persons who hold office under any of the ordinance regarded by this code, but which offices are not organizationally affected by this code, shall continue to hold office in accordance with their tenure.

Section 13. Rules in Interpreting the Provisions of this Code.

- a. General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- b. Gender: Singular and Plural. Every word importing the masculine gender as well as the words “he/she”, “his/her” and “him/her” shall extend to both male and female. Every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things.
- c. Persons. The word “persons: shall extend and be applied to natural and juridical persons such as firms, corporations, or voluntary associations, unless plainly inapplicable.
- d. Tenses. The use of any verb in the present tense shall include the future when applicable.
- e. Shall Have Been. The word “shall have been” include past and future cases.
- f. Shall and May. “Shall” is mandatory and “may” is permissive.
- g. Reasonable Time or Notice. In all cases where any provisions of this Code shall require any act to be done in a reasonable notice to be given, that reasonable time or notice shall mean such time only as may be necessary for the prompt performance of that duty, or compliance with that notice.

Section 14. Posting of Ordinances. Any ordinances carrying a penal provision becomes effective only after the same have been posted in the municipal bulletin board for

three consecutive weeks or published in a local newspaper, if available, except barangay ordinances. The Secretary to the Sanggunian shall transmit official copies of such ordinances to the Chief Executive Officer, Official Gazette, for publication and reference.

Section 15. Liberal Interpretation.

- a. Any provision of this Code shall be liberally interpreted in favor of the municipality in the exercise of devolved powers and the general welfare clause under Section 16 of the Local Government Code.
- b. In the resolution of controversies that may arise as a result of the implementation of this Code where no legal or odal provisions of jurisprudence applies, resort may be attained through the mediation system under the Katarungan Pambarangay Law if applicable or through the traditions in the place where the controversies occur.
- c. Rights and obligations existing on the date of affectivity of this Code and arising out of contracts shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested.

Section 16. Applicability Clause. Other matters relating to the taxes, fees and charges herein collected shall be governed by pertinent provisions of this Code and the Municipal Revenue of Barotac Viejo as well as other laws and ordinances, henceforth enacted.

**CHAPTER II
SPECIAL PROVISIONS**

Section 17. Foundation Day. Foundation Day of this Municipality shall be celebrated every November 27 of the year.

Section 18. Seat of the Government. The seat of the Municipal Government is located at Barotac Viejo Municipal Hall, Poblacion, Barotac Viejo, Iloilo.

Section 19. The Seal of the Municipality of Barotac Viejo. The seal of the Municipality of Barotac Viejo has the following symbols and their corresponding meaning:



Green areas refer to the agricultural areas stratified by rice paddies.

*Red Building signifies industry or commerce.
Mountain Ranges refer to the upland barangays.*

Water Areas or Seas with the fisherman's banca reveals the abundance of marine life or its fishing industry of which eight (8) out of the twenty six (26) barangays belong to the coastal area.

Wide Horizon at the foreground signifies more developments for this municipality.

Section 20. Role of the Municipality. The Municipality consisting of a group of barangays, serves primarily as a general purpose government for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction.

Section 21. Vision of the Municipality. The Vision of the Municipality of Barotac Viejo is

A model municipality that is agriculturally productive, sustainably progressive, and orderly managed with a self-reliant community enjoying access to basic services and opportunities.

Section 22. Mission of the Municipality. The mission of the Municipality of Barotac Viejo is

To pursue a holistic development strategy that promotes the general welfare of the people with a Local Government Unit that practices an effective, ethical, gender-responsive, environmentally friendly, and participatory governance.

Section 23. Municipal Code of Ethics. The Municipality of Barotac Viejo adopted the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. 6713) to wit:

- 1. Commitment to Public Interest** – Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues;
- 2. Professionalism** – Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their role as dispenser or peddlers of undue patronage;
- 3. Justness and Sincerity** – Public officials and employees shall remain true to all people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the under privileged. They shall at all times respect the rights of others, and shall refrain from

doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs;

4. **Political Neutrality** – Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference;
5. **Responsive to the Public** – Public officials and employees shall extend prompt and adequate services to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information on their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematic policy, rules and procedures of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.

CHAPTER III MUNICIPAL EXECUTIVE OFFICES

Section 24. Municipal Executive Offices and Their Functions. The Municipal Executive Offices and Divisions directly under the control and supervision of the Local Chief Executive (Municipal Mayor) with their respective functions delineated or defined.

- a. **Office of the Mayor.** The Office of the Mayor headed by the Chief Executive of Barotac Viejo shall execute and implement all laws and ordinances within his/her territorial jurisdiction. He/She is the over-all administrator and general supervisor and controller of his/her municipality. His/Her functions are basically the following:
 1. Exercise supervision and control over all programs, projects and services of municipal government;
 2. Enforce all laws and ordinances, and implement all policies, programs, projects, services and activities of the municipality and exercise the corporate powers of the municipality;
 3. Initiate and maximize the generation of resources and revenues and to see.
 4. Ensure the delivery of basic services and to provide adequate facilities. The basic services like social, health care, information services, disposal of waste, infrastructure, public markets, police and fire stations, tourism facilities are stated in the Local Government Code (R.A. 7160) Section 17 (b) (2).
 5. Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds and whose appointments are not otherwise provided for in R.A. 7160.
 6. Ensure that all executive officials and employees of the municipality faithfully discharge their duties and functions as provided by law and the R.A. 7160, and cause to be instituted administrative or judicial proceedings against any official or employee of the municipality who may have committed an offense in the performance of his/her official duties.
 7. Issue executive orders copies of which must be furnished to the provincial

governor within seventy two (72) hours. There may be functions pertinent to his/her office that need an implementing order and these functions are covered by proper appropriations in which case the mayor may just issue an executive order like the holding of Palarong Bayan or other sports activities, or calling of conventions or conference of elective and appointed officials. Further LGC Section 444, the municipal mayor may issue executive orders as are necessary for the power enforcement and execution of laws and ordinances.

8. Exercise certain police powers to maintain peace and order, to ensure safety and comfort of his/her constituents. Thus the mayor may carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disaster and calamities. He/She may call upon the law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the municipal police forces are inadequate to cope with the situations or the violators. He/She may clear the public plazas or public streets of unauthorized vendors or squatters. He/She may order demolition of illegally constructed house, building or structure. While R.A. 7160 does not say so, prudence dictates that there must be previous notice and opportunity to be heard or there must be due process. In one case, the mayor proceeded to order demolition of a Quonset building for violation of a zoning ordinance. The Supreme Court ruled that violation of a municipal ordinance does not empower the mayor to avail of extra-judicial abatement of nuisance.
9. Issue permits to business and for holding of certain activities for charity or welfare purposes. He/She may refuse to issue permits for justifiable reasons like when conditions for issuance of such permits have not been complied with and his/her refusal to issue permits will not be inferred with unless abusive.
10. Solemnize marriages, any provision of law to the contrary notwithstanding and thus, this correspondingly amends the pertinent provision of the Family Code.
11. Visit component barangays of the municipality at least once in every six months to know the problem and needs of the barangay informing them of new laws or ordinances or the punong barangay may see the mayor on his/her problems threshing out with the mayor on how to solve these problems or to meet the needs of the people in the barangay. The mayor then is not a mere swivel chair executive. The mayor, by executive fiat, may form a committee on barangay affairs in his/her office and then he/she may instruct the members of this committee to frequent visits to barangay to see first hand problems and conditions obtaining therein. The mayor may initiate steps towards the formation of cooperatives in the barangay on the development of indigenous resources therein so that the barangay may practice self-reliance. The mayor may examine books, records, and documents.
12. The mayor may not take over operations and control of private person's station and to padlock the same without observing due process. This is an act purely arbitrary and makes out of the mayor an unrestrained dictator.
13. The mayor shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local or barangay elections. (Section 51 of R.A. 6975) During the said period, the local police forces shall be under the supervision and control of the

Commission on Elections. The term “operational supervision and control” shall mean the power to direct, superintend, oversee and inspect the police units or forces. It shall include the power to employ and deploy units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bring the offenders to justice, and ensuring public safety and effective maintenance of peace and order within the locality. For this purpose, the term “employ” and “deploy” shall mean as follows: “Employ” refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawless violence, rebellious or seditious conspiracy, insurgency, subversion or other related activities. “Deploy” shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined. The mayor shall, in coordination with the local peace and order council of which he/she is the Chairperson, pursuant to EO 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrust for implementation by the local PNP stations. It shall likewise sponsor periodic seminars for members of the PNP assigned or detailed in the municipality in order to update those regarding local ordinances and legislations. In addition, the Mayor shall have authority to choose the chief of police from a list of five (5) eligible recommended by the provincial police director, preferably from the same province, or municipality; to recommend the transfer, reassignment or detail of PNP members outside of their respective municipality residences; to recommend from the list eligible previously screened by the Peace and Order Council, the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointment shall be attested.

- b. **Personal Staff** - Provides executive and Mayor in the discharge of his/her official functions and carries out instruction of the Municipal Chief Executive.
- c. **Office of the Municipal Administrator**-The Municipal Administrator is optional and the term is coterminous with that of his/her appointing authority. No person shall be appointed as Municipal Administrator unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of college degree preferably in public administration, law or any other related course from recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have acquired experience in management and administration work for at least three (3) years. The Municipal Administrator shall take charge of the office of the administrator and its office shall:
 - i. Develop plans and strategies and upon approval thereof by the mayor implement the same particularly those which have to do with the management and administration-related programs and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for under R.A. 7160;

- ii. In addition to the foregoing duties and functions, the office of the administrator shall:
- iii. Assist in the coordination of the work of all the officials of the local government unit, under the supervision, direction and control of the mayor, and for this purpose, he/she may convene the chiefs of offices and other officials of Barotac Viejo;
- iv. Establish and maintain a sound personnel program for the local government unit designed to promote career development and uphold the merit principle in the local government service;
- v. Conduct a continuing organizational development of local government unit with end view of instituting effective administrative reforms;
- vi. Be in the frontline of the delivery of administrative support services, particularly those related to the situations during and in the aftermath of man-made and natural disaster and calamities;
- v. Recommend to the sanggunian and advise the mayor on all other matters relative to the management and administration of the local government unit; and
- vi. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.

d. Office of the Municipal Information Officer- The Municipal Information Officer is under the Office of the Mayor. The position of Municipal Information shall be optional and its term is coterminous with that of his/her appointing authority.

No person shall be appointed as Municipal Information Officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in journalism, mass communication or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have acquired an experience in writing articles and research papers, or in writing for print, television or broadcast media for at least one (1) year. The Municipal Information Officer shall:

- 1. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the mayor in providing the information and research data required for the delivery of basic services and provision of adequate facilities so that the public becomes aware of said services and may fully avail of the same
- 2. Develop plans and strategies and upon approval thereof by the mayor implement the same, particularly those which have to do with public information and research data to support programs and projects which the mayor is empowered to implement and which the Sanggunian is empowered to provide under R.A. 7160;
- 3. In addition to the foregoing duties and functions, the Municipal Information Officer shall:
 - i. Provide relevant, adequate and timely information to the local government unit and its residents;
 - ii. Furnish information and data on local government units to government agencies or offices as may be required by law or ordinance; and non-

government organizations to be furnished to said agencies and organizations;

iii. Maintain effective liaison with the various sectors of the community on matters and issues that affect the livelihood and the quality of life of the inhabitants and encourage support for program of the local and national government;

4. Be in the frontline in providing information during and in the aftermath of man-made and natural disaster and calamities, with special attention to the victims thereof, to help minimize injuries and casualties during and after the emergency, and to accelerate relief and rehabilitation;
5. Recommend to the Sanggunian and advise the mayor on all other matters relative to public information and research data as it relates to the total socio-economic development of the local government unit; and
6. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.

e. Office of the Treasurer – The Office of the Treasurer is important. The Treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking eligible recommendees of the mayor, subject to civil service law, rules and regulations. The treasurer shall be under the administrative supervision of the mayor, to whom he/she shall report regularly on the tax collection effort of the LGU. No person shall be appointed treasurer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in commerce, public administration or law from a recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have acquired experience in treasury or accounting service for at least three (3) years. The appointment of a treasurer shall be mandatory and the office shall:

- a. Take charge of the treasury office, perform the duties provided for advise the mayor, the sanggunian, and other local government and national officials concerned regarding disposition of local government funds and on such other matters relative to public finance;
- b. Take custody and exercise proper management of the funds of the local government unit of Barotac Viejo;
- c. Take charge of the disbursement of all local government funds and such other funds the custody to which may be entrusted to him/her by law or other competent authority;
- d. Inspect private commercial and industrial establishments within the jurisdiction of Barotac Viejo local government unit;
- e. Maintain and update the tax information system of Barotac Viejo local government unit; and
- f. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

f. Office of the Assessor. No person shall be appointed Assessor unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in civil or mechanical engineering, commerce, or any other related course from a recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have

acquired experience in real property assessment work or in any related field for at five (5) years in the case of provincial or city assessor, and at least three (3) years in the case of the municipal assessor. The appointment of an assessor shall be mandatory for provincial, city and municipal governments.

- a) The office will ensure that all laws and policies governing the appraisal and assessment of real properties for taxation purposes are properly executed;
 - b) Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedure and practices in the valuation and assessment of real properties for taxation purposes;
 - c) Establish a systematic method of real property assessment; install and maintain a real property identification and accounting system;
 - d) Prepare, install and maintain a system of tax mapping, showing graphically
 - e) all properties subject to assessment and gather all data concerning the same;
- l. Conduct frequent physical survey to verify and determine whether all real properties within the municipality are properly listed in the assessment rolls;
 - l. Exercise the function of appraisal and assessment primarily for taxation purposes of all real properties in the local government unit concerned;
 - m. Prepare a schedule of the fair market value for the different classes of real properties, in accordance with Title Two, Book II of R.A. 7160;
 - n. Issue, upon request of any interested party, certified copies of assessment records of real property and all other records relative to its assessment, upon payment of a service charge or fee to the treasurer;
 - o. Submit every semester a report of all assessments, as well as cancellation and modifications of assessment, to the local chief executive and the sanggunian concerned;
 - p. In the case of the assessor of a component city or municipality attend, personally or through an authorized representative, all sessions of the Local Board of Assessment Appeals whenever his/her assessment is the subject of the appeal and present or submit any information or record in his/her possessions as may be required by the Board; and
 - q. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.
- g. **Office of the Accountant** – The appointment of the Municipal Accountant is mandatory. No person shall be appointed accountant unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a certified public accountant. He/She must have acquired experience in the treasury or accounting service for at least five (5) years in the case of provincial or city accountant, and three (3) years in the case of municipal accountant. The accountant shall take charge of both the accounting and internal audit services of the local government unit and its office shall:

- a. Install and maintain an internal audit system in the local government unit concerned; prepare and submit financial audit statement to the governor or mayor as the case may be, and to the sanggunian concerned;
 - b. Appraise the sanggunian and other local government officials on the financial condition and operations of the local government unit concerned; certify to the availability of budgetary allotment to which expenditure and obligations may be properly charged;
 - c. Review supporting documents before preparation of voucher to determine completeness of requirements;
 - d. Prepare statement of cash advances, liquidation, salaries, allowances, reimbursements and remittances pertaining to the local government unit;
 - e. Prepare statements of journal vouchers and liquidation of the same and other adjustments to the subsidiary ledger and index cards;
 - f. Maintain individual ledger for officials and employees of the local government unit pertaining to payrolls and deductions;
 - g. Record and post in index cards details of purchased furniture, fixture, and equipment, including disposal thereof, if any; account for all issued requests for obligations and maintain and keep all records and reports related thereto;
 - h. Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and
 - i. Exercise such other powers and perform such other duties and functions as may be provided by law or ordinance.
- h. **Office of the Municipal Budget Officer-** The appointment of the Municipal Budget Officer is mandatory. No person shall be appointed budget officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a holder of a college degree preferably in accounting, economics, public administration or any related course from a recognized college or university. He/She must have acquired experience in government budgeting or in any related field for at least three (3) years in the case of municipal accountant. The budget officer shall take charge of the budget office and her office shall:
- a. Prepare forms, orders, and circulars embodying instructions on budget and appropriation matters for the signature of the mayor;
 - b. Review and consolidate the budget proposals of different departments and offices of Barotac Viejo LGU;
 - c. Assist the mayor in the preparation of the budget and during budget hearing;
 - d. Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
 - e. Submit periodic budgetary reports to the Department of Budget and Management
 - f. Coordinate with the Treasurer, the Accountant, and the Planning and Development Coordinator for the purpose of budgeting;
 - g. Assist the Sanggunian concerned in reviewing the approved budgets of component local government unit;
 - h. Coordinate with the planning and development coordinator in the formulation of Barotac Viejo Development Plan; and
 - i. Exercise such other powers and perform such other duties and functions

as may be prescribed by law or ordinance.

i. Office of the Municipal Planning and Development Coordinator-

The appointment of the Municipal Planning and Development Coordinator is mandatory. No person shall be appointed MPDC unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a holder of a college degree preferably in urban planning, development studies, economics, public administration or any related course from a recognized college or university. He/She must have acquired experience in development planning or in any related field for at least three (3) years. The Municipal Planning and Development Coordinator shall take charge of the MPDC Office and shall:

- a. Formulate integrated economic, social, physical and other development plans and policies for considerations of the Barotac Viejo Development Council;
- b. Conduct continuing studies, researches, and training programs necessary to evolve plans and programs for implementation;
- c. integrate and coordinate all sectoral plans and studies undertaken by the different functions groups or agencies;
- d. Monitor and evaluate the implementation of the different development programs, projects, and activities in the local government unit of Barotac Viejo in accordance with the approved development plan;
- e. Prepare comprehensive plans and other development planning documents for the consideration of the Barotac Viejo Local Development Council;
- f. Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the LGU as provided in R.A. 7160;
- g. Promote people participation in development planning within the LGU;
- h. Exercise supervision and control over the secretariat of the Barotac Viejo Local Development Council and
- i. Exercise such other powers and perform such other functions and duties as may prescribed by law or ordinance.

j. Office of the Municipal Engineer. The Municipal Engineering Office is headed by the Municipal Engineer and his/her appointment is mandatory. No person shall be appointed Municipal Engineer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed civil engineer. He/She must have acquired experience in the practice of his/her profession for at least two (2) years. The Municipal Engineer shall take charge of the Engineering Office and shall:

- a. Initiate, review and recommend changes in policies and objectives, plans and programs, techniques, procedures and practices in infrastructure development and public works in general;
- b. Advise the Municipal Mayor on infrastructure, public works, and other engineering matters
- c. Administer, coordinate, supervise, and control the construction, maintenance, improvement and repair of roads, bridges, and the engineering and public works projects of Barotac Viejo;

- d. Provide engineering services, including investigation and survey, engineering designs, feasibility studies, and project management; and
- e. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.

k. Office of the Municipal Health Services. The Municipal Health Services is headed by the Municipal Health Officer and his/her appointment is mandatory. No person shall be appointed as Municipal Health Officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, and a licensed medical practitioner. He/She must have acquired experience in the practice of his/her profession for at least three (3) years. The Municipal Health Officer shall take charge of the office on health services and its office shall:

- a. Formulate program implementation guidelines and rules and regulations for the operation of the said office for the approval of the mayor, in order to assist him/her in efficient, effective and economical implementation of health services programs geared towards the implementation of health-related projects and activities;
- b. Formulate measures for the consideration of the sanggunian and provide technical assistance and support to the mayor, in carrying out activities to ensure the delivery of basic services and provision of adequate facilities relative to health services provide under R.A. 7160;
- c. Develop plans and strategies and upon approval thereof by the mayor, implement the same, particularly those which have to with health programs and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for under R.A. 7160;
- d. In addition to the foregoing duties and functions, the Health Officer shall:
 - i. Formulate and implement policies, plans, programs and projects to promote the health of the people in Barotac Viejo;
 - ii. Advise the mayor and the sanggunian on matters pertaining to health;
 - iii. Execute and enforce all laws, ordinance and regulations relating to public health;
 - iv. Recommend to the sanggunian through the Local Health Board, the passage of such ordinance as he/she may deem necessary for the preservation of public health;
 - v. Recommend the prosecution of any violation of sanitary laws, ordinances or regulations;
 - vi. Direct the sanitary inspection of all business establishments selling foods items or providing accommodations such as hotels, motels, lodging houses, pension houses, and the like, in accordance with the sanitation Code;
 - vii. Conduct health information campaign and render health intelligence services;
 - viii. Coordinate with other government agencies and non-government organizations involved in the promotion and delivery of health services;
 - ix. Be in the frontline of the delivery of health services, particularly during and in the aftermath of man-made and natural disaster and calamities; and

- x. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.

I. Office Municipal Civil Registrar - The Municipal Civil Registration is headed by the Municipal Civil Registrar and its appointment shall be mandatory. No person shall be appointed as Municipal Civil Registrar unless he/she is a citizen of the Philippines, a resident of Barotac Viejo, of good moral character, a holder of college degree from recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have acquired experience in civil registry work for at least three (3) years. The Municipal Civil Registrar shall be responsible for the civil registration program pursuant to the Civil Registry Law, the Civil Service Code, and other pertinent laws, rules and regulations issued to implement them. Likewise he/she shall take charge of the office of the civil registry and shall:

- a. Develop plans and strategies and upon approval thereof by the mayor implement the same, particularly those which have to do with civil registry and projects which the mayor is empowered to implement and which the sanggunian is empowered to provide for under R.A. 7160;
- b. In addition to the foregoing duties and functions, the Civil Registrar shall:
 - i. Accept all registrable documents and judicial decrees affecting the civil status of persons;
 - ii. File, keep and preserve in a secure place the books required by law;
 - iii. Transcribe and enter immediately upon receipt all registrable documents and judicial decrees affecting the civil status of persons in appropriate civil registry books;
 - iv. Transmit to the Office of the Civil Registrar-General, within the prescribed period, duplicate copies of registered documents required by law;
 - v. Receive applications for the issuance of a marriage license and, after determining that the requirements and supporting certificates and publication thereof for the prescribed period have been complied with, issue the license upon payment of the authorized fee to the treasurer;
 - vi. Coordinate with the National Statistics Office in conducting educational campaigns for vital registration and assist in the preparation of demographic and other statistics for Barotac Viejo LGU; and
 - vii. Exercise other powers and perform such other duties and functions as may be prescribed by law or ordinance.

m. Office of the Municipal Agriculturist - The Municipal Agriculturist is the head of office. The position of Agriculturist shall be optional. No person shall be appointed as Municipal Agriculturist unless he/she is a citizen of the Philippines, a resident of Barotac Viejo, of good moral character, a holder of college degree in agriculture or any other related course from recognized college or university, and a first grade civil service eligible or its equivalent. He/She must have practiced his/her profession in agriculture or acquired experience in a related field for at least three (3) years. The Municipal Agriculture Office shall:

- a. Formulate measure for the approval of the Sanggunian and provide technical assistance and support to the mayor in carrying out said

measures to ensure the delivery of basic services and provision of adequate facilities relative to agricultural services as provided by R.A.7160;

- b. Develop plans and strategies and upon approval by the mayor, implement the same, particularly those which have to do with agricultural programs and projects which the mayor is empowered to implement and which the Sanggunian is empowered to provide for under R.A. 7160;
- c. In addition to the foregoing duties and functions, the Agriculturist shall:
- d. Ensure that maximum assistance and access to resources in the production, processing and marketing of agricultural and aqua-cultural and marine products are extended to farmers, fishermen and local entrepreneurs;
- e. Conduct or cause to be conducted location-specific agricultural researches and assist in making available the appropriate technology arising out of and disseminating information on basic research on crops, prevention and control of plant diseases and pest, and other agricultural matters which will maximize productivity;
- f. Assist the mayor in the establishment and extension services of demonstration farm or aqua-culture and marine products;
- g. Enforce rules and regulation relating to agriculture and aqua-culture
- h. Coordinate with the government agencies and non-government organization which promote agricultural productivity through appropriate technology compatible with environmental integrity
- i. Be in the frontline of the delivery of basic agricultural services, particularly those needed for the survival of the inhabitants during and in the aftermath of man-made and natural disaster and calamities;
- j. Recommend to the Sanggunian and advise the mayor on all other matters related to agriculture and aqua-culture which will improve the livelihood and living conditions of the inhabitants; and
- f. Exercise all the powers and perform such other duties and functions as may be prescribe by law or ordinance.

- n. **Office of the Municipal Social Welfare and Development** - The Municipal Social Welfare and Development Office is headed by the Municipal Social Welfare and Development Officer. The position of Municipal Social Welfare and Development Agriculturist shall be optional. No person shall be appointed as Municipal Social Welfare and Development Officer unless he/she is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a duly licensed social worker or a holder of a college degree preferably in sociology or any other related course from recognized college or university, and a first grade civil service eligible or its equivalent.

He/She must have acquired experience in the practice of social work for at least three (3) years. The Municipal Social Welfare and Development Office shall:

- a. Formulate measure for the approval of the sanggunian and provide technical assistance and support to the mayor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to social and development services as provided under R.A. 7160;
- b. Develop plans and strategies and upon the approval by the mayor implement the same particularly those which have to do with social welfare programs and projects which the mayor is empowered to implement and the sanggunian is empowered to provide for under R.A.

- 7160;
- c. In addition to the foregoing duties, the social welfare and development office shall:
 - i. Identify the basic needs of the needy, the disadvantaged and the impoverished and develop and implement appropriate measures to alleviate their problems and improve their living conditions;
 - ii. Provide relief and appropriate crisis intervention for victims of abuse and exploitation and recommend appropriate measures to deter further abuse and exploitation;
 - iii. Assist the mayor in implementing the barangay level program for the total development and protection of children up to six (6) years of age;
 - d. Facilitate implementation of welfare program for the disabled, elderly, and victims of drug addiction, the rehabilitation of prisoners and paroles, the prevention of juvenile delinquency and such other activities which would eliminate or minimize the ill-effect of poverty;
 - e. Coordinate with government agencies and non-governmental organizations which have for their purpose the promotion and the protection of all needy, disadvantaged, underprivileged or impoverished groups or individuals, particularly those identified to be vulnerable and high risk to exploitation abuse and neglect;
 - f. Be in the frontline of service delivery, particularly those which have to do with immediate relief during and assistance in the aftermath of man-made and natural disaster and calamities;
 - g. Recommend to the Sanggunian and advise the mayor on all matters related to social welfare and development services which will improve the livelihood and living conditions of the inhabitants; and
 - h. Exercise such other power and perform such other duties and functions as may be prescribed by law or ordinance.

Section 25. Municipal Executive Orders. The Mayor shall review all executive orders promulgated by the Punong Barangay within his/her jurisdiction. Copies of such orders shall be forwarded to the office of the mayor within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and conformity with municipal ordinances.

Section 26. Inter-governmental Relations. The Municipal Mayor shall exercise general supervision over component barangays to ensure that said barangays act within the scope of their prescribed powers and functions. The local government unit through an appropriate ordinance can coordinate with other neighboring municipalities to consolidate efforts, services and resources for purposes commonly beneficial to them. In support to that undertakings, the LGU involved; upon approval by the sanggunian concerned after a public hearing conducted for the purpose, contribute funds, real estate, equipment and other kinds of property and appoint or assign personnel under such terms and condition as may be agreed upon by the participating local units through Memoranda of Agreement.

CHAPTER 1V MUNICIPAL LEGISLATIVE OFFICES

Section 27. Legislative Offices and Their Functions. The following are the legislative offices directly under the control and supervision of the Municipal Vice Mayor with their respective functions defined:

(a) Vice Mayor

- (1) Be the presiding officer of the sangguniang bayan and sign all warrants drawn on the municipal treasury for all expenditures appropriated for the operation of the sangguniang bayan;
- (2) Subject to civil service law, rules and regulations, appoint all officials and employees of the sangguniang bayan, except those whose manner of appointment is specifically provided in this code;
- (3) Assume the office of the municipal mayor for the unexpired term of the latter in the event of permanent vacancy as provided for in Section 44, Book 1 of this Code;
- (4) Exercise the powers and perform the duties and functions of the municipal mayor in cases of temporary vacancy as provided for in Section 46, Book 1 of this Code; and
- (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

The vice mayor shall receive a monthly compensation corresponding to Salary Grade twenty (25) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

(b) The Sangguniang Bayan

Composition

- (a) The Sangguniang Bayan, the legislative body of the municipality, shall be composed of the municipal vice mayor as the presiding officer, the regular sanggunian members, the president of the municipal chapter of the Liga ng mga Barangay, the president of the Pambayang Pederasyon ng mga Sangguniang Kabataan, and the sectoral representatives, as members.
- (b) In addition thereto, there shall be three (3) sectoral representatives; one (1) from the women; and, as shall be determined by the Sanggunian concerned within ninety (90) days prior to the holding of local elections, one (1) from the agricultural or industrial workers; and one (1) from the other sectors, including the urban poor, indigenous cultural communities, or disabled persons.
- (c) The regular members of the sanguine banyan and the sectoral representatives shall be elected in the manner as may be provided for by law.

Powers, Duties, Functions and Compensation.

The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22

of this Code, and shall have the powers, duties, functions and compensation as embodied in Section 447 of the Local Government Code of 1991.

- (c) **Office of the Secretary to the Sangguniang Bayan:** The Secretary to the Sanggunian provides staff and support services to the Sangguniang Bayan and act as custodian of all documents and proceedings of the Sangguniang Bayan and exercise such other powers and performs other duties and functions as may be provided by law or ordinance.

CHAPTER V DEVELOPMENT ADMINISTRATION

ARTICLE I HUMAN RESOURCE DEVELOPMENT

Section 28. Statement of Policy. – It shall be the Policy of the Municipality of Barotac Viejo to improve the local bureaucracy, provide adequate opportunity to government officials and employees to enhance their potentials, skills and capabilities to achieve efficient, effective and honest local governance and to provide benefits and incentives to deserving personnel.

