

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -7 P1:37

SENATE
S.B. No. 1416

RECEIVED BY: _____

Introduced by Senator Francis N. Pangilinan

EXPLANATORY NOTE

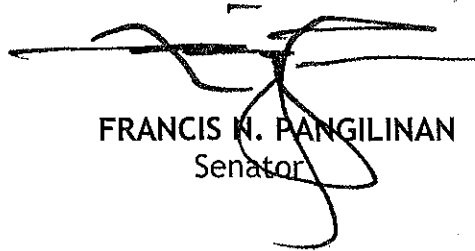
Under Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the State upholds that territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Further provided under R.A. No. 7160 is the creation of special bodies to assist the local government units (LGUs) in achieving the goals therein provided. Of the five special bodies, the Local Development Council (LDC) assumes the most important role and that is to assist the corresponding sanggunian in setting the direction in economics and social development, and to coordinate development efforts within sanggunian's territorial jurisdiction (Section 106, Local Government Code). Specifically, among the functions of LDC in the provincial, city and municipal level are: (1) formulation of long-term, medium-term and annual socioeconomic development plans and policies; (2) formulation of the medium-term and annual public investment programs; and (3) appraisal and prioritizing socioeconomic development programs and projects. On the other hand, the LDC in the barangay level has the following functions, to wit: (1) mobilization of people's participation in local development efforts; (2) preparation of development plans based on local requirements; and (3) monitoring and evaluation of the implementation of national or local programs and projects.

The creation of LDC encourages the participation of the non-governmental organizations (NGO) and people's organizations (PO) in government affairs. The participation of NGOs and Pos assures effective governance and transparency in government. Their involvement in the affairs of the government is a true representation of the constituent's aspirations and needs as well. For this purpose, Article 6 of the Local Government Code Implementing Rules and Regulations (LGCIRR) has set procedures and guidelines for the selection and accreditation of representatives of people's organization, nongovernmental organizations in the local special bodies of LGU.

Despite the noble objective in the creation of LDC and the laws, rules and regulations rationalizing its establishment, many LGUs have low NGO and PO participation in their development and economic planning as well as in its other Special Bodies. This is because local government executives do not strictly enforce Article 64 of the LGCIRR, "Procedures and Guidelines for the Selection of Representatives of People's Organization, Nongovernmental Organizations, or the Private Sector in Local Special Bodies." Likewise, NEDA reported that many local special bodies do not convene regularly, thus, NGO and PO participation in local governance is minimized.

Since the present times are hard, it is opportune to accelerate economic and social growth and development at the regional and local levels through the coordinated efforts of national and local government officials. Moreso, the greater participation of the non-governmental organizations in the development planning process is needed. Accordingly, there is a need to strengthen the Local Development Council. For this purpose, this bill seeks to amend R.A. No. 7160 to strengthen the power of the LDCs by compelling the local chief executives to convene and organize their respective LDCs. Under the proposed bill, LDC shall be mandated to meet four times in a year: January, June, September and December, or as often as may be necessary. To ensure its compliance, the leagues of LGUs are mandated to monitor and submit periodic reports to Congress, through the Oversight Committee on Local Government. Further, to give teeth to the spirit of the law, the proposed bill seeks to punish any local chief executive who shall fail to convene accordingly the LDC in his territorial jurisdiction.

In view of the foregoing, the passage of the bill is earnestly sought.



FRANCIS N. PANGILINAN
Senator

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AN ACT STRENGTHENING
THE LOCAL DEVELOPMENT COUNCIL,
AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF
REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT
CODE OF 1991, AND FOR OTHER PURPOSES.

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

Section 1. Section 106 of Republic Act No. 7160, otherwise known as the
Local Government Code of 1991 is hereby amended to read as follows:

"Section 106. CREATION OF LOCAL
DEVELOPMENT COUNCILS. (a) Each local government
unit shall have a comprehensive multisectoral
development plan to be initiated by its development
council and approved by its sanggunian. For this
purpose, the development council at the provincial,
city, municipal, or barangay level, shall assist the
corresponding sanggunian in setting the direction of
economic and social development, and coordinating
development efforts within its territorial
jurisdiction.

THE CHIEF EXECUTIVES OF ALL LOCAL
GOVERNMENT UNIT SHALL CONVENE THEIR
RESPECTIVE LOCAL DEVELOPMENT COUNCILS WITHIN
THIRTY (30) DAYS FROM THEIR ASSUMPTION TO
OFFICE.

THE LEAGUE OF PROVINCES, LEAGUE OF
CITIES, LEAGUE OF MUNICIPALITIES AND LIGA NG
MGA BARANGAY SHALL MONITOR COMPLIANCE BY
THEIR RESPECTIVE LOCAL GOVERNMENT UNITS WITH
THIS SECTION AND SECTION 110 HEREOF.

THE LEAGUES OF LOCAL GOVERNMENT UNITS
SHALL SUBMIT THEIR RESPECTIVE REPORTS TO
CONGRESS, THROUGH THE OVERSIGHT COMMITTEE
ON LOCAL GOVERNMENT WITHIN SIXTY (60) DAYS
FROM THE INITIAL CONVENING OF THE LOCAL

DEVELOPMENT COUNCIL AND EVERY JANUARY
THEREAFTER."

Sec. 2. Section 110 of the same Code is hereby amended to read as follows:

"Section 110. Meetings and Quorum - AFTER ITS INITIAL CONVENING, THE LOCAL DEVELOPMENT COUNCIL SHALL MEET EVERY MARCH, JUNE, SEPTEMBER AND DECEMBER OF EACH YEAR, or as often as may be necessary."

Sec. 3. A new section denominated as Section 511-A is hereby incorporated to read as follows:

"SECTION 511-A. FAILURE TO CONVENE THE LOCAL DEVELOPMENT COUNCIL. - ANY LOCAL CHIEF EXECUTIVE WHO SHALL FAIL TO CONVENE THE LOCAL DEVELOPMENT COUNCIL UNDER SECTIONS 106A AND 106 HEREOF WITHOUT VALID GROUNDS SHALL BE PUNISHED WITH SUSPENSION FROM OFFICE FOR A PERIOD OF THIRTY (30) DAYS. SUBSEQUENT VIOLATIONS SHALL BE PUNISHED WITH SUSPENSION FROM OFFICE FOR A PERIOD OF NINETY (90) DAYS."

Sec. 4. All laws, decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 5. If any part or provision of this Act is held valid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

Sec. 6. This Act shall take effect fifteen (15) days after its publication in a newspaper of general publication.

Approved,