

# THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES

## BOOK I

### GENERAL PROVISIONS

#### TITLE ONE. – BASIC PRINCIPLES

##### CHAPTER 1. – THE CODE, POLICY AND APPLICATION

**SECTION 1. Title.** – This Act shall be known and cited as the "Local Government Code of 1991".

**SECTION 2. Declaration of Policy.** – (a) It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. The process of decentralization shall proceed from the national government to the local government units.

(b) It is also the policy of the State to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum.

(c) It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

**SECTION 3. Operative Principles of Decentralization.** – The formulation and implementation of policies and measures on local autonomy shall be guided by the following operative principles:

(a) There shall be an effective allocation among the different local government units of their respective powers, functions, responsibilities, and resources;

(b) There shall be established in every local government unit an accountable, efficient, and dynamic organizational structure and operating mechanism that will meet the priority needs and service requirements of its communities;

(c) Subject to civil service law, rules and regulations, local officials and employees paid wholly or mainly from local funds shall be appointed or removed, according to merit and fitness, by the appropriate appointing authority;

(d) The vesting of duty, responsibility, and accountability in local government units shall be accompanied with provision for reasonably adequate resources to discharge their powers and effectively carry out their functions; hence, they shall have the power to create and broaden their own sources of revenue and the right to a just share in national taxes and an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas;

(e) Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component Barangays, shall ensure that the acts of their component units are within the scope of their prescribed powers and functions:

(f) Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them;

(g) The capabilities of local government units ,especially the municipalities and Barangays, shall be enhanced by providing them with opportunities to participate actively in the implementation of national programs and projects;

(h) There shall be a continuing mechanism to enhance local autonomy not only by legislative enabling acts but also by administrative and organizational reforms;

(i) Local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies;

(j) Effective mechanisms for ensuring the accountability of local government units to their respective constituents shall be strengthened in order to upgrade continually the quality of local leadership;

(k) The realization of local autonomy shall be facilitated through improved coordination of national government policies and programs and extension of adequate technical and material assistance to less developed and deserving local government units;

(l) The participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development; and

(m) The national government shall ensure that decentralization tributes to the continuing improvement of the performance of local government units and the quality of community life.

**SECTION 4. Scope of Application.** – This Code shall apply to all provinces, cities, municipalities, Barangays, and other political subdivisions as may be created by law, and, to the extent herein provided, to officials, offices, or agencies of the national government.

**SECTION 5. Rules of Interpretation.** – In the interpretation of the provisions of this Code, the following rules shall apply:

(a) Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned;

(b) In case of doubt, any tax ordinance or revenue measure shall be construed strictly against the local government unit enacting it, and liberally in favor of the taxpayer. Any tax exemption, incentive or relief granted by any local government unit pursuant to the provisions of this Code shall be construed strictly against the person claiming it.

(c) The general welfare provisions in this Code shall be liberally interpreted to give more powers to local government units in accelerating economic development and upgrading the quality of life for the people in the community;

(d) Rights and obligations existing on the date of effectivity of this Code and arising out of contracts or any other source of prestation involving a local government unit shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested; and

(e) In the resolution of controversies arising under this Code where no legal provision or jurisprudence applies, resort may be had to the customs and traditions in the place where the controversies take place.

## **CHAPTER 2. – GENERAL POWERS AND ATTRIBUTES OF LOCAL GOVERNMENT UNITS**

**SECTION 6. Authority to Create Local Government Units.** – A local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the Sangguniang Panlalawigan or Sangguniang Panlungsod concerned in the case of a Barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this Code.

**SECTION 7. Creation and Conversion.** – As a general rule, the creation of a local government unit or its conversion from one level to another level shall be based on verifiable indicators of viability and projected capacity to provide services, to wit:

(a) **Income.** – It must be sufficient, based on acceptable standards, to provide for all essential government facilities and services and special functions commensurate with the size of its population, as expected of the local government unit concerned;

(b) **Population.** – It shall be determined as the total number of inhabitants within the territorial jurisdiction of the local government unit concerned; and

(c) **Land Area.** – It must be contiguous, unless it comprises two or more islands or is separated by a local government unit independent of the others; properly identified by metes and bounds with technical descriptions; and sufficient to provide for such basic services and facilities to meet the requirements of its populace. Compliance with the foregoing indicators shall be attested to by the Department of Finance (DOF), the National Statistics Office (NSO), and the Lands Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR).