Section 29. Recruitment, Selection and Placement System. The policy and procedure in recruiting, selecting and placing the system are the following:

- i. Posting of Vacant Positions – Posting of vacant position shall be in compliance with R.A. 7041 that the posting of any carrier position to be filled-up in at least three conspicuous public places in the municipality for a period of not less than fifteen (15) days.
- ii. Preliminary Requirements – The Municipal Human Resource Management Office shall take charge of all preliminary requirements in the recruitment, selection and placement process.
- iii. The Personnel Selection Board – There shall be established a Personnel Selection Board to assist the local chief executive in the judicious and objective selection of personnel for employment as well as for promotion. This is in compliance with the provision of Section 80(b) of R.A. 7160. The composition of the Personnel Selection Board shall be as follows:

Chairperson	-	Municipal Mayor
Members	-	Chairperson, Committee on Personnel HRMO

Section 30. The Performance Evaluation System. There shall be established a Performance Evaluation System, in accordance with Rule IX of the Omnibus Rule Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Law.

Section 31. Incentives and Awards System. There shall be established an incentives and awards system in accordance to Rule X of the Omnibus Rules Implementing Book V of Executive Order No. 292 of the Civil Service Laws. Thus, the System shall include the following:

a. **Recognition Award:**

- i. Loyalty Award- Officials and employees who have satisfactorily rendered service shall be given due recognition:
 1. 10 years of service – 1 bronze service pin
 2. 20 years of service – 1 silver service pin
 3. 30 years of service – 1 gold service pin
- ii. Service Award – This award shall be given to official and employees who have retired after fifteen (15) years of satisfactory government service.
- iii. Posthumous Award – Officials and employees, who at the time of death are still in service and/or, while performing official functions, shall be given due recognition and award.
- v. Punctuality and Outstanding in Attendance Award- This shall be conferred to officials and employees who had no record of late and absence during the year.

- b. **Merit Increase/Step Increments.** – The grant of merit increase step increments for outstanding employees shall be in accordance with the provisions of Joint Civil Service Commission-Department of Budget and Management Circular No. 1, Series of 1990.
- c. **Year-end Benefits** or Thirteenth Month Bonus plus Five Thousand Pesos Cash Gift shall be granted to officials and employees
- d. **Clothing Allowance-** Officials and Employees shall be granted a yearly clothing allowance as may be provided for in the Municipal Budget.
- e. **Monetization of Earned Leaves** – Officials and Employees shall be given options to convert the maximum of ten (10) days earned leaves into cash, depending upon the availability of LGU funds.
- f. **Death Assistance Benefit-** There shall be established a Municipal Employees Agreement that a direct employee who died in service shall be given a one-day salary assistance from all officials and employees, and fifty pesos for family members of the municipal officials and employees.
- g. **The Barotac Viejo Municipal Employees Cooperative** – The Barotac Viejo Municipal Employees Cooperative is hereby accredited and recognized and the Municipal Government of Barotac Viejo shall extend full assistance for its development.

Section 32. Discipline and Morale. The Barotac Viejo Municipal Officials and Employees shall uphold the following discipline and morale:

- a. Absenteeism and Tardiness- the Municipal Government shall adopt and implement the policy on Absenteeism and Tardiness under Civil Service Commission Memorandum Circular No. 4 Series of 1991.
- b. Monday Flag Ceremony – All officials and Employees shall attend the Monday flag Ceremony. The Municipal Human Resource Management Office shall take charge of employee attendance and shall prepare a consolidated report of attendance every end of the month.
- c. Wearing of Uniform and Identification Card. - All Municipal officials and employees shall wear the prescribed office uniform with their IDs prominently tagged thereon.

- d. Violations. – The Municipal HRMO shall oversee the implementation of the proper observance of the above-mentioned discipline and morale and shall submit a report on habitual violators to the Local Chief Executive for appropriate disciplinary action.

Section 33. Travel of Municipal Officials. All municipal officials and employees shall prepare a travel order, duly signed by their immediate supervisor during and every official travel.

Section 34. Pecuniary Interest. No municipal officials and employees shall engage in a business with the municipal government whereby money is directly or indirectly by the Municipality to such official or employee.

Section 35. Smoking Area. Based on Memorandum Order No. 2003-03, all municipal officials and employees have to observe the provisions of R. A. 9211 that prohibits smoking in public places and inside the office and its perimeter.

ARTICLE 2 MUNICIPAL DEVELOPMENT COUNCIL

Section 36. Municipal Development Council. Pursuant to Section 106 of R.A. 7160, the Municipal Development Council shall be strengthened and shall assist the Sangguniang Bayan in setting directions of a comprehensive multi- sectoral plan duly formulated with the Civil Societies, private organizations, small medium Entrepreneur' Cooperatives, Education Sectors and the like.

Section 37. Composition of the Municipal Development Council. The Municipal Mayor shall head the council and the members shall be the following:

- a. Punong Barangays
- b. The Chairperson of the Committee on Appropriation of the Sangguniang Bayan
- c. The congressman or his/her representative
- e. Representative from the Civil Society, who shall constitute not less than one fourth ($\frac{1}{4}$) of the total membership of the council.

Section 38. Functions of the Municipal Development Council. The council shall exercise the following functions:

- a. Formulate long-term, medium-term and annual socio-economic development plans and policies.
- b. Formulate the public investment programs
- c. Appraise and prioritize socio-economic development programs and projects
- d. Formulate local investment incentives to promote the inflow and direction of private investment capital.
- e. Coordinate, monitor, and evaluate the implementation of development programs and projects
- f. Perform such other functions as may be provided by law or ordinance.

Section 39. Meeting and Quorum of the Municipal Development Council. The council shall meet at least once in every Six (6) months or as often as may be necessary.

ARTICLE 3
MUNICIPAL PRE-QUALIFICATION, BIDS AND AWARDS COMMITTEE

Section 40. Municipal Pre-qualification, Bids and Awards Committee. Pursuant to Section 37 of R.A. 7160, the Municipal Pre-qualification, Bids and Awards Committee (PBAC) shall be strengthened and which shall be primarily responsible for the conduct of pre qualification of contractor, bidding, evaluation of bids and the recommendation of awards concerning local infrastructure. *(Note: This provision has to be amended for consistency with Republic Act 9184 otherwise known as the Government Procurement Reform Law of 2003)*

Section 41. Composition of Pre-qualification, Bids ad Awards Committee (PBAC) - The Municipal Mayor shall act as the Chairperson with the following members:

- a. Chairperson, Committee on Appropriations of the Sangguniang Bayan
- b. Representative of the minority-Sangguniang Bayan
- c. The Municipal Treasurer
- d. Two (2) representatives from Non-Government Organizations that are represented in the Municipal Development Council, to be chosen by the organization themselves.
- e. A practicing Certified Public Accountant from private sectors to be designated by the local chapter of the Philippine institute of Certified Public Accountant.

Section 42. Meetings . All meetings of the committee shall be held in the municipal hall. The minutes of such meetings of the committee and any decision made therein shall be duly recorded and posted at a prominent place in the Municipal Hall and delivered by the most expedient means to elective officials concerned.

ARTICLE 4
PUBLIC INFORMATION AND TECHNOLOGY

Section 43. Statement of Policy. -Municipal Government shall introduce innovative approaches in local government administration in pursuit of productivity and efficiency. It shall utilize the tools of information and technology to make informed executive and policy decisions and to disseminate information to the public. It shall be a priority to keep the constituents well-informed on matters affecting public interest.

Section 44. Time Limits to Act On Official Transaction. Official actions on public transactions should be completed within seventy two (72) working hours as provided for in ethics law. This requirement should be explicit in the Operations Manual.

Section 45. Installation of Information System. Computers purchased shall have bundled therein the following, but not limited to system:

- A. For use of the Sangguniang Bayan: Legislative Tracking System
- B. For use of the office of the Municipal Accountant:
- C. Local Government Accounting system.

- D. For the Use of the Municipal Assessor and Treasurer on the assessment and collection of land taxes: Real Property Assessment and collection Tracking System;
- E. For Use of the Municipal Planning and Development Office and engineering Offices Management Information System and Barangay –Based Data Geo-Information System;
- F. For use of the office of Human Resource Management Office: Personnel Profile System;
- G. For use of the Civil Registrar Office for Civil Registration System.
- H. For the use of Social Welfare and Development and Rural health Unit: Client Services System
- I. For the Use of GSO: Outgoing Voucher for office supplies and equipment
- J. Budget Office: for the use of Supplementary Budget
- K. Mayors office: For Outgoing communicants and minutes of meetings

CHAPTER VI THE BARANGAYS

Section 46. Statement of Policy- The municipal Government shall strengthen the barangays to make them more effective instruments of people empowerment. It shall be our policy to support them in attaining genuine local autonomy thus making them self-propelling, self-reliant and empowered political units.

Section 47. Role of Barangay. The barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. It is the forum where the collective views of the people may be expressed, articulated, crystallized and considered. It is the implementing arm of the Katarungang Pambarangay Law.

Section 48. Policy in the Creation of Barangay. A barangay may be created, divided, merged, abolished, or its boundary substantially altered, by law or by ordinance of the Sangguniang Bayan, subject to approval by a majority of the votes cast in a plebiscite to be conducted by the COMELEC in the local government unit directly affected within such period of time as may be determined by the law or ordinance creating said barangay. It may be created out of contiguous territory which has a population of at least two thousand (2,000) inhabitants as certified by the National Statistics Office.

The territorial jurisdiction of the new barangay shall be properly identified by meters and bounds or by more or less permanent natural boundaries. The territory need not be contiguous; it may comprise two (2) or more islands. The Mayor may prepare a consolidation plan for the barangay, based on the criteria prescribed in this section, within his/her territorial jurisdiction. The plan shall be submitted to sangguniang bayan for appropriate action.

Section 49. Component of Barangays. The component barangays of Barotac Viejo are the following:

Poblacion	San Antonio
Bugnay	San Fernando
California	San Francisco
Del Pilar	San Geronimo
General Luna	Dela Peña
La Fortuna	San Juan
San Miguel	San Lucas
Lipata	Santiago
San Roque	Ugasan
Natividad	Vista Alegre
Nueva Invencion	Rizal
Nueva Sevilla	Puerto Princesa

Section 50. Legal Assistance to Barangay Officials. The Provincial Government through the Provincial Legal Officer and Municipal Government through the Office of the Mayor shall render legal assistance to any Barangay Official charged administratively or criminally in connection with or on the occasion of the discharge of his/her official duties.

Section 51. Barangay Consultation and Interfacing. In the barangay level, there shall be a barangay assembly compose of all persons who are actual residents of the barangay for at least six (6) months, fifteen (15) years of age or over, citizen of the Philippines, and duly registered in the list of barangay assembly members. The barangay shall meet at least twice a year to hear and discuss the semestral report of the Barangay Council concerning its activities and finances as well as problems affecting the barangay. Its meeting shall be held upon call of the Punong Barangay or of at least four (4) members of the Barangay Council or upon written petition of at least five percent (5%) of the assembly members. No meeting of the barangay assembly shall take place unless a written notice is given one (1) week prior to the meeting except on maters involving public safety or security, in which case notice within reasonable time shall be sufficient. The Punong Barangay or in his/her absence, the Barangay Kagawad acting as Punong Barangay, or any assembly member selected during the meeting, shall act as presiding officer in all the meetings of the assembly. The barangay secretary, or in his/her absence, any members designated by the presiding officer to act as secretary, shall discharge the duties of secretary of the barangay assembly.

Section 52. Review of Barangay Ordinances. Within ten (10) days after its enactment, the Barangay Council shall furnish copies of all barangay ordinances to the Sangguniang Bayan of Barotac Viejo for review as to whether the ordinance is consistent with law and municipal ordinances. If the Sangguniang Bayan fails to take an action on barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved. If the Sangguniang Bayan of Barotac Viejo finds the barangay ordinance inconsistent with law or municipal ordinance the sangguniang bayan shall, within thirty (30) days from receipt thereof, return the same with its comments and recommendations to the barangay council for adjustment, amendments, or modification; in which case, the effectivity of the barangay ordinance is suspended until such time as the revision called is effected.

Section 53. Vacancies in Barangay Councils. Permanent vacancies in the sanggunian where automatic succession do not apply shall be filled by appointment of the Municipal Mayor upon the recommendation of the sangguniang barangay concerned.

**CHAPTER VII
MUNICIPAL GOVERNMENT SERVICES**

Section 54. Management Direction. The delivery of basic and direct services to the constituents shall be characterized by the judicious allocation of resources to meet the minimum requirement standard of services. The vesting duty, responsibility and accountability on local officials shall be accompanied with provisions for reasonable adequate resources to carry out their functions and discharge their duties effectively. The transparency of public transactions shall not be diminished by the technicalities and the greatest good for the greatest number will underline all government intentions.

**ARTICLE I
PEACE, ORDER AND SECURITY**

Section 55. Statement of Policy. The promotion and maintenance of peace and order and security shall be the joint responsibility of government and the populace every citizen shall be a stakeholder in building a society that is free from fear, harassment and exploitation.

Section 56. Municipal Disaster Coordinating Council. The existing Municipal Coordinating Council is strengthened and revitalized through the legislative and executive officials of Barotac Viejo.

Chairperson:	Municipal Mayor
Vice Chairperson/ Action Officer:	Barotac Viejo Chief of Police
Executive Officer:	Municipal Civil Defense Deputized Coordinator
Members:	Municipal Administrator Municipal Agriculturist Mun. Health Officer Mun. Civil Registrar Mun. Assessor Treasurer MPDC LGOO II Municipal Accountant Principal II, ROVCMS Municipal Budget officer Campus Dean, NIPSC-BVC Municipal Engineer OIC, LTO, Barotac Viejo MSWDO District Engr. DPWH Municipal Budget Officer President, Civil Society Organization

STAFF UNIT

- a. Intelligence and Disaster Analysis Unit
- b. Plans and Operation Unit
- c. Resource Management Unit

TASK COMMITTEE

- a. Health Service Committee
- b. Security and Fire Committee
- c. Communication, Warning and public Information Committee
- d. Transportation, Rescue and Evacuation Committee
- e. Relief and Rehabilitation Committee

OPERATION CENTER

- a. Administrative Group
- b. Operation Group
- c. Training Group
- d. Logistic Group

DUTIES AND FUNCTIONS:

- Prepare programs, plans and strategies to be integrated to the municipal plan;
- Sponsor and conduct capability building for volunteer re: disaster preparedness, first aid, fire fighting and evacuation;
- Evaluate and analyze information and make recommendation for smooth implementation of the program that would minimize the effects of disaster and submit reports and recommendation for allocation of needed resources;
- Recommend courses of action to be undertaken by IDA unit;
- Determine the types of service to be utilized in the disaster area; recommend the implementation of existing plans;
- Identify and secure possible resources to fund for the victims of disaster and gather data on urgent items needed in helping the victims disaster and calamities as well as the necessary statistics on resources such as food, clothing, and construction materials, medical supplies;
- Provide and prepare plan for the orderly and systematic conduct of health services in the disaster area;
- Supervise the sanitation of the affected area during and after the emergency;
- Protect and preserve human lives through proper information and mobilization of all medical services as well as administration of medical needs and determine site or facilities for use as field hospital;
- Organize public auxiliary services and auxiliary fire services in the municipality and barangays;
- Provide fire prevention and control services and undertake awareness campaign and public information on fire control and prevention;
- Direct and control communication and warning; provides, operates and maintain a continuous and reliable communication and adequate warning system through the period of implementing and or existing disaster and calamities;
- Provide accurate and timely information and instruction to the civilian population in the state of disaster;

- Provide plans for the proper dissemination of information to prevent public panic in the disaster affected area;
- Coordinate with government and private media in advocating the public on disaster preparedness and operation;
- Provide effective communication linkages/facilities among the various agencies involved.
- Prepare transportation plans for the council to consider;
- Provide transportation facilities needed by the council prior to during and after an emergency or calamity;
- Initiate rescue and evacuation operations of lives and properties in the affected areas;
- Determine in advance ideal sites for evacuation for all type of disaster.
- Provide relief and rehabilitation services to victims of disaster;
- Receive cash and item donation for the victims of disaster;
- Prepare and consolidate the overall plans to the task duties and capacity of the different units, committees and members of the council;
- Make a continuous updated estimate of personnel and resources capabilities of the different member agencies;
- Ensure the optimum operation efficiency during calamities and consolidate all reports and recommendations upon the termination of operation for submission to higher DCCs.

Section 58. Municipal Peace and Order Council. Pursuant to Section 116 of R.A. 7160, the Peace and Order Council shall be strengthened and shall be composed of the following:

Chairperson:	Municipal Mayor
Vice-Chairperson:	Municipal Vice Mayor
Members:	
	Committee on Peace and Order, Sangguniang Bayan
	Department Heads
	Barotac Viejo Chief of Police
	Municipal Administrator
	LGOO II
	Principal II, ROVCMS
	Campus Dean, NIPSC-BVC
	OIC, LTO, Barotac Viejo
	District Engineer, DPWH 3 rd
	Engineering District
	President, Civil Society Organization

Section 59. Duties and Functions of Municipal Peace and Order Council. The Municipal Peace and order Council shall have the following duties and functions:

- i. Formulate plans and recommend such measure which will improved or enhance peace and order and public safety
- ii. Monitor the implementation of peace and order programs and projects at the municipal level and the operation of Civilian Volunteer Organization and such other counter insurgency programs and activities.

- iii. Make periodic assessment of the prevailing peace and order situation and submit report thereon with recommendation to the Chairperson of the National Peace and Order Council
- iv. Perform all other functions assigned by law or the Presidents of the National Peace and Order Council.

Section 60. People's Law Enforcement Board.

There shall be created a Peoples Law Enforcement Board (PLEB) composed of the following:

- a. Any member of the Sangguniang Bayan chosen among the Sangguniang Members, President of the Municipal Chapter Liga ng mga Barangays; one respected member who is a member the BAR or in the absence thereof, a college graduate or the principal of the central elementary school; and two (2) other members who shall be chosen by the peace and order council from among the respected members of the community.
- b. The Chairperson of the PLEB shall be elected from among its members and their term of office shall be for a period of two years from assumption of office. Such member shall hold office until their successors shall have been chosen and qualified.
- c. The procedure in the investigation and disposition of cases against policemen shall be in accordance with the regulations issued therefore.

Section 61. Administration of the Katarungang Pambarangay Law.

- a. There is hereby created in each barangay a lupong tagapamayapa, herein after referred to as the lupon, composed of the punong barangay as Chairperson and ten (10) to twenty (20) members. The lupon shall be constituted every three (3) years in the manner provided of the lupon.
- b. Any person actually residing or working in the barangay, not otherwise expressly disqualified by law, and possessing integrity, impartially, independence of mind, sense of fairness, and reputation for probity, may be appointed as member of the lupon.
- c. A notice to constitute the lupon, which shall include the names of proposed members who have expressed their willingness to serve shall be prepared by the punong barangay within the first fifteen (15) days from the start of his/her term of office. Such notice shall be posted in three (3) conspicuous places in the barangay continuously for a period of not less than three (3) weeks.
- d. The punong barangay, taking into consideration any opposition to the proposed appointment or any recommendations for appointments as may have been made within the period of posting, shall within ten (1) days thereafter, appoint as members of those whom he/she determines to be suitable therefore. Appointments shall be in writing, signed by the punong barangay, and attested to by the barangay secretary.
- e. The list of appointed members shall be posted in three (3) conspicuous places in the barangay for the entire duration of their term of office; and
- f. In barangays where majority of the inhabitants are members of indigenous communities, local systems of settling disputes through their councils of datu or elders, shall be recognized without prejudice to the applicable provisions of R.A. 7160.

ARTICLE 2 PUBLIC ORDER AND SAFETY

Section 62. Statement of Policy. The safety of individuals outside the home shall be ensured by government through the enactment and implementation of Public Order and Safety.

Section 63. Sale of Liquor. No person shall sell beer or liquor in night clubs, bars, disco pads, cocktails lounges, beer garden, restaurants, hotels, motels, sari-sari stores or other similar establishments unless business license and a permit is secured from the Municipal Mayor.

Section 64. Drunkenness in Public Places. Any person under the influence of liquor roaming in public places causing trouble and scandal shall be restrained and kept in custody until he/she sobers up but not more than six hours.

The Punong Barangay, barangay tanod and the Philippine National Police are mandated to implement this section.

Section 65. Beer House. No person or group of persons shall build and operate beer houses and the likes with hospitality girls within 200-meter radius from the location of the church, schools and public buildings.

Section 66. Explosives. No person shall keep or possess gunpowder, dynamite, explosives and similar blasting materials without prior permission from the appropriate agency.

Section 67. Illegal Gambling. No person shall sponsor, play or participate in any illegal gambling in any places and public streets.

Section 68. Juvenile Control. Except for uniformed police personnel in the actual performance of their public functions, no persons under fifteen (15) years of age, intoxicated persons carrying deadly weapons or firearms shall be allowed in any night club, cocktail lounge, beer garden, disco pad or similar establishment.

Section 69. Prostitutions. The municipality shall wage its full campaign against prostitution and impose the maximum penalties prescribed thereof.

Section 70. Destruction of Public Property. No person shall: destroy, mutilate, or cut any ornamental plants or parts thereof growing in or along public park, garden, playground, athletic equipment, signboard, public lighting system or any property installed or constructed in any park, playground, garden or plaza without permit from the Municipal Mayor.

Section 71. Fire Exit/Escape. – All buildings to be constructed or erected in the business section of the Municipality when enclosed whether partially or wholly with fire wall protection, shall be provided with proper and adequate means of doors and other escapes as per plan to be presented to and approved by the office of the Municipal Engineer.

Section 72. Rallies and Demonstration. –

- a. Prohibition. – No person shall hold a rally or demonstration without first securing the necessary permit from the Municipal Mayor.
- b. Requirements. – The application for a permit to hold a rally or demonstration should indicate the name and address of the head of the organization or group, purpose of the rally, and the time it is supposed to end.
- c. Denial of Permit. – The permit may be denied if such rally poses a clear or immediate danger to public safety and order.

**ARTICLE III
EDUCATION**

Section 73. Statement of Policy. The Local Government Unit of Barotac Viejo shall support the Department of Education policy to promote and enhance the quality of education at all levels and to take appropriate steps to make such education accessible to all.

The Municipal shall also recognize and complement the invaluable contributions of private institutions in the enhancement of the educational system.

Section 74. Creation of Municipal School Board - Pursuant to Section 89 of R. A. 7160, the Municipal School Board shall be strengthened and shall be composed of the following:

Chairperson	-	Municipal Mayor of Barotac Viejo
Co-Chairperson	-	District Supervisor of Department of Education
Members:	-	Chairperson of the Committee on Education of the Sangguniang Bayan
	-	Municipal Treasurer
	-	Representative of the SK Municipal Federation
	-	Duly elected President of the Teachers' Organization in the Municipality of Barotac Viejo
	-	Duly Elected representative of Non-Academic Personnel of Public Schools in the Municipal

Section 75. Functions of the Municipal School Board. – The Municipal School Board shall:

- a. Determine the annual supplementary budgetary need for the operation and maintenance of public schools within the Municipality of Barotac Viejo, and supplementary local cost of meeting such needs, which shall be reflected in the form of an annual school board budget corresponding to its share of the proceeds of the special levy on real property constituting the special Education Fund and such other sources of revenue as this Code and other laws or ordinance may provide;
- b. Authorize the Municipal Treasurer to disburse funds from the Special Education Fund pursuant to the approved budget;
- c. Serve as an advisory committee to the Sangguniang Bayan on educational matters; and

- d. Recommend changes in the name of Public Schools.

Section 76. Meetings and Quorum. – The Local School Board shall meet at least once a month or as often as may be necessary. Any of the co-chairpersons may call a meeting. A majority of all its members shall constitute a quorum; however, when both co-chairpersons are present in meeting, the Municipal Mayor shall be given preference to preside over the meeting.

Section 77. Scholarships. – The Local Government Unit of Barotac Viejo through the “*Eskolar Sang Banwa*” program shall provide assistance to students who belong to less fortunate but deserving pupils/students in public/private schools.

ARTICLE 4 HEALTH AND SOCIAL SERVICES

Section 78. Statement of Policy. – The Local Government of Barotac Viejo shall safeguard, promote, enhance and protect the health of its people through an integrated health program with the active participation of the citizens themselves, their community leaders and Non-Government Organizations.

Section 79. Creation of the Municipal Health Board and its Composition. Pursuant to Section 102 R.A. 7160, the Municipal health Board shall be strengthened and shall be composed of the following:

- Chairperson - Municipal Mayor
- Vice Chairperson - Municipal Health Officer
- Members:
 - Chairperson,
 - Committee on Health, Sangguniang Bayan
 - Representative from the private sector or non-governmental organization involved in health services
 - Representative of the Department of Health in the Municipality

Section 80. Function of the Municipal Health Board.

- a. To propose to the Sangguniang Bayan annual budgetary allocations for the operation and maintenance of health facilities and services within the municipality’
- b. To serve as advisory committee to the Sangguniang Bayan on health matters; and
- c. Create committee which shall advice local health agencies on matters such as, but not limited to, personnel selection and promotion, bids and awards, grievance and complaints, personnel discipline, budget review, operations review and similar functions.

Section 81. Meetings and Quorum.

- a. The Board shall meet at least once a month or as often as necessary; and
- b. A majority of the members of the Board shall constitute a quorum, but the

Chairperson and the Vice-chairperson must be present during the meetings where budgetary proposals are being prepared or considered. The affirmative vote of the majority of all the members shall be necessary to approve such proposals.

Section 82. Programs for the Elderly. The President of the Municipal League of Senior Citizens shall be recognized as a member of the Municipal Development Council representing the non-government organizations.

Section 83. Programs for the Disabled. The Municipal Social Welfare Development Office is hereby directed to submit operational plans on disabled and handicapped persons to the Municipal Mayor for the implementation of concerned offices, furnishing copies thereof to the Sangguniang Bayan.

Section 84. Programs for Indigenous Groups. The “*Ati*” based in Nagpana shall be given priority consideration in social forestry and other livelihood projects. Efforts to bring them well within the political stream of local governance and promote their capacity for better living shall be given more attention.

ARTICLE 5 WOMEN AND FAMILY RELATIONS

Section 85. Statement of Policy. – The Local Government Unit of Barotac Viejo shall encourage women to actively participate in public governance and to give due recognition to their efforts in promoting social, cultural, economic and political programs designed to uplift the quality of life among Barotacnons.

Section 86. The Women and Family Council – There is hereby created in the Municipality of Barotac Viejo Council for Women and Family, composed of Chairpersons of the Committee on Women and Family of the twenty (26) Barangays of Barotac Viejo.

Objectives of the Council

1. To initiate the organization of women’s group in every barangay of the municipality.
2. To promote unity and solidarity among women in the municipality.
3. To strengthen the harmonious relationship among women leaders in all sectors of society.
4. To develop awareness concerning equal opportunities in partnership with people in the developmental process of the family, the community, and the nation.
5. To create income generation and employment opportunities through self-reliance among women through cooperatives in order to discourage migration to foreign countries which will become disadvantageous to their small children.
6. To assist women entrepreneur activities by facilitating technical training programs thru governmental and Non-governmental training institutions.
7. To expand the responsibilities of women and be prepared for the challenges in the future.
8. To enable women leaders to have a coordinated, participated and active involvement in the planning and advancement processes of women organizations from the barangay level to the municipal level.

Section 87. Application for Marriage License. In so far as marriage is concerned, the Civil Code of 1950 was repealed by Executive Order No. 209, known to us the Family Code of the Philippines, which took effect on 03 August 1988.

A LICENSE is one of the requisites of a valid marriage. It is a public document issued by a Civil Registrar who certifies therein that a particular man and a particular woman to whom it is issued are qualified to contract a marriage with each other.

I. APPLICATION OF MARRIAGE LICENSE

The following rules shall govern the issuance of a Marriage License by the Civil Registrar:

- 1.) Each of the contracting parties shall file separately a sworn application for such license with the proper Local Civil Registrar, which shall specify the following:
 - a.) Full name of the contracting party;
 - b.) Place of birth;
 - c.) Age and date of birth;
 - d.) Civil Status;
 - e.) If previously married, how, when and where the previous marriage was dissolved or annulled;
 - f.) Present residence and citizenship;
 - g.) Degree of relationship of the contracting parties;
 - h.) Full name, residence and citizenship of the father;
 - i.) Full name, residence and citizenship of the Mother;
 - j.) Full name, residence and citizenship of the guardian or person having charge, in case the contracting party has neither father nor mother and is under the age of 21 years.
- 2.) When applicable, the contracting parties shall attach to their application for marriage license the following supporting papers:
 - a) Proof of age
 - b) Parental Consent is required when either or both parties are 18 years old and above but below 21 years old.
 - c) Parental Advice is required if either or both contracting parties are 21 years old and above but below 25 years old.
 - d) Certificate of Marriage Counseling
 - e) Certificate of Family Planning and responsible parenthood.
 - f) Proof of dissolution of marriage- in case one or both of the contracting parties were previously married.
 - g) Certificate of Legal Capacity to Contract Marriage when either or both of the contracting parties are citizen/s of the foreign country. This must be issued by their respective diplomatic or Consular Officials.
- 3.) Where to file application for Marriage License-
-A Marriage License shall be issued by the Civil Registrar of the City or Municipality where either the contracting party habitually resides

- 4.) Ten-day posting period (publication of Application)-The law says that the License shall be issued after the completion of the period of publication.
- 5.) Period of Validity of Marriage License- the License shall be valid in any part of the Philippines for a period of One Hundred twenty (120) days, from the date of issue, and shall be deemed automatically cancelled at the expiration of said period if the contracting parties have not made use of it.
- 6.) Payment of Fees- The Marriage License is an accountable form having a face value of Two (2) pesos. It is in itself an Official Receipt. In addition, the Civil Registrar shall require the payment of fees prescribed by law or regulations before the issuance of the Marriage License. In our case we collect fees on the Application of the Marriage License depending on the following:
 - A.) P200.00- if both of the contracting parties are residents of the Municipality
 - B.) P300.00- if one is non-resident.
 - C.) P500.00- If one is a foreigner

The said fees are within the approved tax ordinance of this municipality, and the said fees will go to the General Fund of this Municipality.

