

7TH  
EDITION  
2022

# TASKS AND RESPONSIBILITIES CHECKLIST

A Reference Guide to Action

SANGGUNIANG BAYAN



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

7th Edition

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# CHECKLIST

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## MESSAGE FROM THE EXECUTIVE DIRECTOR



First of all, let me extend my warmest congratulations to you! Winning an election is indeed worth celebrating!

Now that the people have chosen you as their leader, you must continuously choose to serve them. Public service is an enormous responsibility that requires passion, skills, and determination, and we at the Local Government Academy are ready to support you with programs that will build and strengthen your capacities as a local leader. Through our program for Newly-Elected Officials, we continue to provide capacity-building activities that will help you govern effectively. We have designed activities and resources that can guide you in creating and implementing plans for a more competitive, inclusive, and sustainable community.

As such, we are pleased to present the *Sangguniang Bayan Tasks and Responsibilities Checklist: A Reference Guide to Action* to you. We hope this will help you navigate your way through your first days in office. May this guide not only equip you with useful knowledge in governing your community better, but also further ignite your passion to be the best servant-leader for your community.

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

**Dir. Thelma T. Vecina, CESO IV**  
Executive Director, LGA



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# ABBREVIATIONS

<b>AIP</b>	Annual Investment Program
<b>DBM</b>	Department of Budget and Management
<b>DENR</b>	Department of Environment and Natural Resources
<b>DILG</b>	Department of the Interior and Local Government
<b>DRRM</b>	Disaster Risk Reduction and Management
<b>ELA</b>	Executive-Legislative Agenda
<b>ESWMA</b>	Ecological Solid Waste Management Act of 2000
<b>GAD</b>	Gender and Development
<b>IPRA</b>	Indigenous Peoples' Rights Act
<b>IRA</b>	Internal Revenue Allotment
<b>IRR</b>	Implementing Rules and Regulations
<b>JC</b>	Joint Circular
<b>JMC</b>	Joint Memorandum Circular
<b>LAB</b>	Local Annual Budget
<b>LCE</b>	Local Chief Executive
<b>LCPC</b>	Local Council for the Protection of Children
<b>LDC</b>	Local Development Council
<b>LDRRMP</b>	Local Disaster Risk Reduction and Management Plan
<b>LGC</b>	Local Government Code of 1991
<b>LGU</b>	Local Government Unit
<b>MC</b>	Memorandum Circular
<b>MRF</b>	Materials Recovery Facility
<b>NBC</b>	National Building Code
<b>OIC</b>	Officer-in-Charge
<b>POC</b>	Peace and Order Council
<b>PWD</b>	Person with Disability
<b>RA</b>	Republic Act
<b>SALN</b>	Statement of Assets, Liabilities, and Net Worth
<b>SK</b>	Sangguniang Kabataan



Local governance draws strength and focus from **quality local legislation**. More than a mere procedural act or legislative formality, legislation is concerned primarily with substance, where

*the supreme objective is the people's general welfare and well-being.*

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



PART 1

**STARTING UP:  
THE FIRST 6  
MONTHS**

# I THE SANGGUNIANG BAYAN

**For starters, the Sangguniang Bayan (SB) members MUST read and know by heart the powers, duties, and functions of the Sanggunian as enumerated in Section 447 of the Local Government Code of 1991 (LGC) or Republic Act (RA) No. 7160.**

Per Section 16 of RA No. 8371 or The Indigenous People's (IP) Rights Act (IPRA) of 1997, the SB should make sure that a representative of the IPs shall be one of its members. For this purpose, the Sanggunian may ask the assistance of the Municipal Local Government Operations Officer and the Department of the Interior and Local Government (DILG).

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

The rules of procedure shall provide for the following:

- Organization of the SB and the election of its officers;
- Order and calendar of business for each session;
- Legislative process;
- Parliamentary procedures, which shall include the conduct of members during sessions;

- Discipline of members for disorderly behavior and absences during sessions, including the imposition of penalties;
- Creation of standing committees and their areas of responsibility; and
- Other rules that the SB may adopt, such as the assignment of the geographical area of responsibility of each SB Member.

SB Members are required to:

- **Subscribe to an oath of office** upon assumption of office  
Section 92, LGC;
- **File a sworn Statement of Assets and Liabilities and Net Worth (SALN)** [Section 91, LGC in relation to Section 8, RA No. 6713] with the Deputy Ombudsman in their respective regions within 30 days after assumption to office;
- **Disclose business and financial interests**, if any [Section 51, LGC];
- **Declare the names of relatives** working in government;
- **Be familiar with the dynamics of local legislation** and other vital information about it. This is particularly true for newly-elected members. The Local Legislative Toolkit published by the Philippine Councilors League, in partnership with the DILG, is a helpful reference material for local legislators. A series of short courses on local legislation will also help; and
- Ask the local DILG office for guidance.

# II ORGANIZING THE SANGGUNIANG BAYAN

## 1. Standing Committees

**The need to structure the SB to ensure optimum performance is crucial.** Since sectoral concerns are important aspects of local legislation, there is a need to create standing committees, which shall include the following [Section 50 (b)(1), LGC]:

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

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

**Note:** The Sangguniang Kabataan (SK) Federation President shall **Chair** the Committee on Youth and Sports Development and shall serve as a regular member of the Committees on Education, Environment, Employment and Livelihood, Health and Anti-Drug Abuse, and Gender and Development (GAD) [Section 22 (b), RA No. 10742.]

