

FOURTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Second Regular Session }

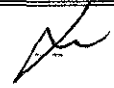
OFFICE OF THE SECRETARY

9 MAY 25 2009

SENATE

COMMITTEE REPORT NO. 454

RECEIVED BY



Submitted by the Committee on Local Government on MAY 25 2009

Re : Senate Bill No. 3275

Recommending its approval in substitution of House Bill No. 6014, taking into consideration Senate Bill No. 2993.

Sponsors : Senators Aquino III and Escudero.

MR. PRESIDENT:

The Committee on Local Government, to which were referred House Bill No. 6014, introduced by Representative Antonino-Custodio, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 5412, AS AMENDED, OTHERWISE KNOWN AS
THE CITY OF GENERAL SANTOS"**

and Senate Bill No. 2993, introduced by Senator Escudero, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 5412, AS AMENDED, OTHERWISE KNOWN
AS THE CHARTER OF THE CITY OF GENERAL SANTOS"**

has considered the same and has the honor to report the bills back to the Senate with the recommendation that the attached substitute bill, Senate Bill No. 3275, prepared by the Committee, entitled:

**"AN ACT
AMENDING REPUBLIC ACT NO. 5412, AS AMENDED, OTHERWISE KNOWN
AS THE CHARTER OF THE CITY OF GENERAL SANTOS"**

be approved without amendment with Senators Escudero and Aquino III as authors thereof.

Respectfully submitted:

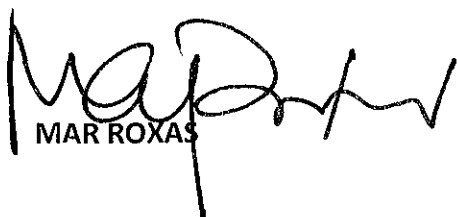


BENIGNO S. AQUINO III
Chairman



FRANCIS "CHIZ" G. ESCUDERO
Vice-Chairman

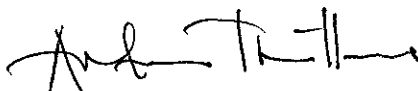
Members:



MAR ROXAS



RODOLFO G. BIAZON

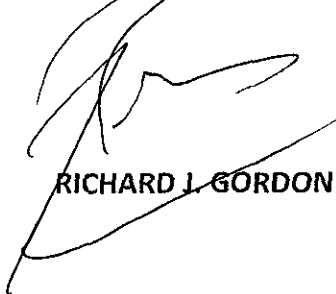


ANTONIO "SONNY" F. TRILLANES IV



PANFILO M. LACSON

LOREN B. LEGARDA



RICHARD I. GORDON



M.A. MADRIGAL

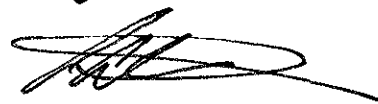


RAMON SONG REVILLA JR.

JOKER P. ARROYO



ALAN PETER "COMPAÑERO S. CAYETANO"




MANNY VILLAR


Ex-Officio Members:



JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



AQUILINO Q. PIMENTEL JR.
Minority Leader

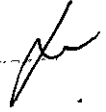
Hon. JUAN PONCE ENRILE
President
Senate of the Philippines
Pasay City

SENATE

9 MAY 25 1995

S. NO. 3275

(In substitution of HBN 6014, taking into consideration SBN 2993)



Prepared by the Committee on Local Government
with Senators Escudero and Aquino III as authors thereof

AN ACT
AMENDING REPUBLIC ACT NO. 5412, AS AMENDED, OTHERWISE KNOWN AS THE CHARTER
OF THE CITY OF GENERAL SANTOS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Sections 98 and 101 of Republic Act No. 5412, as amended, are hereby
2 further amended to read as follows:

3 "Section 98. **ALL LANDS OF THE PUBLIC DOMAIN HAVING BEEN**
4 **CEDED BY THE NATIONAL GOVERNMENT TO THE CITY OF GENERAL SANTOS,**
5 **THE CITY SHALL EXERCISE THE RIGHTS AND PREROGATIVES OVER SUCH**
6 **LANDS IN THE CONCEPT OF A BENEFICIAL OWNER.** The disposition of all
7 lands of the public domain in the city shall be in accordance with the
8 provisions of Commonwealth Act No. 141, as amended, **AND ALL OTHER**
9 **PERTINENT LAWS, EXECUTIVE ISSUANCES, RULES AND REGULATIONS:**