II. SUBMISSION OF DOCUMENTS AFTER SOLEMNIZATION OF MARRIAGE

-The document to be submitted after solemnization is the Marriage Certificate, duly signed by the contracting parties, the witnesses and the solemnizing Officer.

-Said Marriage Certificate will be submitted to the Office of the Municipal Civil Registrar for registration.

-In ordinary marriage, the time for submission of the Certificate of Marriage is within fifteen (15) days following the solemnization of marriage, while in marriage exempt from License requirement, the prescribed period is thirty (30) days, at the place/ Office of the Municipal Civil Registrar where the marriage was solemnized.

ARTICLE 6 CLEANLINESS AND SANITATION

Section 88. Statement of Policy. It is the objective of the Local Government Unit of Barotac Viejo to make the Municipality a clean and sanitary community with the schools, the churches, offices, public places and homes leading and exemplifying activities for the sanitation and enhancement of the environment.

Section 89. Solid Waste Disposal. The solid waste disposal shall be based on Municipal Ordinance No. 2003-02 or the Comprehensive Solid Waste Management Ordinance of the Municipality of Barotac Viejo, Iloilo. The composting of all biodegradable materials and recycling and re-use for non-biodegradable materials is mandatory to all

Barotacnons. All residual non-biodegradables will be piled at the Municipal Material Recovery Facilities.

Section 90. Anti-littering. No person shall litter or throw garbage, rubbish, filth or other waste matters in public places such as roads, canals, esteros or parks as based on Ordinance No. 97-03 and Ordinance No. 99-01.

Section 91. Market Sanitation.

- a. Establishing guidelines of Public Market. – There shall be established guidelines on cleanliness of public market in the municipality.
- b. Proper Trash Bins - Stallholders shall not be allowed to operate in the public market without their own trash bins
- c. Segregations of waste materials. – Garbage shall be segregated into separate bins accordingly: non- biodegradable and biodegradable materials
- d. Collection Times- A separate collection for non- biodegradable and biodegradable materials will be followed
Morning- collection of biodegradable materials
Afternoon- Collection of Non Biodegradable Materials
- e. Seminar on Waste Management – All personnel under the public market and waste collection shall undergo seminars on Zero Waste disposal so that implementation of the ordinance shall be effective and successful.
- f. Posting. – Bill boards, posters and other paraphernalia shall be posted on all strategic places, inside and outside the public market, announcing and informing the public of the hazard and danger of dirty environment especially inside Public Market. Rules and Regulations shall be cover the buying public concerning environmental health and sanitation within the area.
- g. Comfort Room – Public Market shall provide clean and separate comfort rooms for men and women
- h. Potable Water - Public Market shall provide clean, safe and potable water complete with adequate drainage system.

Section 92. Slaughter House Management. To prevent wastage in terms of time and valuable logistic and to maintain a uniform, high standard of sanitation in the operation and maintenance of slaughter house, the provisions of Executive Order No. 137 issued by the Office of the President on November 28, 1995 shall be implemented.

Section 93. Operation of Eateries and Refreshment Parlors.

- a. Individuals engaged in an occupation or working in establishment, the nature of which occupation or business is in connection with the preparation of food or foodstuffs, whether cooked or in raw form, are hereby required to undergo physical examination once every six (6) months.
- b. Owners, managers and operators of establishments shall see to it that their employees who are required to undergo physical and medical examination have been issued the necessary health certificate.
- c. The Municipal Health Officer shall keep a record of physical and other health examinations conducted and the copies of medical certificates issued, including the name of the individual, the date, and the purpose for which the examination was made.

Any violation of the provisions of this article shall be punished by a fine of not less than Two Hundred (200.00) Pesos, but not exceeding Five Hundred (500.00) pesos, or imprisonment of not less than Ten (10) days, but not exceeding One (1) month, or both, at the discretion of the Court.

Section 94. Use of Public Toilets. Every person who wants to use the public toilet within the public market shall pay a corresponding amount to sustain the maintenance of the public toilet in terms of cleanliness and sanitation.

Section 95. Sanitary Permits - Provisions of the Municipal Revenue Ordinance No. 2003-01 shall be strictly enforced.

Section 96. Funeral Parlor. The funeral establishment shall conform to the existing laws, rules and regulations such as PD 825 (Provided penalty for improper disposal of garbage and other forms of the uncleanness and for other purposes), PD 856 (Code on Sanitation of the Philippines and other related rules and regulation of appropriate agencies).

Section 97. Stray Animal. Ordinance No. 5 Series of 1993 shall be strictly enforced.

Section 98. Poultry and Piggery. This will conform to the Municipal Zoning Ordinance No. 2003-01 of this Municipality.

ARTICLE 7 ENVIRONMENTAL MANAGEMENT

Section 99. Statement of Policy. The Local Government Unit of Barotac Viejo shall use the Barotac Viejo natural resources with utmost efficiency and shall be actively engaged in the conservation and protection of the environment taking care not to undertake development at the expense of future generations of Barotacnons.

Section 100. Creation of the Municipal Council for Sustainable Development. The Barotac Viejo Council for Sustainable Development (BVCS D) is created to provide the mechanism for attaining the principle of sustainable development and thus assures its integration in the provincial policies, plans and programs that will involve all sectors of society.

a. Composition of BVCS D – The council shall be composed of:

Chairperson: - Municipal Mayor
1st Vice Chairperson - Municipal Vice Mayor
2nd Vice Chairperson - President of Municipal
Federation of Civil Societies

Members:

- Sangguniang Bayan Chairperson Committee on Environmental Protection
- President of Association of Barangay Captains
- President of SK Fed
- Municipal Administrator
- Municipal Health Officer
- MPDC

- MENRO
- Municipal Engineer
- Municipal Agriculturist
- Municipal Treasurer
- Municipal Budget Officer
- MSWDO
- MARO
- Dept. Ed.
- DILG
- NIA
- Civil Society

Functions of BVCSD:

- To review and ensure the implementation of the committee of the Republic of the Philippines for the Municipality of Barotac Viejo, made in the light of UNCED Conference.
- To establish guidelines and mechanism that will implement sustainable development as embodied in the Rio Declaration, the UNCED Agenda 21, the National Conservation Strategy, and the Philippine Agenda 21, and incorporate them in the preparation of the Medium Term Development Plan at the municipal level with active participation from civil society.
- To provide directions in the form of policies, reforms programs and recommend new provincial legislations that respond to the continuing and emerging issues and charting future actions related to environment and development.

Section 101. Land Use Plan. – It is the policy of the Local Government Unit of Barotac Viejo to have a Comprehensive Land Use Plan to maintain a productive balance on the increasing land requirement for urban development and industrialization on one hand and sustainable agricultural production to meet food security on the other.

Section 102. Squatting. Squatting on private or public land shall not be tolerated. Barangay Officials are the first line of government implementers to prevent squatting.

Section 103. Main Water Arteries. Main water arteries shall be freed and remain free from any constructions, especially at the outlets, to allow free flow of water, lessen pollution, navigation and made sanctuary of fish and marine life in support to livelihood development.

Section 104. Water Conservation. The extraction of fresh water in coastal areas is limited to the extent where intrusion of saline waters into the freshwater table would result.

Section 105. Fishing and Fishery Regulation.- Fishing and fishery regulations in the Municipality of Barotac Viejo shall be in accordance with the provisions of Presidential Decree No. 704 and the R.A. 8550 otherwise known as the Philippine Fisheries Code.

Section 106. Intergovernmental Cooperation on Environment Resource Management. Barotac Viejo is an active partner of the Banate Bay Resource management Council to maximize the coastal resource management and environmental protection.

**ARTICLE 8
ECONOMIC AND INFRASTRATURE
DEVELOPMENT**

Section 107. Statement of Policy. Scarcity of government resources shall be channeled to the generation of livelihood and in the construction of support infrastructure to encourage the growth of Barotac Economy.

Section 108. Agricultural Productivity. The municipal government of Barotac Viejo shall promote and accelerate rural development through an integrated agricultural program to increase productivity and income that will lead to the improvement of the quality of life of the farmers, fisher folks and their families.

- a. Empowerment program. – There shall be conducted empowerment programs for agricultural development such as provision for technical assistance and extension services; infrastructure support; skills training; provision of information on agri-based and agri-related projects and support services for Agrarian Reform Beneficiaries
- b. Integrated Pest Management (IPM) Program.- The long term goal or making integrated pest management shall be the standard approach to crops science and pest management in rice , corn, vegetables, sugarcane.

Section 109. Cooperative Coordination Council. The Municipal Government of Barotac Viejo shall support and strengthen the Cooperative Development Program and enhance cooperatives as institutions to promote savings consciousness and as vehicle that will provide entrepreneurs with capital, technology and market and shall create a Municipal Cooperative Development Council that shall serve as forum for the discussion of various problems, issues and concerns affecting cooperatives in Barotac Viejo and to act on such problems, issues, and concerns.

Section 110. Use of Irrigation System. There shall be prescribed penalties and by-laws for the utilization of the irrigation system.

- a. The following activities are a direct violation of the laws of irrigation:
 - i. The planting of kangkong and the disposal of garbage which cause the blocking and clogging of waterways and the contamination of the water therein.
 - ii. The breaking and/or destroying of any portion of the irrigation system is necessary for the maintenance of the system.
 - iii. The construction of physical structures which can obstruct the entry of machinerics of the NIA necessary for irrigation such as residential structure, storage tanks and others which cause the swallowing of the level of water source.

Section 111. Economic Enterprise Facilities. The Municipality of Barotac Viejo shall use its corporate power under the Local Government Code in establishing Public Economic Enterprises which can be leased or privatized to generate revenues that will be used to support other LGU programs and projects for the common good.

The following are the Public Economic Enterprises Facilities of Barotac Viejo:

- Public Market
- Barotac Viejo Slaughter House
- Public Cemetery
- Integrated Farming System cum Nutri Plant

CHAPTER VIII INTER GOVERNMENTAL RELATIONS

Section 112. Legislative-Executive Development Advisory Committee (LEDAC).

There shall be Legislative-Executive Development Advisory Council in the Sangguniang Bayan.

a. Composition.

The Mayor as Chairperson, Vice Mayor as Co-Chairperson and five (5) Members. The Chair shall appoint two (2) members. The 3 members shall be elected by the Sanggunian from among its members. The Secretary to the Sanggunian shall act as the Secretary to the Committee.

b. Functions

1. To determine and recommend socio-economic development goals and policies which shall guide the formulation and implementation of the municipal development plan,
2. To recommend to the Executive appropriate and necessary measures requiring enactment by Sangguniang Bayan,
3. To review the relationship of the legislative agenda to the executive agenda to ensure the integration of both,
4. To receive and in appropriate cases, require reports on and study measures to improve the implementation of development assistance from multilateral and bilateral entities,
5. To monitor the implementation by the Executive of all resolutions and ordinances, approved by the Sangguniang Bayan,
6. To assess the effect or impact of approved measures on the citizens and others concerned, and
7. To report and commend to proper officials or agencies the result of their work and such measures it feels necessary and imperative to be undertaken.

c. Meetings

The Committee shall meet on the first Monday of every quarter. Each member shall be duly notified of the time and place before the meeting.

CHAPTER VII LEGISLATIVE MANAGEMENT

Section 113. Legislative Policy – It is the policy of the Sangguniang Bayan, being the legislative body of the municipality, to enact ordinances and adopt resolutions to ensure, promote, enhance and support, among other things, the –

- Stability of the communities
- Prosperity of the individual
- Education opportunities
- Employment and livelihood
- Cultural Values
- Health and sanitation
- Social justice
- Comfort and convenience
- Order and freedom
- Peace and security
- Environmental protection
- Moral values and
- Capabilities for self-help technologies

Section 114. Sangguniang Bayan Symbol – The Sangguniang Bayan Symbol shall be a banner with the same measurement of the Philippine Flag with the words “Sangguniang Bayan”, around the municipal Logo. The banner shall have a golden background with green tassels. It shall be displayed along side with the Philippine Flag. In turnover ceremonies of the Office of the Presiding Officer, this banner shall be the symbol to be turned-over to the incoming Presiding Officer.

Section 115. Legislative Agenda- In support to the Executive Agenda, the Sanggunian, as law-making body of the Municipality supports the 8-Point Executive Development strategy with legislative actions that intends to:

- Increase Agricultural Production to 10%
- Increase Aqua-marine production to 10%
- Enhance Cooperative Development
- Provide Extension and On-Site Services and Facilities
- Lower Crime Rate Level by 50% and Increase Solution Efficiency by 75%
- Improve the Peace and Order Situation in the Municipality
- Improve and Upgrade Social and Health Services and Facilities to Indigent.
- Provide Adequate Potable Water
- Improve Irrigation System
- Ensure Economic and Socio-Culture Development
- Develop Eco-Tourism
- Increase Local Revenues
- Maximize the Participation among Government Organization, Private Sectors and the Civil Society through Partnership in Local Governance
- Develop Leaders Among the Youth Sector

Section 116. Staff Development-There shall be a continuing in-house training for office and employees on legislative management, public technology, software systems, and other areas to develop staff competencies. Allocate funds for training and attendance to seminars and workshops here and abroad.

Section 117. Professional Growth - Every Municipal Officer and employee shall be given the opportunity to pursue higher learning on official time for a maximum of six months.

Section 118. The Legislative Tracking System (LTS)- This is an automated system that keeps track of proposed and approved resolutions and ordinances. It records and stores detailed tasks or activities done by the Sanggunian on a certain resolution or ordinance in aid of efficient legislation.

The system maintains comprehensive records of resolutions and ordinances. It can organize resolutions and ordinances according to status, sectors affected and classification, therefore avoiding duplication of the passing of ordinances or resolutions with the same subject matter. It provides easy retrieval of ordinances and resolutions either by date, author or committee referral. It also contains information on the Committees and on the individual members of the Sanggunian and their performances.

The system was developed to include controls necessary to ensure the accuracy, completeness and reliability of data:

- It is provided with validation procedures to ensure that only valid and authorized data are processed and stored by the system;
 - It maintains access rights and passwords to ensure that information are accessible only to those authorized.
- It is designed in a network environment but can also be accessed in a stand-alone setup.

Section 119. Standing Committees – The ten (10) standing committees of the Sangguniang Bayan with their corresponding jurisdiction is included in the Internal Rules of Procedure of the Sangguniang Bayan.

Section 120. Committee Hearings – Any committee hearing to be validly convened shall be attended in person by a majority of the committee members. In the absence of the chair, the members present shall elect among themselves the temporary chair. Invitations to any executive official or employee shall be coursed through the local chief executive. Likewise, the production of documents to the committee will be most effective if these are presented right in the office where they may be found.

Section 121. Holding Sessions Outside the Hall – Regular or special session outside of the Municipal Session Hall should be approved by $\frac{3}{4}$ members of the sanggunian.

Section 122. Participation of Private Sector – Every standing Committee of the Sangguniang Bayan, except the Committee on Rules, shall invite representatives of accredited non-government organization to be committee advisers, observers or consultants.

Section 123. Performance Review – The Sangguniang Bayan shall conduct its own performance review at the end of every calendar year vis-à-vis its legislative agenda, the result of which shall be the basis for the legislative reforms and readjustment to ensure

quality measures and in response to the articulation of people's interest and in meeting the emerging expectations of an empowered community.

Section 123. Internal Rules of Procedure (will be published separately in accordance with Section 5 of this Code).

Section 124. The Local Environment Code (will be published separately with Section 5 of this Code).

Section 125. Posting of Ordinances – Ordinances with penal sanctions shall be posted in at least three (3) prominent places in the municipal hall for a 210minimum of three (3) consecutive weeks and such ordinances shall take effect at the end of the posting period.

Section 126. Copies for Official Gazette – The secretary to the sanggunian shall transmit official copies of ordinances with penal sanctions after approval to the chief executive officer of the Official Gazette within seven (7) days following the approval of said ordinance for publication archival and reference purposes.

Section 127. Copies for Offices/Barangay – All municipal offices and barangays shall be furnished official copies of any approved municipal ordinance. The secretary to the Sanggunian shall keep a record a receipt of ordnances.

Section 128. Mandatory Review of Code – This code shall be reviewed once in every three years. For purposes of this review an Oversight Committee shall be created in the Sanggunian Bayan as an Ad Hoc Committee. At least two representatives from Non-Government Organizations operating in the municipality shall be included in the membership of the Oversight Committee, representing the private sector.

Section 129. Applicability of Laws – All national laws, department orders, provincial ordinances and other issuances pertaining to the municipal government are considered part of this code, to include executive orders promulgated by the local chief executive.

Section 130. Common Penalties – In the absence of a specific penalty attached to any provision of this code, any violation or prohibited acts shall be punished by a fine of five hundred to two thousands pesos or by imprisonment from ten to sixty days or both fine and imprisonment at the discretion of the court. Any public officer or employee who violates an ordinance may be meted administrative disciplinary action, without prejudice to the filing of the appropriate civil or criminal action.

In case of violation of the revenue code, the fines shall not be less than one thousand pesos or more than five thousand pesos nor shall imprisonment be neither less that one month nor more than six months at the discretion of court.

The Sangguniang Bayan, however, may impose a fine of no less than one hundred pesos or more than one thousand pesos. No imprisonment shall be prescribed by the Sangguniang Barangay for violation of any barangay ordinance.

Section 131. Printing and Dissemination of Information – The Sangguniang Bayan shall appropriate funds for the printing of this Code. It is the joint responsibility of the local chief executive and the sangguniang bayan to disseminate information on the contents of this code.

CHAPTER VII
Final Provisions

Section 132. Amendatory Clause – All ordinance, rules and regulations or parts thereof in conflict or inconsistent with any provision of this Code are hereby repealed or modified accordingly.

Section 133. Separability Clause – Should any part of this code be declared null and void by a Court of competent jurisdiction, the remaining parts not so affected thereby shall remain in full force and effect.

Section 134. Effectivity – This code shall take effect after its posting in conspicuous places pursuant to law.

UNANIMOUSLY APPROVED..... JANUARY 7, 2004

I hereby certify to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its Regular Session held on January 7, 2004.

(Sgd) **MINDA T. BALEÑA**
Secretary to the Sanggunian

Attested:

(Sgd) **RIDGIE B. BARRETO**
SB Member, Temporary Presiding Officer

(Sgd) **ANGELICA T. JARANILLA**

(Sgd) **JUAN B. FRANCO**

(Sgd) **MARICEL T. ANGELES**

(Sgd) **ERLINDA POMADO**

(Sgd) **ANTONIO B. BALAIROS**

(Sgd) **ISIDRO A. ENGADA, JR.**

(Sgd) **NONITO L. BELACA-OL**

(Sgd) **JP L. LORICA**

Approved:

(Sgd) **ULYSSES L. VALDEZ, M.D.**
Municipal Vice Mayor – OIC Mayor

Republic of the Philippines
Province of Antique
Municipality of Culasi

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 2003 – 12

**AN ORDINANCE ENACTING THE GENDER AND DEVELOPMENT
(GAD) CODE OF THE MUNICIPALITY OF CULASI
AND MANDATING THE IMPLEMENTATION OF A COMPREHENSIVE
AND SUSTAINABLE GAD PROGRAM**

Be it ordained by the Sangguniang Bayan, that,

CHAPTER I – GENERAL PROVISIONS

**ARTICLE 1
TITLE, DECLARATION OF PRINCIPLES AND POLICIES AND
DEFINITIONS OF TERMS**

SECTION 1. Title. This ordinance shall be known and cited as the “Gender and Development Code of the Municipality of Culasi ” hereinafter referred to as the Code.

SECTION 2. Declaration of Principles and Policies. It shall be the policy of the Local Government of the Municipality of Culasi to uphold the rights of women, believe in their worth, and protect their dignity as human beings;

Women shall be recognized as full and equal partners of men in the development of our nation, sharing equality in their responsibilities and enjoying equally in the fruits thereof.

The Local Government of the Municipality of Culasi, in its commitment to the establishment of a national and international order based on sustainable and equitable growth undertakes to facilitate the full development of women’s potentials towards the improvement of the quality of their lives, their families and that of their communities

The Local Government of the Municipality of Culasi, fully cognizant of women’s efforts towards empowerment and self determination, shall vigorously pursue and implement gender-responsive development policies, design an integrated gender and development support systems, and implement measures to protect and promote their rights.

TO ATTAIN THE FOREGOING POLICY

1. A reasonable amount from the official development assistance received from foreign governments and multilateral agencies and organizations shall be set aside to support programs and activities for women in accordance with the provisions of RA 7192, otherwise known as the Women in Development and Nation Building Act, by the Local Government of the Municipality of Culasi provided that it shall conform with the requirement and conditions set forth by the funding agencies.
2. The local government of the municipality of Culasi shall ensure that women benefit equally and participate directly in the government programs and projects of said agencies specifically those funded under foreign development assistance to ensure in the development process pursuant to RA 7192.
3. All government project proposals shall ascertain the inclusion of gender responsive indicators and guidelines focusing on roots of women's oppression, pursuant to the United Nations Declarations of which the Philippine Government is a signatory.
4. All local governments departments and agencies in the municipality of Culasi shall review and revise all their regulations, circulars, issuances and procedures to remove gender biases herein and shall complete the same within two years.
5. The Gender and Development Inter-Agency Committee of the Municipality of Culasi shall be actively consulted in matters dealing with official development assistance or foreign aid so as to determine gender biases and implications on women.

SECTION 3. Related Principles. To facilitate the development of the full potentials of women, the following rights defined and declared under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are hereby declared under this ordinance.

3.1 Women have the right to the prevention of, and protection from all forms of violence and coercion against their person, their freedom, their sexuality, and their individuality;

3.2 Women have the right to freely and duly participate, individually or collectively in the political processes of their communities and nation;

3.3 Women have the right to the means for assuring their economic welfare and security;

3.4 Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice with the constitution and their beliefs and preferences;

3.5 Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and receive adequate support for rearing and caring of their children;

3.6 Women have the right to an adequate, relevant and gender-fair education throughout their lives, from childhood to adulthood;

3.7 Women have the right to adequate nutrition, proper health care and humane living conditions;

3.8 Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable beings, to build relationships based on respect, trust and mutuality;

3.9 Women have the right to equality before the law, in principle and in practice. However, it is unfortunate that as of the moment a macho image of our society still exists as it continues to view women as the “weaker sex ,“ men are traditionally the heads of the households and in most organizations. Aside from ramp modeling and beauty contests, women today do not share the power and prestige, status and societal positions as men. They rather play supportive roles to men and tend to live to the idea that major decisions are made prerogatives. Oftentimes, women are exploited in media, commercials, impressing upon the public that without their attractive and pleasing features, products would be less appealing. But in reality, women should not be viewed as second class to men but as partners of men in development.

In the light of these historical gender biases, inequalities and inequities, this piece of local legislation will provide the Municipal Government a policy direction to formulate programs and strategies, among others, that will:

1. Mainstream gender concerns in sectoral development plans, policies and program.
2. Intensify awareness campaign on gender issues and concerns.
3. Strengthen GO-PO-NGO partnership to maximize the effectiveness of programs and services addressing Gender and Development (GAD) concerns.
4. Encourage, support and expand the participation of grassroots women in the planning, implementation, monitoring and evaluation of development programs and projects.
5. Recommend appropriate curricula academic that are gender-sensitive.
6. Provide gender-responsive relief and rehabilitation programs with special focus on women and children’s needs.
7. Involve men in family planning programs, health and child care and nutrition concerns and engage them in projects that enhance the well-being of the family.
8. Set-up crisis intervention centers and shelters in the Municipality of Culasi for survivors of violence against women and children and other social conflicts.
9. Promote gender sensitivity in local media and advertising agencies
10. Increase the members of women in decision and policy making posts in the locality through implementation of capability building programs.

SECTION 4. Definition of Terms. The following terms or phrases used in this Code shall mean as follows :

1. **Battering** – a series of physical, emotional and psychological abuse. It is repeated and habitual cyclic patterns as means of intimidation and imposition of the batterer’s will and control over the survivor’s life. It constitutes the following kind of behavior but is not limited to:

- a. *Sexual battering* – this includes physical attacks on the woman’s breast, genital or forced sexual activity;
- b. *Psychological battering* – this includes threats of suicide, violence against women or her family, punching holes in the walls, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a country and forcing the victim to do degrading things. It may also include controlling the victim’s lawful or usual activities, the use of fowl words or statements and threats or abandonment and expulsion such as forcing the wife to leave the conjugal dwelling. This provision shall likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.
- c. *Economic battering* – this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.
- d. *Premeditated and intentional* destruction of property and pets usually the victim’s favorite.
2. **Benefit Dance/ Disco** – refers to a dance in the locality where women are commodified for fund raising purposes
3. **Collateral relatives** – next of kin who are not in direct line or inheritance such as cousin
4. **Commodification of Women** – is a practice which puts women in a subordinated situation, which results in the treatment of women as both consumers and objects of consumption, as consumers women are allured to buy beauty products to enhance their physical attractiveness, as objects of consumption women are reduced to a sexual commodity for manipulation and utilization for one’s sexual desire or interest, usually in exchange of money or goods so that women have no power or control to reject such utilization or manipulation.
5. **Development** – the improvement of the quality of life of all regardless of age, sex, gender, tribe, race, creed and religion. It is characterized by sustained and equitable growth in a balanced ecology.
6. **Differently-abled Persons** – are survivors of physical impairments that have differentiated needs and potentials.
7. **Discrimination against women** – any distraction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.
8. **Equity** is a concept of distributive justice which is remedial and is intended to overcome bias, favoritism and inequalities.
9. **Empowerment** - refers to a process by which women are mobilized to understand, identify and overcome gender discrimination.

10. **Feminization of Poverty** – a condition when the gap between the rich and the poor widens and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic needs of grassroots women.

11. **Fund Raising Initiatives** – refers to any activity, whether in whole or in part integrated in any raffle draw, benefit or disclosure, premier showing of movies, or any similar fund raising undertaking where women are used as donor prize, substitute for cash prizes won, a companion package for an award prize or recognition or any manner, activity, come-on display or exhibits which depicts a woman as central, partial or special focus in order to raise funds.

12. **Gender** refers to the differentiated social roles, behavior, capacities and intellectuals, emotional and social characteristic attributed by a given culture to women and men, in short all differences besides the strictly biological. There are two kinds of gender: masculine ascribed to the male sex and feminine ascribed to the female.

13. **Gender and Development**- shall refer to a development perspective which promotes greater focus on people both as development agents and participant. It encourages the equal contributions of women and men in all aspect/sectors of development. Such a perspective involves the process of searching of new and innovative initiatives which help transform unequal gender relations into opportunities which equally/equitably both men and women. It recognizes that the unequal relation between women and men is a major deterrent to social and economics progress. It acknowledges that the difficulties encountered by women have to be addressed to ensure their effective participation in development. It envisions a future society where women and men equally contribute to and benefit from development.

14. **Gender Equality** – is the role required by or expected of women and men as prescribed by society. As a key to development, gender equality means the equal empowerment and participation of women, men and other subgroups of society, i.e. homosexuals, in all spheres of public and private life.

15. **Gender Mainstreaming** – refers to the strategy of integrating gender and development concerns and issues at all levels.

16. **Gender Perspective** – way of viewing issues and problems that take into consideration the different realities of women's and men's lives and recognizing that there is an unequal relationship between the two.

17. **Gender planning** – means taking account of gender issues in planning. In development planning, it means that gender issues are recognized in the identification of problems and addressed in development objectives.

18. **Gender sensitive/responsive** – having an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women's subordinate status.

19. **Gender sensitization** – is an experimental and critical process of learning and unlearning of an individual female or male of the causes and effects of the culturally determined roles of women and men.

20. **Gender sensitivity training** - means providing people with formal learning experience in order to increase their awareness. The overall purpose of the training is to provide the knowledge and skills necessary to recognize and address gender issues in the programming process. At the center of the learning process is the conscientisation, involving the ability to recognize the underlying issues of gender inequality which form a pervasive obstacle to program progress.

21. **Indecent shows** – are shows which include nude or other provocative gestures which further project and exhibit men and women as sex-objects.

22. **Indigenous people** – a group of people who have continuously lived as organized community or communally bounded and defined territory, and who have under claims of ownership since time immemorial occupied possessed and utilized such territories sharing common bonds of language, customs, traditions and other distinctive cultural traits, they are regarded as indigenous on account of their descent from the populations who inhabited the country at the time of conquest or colonialization and who retain some or all of their own social, economic, cultural and political institution and have been displaced from their traditional domains or who may have remitted outside their ancestral domain.

23. **Minors** – refers to persons below 18 years of age and unable to take care of themselves from abuse, neglect, cruelty, exploitation or discrimination.

24. **Land-based projects** – are projects designed systematically in order to provide women the opportunity to have full-access and control over the maximum utilization of land and other indigenous resources.

25. **Mail Order Bride** – is a practice where a woman establishes personal relationships with a male foreign national via mail or similar means upon recruitment by an agency operating for the purpose.

26. **Other places of Amusement** – include all other places of amusement not specifically enumerated or otherwise provided for in this code, included but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, minus-one or sing-along houses, bars or beerhouses gardens, fast food center showing sports competitions, replay videocassette films/movies and other places of amusement where one seeks admission to entertain oneself by seeing or viewing or by direct participation.

27. **Places of amusement** – includes theaters, cinemas, concert halls, circuses and other places of amusements when one seeks admission to entertain oneself by seeing viewing the show or performances.

28. **Pornography Scenes, Pictures, Publications** – written or graphic or other forms of communications intended to entertain lascivious feelings.