**The SK Federation President shall also serve as an ex-officio member** of the Local School Board, Local Council for the Protection of Children (LCPC), Local Development Council (LDC), Local Health Board, Local Tourism Council, and Local Peace and Order Council (POC) [Section 22 (c), RA No. 10742].

## **2. Legislative Offices and Staff Complement**

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

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



# INSTITUTIONALIZING LEGISLATIVE TRACKING AND BACKSTOPPING COMMITTEES

## **1. Install a Legislative Tracking and Analysis System (LTAS)**

The LTAS is an essential tool in quality legislative work. Beyond the confines of the basic legislative process, its main objective is to assess the effectiveness or ineffectiveness of a legislative measure.

## **2. Create a Backstopping Committee**

Backstopping Committees are useful because they help to ensure the focused analysis of issues, with responsive legislative remedies easily worked out. Since it is the professional research arm of the legislative body, quality results will spare the SB Members from lengthy, time-consuming, and costly debates on legislative proposals.

Leadership of the sub-committee is determined by the issue to be tackled. If it is an issue on health, necessarily the head should be the Municipal Health Officer.

**Note:** Be sure to update the legislative database regularly and conduct periodic legislative review.



# IV FAMILIARIZATION WITH EXISTING LEGISLATIVE ENACTMENTS

**The SB Members are expected to be familiar with the ordinances enacted by previous Sanggunians.** This is important as it guides them in identifying which ordinances require further analysis, amendment or supplementation, or are to be enacted as new legislation.

Consultations with law enforcement agencies, barangay officials, and the general public are helpful. It becomes necessary, therefore, for there to be an inventory of all ordinances and determine which ordinances have already been amended, rendered obsolete, or become impossible to implement due to changes in situations. Check also whether the codification of ordinances with similar subjects is needed.

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

- Code of General Ordinances;
- GAD Code;
- Investment and Incentive Code;
- Revenue Code;
- Zoning Ordinance;
- Environment Code;
- Sanitation Code; and
- Children's Code.

# V FIRMING UP OF THE EXECUTIVE-LEGISLATIVE AGENDA (ELA)

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

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

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

# VI CRUCIAL LEGISLATION WITHIN THE FIRST SIX MONTHS

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

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

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

As a general guide, this reference highlights the continuing tasks and responsibilities of the SB. Such tasks and responsibilities are drawn primarily from the LGC and other pertinent national laws and policies.



## POINTERS IN THE REVIEW AND APPROVAL OF THE ANNUAL BUDGET

- **Total Appropriations** shall not exceed income estimates [Section 324 (a), LGC];
- **Full Provision** shall be made for all statutory and contractual obligations of the municipality [Section 324 (b), LGC];
- **Debt Servicing** shall not exceed 20% of the regular income of the municipality [Section 324 (b), LGC];
- **Aid to Component Barangays** shall not be less than P1,000.00 per barangay [Section 324 (c), LGC];
- **Local Disaster Risk Reduction and Management (DRRM) Fund** shall not be less than 5% of the estimated revenue from regular sources [Section 324 (d), LGC as amended by Section 21, RA No. 10121; Rule 18, Section 1, Implementing Rules and Regulations (IRR) of RA No. 10121];
- **Development Fund** is at least 20% of the annual Internal Revenue Allotment (IRA) to be appropriated for development projects [Section 287, LGC and DILG-DBM Joint Memorandum Circular (JMC) No. 2017-1];
- **Personal Services** shall not exceed 45% for 1st–3rd class municipalities, and 55% 4th-6th class municipalities [Section 325 (a), LGC];
- **Confidential Fund** is the total amount shall not exceed 30% of the total annual amount allocated for the Local Government Unit’s (LGU) Peace and Order Programs (Item

## POINTERS IN THE REVIEW AND APPROVAL OF THE ANNUAL BUDGET



5.1.3.1, Commission on Audit-Department of Budget and Management-Government Commission for Government-Owned-and-Controlled Corporations-Department of National Defense-DILG JMC No. 2015-01);

- **Discretionary Purposes** shall not exceed 2% of the actual receipts derived from basic real property tax in the next preceding calendar year [Section 325 (h), LGC];
- **Child Protection** is 1% of the IRA of the municipal government to be allocated for strengthening the LCPC [RA No. 9344];
- **GAD Budget** is at least 5% of the total LGU budget appropriations to be allocated for the activities supporting GAD (RA No. 7192; RA No. 9710; and Philippine Commission on Women-National Economic and Development Authority-DILG-DBM JMC No. 2016-01);
- **Persons with Disabilities (PWDs) Budget Allocation** consists of Programs, projects, activities, services, and facilities that will address the concerns and needs of PWDs (RA No. 7277 as amended by RA Nos. 9442 and 10070 and Batas Pambansa Blg. 344);
- **Senior Citizens Budget Allocation** consists of Programs, projects, activities, services, and facilities that will address the concerns and needs of senior citizens pursuant to the applicable provisions in the annual General Appropriations Acts, RA No. 7432, and RA No. 7876;



## POINTERS IN THE REVIEW AND APPROVAL OF THE ANNUAL BUDGET

- **Advances and Loans to Local Economic Enterprises and Public Utilities** [Section 313 [last par], LGC];
- **Community-Based Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome Prevention and Care Services** [RA No. 8504]; and
- **Programs for Public Social Workers** [RA No. 9433].