**SECTION 8. Division and Merger.** – Division and merger of existing local government units shall comply with the same requirements herein prescribed for their creation: Provided however, That such division shall not reduce the income, population, or land area of the local government unit or units concerned to less than the minimum requirements prescribed in this Code: Provided, further, That the income classification of the original local government unit or units shall not fall below its current income classification prior to such division.

The income classification of local government units shall be updated within six (6) months from the effectivity of this Code to reflect the changes in their financial position resulting from the increased revenues as provided herein.

**SECTION 9. Abolition of Local Government Units.** – A local government unit may be abolished when its income, population, or land area has been irreversibly reduced to less than the minimum standards prescribed for its creation under Book III of this Code, as certified by the national agencies mentioned in Section 17

hereof to Congress or to the Sanggunian concerned, as the case may be.

The law or ordinance abolishing a local government unit shall specify the province, city, municipality, or Barangay with which the local government unit sought to be abolished will be incorporated or merged.

**SECTION 10. Plebiscite Requirement.** – No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Commission on Elections (Comelec) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date.

**SECTION 11. Selection and Transfer of Local Government Site, Offices and Facilities.**

(a) The law or ordinance creating or merging local government units shall specify the seat of government from where governmental and corporate services shall be delivered. In selecting said site, factors relating to geographical centrality, accessibility, availability of transportation and communication facilities, drainage and sanitation, development and economic progress, and other relevant considerations shall be taken into account.

(b) When conditions and developments in the local government unit concerned have significantly changed subsequent to the establishment of the seat of government, its Sanggunian may, after public hearing and by a vote of two-thirds (2/3) of all its members, transfer the same to a site better suited to its needs. Provided, however, That no such transfer shall be made outside the territorial boundaries of the local government unit concerned.

The old site, together with the improvements thereon, may be disposed of by sale or lease or converted to such other use as the Sanggunian concerned may deem beneficial to the local government unit concerned and its inhabitants.

(c) Local government offices and facilities shall not be transferred, relocated, or converted to other uses unless public hearings are first conducted for the purpose and the concurrence of the majority of all the members of the Sanggunian concerned is obtained.

**SECTION 12. Government Centers.** – Provinces, cities, and municipalities shall endeavor to establish a government center where offices, agencies, or branches of the national government, local government units, or government-owned or -controlled corporations may, as far as practicable, be located. In designating such a center, the local government unit concerned shall take into account the existing facilities of national and local agencies and offices which may serve as the government center as contemplated under this Section. The national government, local government unit or government-owned or -controlled corporation concerned

shall bear the expenses for the construction of its buildings and facilities in the government center.

### **SECTION 13. Naming of Local Government Units and Public Places, Streets and Structures.**

(a) The Sangguniang Panlalawigan may, in consultation with the Philippine Historical Commission (PHC), change the name of the following within its territorial jurisdiction:

- (1) Component cities and municipalities, upon the recommendation of the Sanggunian concerned;
- (2) Provincial roads, avenues, boulevards, thorough-fares, and bridges;
- (3) Public vocational or technical schools and other post-secondary and tertiary schools;
- (4) Provincial hospitals, health centers, and other health facilities; and
- (5) Any other public place or building owned by the provincial government.

(b) The Sanggunian of highly urbanized cities and of component cities whose charters prohibit their voters from voting for provincial elective officials, hereinafter referred to in this Code as independent component cities, may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

- (1) City Barangays, upon the recommendation of the Sangguniang Barangay concerned;
- (2) City roads, avenues, boulevards, thorough fares, and bridges;
- (3) Public elementary, secondary and vocational or technical schools, community colleges and non-chartered colleges;

(4) City hospitals, health centers and other health facilities; and

(5) Any other public place or building owned by the city government.

(c) The Sanggunians of component cities and municipalities may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

(6) city and municipal Barangays, upon recommendation of the Sangguniang Barangay concerned;

(7) city, municipal and Barangay roads, avenues, boulevards, thorough fares, and bridges;

(8) city and municipal public elementary, secondary and vocational or technical schools, post–secondary and other tertiary schools;

(9) city and municipal hospitals, health centers and other health facilities; and (5) Any other public place or building owned by the municipal government.

(d) None of the foregoing local government units, institutions, places, or buildings shall be named after a living person, nor may a change of name be made unless for a justifiable reason and, in any case, not oftener than once every ten (10) years. The name of a local government unit or a public place, street or structure with historical, cultural, or ethnic significance shall not be changed, unless by a unanimous vote of the Sanggunian concerned and in consultation with the PHC.