29. **Prostitution** – is the sale, purchase and exchange of women and minors for sexual exploitation for each project or other economic considerations by an individual including but not limited to pimp, procurer of the service parents, owners of establishments such as hotels and restaurants and any other persons who uses various schemes to prostitute women and minors. It is the act as defined under the Revised Penal Code of the Philippines

and shall be recognized as a violation of human rights and exploitation of women who have no real choices for survival.

30. Reproductive Health – is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity, in all matters relating to the reproductive system and to its function and process. It constitutes 10 elements namely:

- a. Maternal and Child Health and Nutrition
- b. Family Planning
- c. Prevention and Treatment of Reproductive Tract Infection (RT) including STD, HIV and AIDS
- d. Prevention and Management of Abortion Complication
- e. Education and Counselling on Sexuality and Sexual Health
- f. Breast and Reproductive Tract Cancers and other Gynecological Situation
- g. Prevention and Treatment of Infertility and Sexual Disorders
- h. Men's Reproductive Health
- i. Violence Against Women
- j. Adolescent Reproductive Health

ARTICLE II GENDER AND DEVELOPMENT PROGRAM

Section 5. Integrated Gender and Development Program

5.1 The Local Government of the Municipality of Culasi shall ensure the integration of Gender and Development (GAD) in the local planning and budgeting system through the formulation of GAD plans as stipulated in DILG-DBM-NCRFW Joint Memorandum Circular No. 2001-01 "GUIDELINES FOR INTEGRATING GENDER AND DEVELOPMENT (GAD) IN THE LOCAL PLANNING SYSTEM THROUGH THE FORMULATION OF GAD PLANS."

5.2 The Local Government of the Municipality of Culasi shall ensure that the Philippine Plan for Gender and Responsive Development (PDGD) which was adopted through Executive Order 273 is implemented for women in relation to the services stipulated in Republic Act 7160 of the Local Government Code of 1991 particularly Sections 16 and 17 and other related provisions.

5.3 The LGU of the Municipality of Culasi shall ensure that all barangays under its jurisdiction shall prepare a GAD plan addressing gender issues of their locality following Sections 16 and 17 of the Local Government Code of 1991 and other related provisions.

5.4 The LGU of the Municipality shall integrate gender concerns in the formulation of the Comprehensive Development Plan (CDP), Comprehensive Land Use Plan (CLUP) and Annual Investment Plan (AIP).

5.5 The formulation of the GAD plan shall follow the regular planning and budget calendar and shall anchor on the existing CDP, CLUP and AIP.

5.6 It is the responsibility of the Municipal Planning Development Coordinator to ensure that GAD PPA's are integrated in the local planning process.

Section 6. Support to Gender Studies. A sufficient amount shall be allotted to gender-related documentation and researchers, which shall form part of Municipality of Culasi data based program

Section 7. Popularization of Gender-fair materials. There shall be an active promotion and publication of gender-fair materials in popular forms in the Municipality of Culasi.

Section 8. Integrated Gender Sensitive and Environment – Friendly Zonification Plan. An Integrated Gender-Sensitive and Environment-Friendly Zonification Plan for the Municipality of Culasi shall be established taking into consideration among others the following:

- a. Relocation of communities shall not deprive anyone of their sources of livelihood
- b. Allocation sites shall not contribute to an increase in anyone's burden in economic, home and social production.
- c. Housing and industrial project sites shall be those unproductive lands unsuitable for agricultural purposes.

Section 9. Community-Based Environment Plans and Programs. Both men and women shall participate in pollution control, zero waste technology development and management, preservation of the forest, with due respect to indigenous people's rights to self-determination.

Section 10. Gender-Sensitive Natural Resources-Based Management Program. The Local Government of the Municipality of Culasi shall engage itself in gender-sensitive natural resources-based management program.

Section 11. Role of Women in Environment Impact Assessment Project. The Municipal Government shall promote the active role of women in environmental impact assessment projects.

Section 12. Promotion of Alternative Technology. The Municipal government shall actively promote alternative technology that is appropriate and safe for everybody's well-being.

Section 13. Sufficient Budget for Basic Social Services. An amount necessary to underwrite basic social services for women and children in extremely difficult circumstances shall be allocated from any available source of funds.

Section 14. Gender Sensitivity Training for the Lupong Tagapamayapa. A special paralegal training for the Lupong Tagapamayapa shall be conducted along gender questions and related matters.

Section 15. Gender Sensitivity Training for Barangay Tanods. There shall be a gender sensitivity training for Barangay Tanods.

Section 16. Training on Non-Traditional Occupation. Women shall be given opportunity to acquire training on non-traditional occupations such as those related to science and technology.

ARTICLE III HEALTH

Section 17. Statement of Policy. No woman shall be denied basic health and services such as those declared by World Health Organization as necessary to respond to basic health needs especially those that relate to maternal health care on purely financial grounds or lack of access thereto.

Section 18. Budget for Women's Health. A substantial portion of the health budget of the municipal government shall be allocated for women's health and services

Section 19. Women's Right Over Their Bodies. Women's decision to prevent and control pregnancy without necessarily resulting to abortion shall be given appropriate support and guidance by all health, professionals, private and public at very minimal cost.

Section 20. Access to Safe Water in the municipality. The Municipal Government shall provide easy access to safe water supply. Appropriate water systems shall be installed to ease women's workload brought about by the lack of this facility.

Section 21. Gender Fair Health Care Delivery Service. The Municipal Health officer shall ensure that health care services are not discriminating on account of gender, age, religion or political affiliation.

Section 22. Reproductive Health Care – The Municipality shall adopt the Reproductive Health Care approach at the levels of health care delivery. Such approach shall integrate many issues not previously considered central to population such as sexuality, reproductive tract infection and gender relations and shall not be limited to family planning and child bearing.

Section 23. Reproductive Health Services. No hospital or medical facility operating within the territorial jurisdiction of the Municipality of Culasi shall deny reproductive health services to any woman by reason of the latter's poverty.

Section 24. Information Education on Women's Health. The Municipal Health Officer in collaboration of the Municipal Health Board shall endeavor to improve the implementation of education/information campaign on women's health. In connection with this, the Municipal Government shall facilitate the celebration of the International Day of Action for the Women's Health every May 28 of each year where issues and concerns relative to the protection of and promotion of women's health shall be examined, deliberated, projected and government action sought.

Section 25. Protection Against Drug Abuse. A special task force shall be created and sustained by the municipality for the protection against drug abuse and proliferation of illicit drugs.

ARTICLE IV EDUCATION AND TRAINING

Section 26. Statement of Policy. The municipal government shall endeavor to improve access of women to technology-based education and training program.

Section 27. Women Literacy and Adult Education. In cooperation with the Department of Education, non-formal education classes for all shall be held in identified schools in the municipality to facilitate working persons' access to education. Anyone desiring to engage in functional and practical education shall be enlisted in the adult education program which shall be set-up in the municipality.

Section 28. Gender Fair Curricula. The municipality shall ensure that the curricula in all schools at all levels in the municipality promote complementary roles between women and men and provide gender-sensitive materials and gender sensitivity orientation to every class.

Section 29. Special Education for Differently-Abled Women. The municipal government shall ensure that all interested differently-abled women of the municipality shall have access to special education programs.

Section 30. Sex Education. Sex education for the pre-puberty ages shall be introduced in the right way, at the right place and by the right people. Understanding human sexuality is an intimate and personal matter that is a concern not only of parents but also of other institutions that have the competence to carry out such obligation of molding children in the context of Godly life and love.

Section 31. Scholarship Program. The municipality shall institutionalize its scholarship programs for poor but deserving students and shall not disqualify married women and mothers with infants.

ARTICLE V LABOR, EMPLOYMENT AND ECONOMIC OPPORTUNITIES

Section 32. Statement of Policy. The municipality shall ensure that all departments and agencies shall engage in and expand their socio-economic programs to include women as beneficiaries and implement programs and projects designed to further capacitate women to empower them to access medium and large scale economic opportunities.

Section 33. Equal Access to Employment and Training Program. No one shall be denied of employment opportunity on account of gender, age, ethnicity, creed, religion and civil status, as prescribed in the Labor Code as amended by RA 6725. Likewise, no one shall be denied of training and promotion in employment.

Section 34. Wage and Benefits. Every employee shall comply with the minimum wage as prescribed by the Regional Wage Board and shall grant all benefits to all employees such as maternity/paternity leave, sick and vacation leave, retirement termination and other benefits provided by law.

Section 35. Facilities and Support System to Employees. The Municipal Government shall ensure the safety and health of women in appropriate cases, employees may:

- a. establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women; and
- b. breastfeeding, child rearing and early childhood care for working parents while on their respective jobs.

Section 36. Orientation on Sexual Harassment. All local offices, school agencies and establishment or companies, government and private, operating in the municipality shall conduct or sponsor orientation on sexual harassment to their respective personnel.

Section 37. Organization and Functionalization of Local Councils for the Protection of Women and Children. The municipality shall ensure the reactivation of the Barangay Councils for the protection of women and children.

Section 38. Equal Access to Livelihood Assistance. All municipal departments and agencies engaged in socio-economic programs shall increase their capital assistance and or subsidy to women especially on land-based projects.

Section 39. Access to Science and Women Friendly Farming Technology Education. The Municipal PESO officers shall work in collaboration with other related line agencies of the Municipal Government, and the private sector to ensure access to updated and women friendly technology to facilitate women's under participation in the economic activities of their respective barangays.

Section 40. Farmland for Women Headed Families. Portion of agricultural lands, the ownership of which is transferred to the Municipal Government by legal fiat, shall be distributed to landless and indigent families who are interested and committed to till the land, giving priority to woman-headed household.

Section 41. Employment Opportunities to Differently-Abled Women. The Municipal Government in partnership with appropriate national government agencies and private groups and other entities shall develop creative employment opportunities to differently-abled women recognizing their differentiated conditions and potentials as human being.

Section 42. Healthy and Gender Fair Work Environment. The Municipal Government shall ensure that the work place, private or public, actualizes the principle of equality between women and men in all aspects of their employment. For this purpose, employers are required to provide seats proper for women and permit them to use such seats when they are free from each and during walking hours, provided they can perform their duties in this position without detriment to efficiency and provide workers with the necessary gear to guard against the detrimental effects of the nature of their functions such as the special support stocking for female workers required to perform their functions in standing position.

Section 43. Benefit for Post – Partum Women. Women with children 0-6 months old shall be entitled to a 30-day leave without pay to be availed of within the first six months of child delivery, provided that this benefit is separate and distinct from any existing maternity benefits provided for by existing laws, provided further that if the employer is already providing similar benefit over and above what is existing laws, require, such benefit being provided shall be credited in compliance thereof.

Section 44. Gender-Sensitive Physical Plan. A physical plan appropriate for gender-sensitive environment shall be adopted by all offices, agencies and establishment or companies which will help prevent sexual harassment, sexual abuse and other forms of maltreatment in the work place.

Section 45. Employment assistance Program. The Municipal Government in cooperation with the Department of Labor and Employment shall endeavor to assist poor students, the unemployed and underemployed in securing gainful employment.

Section 46. Municipal Based Registration of Helpers. The Municipality shall come up with an Annual Survey of domestic helpers in the barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Employees must provide their househelpers a recreational day-off at terms and conditions mutually agreed by both parties.

Section 47. Spousal Support. Women and their children are by law entitled to support from their spouses for this purpose. All agreements or settlements arrived at the barangay level relative to the support of the family shall be final and executory. Innovations of the agreement shall be allowed only if the same is advantageous to the children.

ARTICLE VI POLITICAL AND PUBLIC SPHERE OF WOMEN AND CHILDREN

Section 48. Statement of Policy .The Municipality shall ensure the fundamental equality before the law of men and women open as an arena for their active participatory role in the development process.

Section 49. Declaration of March 8 as a Women’s Day. As declared by the United Nations, March 8 shall be observed as Women’s Day through an issuance of an Executive Order by the Municipal Mayor. There shall be a municipal level set of articles, for women to increase their level of awareness and critical consciousness on the issues affecting them.

Section 50. Municipal Self Organization of Women. The municipal government through the Gender and Development Inter-agency committee shall encourage and support the formation of community-based organizations, and facilitate their accreditation with the Sangguniang Bayan.

Section 51. National Children’s Month. Pursuant to Presidential Proclamation No. 267, dated September 30, 1993, the Municipality shall observe the month of October as National Children’s Month and undertake projects in the observance thereafter

Section 52. Participation of Women in Local Governance. To widen and enhance participation of women in local government decision-making and administration, the Municipal Government shall ensure the participation of women to the Sangguniang Bayan and all Local Special Bodies in the municipality. These women representatives shall be elected among the accredited women’s organizations in the municipality as a concrete manifestation of women place in local governance and in accordance to RA 7160.

Section 53. Creation of the Municipal Gender and Development Inter-Agency Committee (Municipal Ordinance No.2 Series of 2003). The Municipal Gender and Development Inter-Agency Committee (GAD-IAC) shall serve as the Focal Point of GAD programs.

53.1. The GAD-IAC shall be composed of the following:

Chairperson - Municipal Mayor

- Co-Chairperson - SB Chairperson of the Committee on Women and Family
- Members - Vice Mayor
- Members of the Committee on Women & Family
- MSWDO Women & Children Protection Desk
- MAO
- MARO
- DILG/MLGOO
- MIO
- Municipal Budget Officer
- CENRO
- ABC
- SK Federation President
- HRMO
- Department of Education
- MPDO
- Women Representative from NGO's, PO's
- PNP
- Municipal Community Development Officer
- POPCOM
- NGO-Religious Sector
- RHU
- Representative from Culasi Lady Legislators League
- Representative from Business Sector
- Representative from Labor Sector
- Representative from Culasi Federation of Women's Association

53.2 The GAD-Inter- Agency Committee shall be tasked with the following:

- a. Catalyze, coordinate, provide direction, monitor and serve as technical adviser on programs/projects on women/gender and development concerns within the municipality.
- b. Review the mandated tasks of the LGU as per RA 7192 and other Presidential directives on the course of action to be taken
- c. Conduct a Gender-Responsive Planning Workshop
- d. Make a Comprehensive and Integrated Plan and Program for women in the municipality and ensure the implementation thereof
- e. Establish a data bank unit
- f. Facilitate a Trainers' Training on GAD
- g. Ensure that GAD Activities of the LGU are replicated at the barangay level
- h. Assess the performance of the committee and learn from the experience of others by attending Annual Focal Point Assemblies and
- i. Establish linkage with the NCRFW.

53.3 The Human Resource Management Officer of the LGU shall act as Focal Point Officer of the Municipality and shall have the following functions:

- a. see to it that Gender and Development concerns especially for women and children are reflected in the Annual both short and long term and that implementation are made thereto;

- b. ensure that plans & programs of the GAD-IAC members are reflected in their performance evaluation reports, their targets and accomplishments;
- c. ensure that GAD plans & programs of other agencies operating within the municipality are consolidated in the Annual Development Plan;
- d. prepare the Annual GAD reports to be submitted to the NEDA for monitoring & evaluation which could be the basis for other financial funding and support;
- e. ensure that observance of the month of March as “Women and Children’s Month be given importance and shall be celebrated to give important to motivate women of their role in nation building.

53.4 The Secretariat of the GAD-IAC shall have the following functions:

- a. document matters taken up in the GAD-IAC during seminars, workshops and meetings; and
- b. prepare and furnish the official minutes of meetings of the GAD-IAC signed by the Presiding Officer.

53.5 For the purpose of institutionalizing the Gender and Development Inter-Agency Committee, an amount of ONE HUNDRED THOUSAND PESOS (P 100,000.00) shall be appropriated and taken from the 20% AIP of the municipality.

- a. All formulated plans & programs on Gender Development approved by the Local Chief executive including women and children will be funded from the 20% Annual Development Fund pursuant to Section 12 Rule V of RA 7192;
- b. In cases where some critical activities cannot be funded from the regular budgets, concerned government department/agencies shall be advised to source these from supplemental budgetary requests and or seek financial assistance in both local & foreign.

Section 54. Creation of Municipal Local Councils of Women. The Municipal Local Council of Women shall be organized in the municipality which shall be composed of accredited women’s organizations existing in the municipality

Section 55. Organization of Differently Abled Women. The municipal government in collaboration with the Municipal Social Welfare Development Officer shall encourage and support the organization of differently-abled women in the municipality to give focus on and facilitate response to their special needs

Section 56. Organization of Elderly Women. The Municipal Government’s Office of the Senior Citizen’s Affair shall encourage and support the organization of elderly women in collaboration with the Municipal Senior Citizen’s Federation to give special focus on and facilitate response to their special needs

Section 57. Women’s Summit. The municipal government through the Municipal Local Council of Women shall hold and convene a Municipal Women’s Summit at least once every year to renew women’s development in all aspects of community life and make appropriate recommendations for actions thereon.

ARTICLE VII SUPPORT SERVICES

Section 58. Support Programs to Survivors of Violence. The Municipal Government of Culasi shall provide immediate support services to survivors of violence. Support services shall consist of the following but not limited to legal, medical, psychosocial, shelter and other forms of support services. These services shall be provided by the Municipal Social and Development Office in coordination with the Gender and Development Office and other involved agencies in accordance with the provisions of the Implementing Rules and Regulations of this Code.

Section 59. Psychological Program. Women and children who are survivors of all forms of violence shall be registered in psychosocial programs which shall be carried out by the Municipal Social Welfare and Development Office, Municipal Gender and Development Office, Municipal Health Office, and other related agencies as provided in Implementing Rules and Regulations of the Code.

Section 60. Survivors' Support Group. There shall be an organized group to whom survivors of violence voluntarily agrees to establish a professional helping process. All investigations/hearing involving rape cases and other forms of violence against women and children conducted in the police stations, prosecutors office and trial courts shall recognize and allow the survivors' support group to be present in the courtroom as observers and to provide moral support to the survivors who are subject of litigation as expressly allowed or requested by the offended party to the extent allowed by existing laws or the rules of court.

Section 61. Women's and Children's Desk (WCD's). The Municipality shall establish and maintain the women and children's desks handled by women police officers and duly trained GAD personnel. The municipal police station shall have a separate WCD room.

Section 62. Role of Female Police Officer. Complaints of battering and other forms of abuse against women and children shall be handled by female officers in the local police who shall undergo special courses on handling cases affecting abused women, and whose character and credibility do not violate the accepted ethical standards in handling such cases.

Section 63. Crisis Intervention Center. A crisis intervention center is hereby established to serve as a temporary shelter with appropriate support services for women and children in crisis under the management and supervision of the Municipal Social Welfare Development and Gender and Development Office.

Section 64. Support Services for Women in the Entertainment Industry. The Municipal Government shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs. The MSWDO and Metro PESO shall make available alternate sources of income and livelihood to women engaged in entertainment industry or places of amusement.

Section 65. Medical Routine Check-up. Medical routine check-up and medicines if needed at socialized rates shall be afforded to women in the entertainment industry and those engaged in places of amusement by the Municipal Health Office and the Culasi District Hospital.

Section 66. Continuing Education against Sexual harassment. To foster a culture against sexual harassment, all government or private agencies and offices within the jurisdiction of the Municipality shall conduct a continuing education against sexual harassment. For this purpose the Municipal Social Council for Women and the Municipal Labor-Management Council shall work together to ensure that:

66.1 At least one (1) activity designed to equip workers and employees with the critical and practical knowledge on gender issues and concerns is conducted each year in these offices/establishments or workplace.

66.2 The provisions of RA 7877 otherwise known as the Anti-Sexual Harassment Law and other provisions of the Labor Code affecting women are faithfully implemented, especially the formulation of the necessary policies and procedures in resolving complaints for sexual harassment.

66.3 Tools for Assessment and Strategies against gender bias are designed and established.

Section 67. Support and Development of Day Care Centers. The Municipal Government of Culasi shall ensure that day care centers are set-up in all barangays. Day care centers existing in the barangays shall be responsive to the need of the community to provide childcare assistance to parents in order that they may be able to engage in economically productive activities. For this purpose, day care centers shall give priority to children aged 3-4 years old.

Section 68. Legal Education and Counseling. The Municipal Legal Officer shall:

68.1 Undertake legal education and training for community leaders, Barangay officials and members of the Lupong Tagapamayapa on legal counseling and arbitration to capacitate community workers to facilitate resolution of cases and family conflicts at the barangay level in coordination with the Municipal Social Welfare and Development Office and concerned government organization (NGOs).

68.2 Undertake a special para-legal training on gender issues and related matters for members of the Lupong Tagapamayapa for all barangays in the municipality in partnership with the Liga Ng Mga Barangay and other non-government organizations.

Section 69. Medico Legal Desk for Women. The Municipal Health Officer and the Chief of Culasi District Hospital shall create a medico legal desk for women to attend to women's special medical needs.

Section 70. Support Fund for the Senior Citizens Affairs. The Municipal Government shall allocate funds for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic activities for the senior citizens.

Section 71. Support to Persons in Detention. The rights of all detainees shall be protected as follows:

71.1 Speedy trial of the cases shall be ensured by all concerned;

71.2 An appropriate program shall be designed to respond to their specific needs and problems as detainees;

71.3 Separate structure, space for detention and rehabilitation for women and men shall be established.

CHAPTER II MISCELLANEOUS AND PENAL PROVISIONS

ARTICLE I PROTECTION AGAINST VIOLENCE AND DISCRIMINATION OR ABUSE

Section 72. Sexual Abuse. Sexual abuse shall include but is not limited to the following *:

72.1 When a man inserts or attempts to insert his penis into the mouth or anus of a woman against her will or under any of the following situations, through force, threat or intimidation by means of abuse of authority or relationship when the offended party is deprived of reason or otherwise unconscious.

72.2 When an offended party is below 12 years old even though none of the above circumstances is present;

72.3 When a person inserts or attempts to insert part of his or her body other than the sexual organ or introduces any object or instrument into the genital or anus of a woman against her will or under any of the situations stated in paragraph number 1 above.

72.4 When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in the paragraph or through any abnormal, unusual or ignominious sexual act.

72.5 Any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any part of her body other than her sexual organ, or the use of any instrument or object which intentionally touches the genital breast or anus of a woman.

72.6 Sexual Abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall form part of sexual abuse such as those between man and woman, woman and woman, man and man relations married or unmarried legally separated or separated in fact. Any person found guilty of the commission of this act shall suffer the penalty of imprisonment for a period of not less than 6 months and a fine of 2,500 or both at the discretion of the court.

Section 73. Physical Violence. Any intentional act that causes physical harm or hurt to the victim.

Section 74 . Psychological/ Emotional Violence. Any intentional act that offered or cause harm or hurt-in the feelings of the victim such as but not limited to the following:

74.1 Threats of suicide if the victim will not give in to the demands of the offender;

74.2 Threats of harm against the victim or her family;

74.3 Punching, breaking or defacing or otherwise destroying the house or any part thereof or the personal belongings of the victims.

74.4 Threatening to kidnap the children or to take them to a foreign country

74.5 Threatening to take the victim's children away

74.6 Threatening deportation of the victim with foreign citizenship

- 74.7 Forcing the victim to do things he/she considers as dehumanizing or degrading.
- 74.8 Controlling the victims lawful or usual activities
- 74.9 Use of fault and insulting words, language, or statement against a woman
- 74.10 Threats of abandonment and expression such as forcing the woman to leave the conjugal dwelling
- 74.11 Shouting invectives against the victims and other forms of verbal abuse.

Section 75. Economic Violence. This includes depriving the victim of economic resources or their generation and mobilization so as to create forced dependence and submissiveness to the offender.

Section 76. Battering. This refers to a series of sexual physical psychological/emotional or economic abuse constituting a repeated cyclic pattern as means of intimidation and imposition of the batterer's will and control over another.

Section 77. Domestic Violence and Sex Trafficking. Any of the acts defined under section 72 to 76 above shall constitute domestic violence when the offender or perpetrator is a member of the family of the victim or offender party within the four the civil degree of consanguinity or affinity; provided, however that in case the violence committed is between persons living as husband and wife, parent and child or between persons with common child/children whether living together or not, the violence committed shall be deemed as domestic violence regardless of the legitimacy of the relationship between them.

77.1 Sex Trafficking in Women. It is unlawful for any person, association cult, religion or similar activities to commit the following acts: *

- a. establish or carry on a business for the purpose of exploiting women for purposes of sex, sex slavery, sex trade, sex tours and other immoral activities.
- b. Advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above mentioned prohibited acts.
- c. Solicit, enlist or attract/endorse any woman to join any club, association or organization whose objective is to match women for marriage to foreigners either on mail to order basis or through personal introduction or cyberspace or any other forms which facilitate the commission of the following acts:
 - 1. to buy or sell a woman, or any of her body parts.
 - 2. to act as a procure of a sex worker
 - 3. to threaten or force a woman to become a mail order bride

* This section may also include relevant provisions of Republic Act 8353 otherwise known as the Anti-Rape Law of 1997, RA 8505 or the Rape Victims Assistance and Protection Act of 1998, RA 9208 or the Anti-Trafficking in Persons Act of 2003, and RA 9262 or the Anti-Violence Against Women and Their Children Act of 2004.

Section 78. Solicitation. It is unlawful for any person to solicit a woman's service for sexual purposes regardless of whether the solicitor profits or not from such acts. Penalty for the commission of these acts, shall be dependent to the prevailing laws and regulations.

Section 79. Other forms of Trafficking in Women. Any person or agency who encourages, influences or recruits for work abroad or locally for a particular job on a promise of a fee instead, forced and deceived to engage in prostitution domestic help or other odd jobs shall be penalized by an imprisonment of 4 months or a fine of 2,500.00 or both, at the discretion of the court. Persons liable thereof, may also be prosecuted and penalized in accordance with RA 6955, an act which outlaws the practice of matching Filipinos for marriage to foreign nationals on mail order basis.

Section 80. Sexual Harassment. Other than the acts defined as constitutive of sexual harassment under RA 7877, the following shall constitute sexual harassment punishable under this ordinance, some of which are covered by the Revised Penal code under acts of Lasciviousness.

- 80.1 Persistent telling of offensive jokes or other analogous statements despite having been previously requested to refrain from doing so;
- 80.2 Taunting a person with constant talk about sex and sexual innuendoes;
- 80.3 Displaying offensive or loud pictures and publications in the workplace;
- 80.4 Interrogating someone about their sexual activities or private life except on physical or examination purposes;
- 80.5 Making offensive hand or body gestures at someone;
- 80.6 Repeatedly asking for dates despite verbal rejection
- 80.7 Staring or leering maliciously;
- 80.8 Touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- 80.9 Kissing or embracing someone against her will;
- 80.10 Requesting sexual favors in exchange for a good grade obtaining a good job, promotion;
- 80.11 Cursing, whistling, or calling a woman in public with words having dirty connotations or implications which ridicules humiliates or embarrasses the woman, such as "puta", "peste", "punita", etc.
- 80.12 Any other unnecessary acts during physical examinations;
- 80.13 Requiring a woman to wear suggestive or provocative attire during interviews, such as on job hiring, promotions.

Commission of one of these acts shall be subjected to an imprisonment of one week or a fine of P1,000.00 to P2,000.00 or both at the discretion of the Court as prescribed in RA 7879 otherwise known as Anti-Sexual Harassment Act.

Section 81. Other Prohibited Acts. The following acts are hereby declared prohibited:

81.1 Pornographic Pictures and Publication. Printing, publication, display in any place openly accessible to children or distribution of visual materials where women appears scantily clad or otherwise depicting women as sex objects;

81.2 Indecent Shows. Public staging of indecent shows or shows offensive to the sensibilities of the public or tends to corrupt the morality of the youth.

Section 82. Commodification of Women. Any activity or form of beauty contest which tends to commodify, abuse, humiliate or treat women as sex objects shall be strictly prohibited

within the territorial jurisdiction of the Municipality of Culasi. For this purpose, the staging of beauty contests shall be permitted if it showcases not only the physical beauty of a person but also her talents and abilities. For this purpose, the Municipal Councils for the Protection of Women and Children are hereby mandated to jointly draw up and promulgate the guidelines that shall be adhered to in the conduct of staging or shows, on beauty contests involving women and children.

Organizers of beauty contests violating these provisions shall be subject to a penalty such as the following:

- a. For business organizations – cancellation of business permit or a fine of not less than P1,000.00 but not more than P2,500 or as prescribe in the implementing rules and regulations.
- b. For representatives of agencies, departments or local government units – suspension for one month without pay or a fine of not less than P1,000.00 but not more than P2,000.00 or others as maybe prescribed in implementing rules and regulations.
- c. For educational institution, charity or welfare organizations - a fine as maybe prescribed in the implementing rules and regulations.

Section 83. Forced Marriage. No woman shall be forced to marry without her consent. Any person committing fraudulent or coercive acts to effect a forced marriage shall be held liable under this code by imprisonment of six months and a fine of P1,000.00 or both at the discretion of the court. However, the customs and traditions of the indigenous people shall be taken into consideration and duly respected.

Section 84. Husband and Wife Battering. Husband and wife battering shall be punishable from one month to one year imprisonment or a fine of P1,000.00 to P2,000.00 or both subject to the discretion of the court. Other forms of battering as defined in this code shall be covered by the same penalty.

Section 85. Fund Raising Initiatives. Fund raising initiatives refers to any activity whether in whole or in part, integrated in any raffle draw, benefit or disco dance or any similar fund raising undertaking where women are used as donor prize, substitute for cash prizes won, a companion package for an award, prize or recognition or any manner, activity come-on display or exhibit which depicts a woman as central, partial or special focus in order to raise funds. Violations of this provision as defined in this code shall cover the same penalty prescribed in Section (81-3) or subject to the discretion of the court.

ARTICLE II LABOR & EMPLOYMENT

Section 86. Equal Access to Job Training and Promotion. No woman shall be deprived of job training and promotion on account of her gender, age, ethnicity, cruel religion and cruel status. Violation by private employers shall constitute a fine of P2,500.00 and cancellation of business permit or as prescribed by the Court. A government unit or agency head of office that violates this provision shall be held liable through a penalty of one month suspension or a fine of P1,000.00 or as prescribed by the prevailing rules and regulation.

