

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P6:58

SENATE

RECEIVED BY: Alida

S. No. 546

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

This bill seeks to provide for the inclusion of the Minority Floor Leader of the *Sanggunian* in the membership of the Local School Boards amending for the purpose Section 98 of the Local Government Code of 1991.

The Local School Boards are tasked to determine the annual supplementary budgetary needs of public schools within their respective jurisdiction, administer and manage the share of public educational institutions from the proceeds of the special levy on real property which constitutes their Special Education Fund, allocate the same, and serve as an advisory committee to the *Sanggunian* concerned on educational matters.

As such, it is imperative that the taxpayers must have the general perception of equitable sharing and of transparent administration in the management and distribution of the funds to the public educational institutions concerned. This perception will encourage the payment of taxes vital for the continuous existence of these boards.

It is a well known fact that the Minority in any *Sanggunian* represents the other side in the community. They are the fiscalizers in the disbursement of funds and the promulgation of laws in the *Sanggunian* and their presence in the Local School Board will give added assurance that the administration of this special fund is subjected to the scrutiny and safeguard that it deserves. Also, this will help promote the general support to programs formulated by the Board and will contribute to a sound local governance.

Along this line, efforts must be exerted in order to maximize the use of these Special Funds for projects and programs that are beneficial to the respective local government units where they are found.

In view of the foregoing considerations, approval of this bill is highly and earnestly recommended.


MANUEL B. VILLAR, JR.

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S. No. 546

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

AN ACT STRENGTHENING LOCAL SCHOOL BOARDS, AMENDING FOR THE PURPOSE SECTIONS 98, 99 AND 100 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AS AMENDED, AND FOR OTHER PURPOSES

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

SECTION. 1. Section 98 of Republic Act No. 7160 is hereby amended to read as follows:

“SEC. 98. *Creation, Composition and Compensation.* – (a) There shall be established in every province, city, or municipality a provincial, city or municipal school board, respectively;

(b) The composition of local school boards shall be as follows:

(1) The provincial school board shall be composed of the governor and the division superintendent of schools as co-chairmen; the chairman of the education committee of the sangguniang panlalawigan, **A REPRESENTATIVE OF THE MINORITY PARTY OF THE SANGGUNIANG PANLALAWIGAN**, the provincial treasurer, **THE PRESIDENT OF THE PROVINCIAL CHAPTER OF THE LEAGUE OF MUNICIPALITIES**, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang panlalawigan, the duly elected president of the provincial federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the province, **A REPRESENTATIVE OF THE PRIVATE SECTOR OR NONGOVERNMENTAL ORGANIZATION ENGAGED IN NONFORMAL EDUCATION ACTIVITIES**, and the duly elected representative of the nonacademic personnel of public schools in the province, as members; **PROVIDED, THAT IN CASES WHEREIN THE REPRESENTATIVE OF THE MINORITY BELONGS TO THE SAME PARTY AS THAT OF THE GOVERNOR, THE MAJORITY PARTY SHALL BE REPRESENTED INSTEAD.**

(2) The city school board shall be composed of the city mayor and the city superintendent of schools as co-chairmen; the chairman of the education committee of the sangguniang panlungsod, **A REPRESENTATIVE OF THE MINORITY PARTY OF THE**

SANGGUNIANG PANLUNGSOD, the city treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang panlungsod, the duly elected president of the city federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the city, **A REPRESENTATIVE OF THE PRIVATE SECTOR OR NONGOVERNMENTAL ORGANIZATION ENGAGED IN NONFORMAL EDUCATION ACTIVITIES**, and the duly elected representative of the nonacademic personnel of public schools in the city, as members: **PROVIDED, THAT IN CASES WHEREIN THE REPRESENTATIVE OF THE MINORITY BELONGS TO THE SAME PARTY AS THAT OF THE CITY MAYOR, THE MAJORITY PARTY SHALL BE REPRESENTED INSTEAD;** and

(3) The municipal school board shall be composed of the municipal mayor and the district supervisor of schools as co-chairmen; the chairman of the education committee of the sangguniang bayan, **A REPRESENTATIVE OF THE MINORITY PARTY OF THE SANGGUNIANG BAYAN**, the municipal treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang bayan, the duly elected president of the municipal federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the municipality, **A REPRESENTATIVE OF THE PRIVATE SECTOR OR NONGOVERNMENTAL ORGANIZATION ENGAGED IN NONFORMAL EDUCATION ACTIVITIES**, and the duly elected representative of the nonacademic personnel of public schools in the municipality, as members: **PROVIDED, THAT, IN CASES WHEREIN THE REPRESENTATIVE OF THE MINORITY BELONGS TO THE SAME PARTY AS THAT OF THE MUNICIPAL MAYOR, THE MAJORITY PARTY SHALL BE REPRESENTED INSTEAD.**