(e) A change of name of a public school shall be made only upon the recommendation of the local school board concerned.

(f) A change of name of public hospitals, health centers, and other health facilities shall be made only upon the recommendation of the local health board concerned.

(g) The change of name of any local government unit shall be effective only upon ratification in a plebiscite conducted for the purpose in the political unit directly affected. In any change of name, the Office of the President, the representative of the legislative district concerned, and the Bureau of Posts shall be notified.

**SECTION 14. Beginning of Corporate Existence.** – When a new local government unit is created, its corporate existence shall commence upon the election and qualification of its chief executive and a majority of the members of its Sanggunian, unless some other time is fixed therefor by the law or ordinance creating it.

**SECTION 15. Political and Corporate Nature of Local Government Units.** – Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by it in conformity with law. As such, it shall exercise powers as a political subdivision of the national government and as a corporate entity representing the inhabitants of its territory.

**SECTION 16. General Welfare.** – Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

**SECTION 17. Basic Services and Facilities.**

(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(1) For a Barangay:

(i) Agricultural support services which include planting materials distribution system and operation of farm produce collection and buying stations;

(ii) Health and social welfare services which include maintenance of Barangay health center and day-care center;



- (iii) Services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;
- (iv) Maintenance of Katarungang Pambarangay;
- (v) Maintenance of Barangay roads and bridges and water supply systems
- (vi) Infrastructure facilities such as multi– purpose hall, multipurpose pavement, plaza, sports center, and other similar facilities;
- (vii) Information and reading center; and
- (viii) Satellite or public market, where viable;

(2) For a municipality:

- (i) Extension and on–site research services and facilities related to agriculture and fishery activities which include dispersal of livestock and poultry, fingerlings, and other seeding materials for aquaculture; palay, corn, and vegetable seed farms; medicinal plant gardens; fruit tree, coconut, and other kinds of seedling nurseries; demonstration farms; quality control of copra and improvement and development of local distribution channels, preferably through cooperatives; inter –Barangay irrigation system; water and soil resource utilization and conservation projects; and enforcement of fishery laws in municipal waters including the conservation of mangroves;
- (ii) Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community–based forestry projects which include integrated social forestry programs and similar projects; management and control of communal forests with an area not exceeding fifty (50) square kilometers; establishment of tree parks, greenbelts, and similar forest development projects;
- (iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non–communicable disease control services; access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated;
- (iv) Social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of the elderly and disabled persons; community–based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and other pro–poor projects; nutrition services; and family planning services;
- (v) Information services which include investments and job placement information systems, tax and marketing information systems, and maintenance of a public library;
- (vi) Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation;
- (vii) Municipal buildings, cultural centers, public parks including freedom parks, playgrounds, and sports facilities and equipment, and other similar facilities;
- (viii) Infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including, but not limited to, municipal roads and bridges;

school buildings and other facilities for public elementary and secondary schools; clinics, health centers and other health facilities necessary to carry out health services; communal irrigation, small water impounding projects and other similar projects; fish ports; artesian wells, spring development, rainwater collectors and water supply systems; seawalls, dikes, drainage and sewerage, and flood control; traffic signals and road signs; and similar facilities;

(ix) Public markets, slaughterhouses and other municipal enterprises;

(x) Public cemetery;

(xi) Tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities; and

(xii) Sites for police and fire stations and substations and the municipal jail;

(3) For a Province:

(i) Agricultural extension and on-site research services and facilities which include the prevention and control of plant and animal pests and diseases; dairy farms, livestock markets, animal breeding stations, and artificial insemination centers; and assistance in the organization of farmers' and fishermen's cooperatives and other collective organizations, as well as the transfer of appropriate technology;

(ii) Industrial research and development services, as well as the transfer of appropriate technology;

(iii) Pursuant to national policies and subject to supervision, control and review of the DENR, enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment; and mini-hydro electric projects for local purposes;

(iv) Subject to the provisions of Title Five, Book I of this Code, health services which include hospitals and other tertiary health services;

(v) Social welfare services which include programs and projects on rebel returnees and evacuees; relief operations; and, population development services;

(vi) Provincial buildings, provincial jails, freedom parks and other public assembly areas, and other similar facilities;

(vii) Infrastructure facilities intended to service the needs of the residents of the province and which are funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems; reclamation projects; and similar facilities;