Section 87. Wage Benefits for Women. Employers shall comply with the minimum wage requirement as stipulated by the Regional Wage Board or passed by the Congress and shall

grant all the benefits to all women employees as maternity leave, retirement, termination and other benefits provided by law. Violation of this provisions by private employers shall constitute a fine of P2,500.00 and cancellation of business permit or as prescribed by the court. A government unit or agency head of office that violates this provision shall be held liable through a penalty of one month suspension or a fine of P1,000.00 or as prescribed by the Court.

Section 87. Facilities and Support System for Women. The Municipal Government of Culasi shall ensure the safety and health of women employees in appropriate cases as defined in this code. Violation by private employers shall constitute a fine of P2,500.00 and a cancellation of business permits or as prescribed by the court. A government unit or head of office that violates this provisions shall be held liable through a penalty of one month suspension and a fine of P1,000.00.

Section 88. Reproductive Health Services. Establishments within the municipality of Culasi as well as Labor intensive establishment shall provide access to reproductive health services to workers regardless of sex and civil status as a manifestation of concerned for women's role in social production. Cancellation of business permit or license to operate shall be recommended for imposition by the LGU concerned and or a fine of P2,500.00 shall constitute the penalty for violation of this provision.

Section 89. Orientation on Local Harassment. All local offices agencies and establishments or companies government and private, within the Municipality shall conduct orientations on sexual harassment. Failure to comply with this provision shall mean payment of a fine of not more than P2,500.00.

Section 90. Gender-Sensitive Physical Plan. A physical plan appropriate for gender sensitivity shall be adopted by all offices, agencies and establishment which shall help prevent sexual harassment in the workplace. Failure to comply with this provision shall constitute a fine of P2,500 and suspension of business permit or license for three months.

ARTICLE III WOMEN IN THE ENTERTAINMENT INDUSTRY

Section 91. Workers in entertainment industry. Women in the entertainment industry shall be recognized as wage earners, and they shall receive minimum wages and benefits afforded to workers and shall render services only in the place of work as specified in the business permit of the establishment concerned. Violators shall be subjected to a fine of P2,500.00 or cancellation of business permit or both at the discretion of the court.

ARTICLE IV HEALTH RIGHT

Section 92. Socialized Reproductive Health Services for all Hospitals. No hospital in the Municipality of Culasi shall deny a woman, living below the poverty line, of reproductive health services. Certificates of indigency shall be issued by the Barangay Captain. In case of emergency, a social worker or any authorized personnel shall be designated to conduct a rapid appraisal of the socio-economic status of the patient for admission purposes. Non

compliance to the administration of this provision shall be penalized by a fine of not more than P2,500.00.

ARTICLE V SOCIO ECONOMIC BENEFIT FOR WOMEN

Section 90. Banks, Financial Institution and Cooperative Support System. All banks, financial institutions and cooperatives are encouraged to open special windows for lending to women including young women who lack access to traditional sources of collateral. This process ensures and protects the economic rights of women.

ARTICLE VI SPECIAL GROUP OF PERSONS

Section 91. Municipal Local Sanction on Cases of Harassment Committed Against Differently-Abled Persons. The Municipal Government shall formulate sanctions on cases of harassment committed against differently-abled persons.

ARTICLE VII WOMEN AND CHILDREN

Section 92. Support to Women and Children. All governments or settlements envisioned at the barangay level relative to the support of children shall be final and executory. Violation of such agreements or settlements shall be subjected to a fine of P2,000.00

ARTICLE VIII PROMOTION OF ENVIRONMENT FRIENDLY TECHNOLOGIES

Section 93. No government agency shall act as an agent of agricultural chemicals. Chemicals allowed are only those duly authorized by Herbicides and Pesticides Authority. An administrative sanction shall be imposed on head of agencies found violating this provision.

ARTICLE IX

Section 94. Gender and Development Orientation Training. All schools, office establishment or companies, department and agencies including Municipal and Barangay officials shall initiate gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender issues and concerns. Likewise, schools, colleges and universities shall develop assessment tools for gender-bias. Non-compliance of this provision shall require the concerned party to pay a fine of P2,000 and issuance of warning by the Municipality through the Gender and Development Council.

CHAPTER III PROVISIONS FOR IMPLEMENTATION

Section 95. The Gender and Development Inter-Agency Committee. The GAD-IAC is duly created by virtue of Executive Order No. 10A series 2003 and constituted through Municipal Ordinance No. 02-2003 “An ordinance Creating a Gender and Development Inter-Agency Committee.” Refer to Section 53 of this Code.

Section 96. Creation of Gender and Development Desk. The GAD Desk shall be created by virtue of this ordinance which shall be under the Special Project Division of the Municipal Planning and Development Office. The GAD Desk shall be responsible for the implementation of this ordinance in close coordination with the Gender and Development Inter-agency Committee, a consultative assembly on the Municipal GAD Program.

Section 97. Composition of the Municipal Gender and Development Desk. The GAD Desk shall be composed of three personnel coming from the Municipal Planning and Development Office under the Special Project Division:

GAD Desk Coordinator
GAD Monitoring Officer
Clerk

Section 98. Functions of GAD Desk. The GAD Desk shall act as the lead convenor and Secretariat to the GAD-IAC. For this purpose, it shall:

- a. Coordinate with different NGAs, PGAs, LGUs and private sector
- b. Provide administrative and technical assistance to the GAD-IAC
- c. Mobilize various sectors for gender programs and projects
- d. Design capability building programs in relation to GAD
- e. Conduct advocacy program and trainings in relation to GAD
- f. Provide assistance to women and children in especially difficult circumstance
- g. Evaluate and monitor the GAD program of the municipality

Section 99. Rules and Regulations. The GAD-IAC shall promulgate the rules and regulations to carry out the provisions of this ordinance. It shall be convened periodically throughout the formulation of the Implementing Rules and Regulations (IRR). Official representatives of the various agencies of the Municipal Government and women NGO's involved in the process of drafting of this Code shall be involved in the formulation of the IRR.

A Technical Working Committee shall be formed for effective and efficient formulation of the Implementing Rules and Regulations. Such rules and regulations shall take effect upon their publication in two local newspapers of general circulation.

Section 100. Funding. For the effective implementation of this ordinance, the Municipal Government of Culasi shall appropriate the amount necessary from the Special Development Assistance as stipulated in RA 7192. It shall also appropriate five (5%) from its Annual Development Fund.

**CHAPTER III
FINAL PROVISIONS**

Section 101. Repealing Clause. All ordinances, resolutions, circulars, memoranda, or rules, rules and regulations inconsistent with the provisions of this Code are hereby repealed and modified accordingly.

Section 102. Separability Clause. If for any reason, any portion or provision of this Code is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 103. Supplementary Clause. On matters not provided for in this Code, any existing applicable laws and their corresponding Implementing Rules, Executive Orders and relevant issuances issued therefore shall apply in a supplemental manner.

Section 104. Effectivity Clause. This code shall take effect upon compliance of the mandatory posting and publication requirement prescribed under RA 7160 otherwise known as the Local Government Code of 1991.

ENACTED: December 12 ,2003.

I hereby certify to the correctness of the foregoing Municipal Ordinance No.6-2003 otherwise known as the Gender and Development Code of the Municipality of Culasi, which was duly enacted by the Sangguniang Bayan during its Regular Session held at the Sangguniang Bayan Hall, Culasi, Antique.

(Sgd) **IVOREEN B. BALDOMAR**
Secretary to the Sanggunian

ATTESTED:

(Sgd) **TOMAS T. DY**
Vice-Mayor/Presiding Officer

(Sgd) **HON. ARIEL T. ALAGOS**

(Sgd) **HON. PILAR B. ALOCILJA**

(Sgd) **HON. NEIL S. SUPERFICAL**

(Sgd) **HON. EDIVIANO L. MOSQUERA**

(Sgd) **HON. NOE C. MAAYO**

(Sgd) **HON. DOMINADOR J. DY, JR.**

(Sgd) **HON. FELIPE M. DIMACUTAC, JR.** (Sgd) **HON. NOAH S. ALOLOD**

(Sgd) **HON. DIOSDADO Y. ELIZAGA, JR.** (Sgd) **HON. PEARL HYACINTH ANN F.
DEMAFILES**

APPROVED: December 12, 2003.

(Sgd) **AIDA S. ALPAS**
Municipal Mayor

Republic of the Philippines
Province of Antique
Municipality of Sebaste

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 2004-08

**AN ORDINANCE ENACTING THE MUNICIPAL ENVIRONMENT CODE
OF THE MUNICIPALITY OF SEBASTE, ANTIQUE**

Be it enacted by the Sangguniang Bayan in session, that:

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. Title and Scope. This Code shall be known as the Local Municipal Environment Code of Sebaste, Antique. It covers all ordinances enacted by the Sangguniang Bayan, which are relevant to the protection, conservation, utilization and management of the environment specifically along the areas of land, water and air.

SECTION 2. Statement of Purpose. The purpose of the Code is to protect, conserve, utilize and manage the environment by integrating, planning, implementation, monitoring and evaluation of programs, projects and activities on Local Environment Management.

SECTION 3. Form and Style. The provisions of this Code preserve the original text and form of ordinances when they were passed, while other provision have been written for the purpose of consolidation or simplify for the sake of clarity and style.

SECTION 4. Reference to Code. Whenever reference is made to any portion of the Code the reference applies to all amendments and additions now or hereafter.

SECTION 5. Relation of Code Prior to Ordinances. The provisions of this Code as they bear substantially the same subject matter as the ordinances included in the codification shall be construed as restatements and continuations and not as new enactments.

SECTION 6. Conflict Within Different Sections. Should the provisions of the different sections in this Code conflict or contravene with one another, the provision, which is last in the ordinal sequence, shall govern.

SECTION 7. Existing Rights. No action or proceeding intended before this Code takes effect, and no right accrued shall be affected by this Code and procedures thereafter taken shall conform to the provisions of this Code insofar as possible. The chapter and

section headings do not in any manner affect the scope, meaning, or intent of the provisions of this Code.

SECTION 8. Rules which shall be followed in interpreting the Code.

- a. **General Rule.** All words and phrases shall be constructed and understood according to the common and approved usage of the language; but technical words and phrases and such others that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.
- b. **Gender.** Singular and Plural. Every word in the Code importing the masculine gender as well as the words “he/she”, his/her” and “him/her” shall extend to and be applied to several persons or things as well as one person; and every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things.
- c. **Person.** The word “person” shall extend and be applied to natural and juridical persons such as firms, corporations, or voluntary association, unless plainly inapplicable.
- d. **Tenses.** The use of any verb in the present tense shall include the future when applicable.
- e. **Shall Have Been.** The words “shall have been” include past and future cases.
- f. **Shall.** “Shall” is mandatory.
- g. **May.** “May” is permissive.
- h. **Reasonable Time or Notice.** In all cases where any provision of this Code shall require any act to be done in a reasonable notice to be given, that reasonable time or notice shall mean such time only as maybe necessary for the prompt performance of the duty, or compliance with the notice.
- i. **Computation of Time.** When the Code refers to a day that means a working day for government offices beginning from 8:00 in the morning up to 5:00 in the afternoon. A month consists of 30 days except when the particular month is mentioned where the number of days within the month shall be basis of counting time.

SECTION 9. Specific Aspects:

- a. **Commitment.** The Municipality hereby commits to effectively and efficiently implement this Code in support thereof to make available adequate human resources, funding, equipment, machineries and other resources.
- b. **Basic Principles.** The principles involved hereon are the following:
 - i. **Integration.** Characterized by comprehensive scope, coherent and consistent strategies and cost-effectiveness of results of the policy making and implementation process to be undertaken. Integration is the principle behind the mandate for the Municipality to implement and translate into its development initiatives national policies, plans and programs.
 - ii. **Interdisciplinary.** Refers to the recognition of the need to a diverse field of knowledge to include natural, social, and engineering sciences aside from available traditional knowledge.
 - iii. **Precautionary Principle.** Where the Municipal Government will take immediate preventive action, using the best available knowledge, in situations where there is reason that something is causing a potentially severe or irreparable environment harm even in the absence of conclusive scientific evidence establishing

a causal link. This principle also applies in the formulation of predictive policies in Local Environment Management.

iv. Polluter Pay Principle. Polluters assume the external costs of pollution upon the community and the environment. Example: Negotiated compensation for damages caused to the physical environment.

v. Intergenerational Equity. Means ensuring equal access to goods and resources for people in the present and future generations.

vi. Public Participation. Consists of appropriate access to information held by public authorities and the participation of the general public in the decision making process. This is necessary for stakeholders to gain a sense of ownership of the issues sought to be addressed, and of the interventions and solutions, which are decided upon and ultimately empower communities without using the coercive power of the State.

SECTION 10. Environmental Assessment Policies. The Municipality of Sebaste hereby adopts policies that will promote the environment-friendly activities of business, industry, and settlements in the urban areas and suburbs as far as infrastructure and social services are concerned.

It should be ascertained that any proposed project needing the approval of the Municipal Government requiring the issuance of a permit would not cause significant negative environmental impact on the physical, biological, and socio economic environment.

There shall be conducted a yearly inspection of business sites and premises to determine the preservation of the physical environment. Should there be findings of the degradation, destructions or violations of the environment appropriate and immediate actions shall be instituted to mitigate or control the effects of such environmental degradation and the full force of the law shall be applied to the violators.

SECTION 11. Annual Environmental Assessments. The operations, premises facilities and systems of all industrial, manufacturing and similar business establishment shall be subject to an annual environmental assessment which shall be conducted by the Department of Environment and Natural Resources (DENR) and other concerned national agencies, in coordination with the Municipal Government.

SECTION 12. Environmental Impact Assessment or Statement. Environmental Impact Assessment or Statement shall be required only from those industries certified by the Environment Management Bureau (EMB), Department of Environment and Natural Resources (DENR) as requiring such statement or assessment as well as to other activities as maybe determined by Housing Land Use Regulatory Board (HLURB) and EMB-DENR as requiring such statement or assessment of major construction development activities may be required by the Zoning Administrator or by the Local Government to submit an Environmental Impact Statement for review by the Housing Land Use Regulatory Board (HLURB).

The following requirements shall be submitted by the applicant:

1. Detailed description of the proposed development or construction.
2. Detailed description of the physical, biological, social environment within which the development or construction will occur.
3. Detailed description of existing plan which will be affected by the proposed description development action.
4. Detailed description of other actions planned.

5. Detailed description of probable direct and induced impact of the proposed action on the physical, biological and social environment
6. Special emphasis on adverse effects, long-term effects, resource commitment and cost-benefit analysis.

SECTION 13. Bases for Action. Considering the extent and complexity of environmental initiatives, the following local and international policy measurements and action programs are hereby considered to ensure an efficient, equitable and sustainable allocation, utilization, management and development of the municipality's land resources, to wit:

- a. The Constitution of the Philippines. The Constitution provides that: Article II, Section 16 "The State shall protect and advance the right of the people to a balance and healthful ecology in accordance with the rhythm and harmony of nature".
- b. Clean Air Act of 1999 states that: The State shall promote and protect the global environment to attain sustainable development while recognizing the primary responsibility of local government units to deal with environmental problems. The State recognizes that the responsibility of cleaning the habitat and environment is primarily area-based. Finally, the State recognizes that the clean and healthy environment is for the good of all and should therefore, be the concern of all.
- c. Section 484 of R.A. 7160 otherwise known as the Local Government Code of 1991 provides for the appointment of an Environment and Natural Resources Officer (although optional) for the municipality, whose tasks include the formulation of measures for the consideration, assistance and support to the mayor in carrying out measures to ensure the delivery of basic services and provisions of adequate facilities relative to environment and natural resources services as provided for under section 17 of the Local Government Code. Section 458 (a)(1)(vi), R.A. 7160, directs the Sangguniang Bayan to enact ordinances that will "protect the environment and impose the appropriate penalties for acts which endanger the environment and impose the appropriate penalties, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endangered species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes or of ecological imbalance".
- d. Rio de Janeiro Declaration (U.N. Conference of Environment and Development) Local Authorities Initiatives in Support of Agenda 21. Local authorities shall construct operate and maintain economic and social environmental infrastructures, oversee planning processes, establish local environmental policies and regulations and assist in implementing national and sub-national environmental policies. As the local government is close to the people, it plays a pivotal role in educating and mobilizing them to promote sustainable development.

CHAPTER II DEFINITION OF TERMS

SECTION 14. Terms As Used in Land Resources Management. The following terms are conceptually and or operationally defined as follows:

- a. **Agricultural Lands-** Lands of public domain which are neither forest, nor mineral lands and national parks.

- b. **Alienation, Disposition or Concession**- any of the modes authorized by the Land Code of the Philippines for the acquisition, lease or use of the lands of the public domain other than forests, mineral lands or national parks.
- c. **Buffer Zones**- identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area.
- d. **Clean and Green Campaign**- deals with the massive cleaning of the municipality and the planning and maintenance of trees as well as intensive beautification drive in consonance with the national government's goal and objectives.
- e. **Commercial Lands**- portion of alienable and disposable lands of the public domain classified as sustainable and intended for trading of goods and services by competent authority.
- f. **Cover Crop Planning**- process of conditioning denuded areas which are highly cogonal or rocky by planting erodible calopognium, stylosanthes, desmodium, lablab, bean, psophocarpus, patani, or by planting suitable non-legumes such as morning glory vine, wild sunflower and kikuyu grass, in order to improve soil fertility, organic matter, and water holding capacity prior to or concurrent with the planting of trees and other perennials in such areas.
- g. **Farm Lands**- lands intended for or actually devoted to the production of food, including plantations, except fishponds and other adjoining bodies of water.
- h. **Industrial Lands**- public lands within the zone established by the Municipality for the manufacture and production of large quantities of goods and commodities.
- i. **Land Classification**- assessment, appraisal, and determination of land potentials, which include survey and classification of land resource and the study and mapping of the soil.
- j. **Land Reclassification**- subsequent classification, allocation, and disposition of alienable and disposable lands of the public domain into specific uses.
- k. **Land Resource** – all terrestrial, subterranean, and all geological features and land masses of the public domain and private domain of the State, within the respective geographical jurisdiction of the Municipality, including all flora and fauna, minerals and aquatic resources that dwell or exist upon it.
- l. **Land Use Planning** – act of defining the allocation, utilization, development and management of all lands within a given territory or jurisdiction according to the inherent qualities of the land itself and supportive of economic, demographic, socio-cultural and environmental objectives as in decision-making and legislation.
- m. **Population, Resources and Environmental Balance** – a condition where there is a harmonious interaction between and among population, resources and environment towards sustainable development. This means that population factors such as size growth, age-sex structure, distribution, as well as their activities do not compromise the replenishment and conservation of resources and the preservation of the environment and vice versa.
- n. **Population and Development Planning Approach** – the development of a mindset to look at all important socio-economic and demographic interrelationships in formulating, implementing, monitoring and evaluating plans and programs.
- o. **Protected Areas** – identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance bio-diversity and protected against destructive human exploitation.
- p. **Public Domain** – lands which belong to the State, province and municipality in its proprietary capacity.

- q. **Residential Lands** – public lands intended to or devoted to the construction and establishment of dwellings.
- r. **Zoning** – refers to the delineation or division of a Municipality into a functional zone where only specific land uses are allowed. It directs and regulates the use of all in the community in accordance with an approved or adopted land use plan for the municipality. It regulates land uses and prescribes limitations on structures and infrastructures thereon.
- s. **Zoning Ordinance** – an ordinance which classifies, delineates, defines, and designates different land uses in the municipality, requiring fees and imposing penalties.

SECTION 15. Terms Used in the Solid Waste Management. The following terms are conceptually and or operationally defined as follows:

- a. **Garbage** – anything that is rubbish, trash, and or coming from food waste that has the tendency to rapidly decompose and produce offensive odor.
- b. **Refuse** – anything discarded that is worthless and waste, be it soft or hard materials such as bottles, broken glass, tin cans, waste papers, discarded porcelain wares, pieces of metal and other wrapping and packaging materials.
- c. **Non-Biodegradable Objects** – anything that is not capable of decaying and not absorbed by the environment such as cellophane, plastics, rubber, metal and the likes.
- d. **Other Waste Materials**
 - i. **Ash** – residue or an end product of the process of burning certain material that contributes to air pollution.
 - ii. **Dead Animals** – lifeless animals such as pets, poultry, swine, rodents and so forth that are not properly disposed and become wastes that adds to air pollution and caused diseases.
 - iii. **Manure** – excrement of an animals, which can be generally used for fertilizer.
 - iv. **Discarded Building Materials** – waste building materials such as nipa and coconut shingles, sawali and other materials, which cannot be utilized anymore.

SECTION 16. Aquatic Resource Management. The following terms are operationally and or conceptually defined:

- a. **Aquatic Pollution.** The introduction by man or machine into the grounds or waters, of substance or energy which results or is likely to result in such deleterious effects as to harm living and non-living aquatic resources and posing as hazard to human health. It may be a direct or indirect action, or in or out of particular local government jurisdictions. It includes dumping or disposal of waste or other matter, carbonaceous materials or substances, oil, coal, coal tar, lampblack, aniline, asphalt, bitumen, mining and mill tailings, molasses, garbage, refuse, and other noxious or harmful liquid and gaseous or solid substances.
- b. **Aquatic Resources.** Living resources of the aquatic environment including fishes, aquatic flora and fauna, corals, seals, and mangroves.
- c. **Fish corral or “baklad”.** A stationary weir or trap devised to intercept and capture fish consisting of rows of stakes or bamboo, palma brava, or plastic netting and other materials fenced with split bamboo matting or wire matting with one or more enclosures, usually with an easy entrance but with difficult exit, and with or without leaders to direct the fish into a catching chambers or purse.

- d. **Fishery.** All activities relating to the act or business of gathering, taking, culturing, preserving, and marketing of fish and other aquatic products.
- e. **Illegal Fishing Method.** Refers to fishing with the use of gears that cause damage to ecological processes or habitats or cause a needless depletion of fish stocks directly or indirectly. It includes fishing with the use of dynamite, other explosives or chemical compound that contains combustible elements that upon ignition by friction, concussion, percussion or detonation, of all parts of the compound will kill, stupefy, disable, or render unconscious any fish or aquatic organism. It also refers to the use of any other device, which causes an explosion that is capable of producing the said harmful effects. It also include electro-fishing method.
- f. **Municipal Waters.** Include streams, lakes, subterranean and tidal water within the territorial jurisdiction of a municipality that are not the subject of private ownership and not included within national parks, public forests, timberland, forest reserves or fishery reserves.
- g. **Optimum Sustainable Yield (OSY).** Level of fishing effort that produce the highest or most profitable catch levels which can be sustained indefinitely considering the social, cultural and political factors that are associated with the utilization of fishery resources.
- h. **Philippine Waters.** All bodies of water within the Philippine territory such as lakes, rivers, creeks, brooks, ponds, swamps, lagoons, gulfs, bays, seas and other bodies of water now existing or which may hereafter exist in the provinces, cities and municipalities, municipal districts, and barangays, and the sea of freshwater around between and connecting each of the islands of the Philippine archipelago irrespective of its depth, breadth, length and dimensions, and all other waters belonging to the Philippines including the territorial sea, exclusive economic zone, and the sea bed, the insular shelves, and other submarine areas over which the Philippines has sovereignty or jurisdiction.
- i. **Subterranean Waters.** Streams, creeks, brooks, springs, and associated ground water not subject to private ownership and not comprised within national parks, forest lands, timberland or forest reserves, that are found beneath the terrestrial features of a municipality irrespective of depth or breadth but extending only up to the limits of the municipality's geographical boundaries.

SECTION 17. Terms Used in Air Quality Management. The following terms are operationally and or conceptually defined:

- a. **Air Pollutant.** Any particle or substance found in the atmosphere other than oxygen, nitrogen, water vapor, carbon dioxide, and the inert gasses in their natural or normal concentrations and includes, smoke, dust, soot, cinders, fly ash, solid particles of any kind, gasses, fumes, mists, odors, and radioactive substances.
- b. **Airborne Dust or Dust.** Minute solid particles released into or carried into the atmosphere by natural forces or by any fuel burning, combustion, or process equipment or device, or by construction works, or by mechanical or industrial processes.
- c. **Ambient Air Quality.** The average atmospheric purity as distinguished from discharge measurements taken at the source of pollution. It is the general amount of pollution present in a broad area.
- d. **Emission.** The act of passing into the atmosphere an air contaminant, pollutant, gas stream and unwanted sound from a known source.

- e. **Effluent Standards.** Restrictions established to limit levels of concentration, physical, chemical and biological constituents, which are discharged from point sources.
- f. **Fuel-Burning Equipment.** Any equipment, device, or contrivance, and all appurtenances thereto, including ducts, breechings, fuel-feeding equipment, ash removal equipment, controls, stacks, and chimneys, used primarily, not exclusively, to burn any fuel for the purpose of direct applications or indirect heating such as the production of hot air or hot water.
- g. **Fugitive Particulate.** The particulate matter, which escapes and becomes airborne from unenclosed industrial operation, or that which escapes from incompletely or partially enclosed operation into the outside atmosphere without passing or being conducted through a flue pipe stack or other structure.
- h. **Greenhouse Effect.** A warming occurs on the earth's surface when the earth's atmosphere traps the sun's heat. The greenhouse effect received its name because the earth's atmosphere acts much like the glass or plastic roof and walls of a greenhouse. The earth's atmosphere allows most of the sunlight that reaches it to pass through and heat the earth's surface. The earth sends the heat energy back into the atmosphere as infrared radiation. Much of this radiation does not pass freely into space because certain gasses in the atmosphere absorb in. These gasses include carbon dioxide.
- i. **Particulates or Suspended Particulates.** Any material other than uncombined water, which exists in a finely divided form as a liquid or solid.
- j. **Smoke.** Gas-borne particulates resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ashes or other combustion material.
- k. **Standard or Limit.** The concentration of any air contaminant which, in order to protect the public health and welfare, shall not be exceeded at a particular region or zone, and at a specified period of time. Standards are enforceable and must be complied with by the owner or person in charge of an industrial operation process or trade.
- l. **Volatile Organic Compound.** Any compound containing carbon and hydrogen in combination with any other element which has an absolute vapor pressure of 0.10 kg./cm² equivalent to 77.6 mm. Hg. or greater under actual storage conditions. Organic solvents include diluents and thinners and are defined as chemical compounds of carbon which are liquids at standard conditions and which are used as solvents viscosity reducers or cleaning agents.

CHAPTER III LAND RESOURCE MANAGEMENT

SECTION 18. Statement of Policy and Management Directions. It is the policy of the Municipality to provide a rational, orderly and efficient acquisition, utilization and management of land resources for the attainment of a better quality of life.

SECTION 19. State of the Resource. The Municipality of Sebaste has a total land area of 11,164.02 hectares. Presently, the Municipality has the following land uses: Residential– 98.4765 has.; Commercial– 3.3110 has.; Institutional– 7.7795 has.; Agricultural –4,418.6564 has.; Eco-tourism- 500.00 has.; Forest- 6,124.55 has.; Open Space – 2.4920 has; Cemetery 8.6946 has.; and Dumpsite- 0.06 ha., Industrial – zero ha.

SECTION 20. Inventory of Trees in the Municipality. There shall be an inventory of trees that shall be classified by specie, age, location, ownership and other related data to be entrusted in the local Environment and Natural Resources Office to be created. All trees shall be numbered and entered into the registry for monitoring and management purposes.

SECTION 21. Beautification and Greening Projects.

All barangays shall implement beautification and greening projects in their respective jurisdictions to include but not limited to the planting of green grasses on street shoulders, ornamental plants along the highways and flower plants in front of residential and commercial houses.

Institutionalizing The Clean and Green Program in the Municipality of Sebaste, Defining its Organization and prescribing its Mechanics in accordance with Municipal Ordinance No. 04-98.

This Clean and Green Program shall have the following purpose:

- a. Promoting and maintaining the good health of the people and sanitation of the community;
- b. Instilling values of sanitation, cooperation, ecological stewardship, and concern for the welfare of all;
- c. Instituting sustainable environment development, protection and regeneration.
- d. There shall be an Executive Committee to be composed of the following:
- e. The Municipal Mayor as the Chairperson;
- f. The Municipal Vice Mayor, Municipal Health Officer and the District Supervisor as the Vice Chairperson;
- g. The Chairperson of Health and Sanitation, Fisheries and Agriculture, and Tourism Committee of the Sangguniang Bayan, the heads of Public and Private Schools in the Municipality of Sebaste, the Municipal Agriculturist, the Municipal Local Government Operations Officer, the Punong Barangays, and at least two (2) representatives of people's organizations, as member.

The Executive Committee shall be responsible for the formulation of plans and programs and of the review of the implementation of the program. It shall meet regularly once in a semester.

There shall be a Technical Committee to advise and submit recommendations to the Executive Committee such programs, projects and activities to be undertaken. It shall be composed of the Municipal Health Officer as Chairperson, and a Public Health Nurse, a Rural Health Midwife, a Sanitary Inspector, Sangguniang Bayan Chairperson on Health and Sanitation, Fisheries, Agriculture, and Tourism Committee, as Members.

The Clean and Green Program shall cover regular programs such as inspecting of household drainages, toilets and waste disposal system, market places, planting of vegetables and trees, and special program on the Search for the Cleanest and Greenest Barangay. It shall be regular year-round program.

The Executive Committee may create other categories of competitions in the special program.

For the purposes of the provisions of this Section, the Clean and Green Program of the Municipality of Sebaste shall incorporate other matters contained in the guidelines of the national Search for Clean and Green.

For the purpose of conducting an evaluation in the Search for the Cleanest and Greenest Barangay and for other categories of competition as the Executive Committee to be composed of the Municipal Health Officer as Chairperson, and the Municipal Agriculturist, a Public Health Nurse and the District Supervisor as members. The committee shall be assisted by a Sanitary Inspector and an Agricultural Technician.

