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SENATE

Senate Bill No. 2929

RECEIVED BY: 

INTRODUCED BY SENATOR FERDINAND R. MARCOS, JR.

EXPLANATORY NOTE

Article X, Section 4 of the 1987 Constitution provides that “the President of the Philippines shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays shall ensure that the acts of their component units are within the scope of their prescribed powers and functions”.

Thus, under the concept of devolution, a component city is within the administrative and disciplinary jurisdiction of the province where it is geographically located. In fact, the registered voters of a component city participate in the election of provincial officials. Further, the power of the provinces to ensure that the acts of the component units are within the scope of their prescribed powers and functions as mandated by the Constitution includes the right to discipline any erring elective officials of the component units.

However, section 61 of R.A. 7160, otherwise known as the “Local Government Code of 1991” provides that a complaint against any elective official of a component city shall be filed before the Office of the President.

According to Senator Aquilino Q. Pimentel, Jr. in his book entitled “The Local Government Code Revisited 2007”, (Philippine Normal University, 2007, page 237), “the inclusion of elective officials of a component city as among those who are subject to investigation by the Office of the President was the result of a compromise. Component city mayors, led by Mayor Honorato Perez of Cabanatuan City, had lobbied to take them away from the disciplinary jurisdiction of the governors on the principal argument that the qualifications demanded of them by their office are the same as those required of the governors”.

On the other hand, section 63 of R.A. 7160 retains the power of the governors to preventively suspend elective official of a component city “after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence”.

The governor, therefore, has the preliminary duty to determine the strength of the evidence before he/she can issue a preventive suspension. In the process, the governor relies to a great extent on the recommendation of the Sangguniang Panlalawigan based on its initial findings whether the preventive suspension is necessary. Thus, it is desirable that the complaint should be filed before the Sangguniang Panlalawigan and not before the Office of the President. Finally, the objective of devolution will be best served if the province has full disciplinary jurisdiction over official of a component city. It strengthens inter-operability of the concerned local government units. Hence, the corresponding amendment to Section 61 of RA 7160 is hereby proposed.

Earnest approval of this bill is hereby requested.



FERDINAND R. MARCOS, JR.

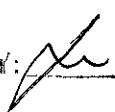
FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session



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**AN ACT AMENDING SECTION 61 OF REPUBLIC ACT 7160, OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991**

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

SECTION 1. Section 61 of RA 7160 is hereby amended and shall read as
follows:

Section 61 – Form and Filing of Administrative Complaints. A verified
complaint against any erring local elective official shall be prepared as follows:

- (a) A complaint against any elective official of a province, a highly
urbanized city(,) **OR** an independent component city (or component
city) shall be filed before the Office of the President;
- (b) A complaint against any elective official of a **COMPONENT CITY OR**
municipality shall be filed before the Sangguniang Panlalawigan whose
decision may be appealed to the Office of the President; and
- (c) x x x

SECTION 2. All laws, decrees, executive orders, proclamations, rules and
regulations, or parts thereof inconsistent herewith are hereby repealed or modified
accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in at
least two (2) national newspapers of general circulation.

Approved,