(viii) Programs and projects for low-cost housing and other mass dwellings, except those funded by the Social Security System (SSS), Government Service Insurance System (GSIS), and the Home Development Mutual Fund (HDMF): Provided, That national funds for these programs and projects shall be equitably allocated among the regions in proportion to the ratio of the homeless to the population;

(ix) Investment support services, including access to credit financing;

- (x) Upgrading and modernization of tax information and collection services through the use of computer hardware and software and other means;
- (xi) Inter-municipal telecommunications services, subject to national policy guidelines; and
- (xii) Tourism development and promotion programs;

(4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following:

- (i) Adequate communication and transportation facilities;
- (ii) Support for education, police and fire services and facilities.

# **THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES**

## **BOOK I**

### **GENERAL PROVISIONS**

#### **TITLE ONE. – BASIC PRINCIPLES**

##### **CHAPTER 1. – THE CODE, POLICY AND APPLICATION**

**SECTION 1. Title.** – This Act shall be known and cited as the "Local Government Code of 1991".

**SECTION 2. Declaration of Policy.** – (a) It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. The process of decentralization shall proceed from the national government to the local government units.

(b) It is also the policy of the State to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum.

(c) It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

**SECTION 3. Operative Principles of Decentralization.** – The formulation and implementation of policies and measures on local autonomy shall be guided by the following operative principles:

(a) There shall be an effective allocation among the different local government units of their respective powers, functions, responsibilities, and resources;

(b) There shall be established in every local government unit an accountable, efficient, and dynamic organizational structure and operating mechanism that will meet the priority needs and service requirements of its communities;

(c) Subject to civil service law, rules and regulations, local officials and employees paid wholly or mainly from local funds shall be appointed or removed, according to merit and fitness, by the appropriate appointing authority;

(d) The vesting of duty, responsibility, and accountability in local government units shall be accompanied with provision for reasonably adequate resources to discharge their powers and effectively carry out their functions; hence, they shall have the power to create and broaden their own sources of revenue and the right to a just share in national taxes and an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas;

(e) Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component Barangays, shall ensure that the acts of their component units are within the scope of their prescribed powers and functions:

(f) Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them;

(g) The capabilities of local government units, especially the municipalities and Barangays, shall be enhanced by providing them with opportunities to participate actively in the implementation of national programs and projects;

(h) There shall be a continuing mechanism to enhance local autonomy not only by legislative enabling acts but also by administrative and organizational reforms;

(i) Local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies;

(j) Effective mechanisms for ensuring the accountability of local government units to their respective constituents shall be strengthened in order to upgrade continually the quality of local leadership;

(k) The realization of local autonomy shall be facilitated through improved coordination of national government policies and programs and extension of adequate technical and material assistance to less developed and deserving local government units;

(l) The participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development; and

(m) The national government shall ensure that decentralization tributes to the continuing improvement of the performance of local government units and the quality of community life.

**SECTION 4. Scope of Application.** – This Code shall apply to all provinces, cities, municipalities, Barangays, and other political subdivisions as may be created by law, and, to the extent herein provided, to officials, offices, or agencies of the national government.

**SECTION 5. Rules of Interpretation.** – In the interpretation of the provisions of this Code, the following rules shall apply:

(a) Any provision on a power of a local government unit shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of powers and of the lower local government unit. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the local government unit concerned;

(b) In case of doubt, any tax ordinance or revenue measure shall be construed strictly against the local government unit enacting it, and liberally in favor of the taxpayer. Any tax exemption, incentive or relief granted by any local government unit pursuant to the provisions of this Code shall be construed strictly

against the person claiming it.

(c) The general welfare provisions in this Code shall be liberally interpreted to give more powers to local government units in accelerating economic development and upgrading the quality of life for the people in the community;

(d) Rights and obligations existing on the date of effectivity of this Code and arising out of contracts or any other source of prestation involving a local government unit shall be governed by the original terms and conditions of said contracts or the law in force at the time such rights were vested; and

(e) In the resolution of controversies arising under this Code where no legal provision or jurisprudence applies, resort may be had to the customs and traditions in the place where the controversies take place.

## **CHAPTER 2. – GENERAL POWERS AND ATTRIBUTES OF LOCAL GOVERNMENT UNITS**

**SECTION 6. Authority to Create Local Government Units.** – A local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the Sangguniang Panlalawigan or Sangguniang Panlungsod concerned in the case of a Barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this Code.