The Evaluation Committee shall draft criteria of evaluation to be submitted to the Executive Committee for approval. The approved criteria shall be used in the evaluation on the Search for the Cleanest and Greenest Barangay and other categories of competition as the Executive Committee may create.

The awarding for the Search for the Cleanest and Greenest Barangay and other categories of competition shall be held during the Municipal Fiesta or other occasion scheduled by the Executive committee.

SECTION 22. Comprehensive Land Use Plan and Municipal Zoning Ordinance.

The Comprehensive Land Use Plan and its accompanying Zoning Ordinance which were prepared before the enactment of this Code is hereby adopted. Its publication is a separate document that does not affect its effectivity in relation to this Code.

SECTION 23. Building Permit. No permit of occupancy shall be issued by the Municipal Government for buildings and the like unless there are provisions for planting of trees and flowers and installation of plant boxes in the development plan duly implemented with the exemption for meritorious cases when there is no area available for such requirements.

SECTION 24. Abandoned Buildings. Owners or administrators of old and abandoned buildings are required to maintain their cleanliness and free them from squatters or totally demolish them to eliminate eye sores and to safeguard against accidents and other hazards.

SECTION 25. Prevention of Soil Erosion. Infrastructure support in the form of “riprapping” or the construction of creek, river, and shore protection walls shall be implemented to prevent soil erosion.

SECTION 26. Banning of Slash-and-Burn. The slash-and-burn system of farming shall be banned.

SECTION 27. Reclassification of Agricultural Lands. Sebaste, being a fast growing town, shall limit the reclassification of agricultural lands into other uses to ten percent (10%), Sec. 20 of the Local Government Code of 1991. Provided, that the subject of reclassification is not a prime agricultural land, and provided, further, that the Department of Agriculture issues a certification as to the agricultural productivity and provided, finally, that the Committee on Land Use endorses the favorable recommendation on the matter.

Further, the issuance of a Development Permit for all kinds of subdivisions shall first require a Certificate of Impact Assessment and an Environmental Compliance Certificate from the Department of Environment and Natural Resources.

SECTION 28. Responsibility for Public Safety. Public safety shall be the primary responsibility of the Municipal Mayor, the Punong Barangay concerned, the Police Station commander and the festival organizer.

SECTION 29. Squatting. The Municipal Government while recognizing its role in the alleviation of poverty, equitable and sustainable land use, further recognizes its social and moral responsibility towards maintaining a sanitary and hygienic condition in human settlements in order to achieve effective environmental management. It shall be the policy of the Municipality to contain and prevent the aggravation of squatter settlements within the

Municipality. The squatting in roadsides, flood prone waterways and similar areas are banned.

SECTION 30. Municipal Canals and Drainage Systems. The canals and drainage systems within the Municipality should be properly maintained to allow efficient flow of water and effluence for sanitation purposes. The canals and drainage systems should be regularly desilted and dredged. Dumping of solid wastes and garbage is punishable.

SECTION 31. Piggeries & Poultry Farms.

- a. The structure of a piggery or poultry farm shall be situated with an area of good drainage system. Flood prone areas and other environmentally critical areas shall be avoided.
- b. The structure of a piggery or poultry shall be at least 500 to 1000 meters away from the build up areas and 200 meters away from major roads or highways.
- c. Piggery and poultry must be certified on the level of their effluent. It should be tested by the Department of Environment and Natural Resources (DENR) for it to be classified according to its level of pollution.
- d. Backyard piggery shall be regulated in the rural residential area with the maximum of three (3) heads but totally banned in the urban areas.

SECTION 32. Tree Planting.

- a. Any person who wanted to or has already established a piggery or poultry farm and the like in an area of two (2) hectares and above are required to allot 10% of his or her total land area for growing trees and fruit bearing trees.
- b. Fifty percent (50%) of the required 10% of the area must be planted with trees and the remaining fifty (50%) with the fruit bearing trees.
- c. The Office of the Mayor through the Office of the Municipal Agriculturist (OMA) shall be in charged of fulfilling the provision of this Section.

SECTION 33. R.A. 3571, otherwise known as Prohibiting Tree Cutting in Certain Places.

Section 1. In order to promote and conserve the beauty of objects of scenic and ornamental value along public places and help preserve cool, fresh and healthful climate, it is the policy of the government to cherish, protect, and conserve planted or growing trees, flowering plants and shrubs, or plants of ornamental value along public roads, in plazas, parks, school premises, or in any other public ground.

Section 2. For the purpose of carrying out effectively the provisions of this Act, the Director of the Parks and Wildlife shall have the power to create a committee in each and every municipality in the Philippines and shall appoint any civic conscious and well-traveled citizens as chairperson, and the municipal mayor, the municipal treasurer, the supervising school teacher, and the municipal health officer, as ex-officio members thereof. The Director of Parks and Wildlife shall have the power to issue and promulgate rules and regulations as Act.

The Chairperson shall receive one peso (P 1.00) per annum to be paid out of the funds of the city or municipality concerned, and the members shall not receive extra compensation. The committee shall have the power to implement the rules and regulations issued by the Director of Parks and Wildlife under the provisions of this Act.

The committee shall coordinate with the Director of Parks and Wildlife in the beautification of their respective locality and shall, under its supervision, require school children on Arbor Day to plant trees and flowering plants of useful and scenic value in places provided for in the preceding paragraph.

Section 3. No cutting, destroying, or injuring or planted or growing trees, flowering plants and shrubs, or plants of scenic value along public roads, in plazas, parks, school premises, or in any other public ground shall be permitted save when the cutting, destroying, or injuring of same is necessary for public safety, or such pruning of same is necessary to enhance its beauty and only upon the recommendation of the committee mentioned in the preceding section, and upon the approval of the Director of Parks and Wildlife. The cutting, destroying, or pruning shall be under the supervision of the committee.

Section 4. Any person who shall cut, destroy, or injure trees, flowering plants of scenic value mentioned in the preceding sections of this Act, shall be punished by *prison correctional* in its minimum period to *prison mayor* in its minimum period.

Section 5. All laws, Acts, parts of Acts, executive orders, and administrative orders or regulations inconsistent with the provisions of this Act, are hereby repealed.

Section 6. This Act shall take effect upon its approval.

Approved June 21, 1963.

SECTION 34. Cutting of Trees in accordance with DENR Administrative Order No.79 Series of 1990 Amendment to DENR Administrative Order No.26, Series of 1990, Amending Further DENR Administrative Order No. 86-90 Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Lands.

DENR Administrative Order No. 26, dated October 4, 1988 is hereby amended to read as follows:

“In line with the Natural Forestation Program and in order to promote the planting of trees by owners of private lands and give incentives to the tree farmers, Ministry Administrative Order No. 4 dated 19 January 1987 which lifted the restriction in the harvesting, transporting and sale of firewood, pulpwood or timber produced from Ipil-ipil (*leucaenia* spp.) and Falcata (*Albizzia falcataria*) is hereby amended to include all other trees species planted in private lands except BENGUET PINE and premium hardwood species, henceforth, no permit is required in the cutting of planted trees within the titled lands or tax-declared A & D lands with corresponding application for patent or acquired through court proceedings, except BENGUET PINE and premium species listed under DENR Administrative Order No. 78, Series of 1987, provided, that a certification of the CENRO concerned to the effect that the forest products came from a titled land or tax declared alienable and disposable land is issued accompanying the shipment.

Henceforth, the cutting, transport and disposition of BENGUET PINE within private lands shall be covered by a Private Land Timber Permit (PLTP) in consonance with DAO 121, Series of 1989.

Any person or business entity who violates this Code shall be punishable in accordance with the prevailing national laws. (DAO 79 s.1990)

SECTION 35. Prohibiting The Unauthorized Cutting, Gathering or Removing of Trees for Firewood And Charcoal Making and for Other Purposes Within the Territorial Jurisdiction of the Municipality in accordance with Municipal Ordinance No. 01-89

A. In consonance with the program and thrust of the National Government, it shall be the policy of the Municipal Government of Sebaste, Antique to preserve and protect the trees, forest land, watershed areas, alienable and disposable lands, and private lands to ensure the prevention of floods, drought, hot weather condition, drying up of water sources and control of pollution.

B. (1) Any person who shall cut, gather or remove trees from any forest land, watershed areas, alienable and disposable lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under article 309 and 310 of the Revised Penal Code.

(2) Any person who shall engage in cutting, gathering or removing of trees from his own land, for firewood and charcoal making, and other purposes for sale shall secure permit from the office of the Mayor before applying for permit from the Department of Environment and Natural Resources. A permit fee of three pesos (P3.00) per cubic meter shall be charged each applicant.

C. For purposes of personal and household consumption, member or members of the same household may be allowed to cut, gather and remove trees from his or their own land without the necessity of the permit; provided that the same shall not be sold or bartered.

D. Firewood or charcoal obtained in violation of the above provisions shall be confiscated in favor of the government.

SECTION 36. Prohibiting the Taking of Bamboo Shoots. In accordance with Municipal Ordinance No. 05-91, it shall be unlawful for any person to take bamboo shoots, sale, exchange and barter whether in their original or processed form and even they are taken from his or her own bamboo plantation or other sources.

SECTION 37. Parks for Tourism. The Municipal Land Use and Zoning Ordinance shall designate park areas for tourism development. Measures shall be instituted to maintain the ecological asset as the basis of the tourism industry. Littering in tourism area shall be punished without mitigation.

SECTION 38. Forest Management. The Municipality shall create the Municipal Forest Management Planning Team tasked to protect, to preserve, to conserve and to properly manage forest resources.

SECTION 39. Prohibited Acts on Parks. No person shall destroy to include but not limited to the picking of flowers, cutting of trees, vandalistic and other detrimental acts in order to preserve the aesthetic beauty and structures of parks as well as the general serenity.

SECTION 40. Tourism Areas. Identified tourism areas shall be properly declared by the Sangguniang Bayan in consultation with the Department of Environment and Natural Resources (DENR) in case they are within the timberlands.

CHAPTER IV SOLID WASTE MANAGEMENT

SECTION 41. Statement of Policies. Consistent with Department of Environment and Natural Resources (DENR) framework of promoting a sustainable urban environment, the Municipal Government hereby adopts these policies on Ecological Waste Management.

1. The insurance of the protection of public health and environment;
2. The utilization of the environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery;
3. The insurance of the proper segregation, collection, transport, storage treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management excluding incineration;

4. Encouragement of cooperation and self-regulation among waste generators through the application of market-based instruments;
5. Institutionalize public participation in the development and implementation of national and local integrated, comprehensive and ecological waste management programs;

SECTION 42. Role of LGUs in Solid Waste Management. Pursuant to the relevant provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of R.A. 9003 and this Code within their respective jurisdictions. Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable, and reusable wastes. The collection of non-recyclable materials and special wastes shall be the responsibility of the Municipal Government.

SECTION 43. Municipal Solid Waste Management Board. The Municipal Government shall create a Municipal Solid Waste Management Board (MSWMB) that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated within the territorial jurisdiction of the Municipality of Sebaste.

The MSWMB shall be composed of the Municipal Mayor as chairperson with the following as members:

1. One representative of the Sangguning Bayan preferably chairperson of either the Committees on Environment or Health, who will be designated by the Presiding Officer;
2. President of the Liga ng mga Barangay in the municipality
3. President of the Municipal Federation ng Sangguniang Kabataan
4. A representative of NGOs whose principal purpose is to promote recycling and the protection of air and water quality;
5. A representative of the recycling industry;
6. A representative of the manufacturing or packaging industry; and
7. A representative of each concerned agency possessing relevant technical and marketing expertise as may be determined by the MSWMB.

The MSWMB may from time to time, call on any concerned agencies or sectors as it may deem necessary. Provided, that representatives of the NGOs, recycling and manufacturing or packaging industries shall be selected through a process designed by themselves and shall be endorsed by the concerned government agencies.

SECTION 44. Duties and responsibilities of the MSWMB. The MSWMB, as its duties and responsibilities shall:

1. Develop the Municipal Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies of the barangays in Sebaste. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community;
2. Adopt measures to promote and insure the viability and effectiveness of the implementation of solid waste management programs in component barangays;
3. Monitor the implementation of Municipal Solid Waste Management Plan through various Municipal political subdivisions and in cooperation with the private sector and the NGOs;
4. Adopt specific revenue-generating measures to promote the viability of its Solid Waste Management Plan;

5. Convene regular meetings for purposes of planning and coordinating the implementation of the solid waste management plans of the respective component barangays;
6. Oversee the implementation of the Municipal Solid Waste Management Plan;
7. Review every two (2) years or as need arises, the Municipal Solid Waste Management Plan for purposes of insuring its sustainability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
8. Develop guidelines and specific mechanics for the implementation of the Municipal Solid Waste Management Plan;
9. Recommend to appropriate local government authorities specific measures or proposals for franchise of build-operate-transfer agreements with duly recognized institutions, pursuant to R.A. 6957 otherwise known as Authorizing the construction of Infrastructure Project by the Private Sector, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of municipal solid waste. The proposals shall take into consideration appropriate government rules and regulations on contracts, franchises and build-operate-transfer agreements;
10. Access the necessary Municipal logistical and operational support in consonance with subsection (f) of Section 17 of the Local Government Code;
11. Recommend measures and safeguards against pollution and for the preservation of the natural ecosystem; and
12. Coordinate the efforts of component barangays in the implementation of the Municipal Solid Waste Management Plan.

SECTION 45. Solid Waste Management Plan. The Municipal Government through its Solid Waste Management Board shall prepare its 10-year solid waste management plan consistent with the national solid waste management framework. The waste management plan shall be for re-use, recycling, and composting of wastes, generated in the municipality. The solid waste management plan shall place primary emphasis on implementation of all feasible re-use, recycling and composting while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted.

The municipal solid waste management plan shall be reviewed and updated every year by the MSWMB.

The Municipal Solid Waste Management Plan shall be subject to the approval of the National Solid Waste Commission. The plan shall be consistent with the national framework and in accordance the provisions of R.A. 9003 and the policies set by the National Solid Waste Commission.

SECTION 46. The Components of the Municipal Solid Waste Management Plan. The Municipal Solid Waste Management Plan shall include, but not limited to, the following components:

- a. Municipal Profile- The plan shall indicate the following background information of the Municipality and component barangays, covering important highlights of the distinct geographic and other conditions:
- b. Estimated population of each barangay within the municipality and population projection for a ten-year period;
- c. Illustration or map of the Municipality, indicating locations of residential, commercial, and industrial centers, and agricultural areas, as well as dumpsites,

- landfills and other solid waste facilities. The illustration shall indicate as well the proposed sites for disposal and other solid waste facilities;
- d. Estimated solid waste generation and projection by source such as residential, market, commercial, industrial, construction or demolition, street waste, agricultural, agro-industrial, other wastes; and
 - e. Inventory of existing waste disposal and other solid waste facilities and capacities.
 - f. Waste Characterization- For the initial source reduction and recycling element of a local waste management plan, the LGU waste characterization component shall identify the constituent materials which comprise the solid waste generated within the jurisdiction of Sebaste. The information shall be representative of the solid waste generated and disposed of within that area. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation which includes residential, commercial, industrial, governmental, or other sources.
 - g. Collection and Transfer- The plan shall take into account the geographic subdivisions to define the coverage of the solid waste collection area in every barangay as well as the strategies and activities to be undertaken by its component barangays in collecting and transferring of wastes.
 - h. Processing – The plan shall define the methods and the facilities required to process the solid waste, including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems. Other appropriate waste processing technologies may also be considered provided that such technologies conform with internationally-acceptable and other standards set in other laws and regulations.
 - i. Source Reduction- The source reduction component shall include program and implementation schedule which shows the methods by which the LGU will, in combination with the recycling and composting components, reduce sufficient amount of solid waste disposed.
 - j. Recycling- This component shall include a program and implementation schedule which shows the methods by which the LGU shall, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed.
 - k. Composting- This component shall include a program and implementation schedule which shows the methods to be undertaken in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of within Sebaste.
 - l. Solid Waste Facility Capacity and Final Disposal- This component shall include but not limited to a projection of the amount of disposal capacity needed to accommodate the solid waste generated, reduced by the following:
 1. Implementation of source reduction, recycling, and composting;
 2. Any permitted disposal facility which shall be available during the 10-year planning period; and
 3. Disposal capacity which has been secured through an agreement with another LGU or with solid waste enterprise.

The plan shall make provisions for the closure or eventual phase out of an open dumpsite within the period specified by Section 37 of R.A. 9003 (Prohibition Against the use of Open Dumps). As a alternative, sanitary landfill sites shall be designed and operated as a final disposal site for solid and eventually, residual wastes of the municipality. Sanitary landfills shall be designed and operated in accordance with R.A. 9003.

- m. Education and Public Information- The LGU shall educate and inform its citizens about solid waste management programs.
- n. Special Waste- This shall include existing waste handling and disposal practices for special wastes or household hazardous wastes, and the identification of current and proposed programs to ensure the proper handling, re-use, and long-term disposal of special wastes.
- o. Resource Requirement and Funding- The funding component includes identification and description of project costs, revenues, and revenue sources the LGU will fund, use, and tap, respectively, to implement all components.
- p. Privatization of Solid Waste Management Projects- This component shall identify specific measures to encourage the participation of private sectors in the management of solid waste.
- q. Incentive Awards- A program providing for incentives to encourage participation of concerned sectors, shall be included in the plan.

SECTION 47. Mandatory Segregation of Solid Wastes. Mandatory segregation of wastes shall primarily be conducted at the source, to include household, institutional, industrial, commercial and agricultural sources. The following shall be the minimum standard for segregation and storage of solid waste pending collection:

- a. There shall be a separate container for each type of waste from all sources. In the case of bulky waste, it will suffice that the waste be collected and placed in separate and designated area.

The solid waste container shall be properly marked or identified for on site collection as “compostable”, “non-recyclable”, or special waste, or other classification as may be determined by the board.

SECTION 48. Garbage Collection and Disposal. Garbage intended for collection and disposal by municipal garbage trucks shall follow the following conditions.

- a. There shall be a scheduled collection of trash and no person shall bring such trash outside his establishment on the day designated for the collection.
- b. Wastes must be separated into non-biodegradable and biodegradable. Non-biodegradable such as papers, plastics, bottles, scraps and biodegradable such as leftover foods and other decomposing and degradable matters shall be placed inside plastic bags or containers without leak. These bags or containers shall be brought out in front of the gates of the residential houses and business establishments thirty minutes (30 Min.) before the collection schedule. Households in the interior should deposit their wastes along the main streets accessible to municipal garbage trucks thirty minutes (30 Min.) before the collection schedule.
- c. Trees, shrubs and grass cuttings should not be mixed with the above-cited wastes. They should be placed inside a separate plastic bag or sack and should follow the disposal process as stated above.
- d. All collectors and other personnel directly dealing with collection of solid waste shall be equipped with personal protective equipment to protect them from the hazards of handling solid waste;
- e. Necessary training shall be given to the collectors and personnel to insure that the solid waste are handled properly and in accordance with guidelines of R.A. 9003;
- f. Collection of solid waste shall be done in a manner which prevents damage to the container and spillage or scattering of solid waste within the collection vicinity.

SECTION 49. Dumping and Throwing of Wastes. Dumping or throwing or placing of waste in areas not designated for such purpose is strictly prohibited.

SECTION 50. Garbage Fees. Garbage fees that correspond to all types of establishments are provided for in the Revised Revenue Code. However, the fee of P 30.00 per annum shall be charged on each residential establishment.

SECTION 51. Establishment of Material Recovery Facility. There shall be established a Material Recovery Facility (MRF) in every barangay or cluster of barangays. The MRF shall be established in a barangay-owned or leased land or any suitable open space to be determined by the barangay through its Sanggunian.

The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal facility or sanitary landfill.

The following must be considered in the determination of site and actual establishment of MRF:

- a. The building and or layout and equipment must be designed to accommodate efficient and safe materials processing, movement, and storage, and
- b. The building must be designed to allow efficient and safe external access and to accommodate internal flow.

SECTION 52. Composting. Composting of agricultural wastes and other compostable materials including but not limited to garden wastes, shall be encouraged.

Compost products intended to be distributed commercially shall conform with the standards for organic fertilizers set by the Department of Agriculture.

All residential houses are required to make their compost pits within their lots for biodegradable waste. Households with no spaces available for the above-cited pits shall deposit such wastes in biodegradable container.

SECTION 53. Solid Waste Disposal: Proper Garbage Disposal. For those unable to avail of the Municipality's garbage collection. All persons are required to dispose of their garbage properly and efficiently through individual backyard burying (landfill); composting using available non-hazardous methods; recycling through the use of clean production techniques in the case of industries.

SECTION 54. Prohibition Against the Use of Open Dumps for Solid Waste. No open dumps shall be established and operated nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste be allowed. Open dumps established or operated shall be converted into controlled dumps within three years after effectivity of R.A. 9003. Said controlled dumps shall be eliminated five years after the effectivity of R.A. 9003.

SECTION 55. Permit for Solid Waste Management Facility Construction and Expansion. No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an Environmental Compliance Certificate (ECC) from the DENR pursuant to P.D. 1586 and other permits and clearances from concerned agencies.

SECTION 56. Guidelines for Controlled Dumps. The following shall be the minimum considerations for the establishment of controlled dumps:

1. Regular inert cover;

2. Surface water and peripheral site drainage control;
3. Provision for aerobic and anaerobic decomposition;
4. Restriction of waste deposition to small working areas;
5. Fence, including provision for litter control;
6. Basic record-keeping;
7. Provision of maintained access road;
8. Controlled waste picking and trading;
9. Post-closure site cover and vegetation; and
10. Hydrogeological siting.

SECTION 57. Solid Waste and Wastewater Disposal. All manufacturing and industrial establishments, similar business firms and residential establishments shall install acceptable solid waste and wastewater disposal facilities in accordance with national standards except residential establishments subject to regular inspection by the Municipal Environment Office.

SECTION 58. Sanitary Landfill. The Municipal Government shall establish a waste disposal site that conforms to the minimum criteria for choosing the site of sanitary landfills such as:

1. The site selected must be consistent with the overall land use plan of the Municipal Government;
2. The site must be accessible to major roadways or thoroughfares;
3. There should have an adequate quantity of earth cover material that is easily handled and compacted;
4. It must be chosen with regard for the sensitivities of the constituents;
5. It must be located in an area where the landfill operation will not detrimentally affect environmentally sensitive resources such as aquifer ground water reservoir or watershed area;
6. The site should be large enough to accommodate the community's wastes for a period of five (5) years during which people must internalize the value of environmentally sound and sustainable solid waste disposal;
7. It should facilitate developing a landfill that will satisfy budgetary constraints including site development, operation for many years, closure, post-closure care and possible remediation costs;
8. Operating plans must include provisions for coordinating with recycling and resource recovery projects; and
9. Designation of a separate containment area for household hazardous wastes.

SECTION 59. Criteria for Establishment of Sanitary Landfill. The following shall be the minimum criteria for the establishment of sanitary landfills:

1. Liners – a system of clay layers and or geosynthetic membranes used to contain leachate and reduce or prevent contaminant flow to groundwater;
2. Leachate collection and treatment system – installation of pipes at the low areas of the liner to collect leachate for storage and eventual treatment and discharge;
3. Gas control and recovery system – a series of vertical wells or horizontal trenches containing permeable materials and perforated piping placed in the landfill to collect gas for treatment or productive use of an energy source;
4. Groundwater monitoring well system – wells placed at an appropriate location and depth for taking water samples that are representative of groundwater quality;

5. Cover – two (2) forms of cover consisting of soil and geosynthetic materials to protect the waste from long-term contact with the environment:
 - a. A daily cover placed over the waste at the close of the day's operations, and
 - b. A final cover, or cap, which is the material placed over the completed landfill to control infiltration of water, gas emission to the atmosphere, and erosion.
6. Closure Procedure – with the objectives of establishing low maintenance cover systems and final cover that minimizes the infiltration of precipitation into the waste. Installation of the final cover must be completed within six (6) months of the last receipt of wastes; and
7. Post-closure procedure – During this period, the landfill owner shall be responsible for providing for the general upkeep of the landfill, maintaining all of the landfill's environmental protection features, operating monitoring equipment, remediating groundwater should it become contaminated and controlling landfill gas migration or emission.

SECTION 60. Operating Criteria for Sanitary Landfills. The following are the minimum operating requirements for landfill site operators:

- a. Disposal site records of, but not limited to:
 1. Records accurate to within ten percent (10%) of weights or volumes and adequate for overall planning purposes and forecasting the rate of site filling. Such records shall be submitted to the DENR upon request.
 2. Records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties;
 3. Daily logbook or file of the following information: fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage, accidents, explosions, receipt or rejection of unpermitted wastes, flooding, and other unusual occurrences;
 4. Record of personnel training; and
 5. Copy of written notification to the DENR, local health agency, and fire authority of names, addresses and telephone numbers of site operators;
- b. Water quality monitoring of surface and ground waters and effluent, and gas emissions;
- c. Documentation of approvals, determinations and other requirements by the DENR;
- d. Signs
 1. Each point of access from a public road shall be posted with an easily visible sign indicating the facility name and other pertinent information;
 2. If the site is open to the public, there shall be an easily visible road sign which direct traffic to the proper area where wastes will be deposited and the schedule of charges.
 3. Signs to protect personnel and public health should be posted.
- e. Monitoring of quality of surface, ground and effluent waters, and gas emissions;
- f. The site shall be designed to discourage unauthorized access by persons and vehicles by using perimeter barriers. Areas within the site where open storage or piling of hazardous materials shall be separately fenced.
- g. Roads within the permitted facility boundary shall be designed to minimize the generation of dust and trucking of materials onto adjacent roads. Such roads shall be well maintained that vehicle access and unloading can be conducted during inclement weather;
- h. Sanitary facilities such as toilet and hand washing facilities shall be available to personnel at or in the immediate vicinity of the site;
- i. Safe and adequate drinking water supply for site personnel shall be available;

- j. Communication facilities shall be available to personnel to allow quick response to emergencies;
- k. Adequate lighting;
- l. Operating and maintenance personnel shall wear and use appropriate safety equipment;
- m. Personnel assigned to operate the site shall be adequately trained in site operation and maintenance, hazardous materials recognition and screening, and heavy equipment operations, with emphasis on safety, health, environmental controls and emergency procedures.
- n. Adequate supervision of personnel by site operators to ensure proper operation in compliance with all pertinent laws;
- o. Any disposal site open to the public shall have an attendant present during public operating hours;
- p. Unloading of solid waste shall be confined to a small area as possible, at the toe of the fill, to ease traffic;
- q. Solid waste shall be spread and compacted in layers with repeated passages of the landfill equipment to minimize voids within the cell and maximize compaction;
- r. Covered surfaces at the disposal site shall be graded to promote lateral run of precipitation and to prevent ponding. Grades shall be established of sufficient slopes to account for future settlement of the fill surface;
- s. Cover material or native material unsuitable for cover, stockpiled on the site for use or removal, shall be placed so as not to cause problem or interfere with unloading, spreading, compacting, access, safety, drainage, or other operations.

SECTION 61. Prohibited Acts. The following acts are prohibited:

1. Littering, throwing, dumping of waste matters in public places, such as roads, sidewalks, drainages, canals, esteros, rivers, seashores, public markets or parks and establishments within the Municipality (Mun. Ord. No. 02-96). Except garbage intended for collection and disposal by the authorized garbage collectors, shall be brought out of the residential houses or establishments to the designated area 30 minutes before collection schedule;
2. The open burning of solid waste;
3. Causing or permitting the collection of non-segregated or un-assorted waste;
4. Squatting in open dumps and landfills;
5. Open dumping, burying of biodegradable or non-biodegradable materials in flood prone areas;
6. Mixing of source-separated material with other solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
7. Establishment or operation of open dumps or closure of open dumps not in accordance with R.A. 9003;
8. Transport and dumping in bulk of collected domestic, industrial, commercial and institutional wastes in areas other than the designated centers or facilities;
9. Site preparation, construction, expansion or operation of waste management facilities without an Environmental Compliance Certificate as required by P.D 1586 and R.A. 9003 and not conforming with the municipal land use plan;
10. The construction of any establishment within two hundred (200) meters from open dumps or controlled dumps, or sanitary landfills; and
11. The construction or operation of landfills or any waste disposal facility on any aquifer, groundwater reservoir or watershed area or any portions thereof.

SECTION 62. Definition of Terms:

- a. *Agricultural Waste* shall refer to waste generated from planting or harvesting of crops, trimming or pruning of plants and wastes of run-off materials from farms or fields;
- b. *Bulky wastes* shall refer to waste materials which cannot be appropriately placed in separate containers because of either their bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets and other similar items;
- c. *Collection* shall refer to the act of removing solid waste from source or from a commercial storage point;
- d. *Composting* shall refer to the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
- e. *Controlled dump* shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standard of site operation.
- f. *Disposal* shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land;
- g. *Disposal site* shall refer to a site where solid waste is finally discharged and deposited;
- h. *Environmentally acceptable* shall refer to the quality of being re-usable biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
- i. *Generation* shall refer to the act or process of producing solid waste;
- j. *Hazardous waste* shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - i. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacity reversible, illness or
 - ii. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- k. *Leachate* shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials;
- l. *Material Recovery Facility* includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility;
- m. *Open dump* shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards;
- n. *Recyclable materials* shall refer to any waste material retrieved from waste stream and free from contamination that can still be converted into suitable beneficial use;
- o. *Sanitary landfill* shall refer to any waste disposal site designed, constructed, operated and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility;
- p. *Segregation* shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal;

- q. *Solid waste* shall refer to all discarded household, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste;
- r. *Solid waste management* shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes;
- s. *Solid waste management facility* shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation, any facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste;
- t. *Special wastes* shall refer to household hazardous wastes such as paints, thinners, household batteries, bad-acid batteries and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, batteries, oil, tires, and the like. These wastes are usually handled separately from other residential and commercial wastes.