10 *Provided,* That all incomes and receipts derived from such disposition,
11 **ADMINISTRATION AND MANAGEMENT OF ALL LANDS OF THE PUBLIC**
12 **DOMAIN** shall accrue exclusively **AND TO BE TURNED OVER IMMEDIATELY**
13 **WITHOUT NEED OF DEMAND** to the city as provided in this Act: **PROVIDED**

1 **FURTHER, THAT THE CITY GOVERNMENT SHALL AT ALL TIMES BE**
2 **CONSULTED AND INFORMED OF SUCH DISPOSITION, ADMINISTRATION**
3 **AND MANAGEMENT: PROVIDED FINALLY, THAT THE CITY GOVERNMENT**
4 **SHALL CONCUR PRIOR TO ANY DISPOSITION, ADMINISTRATION AND**
5 **MANAGEMENT OF SUCH PUBLIC LANDS."**

6 *"Section 101. Ownership of waterworks, electric light and power and*
7 *telephone systems, roads, streets, etc. - Any provisions of law to the contrary*
8 *notwithstanding, all existing waterworks, electric light and power, and/or*
9 *telephone systems presently operated by the Municipality of General Santos*
10 *shall be owned by the city, and revenues therefrom shall accrue to the*
11 *general fund of the city.*

12 All existing municipal and provincial roads, streets, bridges, docks,
13 piers, wharves, machineries, equipment and other public works
14 improvements shall be owned by the city, and all the funds and assets of the
15 Municipality of General Santos shall be owned by the city and its liabilities
16 shall be assumed by the city, any provision of law to the contrary
17 notwithstanding.

18 **NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT NOS. 8371,**
19 **7916 AND 6657, AS AMENDED, THE CITY GOVERNMENT SHALL BE**
20 **INFORMED AND ITS CONCURRENCE SHALL BE SOUGHT ON ALL MATTERS**
21 **RELATING TO LANDS BY AGENCIES OF GOVERNMENT CONCERNED, WHICH**
22 **THE CITY COUNCIL DETERMINES FOR THE USE OF THE CITY."**

1 **SEC. 2.** Within Sixty (60) days from the date of the effectivity of this Act, all
2 concerned agencies of government shall submit a comprehensive and detailed report of all
3 dispositions of public lands in the city to the City Government.

4 **SEC. 3.** The provisions of this Act rendered ineffective by virtue of Republic Act No.
5 7160 or the Local Government Code, as amended, specifically paragraph (f), Section 534
6 thereof, are hereby deemed repealed and superseded accordingly.

7 **SEC. 4.** Any person who shall violate the provisions of this Act shall, in addition to
8 the administrative, civil or criminal liability imposable under other existing laws, suffer the
9 penalty of six (6) months imprisonment: *Provided, That in the case of a government official*
10 or personnel, he/she shall likewise suffer the penalty of perpetual disqualification to hold
11 public office.

12 **SEC. 5.** If any provision or part hereof is held invalid or unconstitutional, the
13 remainder of the law or the provision not otherwise affected shall remain valid and
14 subsisting.

15 **SEC. 6.** All laws, presidential decrees, executive orders, proclamations and/or
16 administrative regulations which are inconsistent with the provisions of this Act are hereby
17 amended, modified, superseded or repealed accordingly.

18 **SEC. 7.** To effectively implement the provision of this Act, the City Council of General
19 Santos City in coordination with the agencies of government concerned shall promulgate
20 the necessary implementing rules and regulations within sixty (60) days from the date of the
21 effectivity of this Act.

1 **SEC. 8.** This Act shall take effect fifteen (15) days from its publication in at least two
2 (2) newspapers of national circulation.