**SECTION 7. Creation and Conversion.** – As a general rule, the creation of a local government unit or its conversion from one level to another level shall be based on verifiable indicators of viability and projected capacity to provide services, to wit:

(a) **Income.** – It must be sufficient, based on acceptable standards, to provide for all essential government facilities and services and special functions commensurate with the size of its population, as expected of the local government unit concerned;

(b) **Population.** – It shall be determined as the total number of inhabitants within the territorial jurisdiction of the local government unit concerned; and

(c) **Land Area.** – It must be contiguous, unless it comprises two or more islands or is separated by a local government unit independent of the others; properly identified by metes and bounds with technical descriptions; and sufficient to provide for such basic services and facilities to meet the requirements of its populace. Compliance with the foregoing indicators shall be attested to by the Department of Finance (DOF),

the National Statistics Office (NSO), and the Lands Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR).

**SECTION 8. Division and Merger.** – Division and merger of existing local government units shall comply with the same requirements herein prescribed for their creation: Provided however, That such division shall not reduce the income, population, or land area of the local government unit or units concerned to less than the minimum requirements prescribed in this Code: Provided, further, That the income classification of the original local government unit or units shall not fall below its current income classification prior to such division.

The income classification of local government units shall be updated within six (6) months from the effectivity of this Code to reflect the changes in their financial position resulting from the increased revenues as provided herein.

**SECTION 9. Abolition of Local Government Units.** – A local government unit may be abolished when its income, population, or land area has been irreversibly reduced to less than the minimum standards prescribed for its creation under Book III of this Code, as certified by the national agencies mentioned in Section 17 hereof to Congress or to the Sanggunian concerned, as the case may be.

The law or ordinance abolishing a local government unit shall specify the province, city, municipality, or Barangay with which the local government unit sought to be abolished will be incorporated or merged.

**SECTION 10. Plebiscite Requirement.** – No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Commission on Elections (Comelec) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date.

**SECTION 11. Selection and Transfer of Local Government Site, Offices and Facilities.**

(a) The law or ordinance creating or merging local government units shall specify the seat of government from where governmental and corporate services shall be delivered. In selecting said site, factors relating to geographical centrality, accessibility, availability of transportation and communication facilities, drainage and sanitation, development and economic progress, and other relevant considerations shall be taken into account.

(b) When conditions and developments in the local government unit concerned have significantly changed subsequent to the establishment of the seat of government, its Sanggunian may, after public hearing and by a vote of two-thirds (2/3) of all its members, transfer the same to a site better suited to its needs. Provided,

however, That no such transfer shall be made outside the territorial boundaries of the local government unit concerned.

The old site, together with the improvements thereon, may be disposed of by sale or lease or converted to such other use as the Sanggunian concerned may deem beneficial to the local government unit concerned and its inhabitants.

(c) Local government offices and facilities shall not be transferred, relocated, or converted to other uses unless public hearings are first conducted for the purpose and the concurrence of the majority of all the members of the Sanggunian concerned is obtained.

**SECTION 12. Government Centers.** – Provinces, cities, and municipalities shall endeavor to establish a government center where offices, agencies, or branches of the national government, local government units, or government–owned or –controlled corporations may, as far as practicable, be located. In designating such a center, the local government unit concerned shall take into account the existing facilities of national and local agencies and offices which may serve as the government center as contemplated under this Section. The national government , local government unit or government–owned or –controlled corporation concerned shall bear the expenses for the construction of its buildings and facilities in the government center.

**SECTION 13. Naming of Local Government Units and Public Places, Streets and Structures.**

(a) The Sangguniang Panlalawigan may, in consultation with the Philippine Historical Commission (PHC), change the name of the following within its territorial jurisdiction:

- (1) Component cities and municipalities, upon the recommendation of the Sanggunian concerned;
- (2) Provincial roads, avenues, boulevards, thorough–fares, and bridges;
- (3) Public vocational or technical schools and other post–secondary and tertiary schools;
- (4) Provincial hospitals, health centers, and other health facilities; and
- (5) Any other public place or building owned by the provincial government.



(b) The Sanggunian of highly urbanized cities and of component cities whose charters prohibit their voters from voting for provincial elective officials, hereinafter referred to in this Code as independent component cities, may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

(1) City Barangays, upon the recommendation of the Sangguniang Barangay concerned;

(2) City roads, avenues, boulevards, thorough fares, and bridges;

(3) Public elementary, secondary and vocational or technical schools, community colleges and non-chartered colleges;

(4) City hospitals, health centers and other health facilities; and

(5) Any other public place or building owned by the city government.