# PART 2

# CONTINUING TASKS AND RESPONSIBILITIES

# LEGISLATIVE ACTION ON ADMINISTRATIVE GOVERNANCE

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

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

- Review of functional and organizational structures and staffing patterns of municipal offices;
- Review of the powers and duties of municipal officials and employees;
- Review of the positions, salaries, wages, allowances, and other benefits of officials and employees paid from municipal funds;
- Enact the appropriate ordinance to create the DRRM Office, including the allocation of budget for staffing and other legitimate expenses [Section 6, IRR of RA No. 1012];
- Payment of compensation to a qualified person not in government service and who fills up a temporary vacancy; or granting honorarium to any qualified official or employee;
- Safety and protection of all municipal government properties, public documents, or records of public interest;
- Additional allowances and other emoluments and other benefits, as appropriate, to judges, prosecutors, public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality, when the finances of the municipal government allow [Section 447 (1)(xi), LGC];
- The allowance to be given by the LGU has no ceiling for as long as the finances of the municipality allow. Thus, Local Budget of Circular 55 issued by DBM which sets the ceiling of P1,000 allowance was



declared invalid. DBM cannot impose a limitation not found in the law, such as setting a cap on the amount of allowances [Dadole v. Commission on Audit, 2002]

- Occupational health and safety, sanitation, and environmental conditions at the workplace of municipal government officials and employees, such as a regular annual mental, physical/ medical check-up, clean and adequate comfort rooms, potable water, safe building or office facilities, and safety measures against fire and other hazards [DILG MC No. 54, s. 1998]; and
- Construction, maintenance, or rental of municipal government's buildings.



## REMINDERS

- The Municipal Vice Mayor is the appointing authority for all officials and employees of the SB, including the Secretary to the SB [DILG MC. No. 86, s. 2003; Section 445 (2), LGC].
- Note that no person shall be appointed in the career service of the local government if they are related within the fourth degree of consanguinity or affinity to the appointing or recommending authority [Section 79, LGC].
- The SB may maintain or create offices, and/ or consolidate the functions of offices in the municipal government in the interest of efficiency and economy [Section 443, LGC].

## *Continuing Tasks and Responsibilities*



- The SB shall act on appointments of department heads within 15 days from the submission thereof [Section 443 (d), LGC].
- The Sanggunian Member shall refer to DILG MC No. 2018-197 when traveling abroad as this provides the rules and regulations governing the foreign travel of local government officials and employees, including the online processing of the travel authority application.
- The SB shall refer to RA No. 9184 and its 2016 IRR and DMB Circular No. 01, s. 2005 concerning procurement activities. These provide for the modernization, standardization, and regulation of procurement activities of the government.
- The SB shall refer to RA No. 11032 concerning the delivery of government services. This law provides for measures to reduce processing time, cut bureaucratic red tape, and eliminate corrupt practices.

## **2. Information and Customer Service**

The SB must support through legislation the following:

- Open-Door Policy type of governance that allows people easy access to municipal offices, services, and public information [DILG MC. No. 45, s. 1996];
- Information about ongoing LGU infrastructure projects through the establishment of an LGU Performance Information Board [DILG MC No. 126, s. 2001];
- Simplification of Civil Registry Services [DILG MC No. 60, s. 2002];
- Standard documentary requirements in the issuance of Civil Application Systems by Local Government Units [DILG MC No. 2008-13];
- Creation of a One-Stop Shop [DILG MC No. 01-120, s. 2001];
- Establishment of a Customer Complaint Desk [DILG MC No. 01-120, s. 2001];
- Civil registration procedures, including the elimination of fees for the registration of births and foundlings [DILG MC No. 186, s. 2002]; and
- Ease of Doing Business and Efficient Government Service Delivery Act of 2018 or RA No. 11032.

## **3. Generating Revenues and Other Fiscal Matters**

- Fines for violating municipal ordinances;
- Imposing taxes, fees, and charges; and granting tax exemptions, incentives, or relief;
- Negotiating and contracting loans, floating bonds, and other forms of debt;
- Leasing public buildings which are held in a proprietary capacity to private parties;
- Providing for reasonable fees and charges for all services rendered by the municipal government to private persons or entities;

### *Continuing Tasks and Responsibilities*

- Extending grants to component barangays, or to charitable, benevolent, or educational institutions that are operated and maintained within the municipality;
- Declaring exemptions of project beneficiaries from payment of fees for barangay clearance, mayor's permit, house wiring, and fire inspection. Such exemptions shall be supported by a Memorandum of Agreement between the municipal government and the electric cooperative [DILG MC No. 142, s. 2000];
- Codifying revenue ordinances to improve local revenue administration [DILG MC No. 51, s. 1998];
- Prescribing standards for the Municipal Tricycle and Pedicab Franchise and Regulatory Ordinance or Code; and
- Coordinating with the Bureau of Internal Revenue district office for sharing information.

## **4. Maximizing the Use of Resources**

### *Continuation of Term-Based Plans, Programs, and Budget*

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

### *Urban Planning and Development*

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

**Note:** The LDC is mandated by Section 333 and Section 57 of the LGC to assist the Sanggunian in setting the direction of economic and social development, and in coordinating development efforts within its territorial jurisdiction.

