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SENATE

Senate Bill No. 724

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

STRENGTHENING THE RIGHT OF THE PEOPLE TO PARTICIPATORY GOVERNANCE THROUGH THE EMPOWERMENT OF NON GOVERNMENT ORGANIZATIONS (NGO) AND PEOPLE'S ORGANIZATIONS, INSTITUTING FOR THE PURPOSE A BOTTOM-UP MECHANISM IN CRAFTING DEVELOPMENT PLANS AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "**Bottom-to-Top Participatory Governance Through Non-Government Organizations and People's Organizations Empowerment Act of 2010**".

SEC. 2. Declaration of Policy. - Pursuant to Article II, Section 23 of the 1987 Constitution, the State hereby declares the policy of encouraging non-governmental, community-based, sectoral organizations that promote the welfare of the nation. Towards this end, the State shall respect and strengthen the role and rights of independent non-government and 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.

SEC. 3. Coverage. - This Act shall apply to all barangay, municipal and provincial development councils of all local government units and the regional development councils of all regions of the Philippines.

SEC. 4. Strengthened Mandatory Participation of Non-Government Organizations (NGOs) and People's Organizations (POs) in the Formulation of Development Plans. All local and regional development councils shall, in formulating the development plan of each respective local government unit or respective region, take all measures to ensure the participation of the Non-Government Organizations (NGOs) and People's Organizations (POs), 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 1997*" and other laws.

SEC. 5. Mandatory Public Notice of the Call for Written Submissions from NGOs and POs. - The barangay secretary of each Barangay Development Council, the coordinator of the each Provincial/City/Municipal Development Council or the regional director of each Regional Development Council, as the

case may be, shall issue a notice of the call for written submissions from NGOs and POs of their respective proposals and/or comments for the formulation of the development plan of each LGU or region. The notice shall be in a language understood by the community.

The notice of the call for written submissions shall be posted at prominent places in the provincial capitol, city, municipal or barangay hall, as the case may be, 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 local government unit concerned; *Provided*, That such publication requirement shall not be mandated in the case of barangay; *Provided further*, That the notice shall be posted and/or published at least forty five (45) days prior to the deliberations on the development plan for the ensuing year.

During this period, any NGO or PO may submit to 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, the exact date of which must be indicated in the public notice.

All submissions made by the NGOs and POs shall be part of the official records of the deliberations on the local development plan and shall be considered as public documents, which may be accessed by any person upon request.

SEC. 6. Responses to Submissions. All submissions shall be properly stamped received by the development council concerned and entered into a database created for such purpose. The provincial councils shall collate the submissions made in their respective area and shall furnish the National Economic and Development Authority (NEDA) with copies of all the submissions they have received, including a summary of such submissions.

Upon closure of the period for submission, all submissions shall be carefully considered and analyzed. The local or regional development council concerned shall take these submissions into consideration in formulating its development plan. The actions taken by the local or regional development councils shall be relayed to the appropriate NGOs and POs as soon as practicable.

SEC. 7. Transparency in the Deliberations of the Development Council. – The deliberations of all the development councils shall be open to the public. *Provided*, That this shall not apply to matters which concern public security.

SEC. 8. Presentation of the Proposed Development Plan Prior to Its Submission for Approval. - The respective local and regional development councils of the local government unit or region concerned shall present the proposed development plan to all relevant stakeholders, prior to its submission to the appropriate *sanggunian* for approval. A copy of the approved development plan shall be submitted to the National Economic and Development Authority (NEDA) and the Department of Interior Local Government (DILG).

SEC. 9. Access to Public Facilities. - The NGOs and POs operating in the respective local government units shall have the right to use public facilities, such as multi-purpose hall, plaza, people's park, auditorium or similar structures located in said local government unit, for purposes of their meetings and other activities. The officials of the NGO and/or PO concerned shall notify the local

government official who is tasked to manage the use of aforesaid government facilities; *Provided*, That such local government official shall not deny the use in any of the said government facilities except for a legitimate previously scheduled use; *Provided further*, That, any fee collected for the use of such public facilities shall be waived.

SEC. 10. Access to Information. -Each local government unit shall designate a portion of their bulletin board and/or other public posting areas for dissemination of information relevant to NGOs and POs 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 NGOs and POs.

SEC. 11. Penal Provisions. - (a) **Failure to Publish Public Notice of Call for Submissions and/or Refusal to Acknowledge Receipt the Submissions.** - Any public official or employee who shall fail to publish the notice of public call for submissions or shall refuse to acknowledge receipt any submission made by NGOs or POs 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 criminal, civil and/or 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 two (2) months to six (6) months and a fine not exceeding ten (10) thousand pesos; *Provided*, That this shall be without prejudice to criminal, civil and/or administrative charges which the public official or employee may be held liable under existing laws.

SEC. 12. 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.

SEC. 13. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof, which are not affected, shall continue to remain in full force and effect.

SEC. 14. Effectivity, - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,