(c) The Sanggunians of component cities and municipalities may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

(6) city and municipal Barangays, upon recommendation of the Sangguniang Barangay concerned;

(7) city, municipal and Barangay roads, avenues, boulevards, thorough fares, and bridges;

(8) city and municipal public elementary, secondary and vocational or technical schools, post-secondary and other tertiary schools;

(9) city and municipal hospitals, health centers and other health facilities; and (5) Any other public place or building owned by the municipal government.

(d) None of the foregoing local government units, institutions, places, or buildings shall be named after a living person, nor may a change of name be made unless for a justifiable reason and, in any case, not oftener than once every ten (10) years. The name of a local government unit or a public place, street or structure with historical, cultural, or ethnic significance shall not be changed, unless by a unanimous vote of the Sanggunian concerned and in consultation with the PHC.

(e) A change of name of a public school shall be made only upon the recommendation of the local school board concerned.

(f) A change of name of public hospitals, health centers, and other health facilities shall be made only upon the recommendation of the local health board concerned.

(g) The change of name of any local government unit shall be effective only upon ratification in a plebiscite conducted for the purpose in the political unit directly affected. In any change of name, the Office of the President, the representative of the legislative district concerned, and the Bureau of Posts shall be notified.

**SECTION 14. Beginning of Corporate Existence.** – When a new local government unit is created, its corporate existence shall commence upon the election and qualification of its chief executive and a majority of the members of its Sanggunian, unless some other time is fixed therefor by the law or ordinance creating it.

**SECTION 15. Political and Corporate Nature of Local Government Units.** – Every local government unit created or recognized under this Code is a body politic and corporate endowed with powers to be exercised by it in conformity with law. As such, it shall exercise powers as a political subdivision of the national government and as a corporate entity representing the inhabitants of its territory.

**SECTION 16. General Welfare.** – Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

**SECTION 17. Basic Services and Facilities.**

(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(1) For a Barangay:

(i) Agricultural support services which include planting materials distribution system and operation of farm produce collection and buying stations;

(ii) Health and social welfare services which include maintenance of Barangay health center and day-care center;

(iii) Services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;

(iv) Maintenance of Katarungang Pambarangay;

(v) Maintenance of Barangay roads and bridges and water supply systems

(vi) Infrastructure facilities such as multi-purpose hall, multipurpose pavement, plaza, sports center, and other similar facilities;

(vii) Information and reading center; and

(viii) Satellite or public market, where viable;

(2) For a municipality:

(i) Extension and on-site research services and facilities related to agriculture and fishery activities which include dispersal of livestock and poultry, fingerlings, and other seeding materials for aquaculture; palay, corn, and vegetable seed farms; medicinal plant gardens; fruit tree, coconut, and other kinds of seedling nurseries; demonstration farms; quality control of copra and improvement and development of local distribution channels, preferably through cooperatives; inter-Barangay irrigation system; water and soil resource utilization and conservation projects; and enforcement of fishery laws in municipal waters including the conservation of mangroves;

(ii) Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects which include integrated social forestry programs and similar projects; management and control of communal forests with an area not exceeding fifty (50) square

kilometers; establishment of tree parks, greenbelts, and similar forest development projects;

(iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non-communicable disease control services; access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated;

(iv) Social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of the elderly and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and other pro-poor projects; nutrition services; and family planning services;

(v) Information services which include investments and job placement information systems, tax and marketing information systems, and maintenance of a public library;

(vi) Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation;

(vii) Municipal buildings, cultural centers, public parks including freedom parks, playgrounds, and sports facilities and equipment, and other similar facilities;

(viii) Infrastructure facilities intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including, but not limited to, municipal roads and bridges; school buildings and other facilities for public elementary and secondary schools; clinics, health centers and other health facilities necessary to carry out health services; communal irrigation, small water impounding projects and other similar projects; fish ports; artesian wells, spring development, rainwater collectors and water supply systems; seawalls, dikes, drainage and sewerage, and flood control; traffic signals and road signs; and similar facilities;

(ix) Public markets, slaughterhouses and other municipal enterprises;

(x) Public cemetery;

(xi) Tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities; and

(xii) Sites for police and fire stations and substations and the municipal jail;

(3) For a Province:

