

THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

6 OCT 11 P7:11

SENATE

RECEIVED BY: 

S. B. NO. 2491

Introduced by Senator Lim

EXPLANATORY NOTE

The authority to declare local holidays, whether working or non-working, is presently vested with the Congress of the Philippines or the President. Section 27, Chapter 7, Book of Executive Order No. 292, otherwise known as "Administrative Code of 1987" provides, "The President may proclaim any local special day for a particular date, group or place. However, the authority of the President appears to be limited. It lacks permanence, thus, declaration needs to be made yearly.

In order for the Local Government Unit (LGU) concerned to celebrate working or non-working holidays on a regular basis, the declaration has to be done by Congress. However, since the proposal has to go through the whole legislative process, it normally takes some time to enact laws declaring local holidays. There are times that preparations had already been made to commemorate a significant event, except the law which declares it a public holiday in the locality concerned.

To address the foregoing concerns, this bill seeks to empower the LGUs to declare holiday in their respective jurisdictions, subject to certain guidelines provided therein. Congress however, is not precluded from declaring non-working or special working days covering two or more provinces and those covering one or more cities or municipalities that are not part of just one province.

The proposed measure is intended to unclog the legislative mill of bills where the subject matter can be appropriately delegated to the local Sanggunian to legislate. Thus, Congress would be given ample time to tackle more urgent legislative proposals.

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


ALFREDO S. LIM
Senator

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AN ACT

AUTHORIZING THE SANGGUNIANG PANLALAWIGAN, SANGGUNIANG PANLUNGSOD OR SANGGUNIANG BAYAN, TO DECLARE WORKING OR NON-WORKING SPECIAL HOLIDAYS IN THEIR RESPECTIVE LOCALITIES TO COMMEMORATE SIGNIFICANT HISTORIC EVENTS PROVIDING GUIDELINES THEREFOR, 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 “Local Holidays Act of 2006”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the state that the territorial and political subdivisions shall enjoy genuine, true and meaningful autonomy to enable them to attain their fullest development as self-reliant communities and as effective partners in the attainment of national goals. Towards this end, the local government units herein provided shall exercise the power, to ensure and support the preservation and enrichment of their local culture and history. Thus, the Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan shall be authorized to declare working or non-working special holidays to commemorate local historical events and memorable dates in the creation and existence of their localities.

SEC. 3. Authority to declare working and non-working holidays. – The Sangguniang Panlalawigan, Sangguniang Panlungsod or Sangguniang Bayan, is hereby authorized to declare, by ordinance, working or non-working special holidays to commemorate significant historic events in their respective locality, subject to the guidelines provided under this Act and upon prior consultation with the National Historical Institute (NHI) and the Department of Labor and Employment (DOLE).

SEC. 4. Guidelines for the declaration of non-working public holiday. – The Sanggunian shall observe the following guidelines when declaring holidays within their respective locality:

- a) there must be prior certification by the NHI as to the historical significance of the occasion;
- b) there must be prior consultation with the DOLE as to the economic viability of the holiday;
- c) the Sangguniang Panlalawigan shall have the authority to declare one non-working holiday covering the entire province or in more than one of its component cities or municipalities. In no case shall the Sangguniang Panlalawigan declare more than one non-working holiday in any of its component cities or municipalities.
- d) the Sangguniang Panlungsod or Sangguniang Bayan in the city or municipality, as the case may be, shall have the authority to declare one non-working holiday in the city or municipality concerned or in more than one of its component barangays. In no case shall the Sangguniang Panlungsod or Sangguniang Bayan declare more than one non-working holiday in any of its component barangays.

- e) existing local non-working holidays will continue to be observed until otherwise changed, discontinued or reduced by the local Sanggunian concerned, provided that no change shall be effected within ten (10) years and by $\frac{3}{4}$ vote of the members of the Sanggunian concerned;
- f) local Sanggunian in provinces, cities and municipalities with at least one special non-working holiday already shall no longer have the authority to declare an additional special non-working day, except to exercise the prerogative specified in paragraph e) hereof;

SEC. 5. Authority to declare special working holidays. – The local Sanggunian including the Sangguniang Barangay may declare as many special working holidays as they deem appropriate.

SEC. 6. Authority of Congress to declare working and non-working holiday. – Congress shall continue to declare working and non-working special holidays covering two or more provinces and one or more cities or municipalities that are not part of such provinces.

SEC. 7. Separability Clause. – If, for any reason, any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. Repealing Clause. – All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 9. Effectivity Clause. – This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved,