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SENATE

RECEIVED BY: *[Signature]*

SENATE BILL NO. 71

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

Article II, Section 23 of the 1987 Constitution states that the "State shall encourage non-governmental, community-based, sectoral organizations that promote the welfare of the nation." This is further asserted in Article XIII, Sections 15 and 16 that the State shall respect the role and rights of independent people's organizations in the pursuit of their collective interests and aspirations and ensure their effective and reasonable participation at all levels of social, political and economic decision-making.

This participation was institutionalized so that socio-economic and political structures may be moved by the efforts of people together with the government. And through people's organizations those who have no wealth or political influence can empower themselves.

By far, the most concrete expression of people's participation in governance is the role played by the non-government organizations (NGOs) and people's organizations (POs) in the so-called local special bodies, such as the local development council (LDC), which according to the Local Government Code, should be constituted from the barangay level up to the regional level. The LDC has a crucial role: it formulates plans that would determine what development projects should be pursued and how these would be financed, among others.

However, based on DILG monitoring reports, it was found out that development councils are not effectively functioning, much less serve its real purpose. Even the DILG sponsored study on People's Participation on LDC concludes that after 10 years of operations, compliance is limited and many of these are simply rubber stamps for plans prepared by the local planning office or consultants.

The proposed measure therefore seeks to strengthen the participation of the public through NGOs and POs and thereby establish a bottom-to-top formulation of development plans, which will ensure that development plans are reflective of what is the real need of the people.

In view of the foregoing, approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left.

JOSEPH VICTOR G. EJERCITO

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



Senate
Office of the Secretary

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SENATE

SENATE BILL NO. 71

RECORDED BY: *ji*

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

AN ACT STRENGTHENING THE PARTICIPATION OF CIVIL SOCIETY ORGANIZATIONS (CSOs) IN THE FORMULATION OF NATIONAL, REGIONAL AND LOCAL DEVELOPMENT PLANS AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “*Participatory Governance Through CSOs Empowerment Act of 2013*”.

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to respect and strengthen the role and rights of civil society organizations (CSOs) in the pursuit of their collective interests and aspirations and ensure their effective and reasonable participation at all levels of social, political and economic decision-making.

SECTION 3. Definition of Terms. – For purposes of this Act:

(a) *Accreditation* refers to the process by which the Medium- Term Philippine Development Plan Planning Committees (MTPDP-PC) and development councils shall recognize, register and allow the CSOs to participate in the formulation of national, regional and local development plans.

(b) *Civil society organizations* refer to organized citizens’ groups including people’s organizations (POs) and nongovernment organizations (NGOs) such as community groups, labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundations.

(c) *Local plan* refers to the comprehensive development plan which contains the proposed public policy in terms of economic and social interventions relative to the goals and objectives of a particular local government unit (LGU).

(d) *Regional plan* refers to the regional development plan which contains proposed policies, programs, projects and activities for the organization and improvement of a region's economic and administrative development.

(e) *National plan* refers to the Medium-Term Philippine Development Plan (MTPDP) or the country's socioeconomic development blueprint for the medium-term or for six (6) years.

SECTION 4. Coverage. – This Act shall apply to all national government agencies (NGAs) involved in planning, the regional development councils (RDCs) of all regions of the Philippines, and the development councils of all barangays, municipalities, cities and provinces of the country.

SECTION 5. Accreditation of CSOs. – CSOs shall be accredited prior to their participation in the formulation of national, regional or local plans.

The application for accreditation shall be filed with the National Economic and Development Authority (NEDA) by those who intend to participate in national and regional development planning and with the secretary of the sanggunian or the local development council (LDC) secretariat by those who intend to participate in local development planning.

In their application, CSOs shall be required to submit the following documents to the NEDA, the secretary of the sanggunian, or the LDC secretariats:

- (a) Articles of Incorporation and Bylaws;
- (b) Certificate of Registration with a government accrediting agency;
- (c) List of officers and members; and
- (d) Annual accomplishment report for the immediately preceding year. The offices of the Director General of the NEDA and the secretary of the concerned sanggunian shall prescribe the specific rules for this purpose.

SECTION 6. Strengthened Mandatory Participation of CSOs in the Formulation of Development Plans. – All MTPDP-PC, regional and local development councils shall, in formulating the MTPDP and the development plan of any region or LGU, take all measures to ensure the participation of accredited CSOs through the mechanisms set forth in this Act: *Provided*, That this shall be in addition to the existing rights of NGOs and POs granted under Section 107 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, and other laws.

SECTION 7. Mandatory Public Notice Inviting the Submission of Written Proposals by CSOs for National, Regional and Local Planning. – The NEDA and the barangay secretary of each barangay development council, and the local planning and development coordinator of the province, city or municipality shall issue a notice inviting the submission in writing of proposals and comments from accredited CSOs for the formulation of the MTPDP and the development plan of each region or LGU. The notice shall indicate the exact date of the start of the deliberation of the development plan and shall be in a language understood by the community.

