

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

Office of the Secretary
13 OCT 24 P 3:26

SENATE
S. No. 1881

RECEIVED
ju

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Although the power to issue subpoena and subpoena *duces tecum* is impliedly granted to the local *sanggunian* 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 *sanggunian* the power to subpoena witnesses.

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

acc. *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress.

OCT 24 13:26

SENATE
S. No. 1881

ju

Introduced by Senator Miriam Defensor Santiago

AN ACT

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

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

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

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

xxx xxx xxx

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

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

xxx xxx xxx”

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 xxx xxx xxx

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

12 [(6)] (7) Exercise such other powers and perform such other duties and
13 functions as may be provided for by law and ordinance.

14 xxx xxx xxx"

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 Section 22 of this Code, and shall:

22 xxx xxx xxx

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

26 [(5)] (6) Exercise such other powers and perform such other duties and
27 functions as may be prescribed by law or ordinance.

28 xxx xxx xxx"

1 SECTION 4. *Implementing Rules and Regulations.* - The Secretary of the Interior and
2 Local Government, in coordination with the Union of Local Authorities of the Philippines
3 (ULAP), shall promulgate the necessary implementing rules and regulations within sixty (60)
4 days from the approval of this Act.

5 SECTION 5. *Separability Clause.* - If any provision of this Act or part thereof is declared
6 invalid or unconstitutional, the remainder of the Act and the provisions not otherwise affected
7 shall remain in full force and effect.

8 SECTION 6. *Repealing Clause.* - All laws, decrees, executive orders, presidential decrees
9 and issuances, rules, and regulations which are inconsistent with this Act are hereby repealed,
10 amended, or modified accordingly.

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

Approved,