### *Barangay Affairs*

- Review of barangay ordinances and resolution approving the local development plan and public investment program;
- Review of SKn annual and supplemental budgets [Section 20 (d), RA No. 10742];
- Legal assistance to barangay officials;
- Financial transaction reports for verification and review and recommendation of legal actions against barangay officials who misuse barangay funds and properties [DILG MC No. 161, s. 1996];

*Continuing Tasks and Responsibilities*

- Group insurance or additional insurance coverage for all barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow; and
- Enrollment of barangay officials and personnel, including volunteers, to the Philippine Health Insurance Corporation Program during their tenure, to be paid out of barangay funds [DILG MC No. 66, s. 2002].



# LEGISLATIVE ACTION ON SOCIAL GOVERNANCE

The continuing tasks and responsibilities of the SB towards effective social governance revolve around the enactment of legislative measures relating to:

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

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

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

## 2. Health and Sanitation

- Quarantine regulations to prevent the introduction and spread of diseases;
- Dengue case management and services [DILG MC Nos. 74 and 86, s. 2005];
- Sanitary standards in public restrooms frequented by public utility vehicles and tourist transport services [DILG MC No. 162, s. 1995];
- Establishment, operation, and maintenance of funeral parlors and the burial or cremation of the dead;

### *Continuing Tasks and Responsibilities*

- Regulation of the sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other food products for public consumption;
- Solid waste management;
- Disposal of clinical wastes from hospitals, clinics and other similar establishment;
- Smoking in public places [DILG MC No. 85, s. 2004];
- Sanitation Code of the Philippines or Presidential Decree No. 856;
- Food safety [DILG MC No. 194, s. 1999]; and
- Use of government ambulances [DILG MC No. 114, s. 2000].

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

### **3. Public Safety and Order**

- Prevention and suppression of lawlessness, disorder, riot, violence, rebellion, or sedition;
- Prevention, suppression, and imposition of appropriate penalties for habitual drunkenness in public places; vagrancy; mendicancy; prostitution; establishment and maintenance of houses of ill repute; gambling and other prohibited games of chance; fraudulent devices and ways to obtain money or property; drug addiction; maintenance of drug dens; drug pushing; juvenile delinquency; the printing, distribution, or exhibition of obscene or pornographic materials or publications; and such other activities inimical to public welfare and morals;
- Provision of sites for police stations, fire stations, and city jail, as well as police and fire services and facilities;
- Safety measures in all gasoline stations [RA No. 8479; DILG MC No. 66, s. 2006];
- Public safety and peace and order during the conduct of public assemblies and rallies in designated freedom parks [DILG MC Nos. 42 and 79, s. 2006];



- Organization, re-organization, or activation of the People's Law Enforcement Board and the inclusion in the Local Annual Budget (LAB) of the corresponding appropriation for its operation [DILG MC No. 59, s. 2006];
- RA No. 9287 entitled "An Act Increasing the Penalties for Illegal Numbers and Its Implementing Rules";
- Enforcement of the National Building Code (NBC), particularly Section 2001, Chapter 20 – that no advertising billboard, signage, or display media shall be constructed in the LGU that:
  - › Endangers the safety of a person or property harms public interest;
  - › Hinders public order or violates sound social morals;
  - › Contains information that suggests obscenity, indecency, or violence, both in textual and graphical forms;
  - › Conveys vague and double-meaning messages to the public;
  - › Contains messages that mislead or deceive consumers;
  - › Carries racially, sexually or ethnically abusive, offensive, or objectionable content, or promotes social discrimination and prejudice against gender, beliefs, and convictions;
  - › Obstructs the public view of natural scenery and hinders the enjoyment thereof; and
  - › Destroys the picturesque view of a scenery due to lack of coordination with its environmental surroundings by way of colors and tones used, structure, size, and location [DILG MC No. 158, s. 2004].
- Financial support to Barangay Tanods [DILG MC No. 104, s. 2002];
- Safety of residents and transients, and the prevention of freak accidents in construction projects, such as:
  - › Requiring the contractor to assume full responsibility for the proper safekeeping of construction materials and equipment used for the duration of the construction project and to assume liability for any untoward incident that may result from failure to observe the necessary precautionary measures, which shall be stipulated in the contract between the LGU and the contractor;

### *Continuing Tasks and Responsibilities*

- › Requiring the contractor to clear all construction debris in the areas used by passersby; and
- › Providing visible marks or signs in high-risk areas such as open canals and manholes; lighting facilities in the construction sites; and other precautionary measures [DILG MC No. 87, s. 1995].
- Selling and publishing obscene and pornographic materials, publications, pictures, literatures, and other similar articles, including the exhibition or giving away of indecent, immoral or obscene plays, scenes, acts or shows, whether live or in film [DILG MC No. 213, s. 1999; Article 201 of the Revised Penal Code];
- Regulation of traffic in all streets and bridges and removal of encroachments and illegal obstructions in public places;
- Public safety in the construction of public utilities and other similar structures in buildings and homes by requiring contractors to procure a third party liability insurance for injury, death, or damage to property that may be caused by the construction; and
- Regulation and maintenance of gas mains, electric, telegraph and telephone wires, conduits, meters and other apparatus and connection; condemnation or removal of the same when found to be dangerous, defective, or otherwise hazardous to the welfare of the inhabitants.

### **4. Disaster Risk Reduction and Management**

- Formulation or updating of a Local Disaster Risk Reduction and Management Plan (LDRRMP) and integration of identified programs projects and activities in the AIP [RA No. 10121; DILG MC No. 2013-01];
- RA No. 9287 entitled “An Act Increasing the Penalties for Illegal Numbers and Its Implementing Rules”;
- Commercial sexual exploitation of children [DILG MC No. 164, s. 1999];

- Localization of the Comprehensive Emergency Program for Children and its integration into the LDRRMP and other development plans of the LGU [DILG MC No. 2018-196];
- Prevention, elimination, and control of trafficking of persons [DILG MC No. 26, s. 2005];
- Regulation on display of signs, signboards, or billboards at the place or places where a profession or business is advertised;
- Maintenance and sanitation of buildings and premises within the municipality;
- Impounding of stray animals;
- Inspection of structures by the Municipal Engineer to check whether or not these are compliant with the NBC and the Fire Code;
- Regulation and inspection of every steam boiler or any heating device in buildings and the storage of inflammable and highly-combustible materials; and
- Traffic regulations and removal of encroachments and illegal obstructions in public places.

**Note:** The Municipal POC and the Municipal DRRM Council shall serve as the advisory committee to the Sanggunian on Peace and Order and Public Safety.

- Franchising of tricycles. Enact, amend, or supplement a tricycle franchise ordinance in consideration of the following:
  - › Physical Requirements such that no tricycle shall be issued a franchise unless applicable physical requirements are complied with as certified by the proper authority;
  - › Fares should be established at a level that provides the operator a reasonable return of profit while remaining affordable to the general public;
  - › Load or Capacity Limit such that no tricycle should be allowed to carry more passengers and goods than what it was designed for;

### *Continuing Tasks and Responsibilities*

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

### **PHYSICAL REQUIREMENTS OF TRICYCLES**

- Clean windshield;
- Garbage receptacle;
- Functional horn that does not emit an exceptionally loud or startling sound;
- Functional two signal lights, front and back for turning right or left or for emergency purposes;
- Functional taillight, including license plate light;
- Top chain extending to the rear wheel;
- Functional white headlight and red taillight, visible at least 50 meters from the front and rear of the tricycle and functioning under all weather conditions;
- Functional anti-noise equipment;
- Functional light installed inside the sidecar and kept lit while plying a designated route;
- Sticker containing the body number of the vehicle and placed prominently and identifiable from a distance;
- Fully-operational mufflers; and
- Roadworthiness.

### **5. Housing and Basic Utilities**

- Regulate water supply services and facilities, such as:
  - › Maintenance, repair, and operation of an efficient waterworks system to supply water for the inhabitants and purify the source of the water supply;
  - › Construction, maintenance, repair, and use of hydrants, pumps, cisterns, and reservoirs;

- › Purity and quantity of the water supply of the municipality; and
- › Consumption, use, or wastage of water.
- Franchise shall be revoked for failure to comply with the rules.

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

### 6. Women, Children and Social Welfare

- General welfare and well-being of vulnerable groups in the municipality, such as:
  - › Caring for PWDs, paupers, the aged, the sick, persons with mental disabilities, abandoned minors, juvenile delinquents, drug dependents, abused children, and other disadvantaged persons, particularly children and youth below 18 years of age;
- RA No. 9344 or the Juvenile Justice and Welfare Act of 2006, as amended by RA No. 10630;
- Human trafficking [DILG MC No. 26, s. 2005; DILG MC No. 172, s. 2006];
- RA No. 9710 or the Magna Carta of Women, a comprehensive women's rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling, and promoting the rights of Filipino women, especially those in the marginalized sectors;
- Migrant Advisory and Information Desks Network, which shall provide victims of trafficking the procedures in filing cases, programs that address trafficking, legal protection, and other services [DILG MC No. 26, s. 2005];
- Municipal Council for the elderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community;
- Office for Senior Citizens Affairs whose functions include but are not limited to assistance to senior citizens in filing

### *Continuing Tasks and Responsibilities*

complaints and charges against any person, natural or juridical [DILG Mc No. 63, s. 2005];

- IPRA [DILG MC No. 89, s. 2002] and to ensure that they have a representative in the SB per Section 16 of RA No. 8371;
- PWDs [DILG MC No. 74, s. 1998];
- RA No. 9262 or the Anti-Violence Against Women and their Children Act of 2004;
- RA No. 7877 or Anti-Sexual Harassment Act of 1995 [DILG MC No. 37, s. 2001]; and
- Commercial sexual exploitation of children [DILG MC No. 164, s. 1999].