Approved,



HOUSE OF REPRESENTATIVES

H. No. 6014

BY REPRESENTATIVE ANTONINO-CUSTODIO, PER COMMITTEE REPORT
No. 1817

AN ACT AMENDING REPUBLIC ACT NO. 5412, AS AMENDED,
OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF
GENERAL SANTOS

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. Section 98 of Republic Act No. 5412, as amended,
2 otherwise known as the Charter of the City of General Santos, is hereby further
3 amended to read as follows:

4 “SEC. 98. *OWNERSHIP OF LANDS OF THE PUBLIC*
5 *DOMAIN WITHIN THE CITY.* – THE OWNERSHIP OF ALL LANDS
6 OF THE PUBLIC DOMAIN WITHIN THE CITY OF GENERAL
7 SANTOS BELONGS TO THE CITY. AS SUCH, [T]The disposition
8 of all lands of the public domain within the city shall be in
9 accordance with the provisions of Commonwealth Act
10 Numbered One hundred and forty-one, as amended, AND ALL
11 OTHER PERTINENT LAWS, EXECUTIVE ISSUANCES, RULES AND

1 REGULATIONS: *Provided*, That all incomes and receipts derived
 2 from such disposition, ADMINISTRATION AND MANAGEMENT OF
 3 ALL LANDS OF THE PUBLIC DOMAIN shall accrue exclusively
 4 AND BE TURNED OVER IMMEDIATELY WITHOUT NEED OF
 5 DEMAND to the city as provided in this Act[.]: *PROVIDED*,
 6 *FURTHER*, THAT THE CITY GOVERNMENT SHALL AT ALL
 7 TIMES BE CONSULTED AND INFORMED OF SUCH DISPOSITION,
 8 ADMINISTRATION AND MANAGEMENT: *PROVIDED, FINALLY*,
 9 THAT THE APPROVAL OF THE CITY GOVERNMENT SHALL BE A
 10 MANDATORY CONDITION PRIOR TO ANY DISPOSITION,
 11 ADMINISTRATION AND MANAGEMENT OF SUCH PUBLIC LANDS.

12 “NOTWITHSTANDING THE PROVISIONS OF REPUBLIC
 13 ACT NOS. 8371 AND 6657, AS AMENDED, THE CITY
 14 GOVERNMENT SHALL BE INFORMED AND ITS APPROVAL SHALL
 15 BE SOUGHT ON ALL MATTERS RELATING TO LANDS BY
 16 AGENCIES OF GOVERNMENT CONCERNED.”

17 SEC. 2. The Department of Environment and Natural Resources
 18 (DENR) shall, within sixty (60) days from the date of the effectivity of this
 19 Act, submit a comprehensive and detailed report of all dispositions of public
 20 lands in General Santos City to the city government.

21 SEC. 3. Any person who shall violate the provisions of this Act shall, in
 22 addition to the administrative, civil or criminal liability imposable under
 23 existing laws, suffer the penalty of six (6) months imprisonment: *Provided*,
 24 That in the case of a government official or personnel, he shall, in addition to
 25 the penalty herein imposed, suffer the penalty of perpetual disqualification to
 26 hold public office.

27 SEC. 4. Section 534, paragraph (f) of Republic Act No. 7160,
 28 otherwise known as the Local Government Code of 1991, as amended, insofar
 29 as the Charter of the City of General Santos and all laws, presidential decrees,

1 executive orders, proclamations and administrative regulations which are
2 inconsistent with the provisions of this Act are hereby amended, repealed or
3 modified accordingly.

4 SEC. 5. The City Council of General Santos City, in coordination with
5 the DENR, shall promulgate the necessary implementing rules and regulations
6 within sixty (60) days from the date of the effectivity of this Act.

7 SEC. 6. This Act shall take effect fifteen (15) days after its publication
8 in any two (2) newspapers of general circulation.

Approved,

O

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 JAN 20 1976

SENATE

S. No. 2993

RECEIVED

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This bill is filed consistent with the policy on local government autonomy and empowerment.

The General Santos City, given its potential for growth, apart from having been placed in the world map so to speak by our "pambansang kamao," should be given the appropriate authority and resources to chart its own development.

Sadly, the current disposition of its public lands has left the City no realizable income despite the clear provisions of its charter that it is the beneficial owner of such lands.

Moreover, its desire to grow is unreasonably being hampered by certain agencies of government due to vagueness of certain laws and the absence of an unequivocal mandate.

Hence, this bill seeks to rectify and make clear the provisions found in the charter of General Santos City if only to address the foregoing and to keep it updated especially with the enactment of the Local Government Code which dates way back 1992.

Immediate passage of this bill is thus requested.

FRANCIS G. ESCUDERO

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE SECRETARY

9 JAN 20 1926

SENATE

RECEIVED BY

S. No. 2993

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
AMENDING REPUBLIC ACT NO. 5412, AS AMENDED,
OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF
GENERAL SANTOS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Sections 98 and 101 of Republic Act No. 5412, as
2 amended, are hereby further amended to read as follows:

3
4 "Section 98. **THE OWNERSHIP OF ALL LANDS OF**
5 **THE PUBLIC DOMAIN WITHIN THE CITY OF GENERAL**
6 **SANTOS BELONGS TO THE CITY. AS SUCH, [T] The**
7 disposition of all lands of the public domain in the city shall be
8 in accordance with the provisions of Commonwealth Act No.
9 141, as amended, **AND ALL OTHER PERTINENT LAWS,**
10 **EXECUTIVE ISSUANCES, RULES AND REGULATIONS:**
11 Provided, That all incomes and receipts derived from such
12 disposition, **ADMINISTRATION AND MANAGEMENT OF**
13 **ALL LANDS OF THE PUBLIC DOMAIN** shall accrue
14 exclusively **AND TO BE TURNED OVER IMMEDIATELY**
15 **WITHOUT NEED OF DEMAND** to the city as provided in
16 this Act; **PROVIDED FURTHER, THAT THE CITY**
17 **GOVERNMENT SHALL AT ALL TIMES BE CONSULTED**
18 **AND INFORMED OF SUCH DISPOSITION,**
19 **ADMINISTRATION AND MANAGEMENT; AND**
20 **PROVIDED FINALLY, THAT THE APPROVAL OF THE**
21 **CITY GOVERNMENT SHALL BE A MANDATORY**

1 CONDITION PRIOR TO ANY DISPOSITION,
2 ADMINISTRATION AND MANAGEMENT OF SUCH
3 PUBLIC LANDS."

4 "Section 101. *Ownership of waterworks, electric light and*
5 *power and telephone systems, roads, streets, etc. - Any provisions*
6 *of law to the contrary notwithstanding, all existing*
7 *waterworks, electric light and power, and/or telephone*
8 *systems presently operated by the Municipality of General*
9 *Santos shall be owned by the city, and revenues therefrom*
10 *shall accrue to the general fund of the city.*

11 All existing municipal and provincial roads, streets,
12 bridges, docks, piers, wharves, machineries, equipment and
13 other public works improvements shall be owned by the city,
14 and all the funds and assets of the Municipality of General
15 Santos shall be owned by the city and its liabilities shall be
16 assumed by the city, any provision of law to the contrary
17 notwithstanding.

18 NOTWITHSTANDING THE PROVISIONS OF
19 REPUBLIC ACT NOS. 8371 AND 6657, AS AMENDED, THE
20 CITY GOVERNMENT SHALL BE INFORMED AND ITS
21 APPROVAL SHALL BE SOUGHT ON ALL MATTERS
22 RELATING TO LANDS BY AGENCIES OF
23 GOVERNMENT CONCERNED WHICH THE CITY
24 COUNCIL DETERMINES FOR THE USE OF THE CITY."

25
26 SEC 2. *Within Sixty (60) days from the date of the effectivity of this*
27 *Act, all concerned agencies of government shall submit a comprehensive and*
28 *detailed report of all dispositions of public lands in the city to the City*
29 *Government.*

30
31 SEC. 3. *The provisions of this Act rendered ineffective by virtue of*
32 *Republic Act No. 7160 or the Local Government Code, as amended,*

1 specifically paragraph (f), Section 534 thereof, are hereby deemed repealed
2 and superseded accordingly.

3

4 SEC 4. Any person who shall violate the provisions of this Act shall, in
5 addition to the administrative, civil or criminal liability imposable under
6 other existing laws, suffer the penalty of six (6) months imprisonment:
7 Provided, That in the case of a government official or personnel, he/she shall
8 likewise suffer the penalty of perpetual disqualification to hold public office.

9

10 SEC. 5. If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise
12 affected shall remain valid and subsisting.

13

14 SEC. 6. All laws, presidential decrees, executive orders, proclamations
15 and/or administrative regulations which are inconsistent with the provisions
16 of this Act are hereby amended, modified, superseded or repealed
17 accordingly.

18

19 SEC 7. To effectively implement the provision of this Act, the City
20 Council of General Santos City in coordination with the agencies of
21 government concerned shall promulgate the necessary implementing rules
22 and regulations within sixty (60) days from the date of the effectivity of this
23 act.

24

25 SEC. 8. This Act shall take effect fifteen (15) days from its publication
26 in at least two (2) newspapers of national circulation.

27

28 Approved,