(i) Agricultural extension and on-site research services and facilities which include the prevention and control of plant and animal pests and diseases; dairy farms, livestock markets, animal breeding stations, and artificial insemination centers; and assistance in the organization of farmers' and fishermen's cooperatives and other collective organizations, as well as the transfer of appropriate technology;

(ii) Industrial research and development services, as well as the transfer of appropriate technology;

(iii) Pursuant to national policies and subject to supervision, control and review of the DENR, enforcement of forestry laws limited to community-based forestry projects, pollution control law, small-scale mining law, and other laws on the protection of the environment; and mini-hydro electric projects for local

purposes;

- (iv) Subject to the provisions of Title Five, Book I of this Code, health services which include hospitals and other tertiary health services;
- (v) Social welfare services which include programs and projects on rebel returnees and evacuees; relief operations; and, population development services;
- (vi) Provincial buildings, provincial jails, freedom parks and other public assembly areas, and other similar facilities;
- (vii) Infrastructure facilities intended to service the needs of the residents of the province and which are funded out of provincial funds including, but not limited to, provincial roads and bridges; inter-municipal waterworks, drainage and sewerage, flood control, and irrigation systems; reclamation projects; and similar facilities;
- (viii) Programs and projects for low-cost housing and other mass dwellings, except those funded by the Social Security System (SSS), Government Service Insurance System (GSIS), and the Home Development Mutual Fund (HDMF): Provided, That national funds for these programs and projects shall be equitably allocated among the regions in proportion to the ratio of the homeless to the population;
- (ix) Investment support services, including access to credit financing;
- (x) Upgrading and modernization of tax information and collection services through the use of computer hardware and software and other means;
- (xi) Inter-municipal telecommunications services, subject to national policy guidelines; and
- (xii) Tourism development and promotion programs;

(4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following:

- (i) Adequate communication and transportation facilities;
- (ii) Support for education, police and fire services and facilities.

(c) Notwithstanding the provisions of subsection (b) hereof, public works and infrastructure projects and other facilities funded by the national government under the annual General Appropriations Act, other special laws, pertinent executive orders, and those wholly or partially funded from foreign sources, are not covered under this Section, except in those cases where the local government unit concerned is duly designated as the implementing agency for such projects, facilities, programs, and services.

(d) The designs, plans, specifications, testing of materials, and the procurement of equipment and materials from both foreign and local sources necessary for the provision of the foregoing services and facilities shall be undertaken by the local government unit concerned, based on national policies, standards and guidelines.

(e) National agencies or offices concerned shall devolve to local government units the responsibility for the provision of basic services and facilities enumerated in this Section within six (6) months after the effectivity of this Code.

As used in this Code, the term "devolution" refers to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities.

(f) The national government or the next higher level of local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if made available, are inadequate to meet the requirements of its inhabitants.

(g) The basic services and facilities hereinabove enumerated shall be funded from the share of local government units in the proceeds of national taxes and other local revenues and funding support from the national government, its instrumentalities and government-owned or -controlled corporations which are tasked by law to establish and maintain such services or facilities. Any fund or resource available for the use of local government units shall be first allocated for the provision of basic services or facilities enumerated in subsection (b) hereof before applying the same for other purposes, unless otherwise provided in this Code.

(h) The Regional offices of national agencies or offices whose functions are devolved to local government units as provided herein shall be phased out within one (1) year from the approval of this Code. Said national agencies and offices may establish such field units as may be necessary for monitoring purposes and providing technical assistance to local government units. The properties, equipment, and other assets of these regional offices shall be distributed to the local government units in the region in accordance with the rules and regulations issued by the oversight committee created under this Code.

(i) The devolution contemplated in this Code shall include the transfer to local government units of the records, equipment and other assets and personnel of national agencies and offices, corresponding to the devolved powers, functions, and responsibilities.

Personnel of said national agencies or offices shall be absorbed by the local government units to which they belong or in whose areas they are assigned to the extent that it is administratively viable as determined by the said oversight committee: Provided, That the rights accorded to such personnel pursuant to civil service law,

rules and regulations shall not be impaired: Provided, Further, That regional directors who are career executive service officers and other officers of similar rank in the said regional offices who cannot be absorbed by the local government unit shall be retained by the national government, without any diminution of rank, salary or tenure.

(j) To ensure the active participation of the private sector in local governance, local government units may, by ordinance, sell, lease, encumber, or otherwise dispose of public economic enterprises owned by them in their proprietary capacity.