CHAPTER V HAZARDOUS AND TOXIC MATERIALS

SECTION 63. Operation of Gasoline Stations.

1. All gasoline stations in the Municipality shall install oil and water separation facility including facilities in the storage of used oil and grease into sealed receptacles. These are mandatory pre-conditions for the issuance of business permits by the Municipal Government.
2. Gasoline stations shall ensure that their underground storage tanks are always in good conditions by undertaking periodic maintenance and monitoring fugitive effluents.
3. The gasoline station operators shall ensure the safety from the fire and explosion hazards of their respective facilities by installing appropriate signage for the general public and by attaching proper gadgets and devices to prevent gaseous or fume emissions.
4. They shall provide for an easement or buffer zone of at least fifty meters (50m) from actual or potential ground water resources, banks of rivers or other bodies of water traversing or adjoining their gasoline stations.
5. Adequate drainage system should be provided for liquid run-off.
6. Shrubs and trees should be planted around the site, on open space and on buffer strip to preserve ecological balance.
7. They shall not adversely affect the appropriate or profitable uses of the other properties in the area.

SECTION 64. Fuel Gas Retail Operation. The owner of the fuel gas retail stall shall provide safe storage for flammable substances for sale. No retailing shall be allowed in congested areas.

SECTION 65. Toxic Substances and Hazardous Waste Control. The Municipal Government shall require all persons and entities dealing with toxic substance and hazardous materials to comply with full disclosure procedures in the following manner:

- a. Manufacturers are required to present material fact sheet, which should explain or describe the quantity, toxicity, ignitability, flammability and leaching potentials of the chemicals manufactured.
- b. Transporters are required to submit to the Municipal Government ahead of time a manifest, which will contain the material fact sheet, the origin and destination of the material in transport, the transit time and the route where the hazardous or toxic material will traverse.
- c. Primary users are required to present to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document which will contain the quantity of the chemicals, type of use, storage facilities and safety measures.
- d. Secondary users shall likewise be required to submit to the Municipal Government and maintain for periodic inspection by competent authorities, a disclosure document similar to that required of the primary users.

SECTION 66. Manufacturer of Toxic and Other Chemical Substances. All industrial establishments engaged in the manufacture, processing, and utilization of chemical substances shall submit to Municipal authorities a comprehensive occupational safety and hazard mitigation program, which consider conditions within its complex and immediate vicinities. The Municipal Government through the Municipal Environment and Natural Resources Office shall promulgate the necessary procedural guidelines and regulations in chemical handling within the Municipality.

SECTION 67. Quarterly Inspection of Entities Engaged in Chemical Manufacturing. All business engaged in chemical use and manufacturing shall be subjected to a quarterly inspection by the Municipal Environment and Natural Resources Office to ensure compliance of safety measures and appropriate procedures. However, if public safety so requires, the Municipal authorities shall conduct regular inspection.

SECTION 68. Disposal of Clinical Wastes. All hospitals and clinics, both private and public, and other health establishments shall dispose their clinical wastes in accordance with the duly approved practices and technologies by the Department of Health.

SECTION 69. Limitation of Production Capacity. All industrial, manufacturing and similar business establishments shall operate only within the capacity limits of their respective waste treatment facilities in order to maintain the quality of the environment within the standards required by the Municipal Government.

SECTION 70. Use of Farm Chemicals. All users of fertilizers, pesticides and other farm chemicals in the farms, plantations and other places shall observe precautionary measure in handling, applying, storage and disposal as well as safety practices as indicated in the labels of the chemicals and instructions of farm technicians.

SECTION 71. Sewerage Disposal. No waste dangerous to the public health safety and general welfare shall be discharged into any drainage channel. All industrial wastes and effluents from domestic and municipal sources shall conform with the new water standards set by the Department of Environment and Natural Resources (DENR).

CHAPTER VI OTHER HEALTH RELATED PROVISIONS

SECTION 72. Public Markets. The municipal Government shall maintain the cleanliness and sanitation of the public market.

SECTION 73. Operation of Slaughterhouse. Slaughterhouse shall be equipped with appropriate and adequate disposal facilities for solid discards and wastewater, as well as, disinfection system for the maintenance of hygienic conditions within the premises.

SECTION 74. Operation of Funeral Parlors. All funeral parlors performing embalming shall follow:

- a. They should be constructed of concrete or semi-concrete materials with sufficient space to accommodate five bodies at one time.
- b. The floors and walls should be made of concrete or other durable impervious materials.
- c. Ventilation and lighting should be adequately provided.
- d. Embalming shall be performed on a table made of a single marble slab or other equally impervious materials. It shall be constructed that all washings and body fluids shall flow to a drain connected to the waste piping system of the building.
- e. Embalming and assistants shall use rubber gloves when working.
- f. Washing facilities with soaps, detergents and germicidal solutions shall be provided for the use of the working personnel.

SECTION 75. Cemeteries and Memorial Parks.

- a. Adequate drainage system should be provided for liquid run off from decaying or degrading matter.
- b. Pesticide and germicide control measures should be applied to prevent contamination of burials grounds and the surrounding areas.
- c. Shrubs and trees shall be planted around the site and on an open space as buffer strip to preserve ecological balance.
- d. Sanitary requirements of the Sanitation code and other existing laws, particularly those referring to final procedures in case of the incidence of epidemic or communicable disease should be complied with.
- e. It shall be unlawful for any person to bury remains in places other than those legally authorized in conformity with the provisions of this Chapter.
- f. A burial ground shall be at least 25 meters distant from any dwelling house and no house shall be constructed within the same distance from any burial ground.
- g. No burial ground shall be located within 50 meters from either side of a river or within 50 meters from any source of water supply.
- h. They shall comply with other sanitary requirements prescribed by existing laws.

SECTION 76. Radio Transmitting Stations.

- a. They shall be located within commercial or institutional utility zones.
- b. Their surrounding maintenance shall be the exclusive responsibility of the applicant and or persons running them.
- c. Where the public welfare demands, however, they may be located location in some residential zones provided the proceeding conditions is complied with; provided, however, that powerful or high voltage transmitter and antennae which may cause electric interference or excessive electromagnetic radiation, which would be hazardous to health shall not be allowed.

SECTION 77. Open Storage.

- a. They shall be located within reasonable distance from schools, churches, hospitals and other similar buildings, preferably 100 meters away or more.
- b. Their sound maintenance shall be the responsibility of the applicant.

**CHAPTER VII
WATER RESOURCE MANAGEMENT**

SECTION 78. Policy Statements on Water Utilization. In line with the provision of the Constitution and as embodied in the Water Code of the Philippines, all water belongs to the State. The ownership of water by the State means that water cannot subject to acquisitive prescription, however the State allows the use and development of water by administrative concession. The Government, through the National Water Board, exercises control and regulation of the water resource pertaining to its utilization, exploitation, development, conservation and protection.

In the observance of the above-mentioned principle, the Municipality of Sebaste shall ensure an equitable appropriation of water resources to its constituents consistent with the order of preference adopted by the State as follows;

1. Domestic and municipal use;
2. Irrigation;
3. Power generation;
4. Fisheries;
5. Livestock raising;
6. Industrial use; and
7. Others.

SECTION 79. Basis for Action. With increasing population and intensification of economic activities the use of water has overtaken its replenishment to the point where the basic needs would no longer be satisfied. Timely preventive measure shall be taken to prevent water crisis. These concerns call for appropriate actions at the Municipal level, complementing the national effort of ensuring sustainable utilization of water resources.

SECTION 80. Water Sources. With the growing population and the expansion of economic activities the need of water has been increasing at a faster rate. This has brought a serious imbalance between supply and demand of potable and usable water. Cognizant of this condition it becomes imperative for the Municipal Government to provide and secure water for the current and future generations living in its territorial boundaries:

1. It shall be the responsibility of the Municipal Government to identify existing and potential water sources for domestic and municipal use within the territory of the Municipality to ensure that there shall be sources of water to satisfy the needs of the present and future. This calls for complete inventory of surface river, creek, stream and spring sources along with subsurface aquifer systems. Databases shall be established for these water sources with adequate information on quantity and quality. Interim plans should be established on how these water sources shall be accessed, tapped and developed.
2. A data inventory of the water resources to include their physical characteristics, locations and types shall be maintained and updated by the Municipality for future assessment. These data inventory shall be the basis of municipal water resource

- policy and water resource system analysis. These data shall be stored and collated for easy access and updating through dynamic information system.
3. The Municipal Government shall likewise determine the contaminated water resource in the municipality such as the salt-intruded areas and chemical contaminated areas as part of the environmentally affected areas. These areas shall be restrained from utilization and exploitation and the Municipality shall provide an advisory notice to this effect. In the overall strategy, these areas shall be targeted for rehabilitation.
 4. The Municipal Government shall regulate water consumption on a periodic basis to optimize its used. The approach shall be holistic enough to include all the major users of water and comprehensive enough to determine possible cause and effect scenario of the water utilization.
 5. The Municipal Government shall identify the watersheds within its own territorial limits and incorporate them in its zoning plans. As a water unit, the municipality shall adopt important strategies of protection, conservation, utilization and enhancement in view of sustainable development. Land uses threaten watersheds shall be minimized by instituting measures to curb human activities that damage the pristine nature of the water resources.
 6. Apart from satisfying the immediate demand, the Municipal Government shall adopt long range planning for the water resources development to come up with adequate supply to meet increasing demand.

SECTION 81. Sanitation Code, Chapter II - Water Supply.

- a. *Section 9. Prescribed Standards and Procedures-* Standards for drinking water and their bacteriological and chemical examinations, together with the evaluation of results, shall conform to the criteria set by the National Drinking Water Standards. The treatment of water to render it safe for drinking, and the disinfection of contaminated water sources together with their distribution system shall be in accordance with procedures prescribed by the Department.
- b. *Section 10. Jurisdiction of the Department-* The approval of the Secretary or that of his duly authorized representative is required in the following cases:
 - i. Sites of water sources before their construction;
 - ii. Delivery of water to consumers from new or recently repaired water systems;
 - iii. Operation of water system after an order of closure was issued by the Department;
 - iv. Plans and specifications of water systems of subdivisions and projects prior to the construction of housing units thereat; and
 - v. Certification of potability of drinking water.
- c. *Section 11. Types of Water Examinations Required* The following examinations are required for drinking water:
 - i. *Initial Examination* – The physical, chemical and bacteriological examinations of water from newly constructed systems or sources are required before they are operated and opened for public use. Examination of water for possible radioactive contamination should also be done initially.
 - ii. *Periodic Examination* – Water from existing sources is subject to bacteriological examination longer than six months, while general systematic chemical examination shall be conducted every 12 months or oftener. Examination of water sources shall be conducted yearly for possible radioactive contamination.

- d. *Section 12. Examining Laboratories and Submission of Water Samples-* The examination of drinking water shall be performed only in private or government laboratories duly accredited by the Department. It is the responsibility of operators of water systems to submit to accredited laboratories water samples for examination in a manner and at such intervals prescribed by the Department.
- e. *Section 13. Other Protective Measures* – To protect drinking water from contamination, the following measures shall be observed:
 - i. Washing clothes or bathing within a radius of 25 meters from any well or other source of drinking water is prohibited.
 - ii. No artesian, deep or shallow well shall be constructed within 25 meters from any source of pollution.
 - iii. No radioactive sources or materials shall be stored within a radius of 25 meters from any well or source of drinking water unless the radioactive source is adequately and safely enclosed by proper shielding.
 - iv. No person charged with the management of a public water supply system shall permit any physical connection between its distribution system and that of any other water supply, unless the latter is regularly examined as to its quality by those in charge of the public supply to which the connection is made and found to be safe and potable.
 - v. The installation of booster pump to boost water direct from the water distribution line of a water supply system, where low-water pressure prevails is prohibited.

SECTION 82. Water Code, Chapter III – Appropriation of Waters.

- a. *Article 9* Waters may be appropriated and used in accordance with the provisions of this Code. *Appropriation of water*, as used in this Code, is the acquisition of rights over the use of waters or the taking or diverting of waters from a natural source in the manner and for any purpose allowed by law.
- b. *Article 10.* Water may be appropriated for the following purposes:
 - 1. Domestic
 - 2. Municipal
 - 3. Irrigation
 - 4. Power generation
 - 5. Fisheries
 - 6. Livestock raising
 - 7. Industrial
 - 8. Recreational
 - 9. Other purposes

Use of water for domestic purposes is the utilization of water for drinking, washing, bathing, cooking, or other household needs, home gardens, and watering of lawns or domestic animals.

Use of water for municipal purposes is the utilization of water for supplying the water requirements of the community.

Use of water for irrigation is the utilization of water for producing agricultural crops.

Use of water for power generation is the utilization of water for producing electrical or mechanical power.

Use of water for fisheries is the utilization of water for the propagation and culture of fish as a commercial enterprise.

Use of water for livestock raising is the utilization of water for large herds or flocks of animals raised as a commercial enterprise.

Use of water for industrial purposes is the utilization of water in factories, industrial plants, and mines, including the use of water as an ingredient of a finished product.

Use of water for recreational purposes is the utilization of water for swimming pools, bathhouses, boating, water skiing, golf courses, and other similar facilities in resorts and other places of recreation.

c. *Article 11.* The State, for reasons of public policy, may declare waters not previously appropriated, in whole or in part, exempt from appropriation for any or all purposes and, thereupon, such waters may not be appropriated for those purposes.

d. *Article 12.* Waters appropriated for a particular purpose may be applied for another purpose only upon prior approval of the Council and on condition that the new use does not unduly prejudice the rights of other permittees, or require an increase in the volume of water.

e. *Article 13.* Except as otherwise herein provided, no person, including government instrumentalities or government-owned or controlled, shall appropriate water without a water right, which shall be evidenced by a document known as a *water permit*. *Water right* is the privilege granted by the government to appropriate and use water.

f. *Article 14.* Subject to the provisions of this Code concerning the control, protection, conservation, and regulation of the appropriation and use of waters, any person may appropriate or use natural bodies of water without securing a water permit for any of the following:

1. Appropriation of water by means of hand carried receptacles; and
2. Bathing or washing, watering or dipping of domestic or farm animals, and navigation of watercrafts or transportation of logs and other objects by flotation.

g. *Article 15.* Only citizens of the Philippines, of legal age, as well as juridical persons, who are duly qualified by law to exploit and develop water resources, may apply for water permits.

h. *Article 16.* Any person who desires to obtain a water permit shall file an application with the Council who shall make known said application to the public for any protests. In determining whether to grant or deny an application, the Council shall consider the following: protest filed, if any; prior permits granted; the availability of water; the water supply needed for beneficial use; possible adverse effects; land-use economics; and other relevant factors.

Upon approval of an application, a water permit shall be issued and recorded.

i. *Article 17.* The right of use of water is deemed acquired as of the date of filing of the application for a water permit in case of approved permits, or as of the date of actual use in a case where no permit is required.

j. *Article 18.* All water permits granted shall be subject to conditions of beneficial use, adequate standards of design and construction, and such other terms and conditions as may be imposed by the Council.

Such permits shall specify the maximum amount of water which may be diverted or withdrawn, the maximum rate of diversion or withdrawal, the time or times during the year when diverted or withdrawn, the point or points of diversion or location of wells, the place of use, the purposes of which water may be used, and such other requirements the Council deems desirable.

k. *Article 19.* Water rights may be leased or transferred in whole or in part to another persons with prior approval of the Council, after due notice and hearing.

l. *Article 20.* The measure and limit of appropriation of water shall be beneficial use.

Beneficial use of water is the utilization of water in the right amount during the period that the water is needed for producing the benefits for which the water is appropriated.

m. Article 21. Standards of beneficial use shall be prescribed by the Council for the appropriator of water for different purposes and conditions, and the use of waters which are appropriated shall be measured and controlled in accordance therewith.

Excepting for domestic use, every appropriator of water shall maintain water control and measuring devices, and keep records of water withdrawal. When required by the Council, all appropriators of water shall furnish information on water use.

n. Article 22. Between two or more appropriators of water from the same sources of supply, priority in time of appropriation shall give the better right, except that in times of emergency the use of water for domestic and municipal purposes shall have a better right over all other uses; Provided, That where water shortage is recurrent and the appropriator for municipal use has a lower priority in time of appropriation, then it shall be his duty to find an alternative source of supply in accordance with conditions prescribed by the Council.

o. Article 23. Priorities may be altered on grounds of greater beneficial use, multi-purpose use, and other similar grounds after due notice and hearing, subject to payment of compensation in proper cases.

p. Article 24. A water right shall be exercised in such a manner that the rights of third persons or of other appropriators are not prejudiced thereby.

q. Article 25. A holder of a water permit may demand the establishment of easements necessary for the construction and maintenance of the works and facilities needed for the beneficial use of the waters to be appropriated subject to the requirements of just compensation and to the following conditions:

1. That he is the owner, lessee, mortgage, or one having real right over the land upon which he proposes to use water; and
2. That the proposed easement is the most convenient and the least onerous to the servient estate.

Easements relating to the appropriation and use of waters may be modified by agreement of the contracting parties provided the same is not contrary to law or prejudicial to third persons.

r. Article 26. Where water shortage is recurrent, the use of the water pursuant to a permit may, in the interest of equitable distribution of the benefits among legal appropriators, reduce after due notice and hearing.

s. Article 27. Water users shall bear the diminution of any water supply due to natural causes or *force majeure*.

t. Article 28. Water permits shall continue to be valid as long as water is beneficially used; however, they may be suspended on the grounds of non-compliance with approved plans and specifications or schedules of water distribution; use of water for a purpose other than that for which it was granted; non-payment of water charges; wastage; failure to keep records of water diversion, when required; and violation of any term or condition of any permit or rules and regulations promulgated by the Council.

Temporary permits may be issued for the appropriation and use of water for short periods under special circumstances.

u. Article 29. Water permits may be revoked after due notice and hearing on grounds of non-use; gross violation of the conditions imposed in the permit; unauthorized sale of water; willful failure or refusal to comply with rules and regulations of any lawful order; pollution, public nuisance, or acts detrimental to public health and safety; when the appropriator is found to be disqualified under the law to exploit and develop natural resources of the Philippines; when, in the case, of irrigation, the land is converted to non-agricultural purposes; and other similar grounds.

v. Article 30. All water permits are subject to modification or cancellation by the Council

after due notice and hearing, in favor of a project of greater beneficial use or for multi-purpose development, and a water permittee who suffers thereby shall duly compensated by the entity or person in whose favor the cancellation was made.

SECTION 83. Illegal Construction along Waterways. No person shall construct any building or introduce any improvement within 3 meters from the creek sides inside the municipal proper and residential areas and within 20 meters from riverbanks and similar waterways in agricultural areas.

SECTION 84. Well Drilling. No person shall drill without securing a permit from the National Water Resources Board or the Municipal Government, which will determine the allowable depth, location spacing and the manner by which such wells may be dug or excavated.

CHAPTER VIII AQUATIC RESOURCE MANAGEMENT

SECTION 85. State of Resources. All rivers, streams, aquifers and Municipal Waters within the Municipality are considered aquatic resources.

SECTION 86. Measures to Mitigate Aquatic Pollution. The following precautionary measures are hereby adopted.

- a. Establishment of monitoring and regulatory system to control effluent discharge from the point sources with necessary technical assistance from government agencies and international cooperating bodies.
- b. Formulation of community-based anti-littering programs.
- c. Application of safety practices in the use of fertilizers in agricultural areas.
- d. Development approaches to reforest and preserve forest covers to control soil erosion and minimize excessive sediment discharge from dredging.

SECTION 87. Buffer Strips Easement. In the utilization, development, conservation and protection of aquatic resources, the following setback and or easement along the entire length of the banks of the rivers and streams, shores of the seas and lakes shall be observed.

- a. Three meters setback for all urban uses;
- b. Twenty meters easement for all agricultural uses; and
- c. Forty meters easement for all forest

The above setbacks or easements shall be subject for public use such as for recreation and other similar activities.

SECTION 88. Cultivation of Riverbeds and Sandbars. No riverbed or sandbar shall be subject of cultivation or utilization except upon prior recommendation of the Municipal Development Council and upon prior permission of the Department of Public Works and Highways. Provided further, that no permission shall be granted if it obstructs the flow of water or if it shall increase the flood level so as to cause damage to these areas.

CHAPTER IX AIR QUALITY MANAGEMENT

SECTION 89. Policy Statement. The basic intention of the Municipal Government of Sebaste is to undertake the necessary precautionary and preventive measures to ensure the prevalence of ambient quality air. Given the complexity of clean air management and the insufficient technology and resource available for the conduct of atmospheric monitoring and evaluation, the Municipal Government of Sebaste shall prevent to the greatest extent permissible, the continued degradation of air quality within its territorial jurisdiction based on R.A. 8749 otherwise known as Philippine Clean Air Act.

SECTION 90. Industrial Location. No industries or factories shall be constructed within 1 km radius from the town proper. Industrial location shall be governed by the existing ordinance on Comprehensive Land Use and Zoning.

SECTION 91. Ambient Air Quality Control. The Municipal Government in coordination with the DENR shall conduct an annual inspection of all industrial facilities, including all equipment emitting potential air pollutants, to ensure that such establishments and equipment are complying with the prescribed standard on air quality.

SECTION 92. Fugitive Particles. No person shall allow the emission of fugitive particulate from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industry-related activities such as loading, storing or handling without taking reasonable precautions to prevent such emissions. In line with such precautions, the following are hereby adopted.

- a. Covering of open loaded trucks transporting materials likely to give rise to airborne dust, odor and other fugitive particles.
- b. Treatment or removal of all air pollutants e.g., dust, fumes, gases, mists, odorous matters or vapors or any combination thereof prior to discharge into the open air.
- c. In case of building construction or demolition, quarrying operations or clearing of land, precautions shall be carried out to ensure that fugitive dusts remain within the premises of the activity conducted.
- d. Dust, dirt and fly ash from any activity. The emission of dust, dirt or fly ash from any source or activity which shall pollute the air and render it unclean, detrimental, unhealthful or hazardous or cause visibility to be impaired, shall not be permitted.

SECTION 93. Reduction of Emissions of Carbon Dioxide (CO) and Other Greenhouse Gases. The Municipal Government of Sebaste shall exert major effort to contribute towards the minimization of global warming. As such, in coordination with the Environmental Management Bureau (EMB) of the DENR, the Municipal Government shall regulate the use of chemical fertilizers and burning within its territorial limits.

SECTION 94. Reduction of Emissions of Substances That Depletes the Ozone Layer. The depletion of the ozone layer (in the earth's atmosphere) caused by the use of chlorofluorocarbon (CFC) halon and other hydrochlorofluorocarbons poses extreme health hazard to mankind such as exposure to harmful ultraviolet rays of the sun. Pursuant to the Montreal Protocol where the Philippines is a signatory, the Municipality of Sebaste hereby adopts some of its relevant provisions:

- a. All citizens in the Municipality are discouraged to use aerosols with CFC content e.g., spray nets, pesticides, fertilizers, etc.

- b. Refrigeration and air-conditioning shops, including factories and manufacturing entities shall be required to institute measures to avoid the release of CFC's directly into the atmosphere.
- c. The use of yellow fire extinguishers containing halons will not be allowed in the Municipality of Sebaste.

SECTION 95. Odors & Gases. The emission of foul odors and gases harmful to public health, safety and general welfare shall not be permitted.

SECTION 96. Smoke Belching. The Municipal Government shall strictly enforce the Anti-Smoke Belching Law to prevent the excessive emission of pollutive particles from motor vehicles and to ensure substantial improvement of air quality for the health safety and of general public.

- a. A road-side (on-site) anti-smoke belching test shall be conducted in cooperation with Bureau of land Transportation.

SECTION 97. Open Burning.

- a. Open burning adds to global warming and poses hazards to health, properties and natural resources. Therefore, no person shall ignite, cause to be ignited or build any open fires except on the following activities.
 - i. open fire cooking of food for human consumption;
 - ii. fires for recreational or ceremonial purposes;
 - iii. fires for the prevention and control of diseases and pests; and
 - iv. fires for training personnel in the methods of fire fighting.

SECTION 98. Glare and Heat. Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt any point beyond limit of the property.

SECTION 99. Noise and Vibration.

- a. To protect public health and welfare against nuisance caused by excessive noise, the Municipality of Sebaste in coordination with the DENR and various sectors within the Municipal Government shall set standard for noise reduction at the sources which include but not limited to.
 - 1. Construction
 - 2. Vehicles, mufflers, stereo system
 - 3. Pub houses, restaurants and karaoke bars
 - 4. Public gatherings such as concerts, rallies, etc.
- b. All noise and vibration-producing machineries shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers and an open yard of not less than twenty (20) meters from the nearest adjoining property planted to dense trees as buffers. To minimize vibrations machineries should be mounted on shock-absorbing materials.

SECTION 100. Tolerable Decibel Levels. The Municipal Government shall limit sound within its territorial jurisdiction to only up to 60 decibels.

CHAPTER X ENVIRONMENT MANAGEMENT OFFICE

SECTION 101. Creation of Environment Management Office. Pursuant to Sec. 443 to RA 7160, an Environment Management Office is hereby created within the Executive department.

SECTION 102. Environment Management Officer. The Environment Management Office shall be headed by Environment Management Officer who shall be appointed by the Municipal Mayor. He shall be natural born citizen of the Philippines, resident of the municipality, of good moral character, a holder of college degree preferably in environment, Forestry and Agriculture, or any related course, at least 5 years experience in Environment Management of related fields and a first grade Civil service eligible or its equivalent.

The Department Head shall receive a minimum monthly compensation corresponding to Salary grade 24 prescribed under RA 6758.

SECTION 103. Functions and Responsibilities.

1. The Environment Management Office shall be headed by Environment Management Officer shall administer and manage the mineral, forestry, water resource, solid and liquid wastes, air and noise pollution control, environmental Impact Assessment of Eco-Tourism functions of various offices and departments.
2. Assist the municipal and barangay governments and related environmental organizations in the developmental management capability.
3. Establish an operational internal and external linkages and networking system that will maintain and expand local government driven environmental activities.
4. There shall be established an Information, Education and Communication (IEC) Program.
5. Develop a multi-year environment management framework plan for the promotion of local government driven community based and livelihood orientated indicators particularly in tree enterprises, watershed management, eco-tourism, solid waste management and participatory land use planning.
6. Develop and implement environmental programs through the promotion of best as of the moment methods, processes and approaches by establishing showcases within the municipality for barangays to adopt in their respective jurisdiction.
7. Establish linkages with national and international institutions for purposes of fund sourcing, national building, research and information/data bank generation.
8. Organize network of lobby/advocacy groups by maintaining network of environmental organizations.
9. Facilitate and coordinate the holding of municipal environment summit.
10. One-stop-shop. Install a one-stop-shop and quick response desk that will be named by inter-disciplinary, inter-agency and multi-sectoral team whose task will be to facilitate calls for fact-finding missions, monitoring and investigation of controversial issues in the municipality.
11. Encourage barangays to group themselves into cluster to address common concerns such as law enforcement and pollution control as stipulated in section 3(F) RA 7160.
12. To recommend the creation of Implementing Rules and Regulation Committee of the Local Environment Code to the Municipal Mayor
13. Perform such other acts that are necessary to carry out its functions.

(i) Definition of Terms.

1. Public information refers to those information activities directed to public audiences. Such activities include mass media, education and promotion, public relations and commercial advertising.
2. Information is concerned with those information activities directed to large public audience, organizations, small groups and individuals. Such activities include mass media usage, advocating and promotion, and public relations.
3. Education refers to the series of formally designed learning objectives and content that are intended to change the behavior of a target audience by providing them knowledge, helping them acquire skills and causing the internalization of desirable attitudes. Education includes technical education on Local Environment Code, community extension, and formal schooling. Education modifies people's behavior through the acquisition of knowledge, new skills, development of desirable habits and beliefs.
4. Communication is the process through which information and education are conveyed. It is aimed at cultivating a permissive atmosphere that promotes positive attitudes about the environment and on the Local Environment Code as an instrument for the promotion of environmental quality. To properly enlighten the people, it is important to ensure that they receive the same message and the same interpretation.
5. Promotion is the process of communicating the features of the Local Environment Code and its objectives and the services that it will provide, create awareness for what it is all about, generate public enthusiasm, answer questions asked by the public and the various constituencies, and to place the Local

(ii) Objectives. The following are the objectives of the public Information, Education and Communication Program:

- a. To provide a level of knowledge to prevent any misinformation on any provisions of the Municipal Environment Code.
- b. To facilitate exchange of information on the Local Environmental Code.
- c. To advocate for a Local Environment Code and persuade the public on the value and importance of the Code;
- d. To inform the target clientele about Environmental regulations and for their compliance;
- e. To help justify the need for the Local Environment Code and to maintain a positive healthy relationship between the Municipal Government and its constituents and other stakeholders;
- f. To cultivate a favorable climate of acceptance for the Local Environment Code and its effective implementation.

(iii) Functions. The Public Information, Education and Communication Program (IEC) shall be concerned with the following functions:

- a. Developing understanding about Local Environment Code and its role in local and national development.
- b. Developing and strengthening opinions and attitudes favorable to Local Environment Code.
- c. Providing several and technical information to the public.
- d. Providing motivation, stimulation and basis for discussion for community assessment and decision.

- e. Orienting the people on the values of the Local Environment Code for their greater appreciation and acceptance.

(iv) Public Information, Education and Communication (PIEC) Program Components.

Hereunder are its components:

- a. The target clientele;
- b. The clientele's needs and wants;
- c. Services and the benefits to be derived; and
- d. Methods of presentation.

(v) Responsibility for Information, Education and Communication. The Office of the Municipal Environment Officer shall take primary responsibility in designing and implementing an Information, Education and Communication Program for public dissemination of all provisions of this code.