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

### **7. Public Morals**

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

- Regulate the selling, giving away, or dispensing of any intoxicating malt, vino, mixed, or fermented liquors at any retail outlet;
- Regulate the establishment, operation, and maintenance of any entertainment or amusement facility;
- Updates on the Duty to Intensify Action Against Illegal Drugs;
- Ensure the mandatory inclusion of and adequate appropriation for RA No. 9165 in the LAB, giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents;
- Ensure that the provisions of Sections 51-53 of RA No. 9165 shall be strictly and faithfully enforced;
- Initiate the formulation of prevention and rehabilitation programs in the LGU;
- Initiate the conduct of symposia and dialogues with school authorities and students; owners and employees of business establishments; government officials and employees; and the general public;
- Ensure the sustainability of rehabilitation or treatment program of drug dependents;
- Enact an ordinance complementing the Comprehensive Drugs Act of 2002, if none has yet been passed, or to amend the same, to be consistent with the pertinent provisions of the said Act, and ensure its effective enforcement;
- Ensure that the Anti-Drug Abuse Councils at all levels perform their functions and responsibilities as embodied in relevant department issuances [DILG-DDB JMC No. 2018-01]; and
- Ensure the establishment and institutionalization of drug-free workplace policies [Dangerous Drugs Board Regulation No. 13, s. 2018].



# LEGISLATIVE ACTION ON ECONOMIC GOVERNANCE

The continuing tasks and responsibilities of the SB towards effective economic governance revolve around the enactment of legislative measures relating to:

## **1. Agriculture and Fishery Development**

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

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

- Employment opportunities for the willing, able, and unemployed residents of the municipality in local, national, or foreign-funded public works projects [DILG MC No. 167, s. 2000 and RA No. 6685];
- Livelihood opportunities to victims of human-induced and natural calamities;
- Proper display of Social Security System Certificate of Registration beside the business license or permit;
- Establishment of municipal-operated markets, slaughterhouses,



or animal corrals; and regulation of the construction and operation of private markets or other similar buildings and structures;

- Formulation of Local Investment Incentives Code [DILG-Department of Trade and Industry JMC No. 2011-01];

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

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

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

- Strictly adhere to the fundamental principles, limitations, and requisites of the exercise of the taxing powers of LGUs [DILG MC Nos. 2009-42 and 2009-76, s. 2009];

### *Continuing Tasks and Responsibilities*

- Rectify defective tax ordinances that charge fees on passing through vehicles, especially those carrying agricultural goods and products [DILG MC Nos. 2009-42 and 2009-76, s. 2009]; and
- Repeal ordinances authorizing the levy and collection of fees, taxes, and other charges on transporting goods and passengers carried into or out of, or passing through, the territorial jurisdiction of the LGU [Section 133 (e), LGC; DILG MC No. 2018-133].

# IV LEGISLATIVE ACTION ON ENVIRONMENTAL GOVERNANCE

The continuing tasks and responsibilities of the SB towards effective environmental governance revolve around the enactment of legislative measures relating to:

## 1. Waste Management

- Solid waste collection and disposal;
- Ecological Solid Waste Management Act of 2000 (ESWMA), to include the following:
  - › Creation of a Municipal Solid Waste Management Board, where a representative from the Municipal Council shall be the Chairperson;
  - › Approval of the Solid Waste Management Plan; and
  - › Establishment of Multi-Purpose Environment Cooperatives or Associations.

## 2. Natural Resources Management

- Forest Management [DILG MC No. 166, s. 2004];
- Department of Environment and Natural Resources (DENR)-DILG-LGU partnership on devolved forest management functions [DENR-DILG JMC No. 01, s. 1998];
- National Integrated Protected Areas System Act of 1992 and the Wildlife Resources Conservation and Protection Act [DILG MC No. 44, s. 2004];
- Protection of the environment and natural resources, such as:
  - › Establishment, maintenance, protection, and conservation of communal forests and watersheds, tree parks,

### *Continuing Tasks and Responsibilities*

- greenbelts, mangroves, and other forest development projects;
- › Demolition of illegal structures along rivers and estuaries which impede normal water flow;
- › Prevention of overcrowding and congestion in municipal waters, fish ponds, and fish pens; and
- › Enforcement of the Code of Practice for Aquaculture [DILG MC No. 64, s. 2002].
- Penalties for acts that endanger the environment and activities that result in pollution or ecological imbalance;
- Establishment, maintenance, protection, and conservation of communal forests and watershed, tree parks, greenbelts, mangroves, and other similar forest development programs;
- Measures against the establishment of illegal structures along rivers and estuaries which impede normal water flow; and measures to prevent overcrowding and congestion in municipal waters and fish ponds; and
- RA No. 8485 or the Animal Welfare Act and DILG MC No. 91, s. 2000, which provide for the apprehension and prosecution of those engaged in illegal trading of animals.

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

## **RA No. 9729 or the Climate Change Act of 2009**

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

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

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

*The LCE shall appoint the person responsible for the formulation and implementation of the local action plan.*

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

### *Continuing Tasks and Responsibilities*

*The LGU is hereby expressly authorized to appropriate and use the amount from its IRA necessary to implement said local plan effectively, any provision in the LGC contrary notwithstanding.*

### **Memorandum Circular No. 2009-168 dated 27 October 2009**

All LCEs are directed to strictly comply with the mandate of RA No. 9003 or ESWMA especially on the establishment of solid waste and Materials Recovery Facilities (MRFs), to wit:

#### ***Solid Waste Facility***

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

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

#### ***Materials Recovery Facility***

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

The MRF includes a solid waste transfer station or sorting station, drop-off center, composting facility, and recycling facility.

DENR issued a Memorandum dated 2 June 2009 Re: Manila Bay Clean Up, Rehabilitation and Preservation Addressed to All Mayors of Metropolitan Manila, the Governors, Municipal Mayors and Municipal Mayors of and in Rizal, Laguna, Cavite, Bulacan, Pampanga, and Bataan.

