

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

3 MAY 21 1965

SENATE  
S. No. 2315

RECEIVED

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Introduced by Senator Miriam Defensor Santiago

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#### 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.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep.  
Emilio C. Macias II.

*María Defensor Santiago*  
MARIA DEFENSOR SANTIAGO

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

8 MAY 21 1993

SENATE  
S. No. 2315

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Introduced by Senator Miriam Defensor Santiago

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

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

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

11 "SECTION 99. Functions of Local School Board. – The provincial, city or  
12 municipal school board shall:

13 (a) Determine, in accordance with criteria set by the Department of  
14 Education[, Culture and Sports], the annual supplementary budgetary needs for  
15 the operation and maintenance of public schools within the province, city or  
16 municipality, as the case may be, and the supplementary local cost of meeting  
17 such needs, which shall be reflected in the form of an annual school board budget  
18 corresponding to its share of the proceeds of the special levy on real property  
19 constituting the Special Education Fund and such other sources of revenue as this  
20 Code and other laws or ordinance may provide.

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

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

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

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

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

Approved,