(c) In the event that a province or city has two (2) or more school superintendents, and in the event that a municipality has two (2) or more district supervisors, the co-chairman of the local school board shall be determined as follows:

(1) The Department of Education, Culture and Sports shall designate the co-chairman for the provincial and city school boards; and

(2) The division superintendent of schools shall designate the district supervisor who shall serve as co-chairman of the municipal school board.

(d) The performance of the duties and responsibilities of the above-mentioned officials in their respective local school boards shall not be delegated.”

SEC. 2. Section 99 of Republic Act No. 7160 is hereby amended to read as follows:

“SEC. 99. *Functions of Local School Boards.* – The provincial, city or municipal school board shall:

(a) Determine, in accordance with the criteria set by the Department of Education, Culture and Sports, the annual supplementary budgetary needs for the operation and maintenance of

public schools within the province, city or municipality, as the case may be, and the 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 ordinances may provide;

(b) Authorize the provincial, city or municipal treasurer, as the case may be, to disburse funds from the Special Education Fund pursuant to the budget prepared and in accordance with existing rules and regulations;

(c) Serve as an advisory committee to the sanggunian concerned on educational matters such as, but not limited to, the necessity for and the uses of local appropriations for educational purposes; [and]

(d) Recommend changes in the names of public schools within the territorial jurisdiction of the local government unit for enactment by the sanggunian concerned[.];

(E) FORMULATE SCHOOL BUILDING PROGRAM SUBJECT TO THE APPROVAL OF THE SANGGUNIAN CONCERNED; AND

(F) UNDERTAKE THE SITE SELECTION OF PUBLIC SCHOOLS.

The Department of Education, Culture and Sports shall [consult] **SEEK THE CONCURRENCE OF** the local school board on the [appointment] **ASSIGNMENT AND/OR TRANSFER** of division superintendents, district supervisors, school principals, and other school officials.”

SEC. 3. Section 100 of Republic Act No. 7160 is hereby amended to read as follows:

“SEC. 100. *Meetings and Quorum; Budget.* – (a) The local school board shall meet at least once a month or as often as may be necessary;

(b) Any of the co-chairmen may call a meeting. A majority of all its members shall constitute a quorum. However, when both co-chairmen are present in a meeting, the local chief executive concerned, as a matter of protocol, shall be given preference to preside over the meeting. The division superintendent, city superintendent or district supervisor, as the case may be, shall prepare the budget of the school board concerned. Such budget shall be supported by programs, projects, and activities of the school board for the ensuing fiscal year. The affirmative vote of the majority of all the members shall be necessary to approve the budget.

(c) The annual school board budget shall give priority to the following:

(1) Construction, repair, and maintenance of school buildings and other facilities of public elementary and secondary schools;

(2) Establishment and maintenance of extension classes where necessary; [and]

(3) [Sports activities at the division, district, municipal, and barangay levels.]

FORMULATION AND IMPLEMENTATION OF LOCALLY ORIENTED NONFORMAL EDUCATION AND TRAINING PROGRAMS;

(4) SALARIES AND BENEFITS OF TEACHERS AND ADMINISTRATORS OR NONTEACHING PERSONNEL HIRED BY THE SCHOOL BOARD;

(5) HONORARIUM AND ALLOWANCES GIVEN TO TEACHERS AND OTHER SCHOOL PERSONNEL WHETHER NATIONALLY OR LOCALLY PAID GIVEN IN ADDITION TO THEIR SALARIES FOR ADDITIONAL SERVICES RENDERED OR AS ADDITIONAL BENEFITS OR INCENTIVES;

(6) PURCHASE OF BOOKS AND OTHER READING MATERIALS, SCIENCE LABORATORY EQUIPMENT, AND OTHER EQUIPMENT AS MAY BE DETERMINED BY THE SCHOOL BOARD AS NEEDED BY THE SCHOOL; AND

(7) FINANCIAL ASSISTANCE TO DULY REGISTERED TEACHERS' COOPERATIVES."

SEC. 4. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, and all other issuances inconsistent with this Act shall be deemed repealed, modified or amended accordingly.

SEC. 5. Separability Clause. – If, for any reason or reasons, any part or provision of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,