(vi) The Role of Citizens. Municipal residents shall take an active role in the planning and implementation of public information, education and communication projects and activities

SECTION 104. Review by the Local Chief Executive. All actions and decisions of the Environment Management Officer are subject to review *moto proprio* by the Mayor or upon appeal of any person on which the decision of the Municipal Mayor shall be final and executory.

SECTION 105. Rules and Regulations. The Implementing Rules and Regulation (IRR) Committee, in consultation with the Sangguniang Bayan and upon recommendation of the Environment Management Officer, shall promulgate the rules and regulations necessary to implement effectively the provisions of the Code.

SECTION 106. Environment Management Office Staff. For effective implementation of Municipal Environment Management Program, there shall be created relevant staff employees, subject to availability of funds pursuant to the provisions of accounting and auditing rules and regulations in the Environment Management Office.

CHAPTER XI FINAL PROVISIONS

SECTION 107. Penal Provisions.

- a. Any person found guilty of violating sections 31, 32, 35, 36, 37, 38, 39 and 40 shall suffer the penalty of fine of not less than ONE THOUSAND PESOS (P 1, 000.00) but not more than TWO THOUSAND PESOS (P 2, 000.00) or an imprisonment of not less than 30 days or both fine and imprisonment at the discretion of the court without prejudice to administrative sanctions in case of business establishments, firms, corporations or the like.
- b. Any person found guilty of violating Sections 49, 50, 53, 54, 59, 60 and 63 items 1, 2, 3, 4, 5, 6, 8, 10 and 11 shall be fined with FIVE HUNDRED PESOS (P 500.00) to TWO THOUSAND FIVE HUNDRED PESOS (P 2, 500.00) or an imprisonment of 15 to 30 days or both as ordered by the Court and Section 63 items 7 and 9 pursuant to the provisions of R.A. 9003.
- c. Any person violating Sections 63, 64, 65, 66,67, 68, 69, 70 and 71 of this code shall be fined Two Thousand Pesos (P 2, 000.00) or an imprisonment from 15 to 30 days

- or both fine and imprisonment at the discretion of the Court without prejudice to sanctions in case of business establishments, manufacturing firms, corporations or the like.
- d. Any person who violating Section 84 shall be fined not less than TWO THOUSAND FIVE HUNDRED PESOS (P2, 500.00) or imprisonment of not less than 6 months or both at the discretion by the Court.
 - e. Any person found guilty of violating Section 88 shall suffer the penalty of fine of not less than Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of 15 days, or both at the discretion of the Court.
 - f. Any person found guilty of violating Sections 91, 92, 93, 94, 95, 96, 97, 98, 99, and 100 shall suffer the penalty of not less than Two Thousand Five Hundred Pesos (P 2, 500.00) imprisonment of 30 days or both fine and imprisonment at the discretion of the Court.

SECTION 108. Applicability Clause. Provisions of such other laws and regulations as they pertain to the subject matters included in this Code, applicable in the Municipality are made integral parts of this Code.

SECTION 109. Separability Clause. If, for any reasons, any part or provisions of this Code shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts of the provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 110. Repealing Clause. All ordinances, executive orders, proclamations and administrative regulations, or parts thereof, which are inconsistent with any provisions of this Code, are hereby repealed or modified accordingly.

SECTION 111. Effectivity. This Code shall take effect after the lapse of ten (10) days from the date of publication in a newspaper of local circulation or after posting of the same in three (3) conspicuous places in the Municipality.

UNANIMOUSLY APPROVED: January 7, 2004

I hereby certify to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Bayan during its Regular Session on January 7, 2003.

(Sgd) **Nemesio G. Alonsagay**
Secretary to the Sangguniang Bayan

ATTESTED:

(Sgd) **Hon. Ricardo L. Ureta**
Vice Mayor/Presiding Officer

(Sgd) **Hon. Roberto D. Tunguia**

(Sgd) **Hon. Joey H. Padojinog**

(Sgd) **Hon. Noel C. Dimafiles**

(Sgd) **Hon. Herdon V. Riobuya**

(Sgd) **Hon. Arthur T. Ortega**

(Sdg) **Hon. Elalyn D. Gellang**

(Sgd) **Hon. Nedy G. Gauran**

(Sgd) **Hon. Noemi F. Legaste**

(Sgd) **Hon. Romeo B. Manalo**

Hon. Ma. Aurora G. Abraham
(on-leave)

APPROVED: Date: 01/12/04

(Sgd) **Hon. Vicente G. Rendon**
Municipal Mayor

D. EVALUATING THE IMPLEMENTATION OF ORDINANCES

What happened to the new tax ordinance the sanggunian enacted last year? Did it result in increased revenues? Did the city government acquire the lot intended for resettlement for which appropriations were made by the sanggunian? How many households are benefiting from the new water supply program? How did the city department of social welfare and development spend the budget we approved last year? These are the kind of questions asked when a legislative body is exercising its “legislative oversight” role.

Legislative oversight refers to the legislature’s review and evaluation of selected activities of the executive branch. For the sanggunian, the conduct of oversight activities is a must. Not only because it enacts ordinances to create new programs or authorize funds for programs, but it has a duty to ensure that existing programs are implemented and administered efficiently, effectively, and in a manner consistent with legislative intent.

Legislative oversight is an integral part of the legislative process often difficult to separate from the ordinance making process. Oversight is the focus of the work of special committees but can be part of the hearings and work of the standing committees in the sanggunian. In either case, the important question is: How can the sanggunian exercise effective legislative oversight?

This section describes some of the oversight techniques that are available to the sanggunian.

Tool 1 -	Legislative Oversight Techniques
Tool 2 -	Template: Legislative Monitoring Tool

The following techniques may be used by the sanggunian in its oversight activities:

1. The LLEDAC

The Local Legislative-Executive Development Advisory Council (LLEDAC) is essentially a mechanism for legislative-executive cooperation. But it can also serve as an oversight tool of the sanggunian. Because the LLEDAC draws its membership from both the legislative body and the local executive branch, oversight can be done in a congenial or “friendly” but systematic manner. Local executives may be less threatened or more candid in their performance reports if they are making a report before a joint legislative-executive body than before a purely legislative body.

LGUs planning to set up a LLEDAC, consider including oversight in its statement of duties as follows: “It shall be the responsibility of the LLEDAC to monitor and review the implementation by the executive of all resolutions and ordinances approved by the sanggunian.”

The LLEDAC can also serve as a venue for a joint review of the local budget before it is enacted as well as joint review and monitoring of the Executive-Legislative Agenda.

2. Committee Meetings and Hearings

Each sanggunian committee may invite their counterparts in the executive department to brief its members on the status of a particular program that it wants to evaluate. For instance, the committee on trade and industry may invite the members of the local tourism board to present a report on the implementation of its tourism program. Meetings of this type can be scheduled on a monthly or quarterly basis.

Sanggunian committees should also make a regular practice of getting resource persons from the local executive departments for its committee or public hearings. This way the committee gets the information it needs but at the same time provides an opportunity to the

public attending the hearing to ask questions and make suggestions on how to improve the implementation of government programs.

3. Implementing rules and regulations (IRR)

IRRs are formulated for the purpose of implementing an ordinance. By taking an active part in the drafting and review of the IRRs, the sanggunian, through its committees, can perform their oversight duties.

4. Sunset Provisions

A “sunset provision” is a provision in an ordinance or law that places an expiration date on an entire ordinance or part of an ordinance. The purpose of a sunset provision is to force a systematic evaluation of an agency or program by establishing a specific date, e.g. four years, for the termination of a law creating the agency or program. For instance, the sanggunian can enact a sunset provision on an ordinance creating an Anti-Poverty Council. If the performance of the council is good, the sanggunian can reenact the authorizing statute.

5. Fiscal oversight

The sanggunian can utilize a number of oversight procedures during the appropriations process. It can enact a statutory reporting requirement in the ordinance that makes submission of performance or spending reports, of a local agency for example, to the sanggunian mandatory.

The budget authorization process involves substantial interaction between legislators and department heads. It provides the sanggunian a venue to carry out legislative oversight throughout the hearings on the budget or appropriations ordinance. If done seriously, the budget hearings can provide the sanggunian with valuable data on how a department spends its budget to implement its programs.

Template: Legislative Monitoring Tool

The legislative monitoring tool is a simple form that can be completed by the sanggunian technical staff. The purpose of the tool is to track the progress of an ordinance after it is enacted and to determine how an ordinance is being implemented by local executives. The tool should be updated periodically, e.g. every six months, to provide the sanggunian with information about the implementation of ordinances on a continuing basis.

<p style="text-align: center;">Sangguniang Bayan</p> <p style="text-align: center;">LEGISLATIVE TRACKING AND MONITORING UNIT</p> <p style="text-align: center;">Period Covered: _____</p>				
Ordinance No. and Description	Implementing Agency	Actions Taken by Implementing Agency	Problems Encountered by Agency	Recommendations
List number and short title or description of each ordinance to be monitored	List the agency/ies involved in implementing the ordinance and the contact person/s. Indicate if agency is lead or partner agency, e.g. Municipal Social Welfare Development Office (lead).	Briefly describe the actions taken by the agency to implement the ordinance after it was enacted, e.g. conduct of information education campaign	Describe the problems encountered in implementing the ordinance.	Identify possible actions that can be taken by the sanggunian or implementing agency to address problems regarding implementation of ordinance.

PART FOUR

GETTING CITIZENS INVOLVED IN SANGGUNIAN WORK

Getting constituents, the private sector and civil society organizations such as NGOs, POs, the academe and professional associations in the LGU involved in the work of the sanggunian is both a responsibility and a challenge. It involves: 1) awareness-raising on areas and mechanisms for participation, 2) making existing legislative mechanisms for participation work, and 3) developing innovative tools to encourage and sustain participation in legislative decision-making.

This section contains the following information and tools for getting citizens involved in sanggunian work.

- **Why Get Citizens Involved?**
- **Mechanisms for Legislative Participation**
- **Public Outreach Tools**

A. WHY GET CITIZENS INVOLVED?

The sanggunian must get citizens and civil society organizations to actively participate in legislative activities because:

- It is the right of citizens to be heard.
- It is the right of citizens to be consulted by their elected officials on matters of public interest.
- It is the right of citizens to organize themselves into groups to participate in local governance.
- CSOs have the advantage of having a network and the resources to assist in the monitoring of the sectors, e.g. workers, youth, etc.

Getting groups involved in legislation can benefit the sanggunian because:

- CSOs especially people's organizations have direct links with the grassroots because of the services they provide to the community, e.g. health, education, among others.
- The private sector and CSOs have access to resources – research based information, time, staff and funds – that may be useful to policymaking.

The following tools may be used for reaching out to the public are:

Tool 1 -	Legislative Digest
Tool 2 -	Sanggunian Brochure
Tool 3 -	Media Tools
Tool 4 -	Website
Tool 5 -	Letter to Constituents
Tool 6 -	Barangay or Purok Hopping
Tool 7 -	Study Visits for Students

B. MECHANISMS FOR LEGISLATIVE PARTICIPATION

It is the responsibility of the sanggunian to make citizens aware of the mechanisms and venues which allows them to participate in legislative decision-making. These include:

1. Committee meetings

Unless declared as closed-door executive meetings, committee meetings are generally open to the public. They can be maximized by establishing links with concerned sectors and involving them in committee deliberations on a more regular basis.

2. Committee hearings

Committee hearings are also called public hearings because their purpose is to consult stakeholders and experts in the LGU on proposed ordinances or on matters relevant to legislation. These legislative matters should not be limited to consideration of tax measures but include all other measures that may affect the LGU. The process can be further maximized by the sanggunian by giving the concerned sectors or stakeholders timely information and advice prior to the holding of committee hearings, e.g. committee hearing schedule, agenda, and advice to prepare presentation materials or position papers.

3. LA Formulation

Public consultations and workshops designed to build support for the Legislative Agenda are effective means of getting citizens aware of the sanggunian's vision and sincerity to its work. This is discussed in detail in Part 2 of the toolkit.

4. Budget Hearings

Citizens' interest in the budget process can be encouraged by inviting the concerned sectors and the public to local budget hearings. This process takes off from ensuring that the local development council, being the mandated planning structure, comes up

with a recommended set of priority programs and projects to be considered for inclusion in the budget. Local budget hearings serve to validate or ensure the consistency of the LGU's budget with local plans articulated in terms of programs and projects.

5. Accreditation

While accreditation of NGOs is not a requirement for participation in legislative activities, accreditation is a good opportunity for the sanggunian to “know who does what” in the NGO community. This will make it easier for the sanggunian to identify groups they can tap for their expertise in research, writing, or simply for information. This mechanism can be further improved by adopting rules and procedures to encourage CSOs to get accreditation and to provide for a system of continuing accreditation of CSOs. However, the lack of accreditation should not be an obstacle for the sanggunian to tap CSOs from participating in sanggunian activities.

C. PUBLIC OUTREACH TOOLS

There are several tools that can be used by a sanggunian to reach out to its constituents, the private sector and civil society groups and to get them involved in legislative decision-making. They can help raise public awareness about the work of the sanggunian, and enhance the public image of the sanggunian, and consequently of politics and politicians in general.

Tool 1 Legislative Digest

In parliamentary language, a “legislative digest” is actually a summary of the legislative measures acted upon by a legislative body. The Bulacan Provincial Council has adapted the digest concept to come up with its official sanggunian newsletter “Legislative Digest.” It is a four-page 4 x 5 quarterly newsletter that contains a descriptive list of legislative measures adopted by the council, clustered according to policy areas, e.g. health and social services, economic development, etc. It also contains a “legislative scoreboard” which publishes the following information:

- number of sessions conducted
- number of resolutions and ordinances enacted
- number of committee reports and indorsements
- number of committee hearings conducted by each standing committee
- number of committee meetings conducted by each standing committee
- salient features of a selected ordinance
- profile of a featured member of sanggunian

Tool 2 Sanggunian Brochure

The sanggunian may publish a simple brochure or pamphlet containing information about the mission of the sanggunian, its members, the legislative agenda, a flowchart of the local legislative process, schedule of sanggunian sessions, things that citizens can do to help the sanggunian, among others.

By distributing this kind of information material to the public, the sanggunian sends a message that it has a mission, a plan or program of action and is committed to getting citizens involved in implementing them.

Tool 3

Media Tools

The local media – newspapers, reporters, and radio and television stations - are effective means to get the public to know about the work of the sanggunian. Reporters, journalists and other media agents should be encouraged to cover sanggunian sessions and committee hearings and report on these in the media. The sanggunian or a spokesperson for the sanggunian should thus be willing and ready to share information through press releases, media interviews or media conferences.

Tool 4

Website

The sanggunian can have its own “corner” in an LGU’s website which may contain information about the sanggunian, the local legislative process and sanggunian activities such committee hearing schedules and agenda. This kind of information can encourage constituents, the private sector and civil society organizations to get involved in legislative decision-making. The sanggunian can make this happen by initiating the creation of an “e-governance” policy and get the support of the LCE to establish an official LGU website.

A good example is the homepage of the Sangguniang Panlungsod of Naga which can be accessed at: <http://www.naga.gov.ph/cityhall/sp.html>. The page contains information about the following:

- sanggunian members and their key policy interests
- functions of committees
- names of committee members
- complete text of approved ordinances, resolutions and executive orders
- agenda for committee meetings and hearings

Tool 5

Letter to constituents

The sanggunian may send out a generic letter to constituents on a regular basis, perhaps monthly, quarterly or annually. The letter should not only highlight the accomplishments of the sanggunian but encourage constituents to provide feedback on government programs to their representatives in the sanggunian.

Tool 6

Barangay or “Purok” Hopping

The sanggunian can bring itself literally closer to the people and help generate appreciation of the sanggunian’s work. This can be done by holding regular or special sessions at least once in a month in the barangays or in the puroks. This way the sanggunian gets to visit and meet with the barangay leaders, community leaders and residents more often. This mechanism can be further maximized by organizing activities as side events that can attract people to see and observe the sanggunian session being held in their barangay, e.g. a mini-trade fair.

Tool 7

Study Visits for Students

The sanggunian can contribute to public and citizenship education among the youth by organizing short visits or tours for students or any group interested in learning about the work of the sanggunian and other key local government officials. This can be done through an invitation letter encouraging schools to send students to visit the municipal/city hall or the provincial capitol. During these visits, students get the unique opportunity to interact with key officers of the municipal government, and observe first hand a committee hearing or sanggunian session. This kind of exposure helps make the youth aware of the local government’s role and build social consciousness and responsibility among the youth that is critical to the success of local government programs.

PART FIVE

ASSESSING THE WORK OF THE SANGGUNIAN

Why should the sanggunian be concerned with legislative performance? As elected members of a public institution, sanggunian members took an oath at the beginning of their term -- “to faithfully discharge to the best of my ability the duties of my present position and of all others.” This oath should explain why good or “high” legislative performance should not be just a goal but a commitment.

This section provides tools to help the sanggunian measure its performance as an institution:

- **Legislative Performance Indicators**
- **Legislative Performance Appraisal Form**

A. LEGISLATIVE PERFORMANCE INDICATORS

How should legislative performance be measured? This question was addressed by project implementers of the LGSP-assisted project *Enhancing LGU Effectiveness in Local Legislation*. One of the key project outputs is a Legislative Performance Appraisal Form (LLPAF), which is a self-assessment tool for measuring legislative performance. This tool can be used as a starting point for benchmarking among local legislative bodies, as it defines specific areas in which the performance of local legislative bodies can be measured.

Much of the data that can be gathered by this instrument can be published, e.g. number of ordinances and resolutions passed, number of committee meetings held, accomplishment rate of the legislative agenda, programs resulting from ordinances, attendance records of sanggunian members, among others.

The information generated from the LLPAF can be used by the sanggunian to improve performance in the four domains or key result areas. These domains include:

1. **Legislation Domain** – refers to the formulation and enactment of legislative measures and formulation of the legislative agenda. It measures the following:
 - Quantity of legislation
 - Quality of legislation
 - Implementation of the Legislative Agenda
 - Legislators performance record

2. **Accountability and Participation Domain** - refers to the legislative-related activities that promote accountability, transparency and participation of civil society in local legislation. It examines the following:
 - Citizens' access to information
 - Public assessment
 - Consultative events
 - Stakeholders participation

3. **Institution Builder Domain** - refers to the internal functions, procedures and processes of the Sanggunian that promote efficiency and effectiveness as a legislative body. It examines the following:
 - Annual work and financial plan
 - Accomplishment/annual report
 - Legislative tracking system
 - Legislative documentation
 - Internal Rules of Procedure

4. **Intergovernmental Relations Domain** - refers to inter-branch relationships through the ordinances vetoed by the LCE and those overridden by the Sanggunian. It looks into:
 - Legislative-executive mechanisms
 - Vetoed and overridden ordinances
 - Hearings and investigations conducted

B. LOCAL LEGISLATIVE PERFORMANCE APPRAISAL FORM *

INSTRUCTIONS

The LLPAF is a self-assessment tool which your sanggunian can use to measure its performance in **three years**. Your sanggunian is encouraged to answer this questionnaire in a group, assisted by the secretary to the sanggunian. Your responses to this instrument may be in the form of:

- **Numbers**
- **“Yes” or “No”**
- **List of items**

When a list of ordinances is requested, please provide descriptive headings not just the ordinance numbers.

LGU INFORMATION

LGU:

**Sanggunian
Secretary:**

Province:

Address:

**Period
Covered:**

* Developed by the Development Academy of the Philippines as a component of the LGSP-assisted project on “Enhancing LGU Effectiveness in Local Legislation”, 2002.

LEGISLATION DOMAIN

1. Quantity of Legislation

- a. Percentage of ordinances acted upon by sanggunian in 3 years (divide c by b)
- b. Number of ordinances filed/ introduced on First Reading
- c. Number of ordinances acted upon (add c.1 to c.4)
- c.1 Number of ordinances lapsed into law
- c.2 Number of ordinances vetoed by the Local Chief Executive
- c.3 Number of ordinances that reached/approved on Third Reading
- c.4 Number of ordinances that reached/approved on Second Reading
- d. Percentage of resolutions adopted in 3 years (divide d.2 by d.1)
- d.1 Number of resolutions filed
- d.2 Number of resolutions adopted
- e. Percentage of barangay/municipal ordinances declared valid by the Sanggunian in 3 years (divide by e.2 by e.1)
- e.1 Number of barangay ordinances for Sanggunian review
- e.2 Number of barangay ordinances declared valid

2. Quality of Legislation

- Yes or No**
- a. Presence of a clearly and concisely written Legislative Agenda (please check appropriate box for yes or no)
- b. Percentage of measures in Legislative Agenda adopted (divide b.2 by b.1)

b.1. Number of measures listed/targeted in the LA

b.2 Number of measures in LA that have been enacted/adopted

c. List titles of **ordinances enacted** and **programs** resulting from these that reflect and address perceived issues and needs of LGU related to (please include appropriation ordinances):

	Ordinances Titles	Programs
c.1 Health and sanitation (subsume industrial safety)		
c.2 Environment Management		
c.3 Education		

<p>c.4 Social and welfare (subsume disabled persons, elderly, juvenile offenders, & other disadvantage groups)</p>		
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<p>c.5 Order, safety and public morality (subsume jail management)</p>		
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<p>c.6 Economic development and poverty alleviation (subsume business and trade, gainful employment)</p>		
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<p>c.7 Public Works (subsume waterworks system)</p>		
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<p>c.8 Urban planning (subsume traffic, driving and parking, building, zoning and planning, amusement entertainment facilities)</p>		
<p>c.9 Gender and development (subsume women issues)</p>		
<p>c.10 Culture and Sports</p>		
<p>c.11 Ethical standards of LGU employees</p>		
<p>c.12 Others</p>		

d. Titles and/or number of **resolutions adopted** that reflect and address the perceived issues and concerns of local government related to:

Resolution Titles		How Many?
d.1 Health & sanitation (subsume industrial safety)		
d.2 Environment Management		
d.3 Education		
d.4 Social & welfare (subsume disabled persons, elderly, juvenile offenders, and other disadvantage groups)		
d.5 Order, safety and public morality (subsume jail management)		
d.6 Economic development and poverty alleviation (subsume business and trade, gainful employment)		

d.7 Public works (subsume waterworks system)		
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d.8 Urban planning (subsume traffic, driving and parking, building, zoning and planning, amusement and entertainment facilities)		
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d.9 Gender and development (subsume women issues)		
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d.10 Culture and Sports		
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d.11 Ethical standards of LGU employees		
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d.12 Others		
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a. Total number of sessions held in 3 years
(add a.1 and a.2)

a.1 Total number of regular sessions held in 3 years

a.2 Total number of special sessions held in 3 years

- b. Average number of committee meetings held by each committee
(divide b.1 by b.2)
- b.1 Number of committee meetings held by all committees in 3 years
- b.2 Number of committees
- c. Average number of sponsorship speeches by a Sanggunian member
(divide c.1 by c.2)
- c.1 Total number of sponsorship speeches made by
Sanggunian members in 3 years
- c.2 Number of Sanggunian members
- d. Average number of privilege speeches by a Sanggunian member
(divide d.1 by d.2)
- d.1 Total number of privilege speeches made by
Sanggunian members in 3 years
- d.2 Total number of Sanggunian members
- e. Average number of ordinances filed by a Sanggunian member
in 3 years (divide e.1 by e.2)
- e.1 Total number of ordinances filed by
Sanggunian members in 3 years
- e.2 Total number of Sanggunian members

What do you think are your STRENGTHS In the Legislation Domain?	What do you think are your AREAS FOR DEVELOPMENT in the Legislation Domain?

ACCOUNTABILITY AND CITIZEN PARTICIPATION DOMAIN

1. Citizen's Access to Information

List the methods for displaying/exhibiting/
disseminating legislative related information,
e.g. ordinances, notices of meetings, etc.

No. of Times Per Year

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2. Public Consultation and Assessment

Indicate frequency of use of methods to solicit input/comment of public and NGO experts on subject of ordinance.

Method	No. of times conducted in 3 years
Public hearing	
Public consultation	
Focus group discussion	
Community needs assessment survey	
Consultation by individual members	
Others, please specify:	

3. Consultative Events

a. Number of consultative events (i.e., public consultations, public hearings, focus group discussions, community needs assessment surveys) conducted on proposed ordinances

a.1 Health and sanitation (subsume industrial safety)

a.2 Environment management (subsume industrial safety)

a.3 Education

a.4 Social and welfare (subsume disabled persons, elderly, juvenile offenders, and other disadvantage groups)

a.5 Order, safety and public morality (subsume jail management)

a.6 Economic development and poverty alleviation (subsume business and trade, gainful employment)

a.7 Public works (subsume waterworks system)

a.8 Urban planning (subsume traffic, driving and parking, building, zoning planning, amusement and entertainment facilities)

a.9 Gender and development

a.10 Culture and sports

a.11 Ethical standards of LGU employees

a.12 Others

4. Stakeholders' Participation

a. Number of civil society/people's organizations that participated in committee/public hearings

b. Number of committee/public hearings held by Sanggunian

c. Name and sector of civil society/people's organizations that participated in committee/public hearings

Name	Sector

d. List policy proposals presented by civil society organizations before the Sanggunian and their status.

Policy Proposals from CSOs	Status (Pls. check one)	
	Adopted	Not Adopted

e. Percentage of ordinances passed through people's initiative (divide f.1 by f.2)

f.1 Number of ordinances passed through people's initiative

f.2 Number of ordinances acted upon (refer to 1.c of Legislation Domain)

<p>What do you think are your STRENGTHS in the Accountability and Participation Domain?</p>	<p>What do you think are your AREAS FOR DEVELOPMENT in the Accountability and Participation Domain?</p>

INSTITUTION BUILDER DOMAIN

1. Annual Work and Financial Plan

- | | Yes | No |
|---|--------------------------|--------------------------|
| a. Presence of Approved Annual work and Financial Plan
(check appropriate box for yes or no) | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Presence of a system/mechanism for formulating and Approving Annual Work and Financial Plan | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Number of activities implemented according to the Approved Work and Financial Plan | <input type="text"/> | |

2. Sanggunian Accomplishment or Annual Report

- | | Yes | No |
|--|--------------------------|--------------------------|
| a. Presence of Sanggunian Accomplishment or Annual Report
(check appropriate box for yes or no) | <input type="checkbox"/> | <input type="checkbox"/> |

- b. List name of organizations furnished with copies of Annual Report

3. Legislative Tracking System

- a. List titles of Codified Ordinances (e.g., Tax, Zoning, etc.) enacted by the sanggunian.

	Yes	No
b. Presence of a manual system for legislative tracking system	<input type="checkbox"/>	<input type="checkbox"/>
c. Presence of a functioning and computerized legislative tracking system	<input type="checkbox"/>	<input type="checkbox"/>
d. Presence of a system for tracking implementation by executive branch of enacted ordinances and resolutions	<input type="checkbox"/>	<input type="checkbox"/>

4. Legislative Documentation

	Yes	No
a. Presence of Record of Proceedings (journal and records of all proceedings) (check appropriate box for yes or no)	<input type="checkbox"/>	<input type="checkbox"/>
b. Presence of Minutes of all sessions	<input type="checkbox"/>	<input type="checkbox"/>
c. Presence of system for storage and retrieval of records of proceedings and minutes	<input type="checkbox"/>	<input type="checkbox"/>
d. Presence of Committee Reports	<input type="checkbox"/>	<input type="checkbox"/>
e. Presence of system for storage and retrieval of Committee Reports	<input type="checkbox"/>	<input type="checkbox"/>
f. No. of days needed to prepare minutes of a session	<input type="checkbox"/>	

5. Internal Rules of Procedures

	Yes	No
a. Presence of Internal Rules of Procedures	<input type="checkbox"/>	<input type="checkbox"/>
b. Presence of sanctions for violations of IRP	<input type="checkbox"/>	<input type="checkbox"/>
c. List type of violations and corresponding sanctions.		

What do you think are your STRENGTHS in the Institution Builder Domain?	What do you think are your AREAS FOR DEVELOPMENT in the Institution Builder Domain?

INTERGOVERNMENTAL RELATIONS DOMAIN

1. Legislative-Executive Mechanism

- | | Yes | No |
|--|---|---|
| a. Presence of institutional mechanism for regular consultations between the legislative and executive branches (created by ordinance or executive order, e.g. LEDAC) Please specify.

<div style="border: 1px solid black; height: 40px; width: 450px; margin-left: 20px;"></div> | <input style="width: 60px; height: 25px;" type="text"/> | <input style="width: 60px; height: 25px;" type="text"/> |
| b. Number of joint meetings and/or consultations between legislative and executive branches | <input style="width: 60px; height: 25px;" type="text"/> | |

2. Vetoed and Overridden Ordinances

- | | | |
|---|--|---|
| a. Percentage of ordinances vetoed by LCE in 3 years (divide a.2 by a.1) | | <input style="width: 60px; height: 35px;" type="text"/> |
| a.1 Number of ordinances approved on Third Reading (refer to 1.c.3 of Legislative Domain) | | <input style="width: 60px; height: 25px;" type="text"/> |
| a.2 Number of ordinances vetoed by the LCE | | <input style="width: 60px; height: 25px;" type="text"/> |

- b. Percentage of vetoed ordinances overridden by the Sanggunian in 3 years (divide b2 by b1)
- b.1 Number of ordinances vetoed by the LCE (refer to 2.a.2 of Intergovernmental Relations Domain)
- b.2 Number of vetoed ordinances overridden by the Sanggunian

3. Hearings and Investigations Conducted

- a. Number of administrative hearings conducted by the Sanggunian
- b. Number of inquiries/investigations conducted in aid of legislation
- c. Number of proposed ordinances resulting from inquiries/investigations conducted in aid of legislation
- d. Number of local administrative department heads that participated in "Question Hour"
- e. Number of "Question Hours" held

What do you think are your STRENGTHS in the Intergovernmental Relations Domain?	What do you think are your AREAS FOR DEVELOPMENT in the Intergovernmental Relations Domain?

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