

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



13 OCT -3 P 6:05

SENATE
S. No. 1828

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

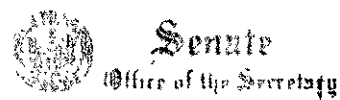
Republic Act No. 7160, also known as the Local Government Code of 1991, Section 469 (a) provides that "There shall be a secretary to the *sanggunian* who shall be a career official with the rank and salary equal to a head of department or office." The Civil Service Commission, in Resolution No. 92-1111 dated 20 August 1992, interpreted this provision to mean that a secretary to the *sanggunian*, whether of a municipality, city or province, is not a department head but only occupies a position "equal to a head of department or office."

It is believed that the secretary to the *sanggunian* is the head of the office of the *sanggunian*, as a separate department of the local government. The vice governor or the vice mayor is the second highest-ranking officer of the entire local government after the governor or mayor, as the case may be. To consider the vice governor or vice mayor as a department head is tantamount to demoting him or her in rank and stature as he or she is assigned a salary grade higher than that given a local government department head and is the acknowledged assistant chief executive of the local government unit.

The relegation of the position of a secretary to the *sanggunian* to a level other than that of a department head when all his or her qualifications, powers, and functions relate to a department head lowers his or her morale as it constitutes a virtual source of discrimination. This bill places the position of secretary to the *sanggunian* to the level of a local government department head.*

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.



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1 AN ACT
2 AMENDING REPUBLIC ACT NO. 7160,
3 ALSO KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,
4 ON THE LEVEL OF THE POSITION OF SECRETARY TO THE SANGGUNIAN

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

5 SECTION 1. Republic Act No. 7160, also known as the Local Government Code of 1991,
6 Section 469 (a), is hereby amended to read as follows:

7 "Section 469. *Qualifications, Powers and Duties.* – (a) There shall be a
8 secretary to the sanggunian who shall be a career official with the rank and salary
9 [equal to] **OF** a head of department or office."

10 SECTION 2. Section 508 (a) of the same law is hereby amended to read as follows:

11 "Section 508. *Organization.* – (a) Vice-governors, vice-mayors,
12 sanggunian members of barangays, municipalities, component cities, highly-
13 urbanized cities and provinces, and other [elective] officials of local government
14 units, including those of the Metropolitan Manila area and any metropolitan
15 political subdivisions, may form their respective leagues or federation, subject to
16 applicable provisions of this title and pertinent provisions of this Code."

17 SECTION 3. *Separability Clause.* – If any provision or part hereof is held invalid or
18 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
19 valid and subsisting.

1 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rules, regulations, or part thereof contrary to or
3 inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved,