

SENATE
S. No. 1954

Introduced by Senator Miriam Defensor Santiago

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 11.¹

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¹ This bill was originally filed in the 14th Congress 1st Regular Session

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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

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

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

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

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

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

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

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

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

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

Approved