

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 26 P2 53

SENATE
S. No. 3134

RECEIVED BY: J.

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE CONCURRENCE OF THE LOCAL SCHOOL BOARD ON THE
ASSIGNMENT OF DIVISION SUPERINTENDENTS, DISTRICT SUPERVISORS,
SCHOOL PRINCIPALS, AND OTHER SCHOOL OFFICIALS AMENDING FOR THE
PURPOSE SECTION 99, PARAGRAPH (D) OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

This bill seeks to require the concurrence of the local school board on the assignment of division superintendents, district supervisors, school principals and other school officials to a particular local government unit. The primary objective is to delete the words which make obscure the meaning not only of the provision but of the law itself.

Section 99 of the Local Government Code mandates the Department of Education (DepEd) to consult the local school board pertaining to the appointment of the aforementioned officials. This ambiguous provision has triggered a legal controversy involving the Province of Negros Oriental and an appointee of the DepEd. Unfortunately, the lower court interpreted the phrase "shall consult" to mean merely to inform or to notify as it was not expressed in a mandatory language. Apparently, the lower court gave weight to the "letter that killeth" and not "to the spirit that giveth life." Certainly, when the framers of the Local Government Code bestowed upon the local government units powers and responsibilities, their noble intention was to cloth them with broad authority to decide and have a final say on matters within the ambit of their respective jurisdiction. This is precisely the essence of the decentralization policy of the government.

Thus, this bill seeks to clarify the meaning of this ambiguous provision so as to remove the various interpretations on the subject provision which caused some irritants among local officials and the DepEd appointee. With the enactment of this bill into law, similar controversy that may arise in the future will be avoided.¹


MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.

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

1 SECTION 1. Section 99, paragraph (d) of Republic Act No. 7160, otherwise
2 known as the Local Government Code of 1991, is hereby amended to read as follows:

3 "SECTION 99. Functions of Local School Board. - The
4 provincial, city or municipal school board shall:

- 5 a) Determine, in accordance with criteria set by the Department of
6 Education [~~Culture and Sports~~], the annual supplementary
7 budgetary needs for the operation and maintenance of public schools
8 within the province, city or municipality, as the case may be, and the
9 supplementary local cost of meeting such needs, which shall be
10 reflected in the form of an annual school board budget
11 corresponding to its share of the proceeds of the special levy on real
12 property constituting the Special Education Fund and such other
13 sources of revenue as this Code and other laws or ordinance may
14 provide;

- 1 b) Authorize the provincial, city or municipal treasurer, as the case may
2 be, to disburse funds from the Special Education Fund pursuant to
3 the budget prepared in accordance with existing rules and
4 regulations;
- 5 c) Serve as an advisory committee to the sanggunian concerned on
6 educational matters such as but not limited to, the necessity for the
7 use of local appropriations for educational purposes; and
- 8 d) Recommend changes in the names of public schools within the
9 territorial jurisdiction of local government unit for the enactment of
10 the sanggunian concerned.

11 The Department of Education (DepEd) shall [consult] SEEK
12 THE CONCURRENCE OF the local school board on the
13 appointment OR ASSIGNMENT of division superintendents,
14 district supervisors, school principals, and other school officials."

15 SECTION 2. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
16 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/apm8January2015