**In compliance with a Supreme Court en banc decision promulgated on December 18, 2008, said LGUs are hereby directed to:**

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

**RA No. 10121 or the Disaster Risk Reduction and Management Act of 2010**

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

*Continuing Tasks and Responsibilities*

**DILG Memorandum Circular No. 2007-131 dated 2 October 2007**

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

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





# VOTING ON LEGISLATIVE MEASURES

## **Legislative measures that require the vote of the QUALIFIED MAJORITY**

1. Unless otherwise provided in the LGC, heads of departments and offices shall be appointed by the Municipal Mayor with the concurrence of the majority of all the SB Members, subject to civil service law, rules, and regulations. The SB shall act on the appointment within 15 days from the date of its submission; otherwise, the same shall be deemed confirmed [Section 443 (d), LGC];
2. The SB, 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 LGC and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of the same law [Section 447 (a), LGC];
3. Subject to the provisions of Book II of the LGC and applicable laws, and upon the majority vote of all the members of the SB, enact ordinances authorizing the floating of bonds or other instruments of indebtedness for the purpose of raising funds to finance development projects [Section 447 (a)(2)(iv), LGC];
4. Appropriate funds for the construction, maintenance, or the rental of buildings for the use of the municipality and, upon the majority vote of all the members of the SB, authorize the Municipal Mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules, and regulations [Section 447 (a)(2)(v), LGC]; and

### *Continuing Tasks and Responsibilities*

5. Upon approval by a majority vote of all the members of the SB, 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, cooperatives shall be given preference in the grant of such a franchise [Section 447 (a)(3) (vii), LGC].

### **Legislative measures that require the vote of TWO-THIRDS OF ALL SB MEMBERS**

6. Selection and transfer of local government site, offices, and facilities [Section 11, LGC];
7. Closure and opening of roads [Section 21, LGC];
8. The discipline of members for disorderly behavior and absences without justifiable cause for four consecutive sessions, for which they may be censured, reprimanded, excluded from the session, suspended for not more than 60 days, or expelled [Section 50 (b)(5), LGC];
9. Every ordinance enacted by the Sangguniang Panlalawigan, Sangguniang Panlungsod, or SB shall be presented to the provincial governor or city or Municipal Mayor, as the case may be. If the Local Chief Executive (LCE) concerned approves the same, he or she shall affix his or her signature on each and every page thereof; otherwise, he or she shall veto it and return the same with his or her objections to the Sanggunian, which may proceed to reconsider the same. The Sanggunian concerned may override the veto of the LCE by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes [Section 54 (a), LGC]; and
10. 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 [Section 447 (a)(2)(xii), LGC].

### **Municipal undertakings that are subject to PUBLIC HEARINGS**

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

## PART 3

# ACTING MUNICIPAL MAYOR AND OICs

# GUIDING QUESTIONS AND SUPPORTING LAWS

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

Yes. The Vice-Mayor, as presiding officer, shall be considered a member of the Sanggunian for purposes of ascertaining if a quorum exists [La Carlota City v. Atty. Rojo, GR NO. 181367, April 2012].

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

No. In determining the number which constitutes the majority vote, the Vice-Mayor is excluded. The Vice-Mayor's right to vote is merely contingent on and arises only when there is a need to break a tie [Javier vs. Vice-Governor Cadiao, GR No. 185369, August 2016].

## **Officer-in-Charge (OIC) as distinguished from ACTING MAYOR**

The function of the acting mayor is governed by Section 46 (a) of LGC, while that of the OIC in the Office of the Municipal Mayor is governed by Section 46 (c) of the same Code.

When the Municipal Mayor is temporarily incapacitated to perform their duties due to physical or legal reasons, such as leave of absence, travel abroad, and suspension from office, the Municipal Vice Mayor shall automatically exercise the powers and perform the duties and functions of the Municipal Mayor. Exempt from the scope of the Municipal Vice Mayor's functions

### ***Acting Municipal Mayor and OICs***

is the power to appoint, suspend, or dismiss employees, which can only be exercised if the Municipal Mayor's period of temporary incapacity exceeds 30 working days.

If the period exceeds 30 days, the automatic assumption of the Municipal Vice Mayor as Acting Mayor, even on the first day of temporary incapacity of the Municipal Mayor, is automatic and done by operation of the law. This means that no further order or appointment from the national government or any office is required.

As Acting Municipal Mayor, they can exercise all powers and perform all the duties and functions of the Municipal Mayor, subject to limitations provided for in cases of appointment, suspension, or dismissal of employees.

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

In this case, it may be noted that the Municipal Mayor can designate an official of the city government as OIC for three consecutive days while they is outside their territorial jurisdiction but within the country.

It should be further noted that in the designation of OIC, there is no temporary vacancy to speak of in the Office of the Municipal Mayor. The Municipal Mayor may designate the Vice-Mayor or any member of the Sanggunian or any appointive official of the city

to act as OIC during their absence for three consecutive days. However, if on the fourth day the Municipal Mayor fails to return to their station, Section 46 (d) of the Code will apply. In this case, the Municipal Vice Mayor shall assume office as Acting Municipal Mayor on the fourth day of absence of the Municipal Mayor, even if the designation of an OIC is beyond three days. This must be so because the designation as OIC is effective only for three days.