The notice for written submissions shall be posted in the NEDA website and at any prominent place in the provincial capitol, city, municipal or barangay hall, for a minimum period of three (3) consecutive weeks. Such notice shall also be published in a local newspaper, where available, within the territorial jurisdiction of the LGU: *Provided*, That such publication requirement shall not be mandated in the case of barangay. The notice may also be posted in the website of LGUs, if any: *Provided, further*, That the notice shall be posted or published at least thirty (30) days prior to the deliberations on the development plan for the ensuing year.

During this period, any accredited CSO may submit to the MTPDP-PC or the development council secretariat written proposals for the development plan: *Provided, however*, That all submissions must be made ten (10) days prior to the commencement of the deliberations on the development plan.

All submissions made by the accredited CSOs shall be part of the official records of the deliberations on the MTPDP, the regional and the

local development plans and shall be considered as public documents, which may be accessed by any person upon request.

SECTION 8. Designated Posting Area in LGUs. – Each LGU shall designate a portion of their bulletin board or other public posting areas for dissemination of information relevant to CSOs such as, but not limited to, activities and programs where they can participate, possible sources of funding for their activities, and such other significant information that may be used by the CSOs.

SECTION 9. Responses to Submissions. – The NEDA and the regional and local development councils shall prepare the guidelines for the submission and collation of proposals. All submissions shall be properly received by the NEDA and the development council concerned and entered into a database created for such purpose. The provincial councils shall collate the submissions made in their respective areas and shall furnish the NEDA with copies of all the submissions they have received, including a summary of such submissions.

Upon closure of the period for submission, the MTPDP-PC, the regional and the local development councils shall carefully consider and analyze all submissions, taking them into consideration in formulating the development plan. The actions taken by the NEDA and the development councils shall be relayed to the appropriate CSOs as soon as practicable.

SECTION 10. Transparency in the Deliberations of the Development Council. – The deliberations of all MTPDP-PC and development councils shall be open to the public. The accredited CSOs which submitted the proposals shall be invited during the deliberations on the development plans to clarify and answer any concerns raised in their proposals: *Provided*, That this shall not apply to matters of public security.

SECTION 11. Presentation of the Proposed Development Plan Prior to its Submission for Approval. – The MTPDP-PC, the respective regional and the local development councils of the region or LGU concerned shall present the proposed development plan to all concerned stakeholders, prior to its submission to the MTPDP-Plan Steering Committee, or the sanggunian, as the case may be, for approval. A copy

of the approved regional and local development plan shall be submitted to the NEDA and the Department of the Interior and Local Government (DILG).

SECTION 12. Use of Publicly-Owned Structures in LGUs. – All accredited CSOs in the LGUs shall have the right to use publicly-owned structures such as multi-purpose halls, plazas, people's parks, auditoriums or similar structures located in said LGUs, for purposes of their meetings and other activities. The officials of the CSOs shall notify the local government official who is tasked to manage the use of afore-stated government facilities: *Provided*, That such official shall not deny the use of any of the said government facilities except for a legitimate previously-scheduled use: *Provided, further*, That the right to access to publicly-owned structures by the CSOs shall be subject to regulations imposed by the LGUs.

SECTION 13. Monitoring and Feedback Mechanism. – The DILG and the NEDA shall be tasked to monitor and evaluate the accreditation and participation mechanisms of CSOs and establish an effective monitoring and evaluation system that can provide adequate, timely and relevant feedback on the progress and status of the accreditation and the participation of CSOs in development planning.

SECTION 14. NGA-LGU Performance Incentive. – The DILG shall recognize LGUs which promote the participation of CSOs in regional and local development planning by giving government awards and incentives through the Performance Challenge Fund (PC-Fund) for LGUs program of the DILG to these LGUs. To qualify, an LGU should demonstrate that it has prepared, updated and approved a comprehensive development plan with the participation of accredited CSOs.

SECTION 15. Penal Provisions. – (a) Failure to Publish the Notice for Submission of Written Proposals or Refusal to Acknowledge Receipt of Submissions or Failure to Invite CSOs to the Deliberations. – Any public official or employee who shall fail to publish the notice for written submissions, or shall refuse to acknowledge receipt of any submission made by accredited CSOs, or shall fail to invite them to the deliberations on local and regional plans, shall suffer a penalty of suspension of six (6) months to one (1) year and a fine not exceeding Twenty thousand pesos (PhP20,000.00): *Provided*, That this shall be without prejudice to

administrative charges which the public official or employee may be held liable under existing laws.

(b) Violations of Other Provisions of this Act. – Any person who shall violate any of the provisions of this Act, which are not covered by the immediately preceding paragraph, shall suffer a penalty of suspension of two (2) months to six (6) months and a fine not exceeding Ten thousand pesos (Php10,000.00): *Provided*, That this shall be without prejudice to administrative charges which the public official or employee may be held liable under existing laws.

SECTION 16. *Separability Clause.* – If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected, shall continue to remain in full force and effect.

SECTION 17. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SECTION 18. *Effectivity.* – This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,