

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

8 APR 17 2015

SENATE  
S. No. 2170

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Although the power to issue subpoena and subpoena *duces tecum* is impliedly granted to the local *sangguniang panlalawigans* by virtue of the statutory grant of delegated legislative power, there is a need to expressly grant the same because the subpoena power is judicial in character. Allowing local legislative bodies to exercise this power without express statutory basis will impinge on the principle of separation of powers. Both the Constitution and the Local Government Code are mum about granting the *sangguniang panlalawigans* the power to subpoena witnesses.

This bill seeks to expressly grant the local *sangguniang panlalawigans* the power to issue subpoena and subpoena *duces tecum*.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Edgar M. Chatto.

*acw*   
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT  
2 GRANTING THE LOCAL *SANGGUNIAN*S, EXCEPT THE *SANGGUNIANG*  
3 *BARANGAYS*, THE POWER TO CONDUCT INQUIRIES, IN AID OF LEGISLATION, TO  
4 ISSUE *SUBPOENA* AND TO PUNISH FOR CONTEMPT ANY PERSON WHO REFUSES  
5 TO OBEY SUCH PROCESS, AMENDING FOR THE PURPOSE SECTIONS 447, 458 AND  
6 468 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS  
7 THE LOCAL GOVERNMENT CODE OF 1991

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

10 SECTION 1. Sections 447 of Republic Act NO. 7160, otherwise known as the Local  
11 Government Code of 1991 is hereby amended to read as follows:

12 "SECTION 447. *Powers, Duties, Functions and Compensation.* - (a.) The  
13 *sangguniang bayan*, as the legislative body of the municipality, shall enact  
14 ordinances, approve resolutions and appropriate funds for the general welfare of  
15 the municipality and its inhabitants pursuant to Section 16 of this Code and in the  
16 proper exercise of the corporate powers of the municipality as provided for under  
17 Section 22 of this Code, and shall:

18 (1) x x x

19 x x x

20 (6) CONDUCT INQUIRIES, IN AID OF LEGISLATION, ISSUE  
21 *SUBPOENA TESTIFICANDUM* AND *DUCES TECUM* AND PUNISH FOR  
22 CONTEMPT ANY PERSON, WHO REFUSES TO OBEY SUCH PROCESS;

23 [(6)] (7) Exercise such other powers and perform such duties and  
24 functions as may be prescribed by law or ordinance."

1 SECTION 2. Section 458 of the same law is hereby amended to read as follows:

2 "SECTION 458. *Powers, Duties, Functions and Compensation.* - (a) The  
3 *sangguniang panlungsod*, as the legislative body of the city, shall enact  
4 ordinances, approve resolutions and appropriate funds for the general welfare of  
5 the city and its inhabitants pursuant to Section 16 of this Code and in the proper  
6 exercise of the corporate powers of the city as provide for under Section 22 of this  
7 Code, shall:

8 (1) x x x

9 x x x

10 (6) CONDUCT INQUIRIES, IN AID OF LEGISLATION, ISSUE  
11 *SUBPOENA TESTIFICANDUM* AND *DUCES TECUM* AND PUNISH FOR  
12 CONTEMPT ANY PERSON, WHO REFUSES TO OBEY SUCH PROCESS.

13 [(6)] (7) Exercise such other powers and perform such other duties and  
14 functions as may be provided for by law and ordinance."

15 SECTION 3. Section 468 of the same law is hereby amended to read as follows:

16 "SECTION. 468. *Powers, Duties, Functions and Compensation.* - (a) The  
17 *sangguniang panlalawigan*, as the legislative body of the province, shall enact  
18 ordinances, approve resolutions and appropriate funds for the general welfare of  
19 the province and its inhabitants pursuant to Section 16 of this Code and in the  
20 proper exercise of the corporate powers of the province as provided for under  
21 Section22 of this Code, and shall:

22 (1) x x x

23 x x x

24 (5) CONDUCT INQUIRIES, IN AID OF LEGISLATION, ISSUE  
25 *SUBPOENA TESTIFICANDUM* AND *DUCES TECUM* AND PUNISH FOR  
26 CONTEMPT ANY PERSON, WHO REFUSES TO OBEY SUCH PROCESS.

27 [(5)] (6) Exercise such other powers and perform such other duties and  
28 functions as may be prescribed by law or ordinance."

1           SECTION 4. The Department of the Interior and Local Government (DILG), in  
2 coordination with the Union of Local Authorities of the Philippines (ULAP), shall promulgate  
3 the necessary rules and regulations within sixty (60) days upon the approval of this Act.

4           SECTION 5. All laws, decrees, executive orders, presidential issuances and circulars  
5 issued by administrative bodies which are inconsistent with this Act are hereby repealed,  
6 amended or modified accordingly.

7           SECTION 6. If any provision of this Act is declared unconstitutional, the same shall not  
8 affect the validity and effectivity of the other provisions thereof.

9           SECTION 7. This Act shall take effect fifteen (15) days after its publication in at least  
10 two (2) newspapers of general circulation.

11           Approved,