### **Who may be authorized to act as an OIC?**

Section 46 (c) of LGC states that the Municipal Mayor may designate in writing any city official to act as OIC for three days during their absence. The authorization shall specify the powers and functions that the local official shall exercise.

### **How shall an OIC assume their functions?**

Upon presentation of a valid designation in writing, the designated official can assume their functions as OIC in the Office of the Municipal Mayor [Section 46 (c), LGC]. Regarding the post of Acting Municipal Mayor, upon the occurrence of any event leading to the temporary incapacity of the Municipal Mayor, either for physical or legal reasons, the Municipal Vice Mayor automatically assumes the post as Acting Municipal Mayor [Sec. 46 (9a), LGC].

Accordingly, the Acting Municipal Mayor must issue a memorandum, copy furnished depository banks in the LGU, DILG, and other national offices, informing all department heads and employees of the province of his assumption as Acting Municipal Mayor, and that henceforth, all orders must emanate from them.

### **When shall an OIC cease to act as such?**

An OIC shall stop performing their functions as such on the fourth day of absence of the Municipal Mayor. This must be so

### *Acting Municipal Mayor and OICs*

because their designation as OIC is effective only during the three consecutive days of absence of the Municipal Mayor, with the latter in a location outside their jurisdiction but within the country. On the fourth day, the designation of OIC ceases by operation of law and the Municipal Vice Mayor automatically assumes the post as Acting Municipal Mayor pursuant to Section 46 (d) of LGC.

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

No. In the case of *Gamboa vs. Aguirre* (G.R. No. 14313, July 20, 1999), the Supreme Court ruled that the Vice-Governor, who is now acting as Acting Governor, cannot anymore continue to preside over the session as this would violate the principle of separation of powers and functions.

The Vice-Governor, in their capacity as Acting Governor, is expected to perform full-time their executive functions, which include the approval of ordinances. This pronouncement of the Supreme Court equally applies to cities and municipalities.

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

Yes. The situation is different between the OIC and Acting Municipal Mayor. In the acting capacity, there is a temporary vacancy in the Office of the Municipal Mayor. In OIC capacity, there is no temporary vacancy in the Office of the Municipal Mayor. Moreover, OICs exercise limited powers only as may be contained in the letter-authorization designating them as such.

Hence, if incidentally, the Municipal Vice Mayor is the designated OIC, they can continue to preside over the session of the Sanggunian since the ruling in the *Gamboa* case will not apply.



As an OIC, they has no power to perform all the functions and powers of the Municipal Mayor. More importantly, they is not empowered to approve ordinances. Such being the case, the violation of the separation of powers and functions, which the Gamboa ruling sought to avoid, is not present.

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

No. Under the Civil Service Commission rules on appointment, an OIC cannot issue an appointment.

**What are the tasks and responsibilities of an OIC?**

- Act or perform in accordance with the authorization given by the Municipal Mayor, such as, but not limited to the following tasks:
- Sign and approve vouchers for the payment of salaries of municipal employees
- Sign and approve vouchers and requisitions, for purchases of essential supplies and hospital subsistence, if any;
- Attend conferences and other ceremonial functions to represent the office of the Municipal Mayor; and
- Perform routine and administrative functions, such as the supervision of the day-to-day operations of the Office of the Municipal Mayor [Section 46 (a), LGC].





## **ABOUT THE LOGO**

The Department of the Interior and Local Government (DILG) implements the Program for Newly-Elected Officials (NEO), through the Local Government Academy (LGA), to assist newly elected Local Chief Executives (LCEs) in transitioning to their posts, taking responsibilities, and managing their respective LGUs. The program consistently intends to assist NEOs in developing their leadership and transformational capacities.

The Program for NEO primarily aims to develop newly elected officials to be strategic leaders who will guide their local governments towards being more competitive, efficient, and responsive development institutions. It is composed of five (5) components; the first two components aim to aid incoming local officials to ensure smooth transition in their LGUs; and jumpstart local governance upon NEOs' assumption to office, and until the end of their terms. The third component is intended to support the LGUs in developing, enhancing or updating their local plans. The fourth component is composed of interventions to further enhance competencies not only of the elected officials, but also of local functionaries. Finally, the last component aims to assist LGUs for their assessment, and be eligible for LGU awards and incentives.

Anchored on the six (6) LGU Capacity Pillars i.e., Structure, Competency, Leadership, Management Systems, Enabling Policies and Knowledge and Learning, the program envisions to

contribute to better quality of life among constituents of local governments as a result of improved leadership and decision-making skills of the newly-elected officials.

The logo takes its cue from the program's new focus on peace and resilience, articulated visually in the elements that build the lettermark itself. The letter N is an abstraction of two individuals forming a union, which affirms the communal character of peace and resilience-building that requires a whole-of-nation approach. Meanwhile, the letter E is a visual metaphor to resilience, for the bamboo will not cease to stand tall and still even when the strongest wind tires it out. Though often ascribed to how Filipinos bounce back stronger in the context of disasters, the metaphor remains potent in peace-building especially with the grit and indomitable spirit of Filipinos to choose hope during periods of threats and violence. Lastly, the letter O contains a globe insignia to elicit a global character of excellence being pursued in local leadership and governance through the Program for NEO. It also depicts a pair of hands below the globe to evoke a sense of goodwill, support, and care.





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