Costs may also be charged for the delivery of basic services or facilities enumerated in this Section.

**SECTION 18. Power to Generate and Apply Resources.** – Local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and priorities; to create their own sources of revenue and to levy taxes, fees, and charges which shall accrue exclusively for their use and disposition and which shall be retained by them; to have a just share in national taxes which shall be automatically and directly released to them without need of any further action; to have an equitable share in the proceeds from the utilization and development of the national wealth and resources within their respective territorial jurisdictions including sharing the same with the inhabitants by way of direct benefits; to acquire, develop, lease, encumber, alienate, or otherwise dispose of real or personal property held by them in their proprietary capacity and to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals.

**SECTION 19. Eminent Domain.** – A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided, further, That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, That, the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.

**SECTION 20. Reclassification of Lands.**

(a) A city or municipality may, through an ordinance passed by the Sanggunian after conducting public hearings for the purpose, authorize the reclassification of agricultural lands and provide for the manner of their utilization or disposition in the following cases: (1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture or (2) where the land shall have substantially greater economic value for residential, commercial, or industrial purposes, as determined

by the Sanggunian concerned: Provided, That such reclassification shall be limited to the following percentage of the total agricultural land area at the time of the passage of the ordinance:

- (1) For highly urbanized and independent component cities, fifteen percent (15%);
  - (2) For component cities and first to third class municipalities, ten percent (10%); and
  - (3) For fourth to sixth class municipalities, five percent(5%): Provided, further, That agricultural lands distributed to agrarian reform beneficiaries pursuant to Republic Act Numbered Sixty–six hundred fifty–seven (R.A. No. 6657), otherwise known as "The Comprehensive Agrarian Reform Law", shall not be affected by the said reclassification and the conversion of such lands into other purposes shall be governed by Section 65 of said Act.
- (b) The President may, when public interest so requires and upon recommendation of the National Economic and Development Authority, authorize a city or municipality to reclassify lands in excess of the limits set in the next preceding paragraph.
- (c) The local government units shall, in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources: Provided, That the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of such plans.
- (d) Where approval by a national agency is required for reclassification, such approval shall not be unreasonably withheld. Failure to act on a proper and complete application for reclassification within three (3) months from receipt of the same shall be deemed as approval thereof.
- (e) Nothing in this Section shall be construed as repealing, amending, or modifying in any manner the provisions of R.A. No. 6657.

## **SECTION 21. Closure and Opening of Roads.**

- (a) A local government unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: Provided, however, That in case of permanent closure, such ordinance must be approved by at least two–thirds (2/3) of all the members of the Sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided.



(b) No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein. A property thus permanently withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the local government unit concerned may be lawfully used or conveyed: Provided, however, That no freedom park shall be closed permanently without provision for its transfer or relocation to a new site.

(c) Any national or local road, alley, park, or square may be temporarily closed during an actual emergency, or fiesta celebrations, public rallies, agricultural or industrial fairs, or an undertaking of public works and highways, telecommunications, and waterworks projects, the duration of which shall be specified by the local chief executive concerned in a written order: Provided, however, That no national or local road, alley, park, or square shall set temporarily closed for athletic, cultural, or civic activities not officially sponsored, recognized, or approved by the local government unit concerned.

(d) Any city, municipality, or Barangay may, by a duly enacted close and regulate the use of any local ordinance, temporarily street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or night markets, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public.

## **SECTION 22. Corporate Powers.**

(a) Every local government unit, as a corporation, shall have the following powers:

(1) To have continuous succession in its corporate name;

(2) To sue and be sued;

(3) To have and use a corporate seal;

(4) To acquire and convey real or personal property;

(5) To enter into contracts; and

(6) To exercise such other powers as are granted to corporations, subject to the limitations provided in this Code and other laws.

(b) Local government units may continue using, modify, or change their existing corporate seals: Provided, That newly established local government units or those without corporate seals may create their own corporate seals which shall be registered with the Department of the Interior and Local Government: Provided, further, That any change of corporate seal shall also be registered as provided herein.

(c) Unless otherwise provided in this Code, contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the Sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or Barangay hall.

(d) Local government units shall enjoy full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises, subject to the limitations provided in this Code and other applicable laws.

**SECTION 23. Authority to Negotiate and Secure Grants.** – Local chief executives may, upon authority of the Sanggunian, negotiate and secure financial grants or donations in kind, in support of the basic services or facilities enumerated under Section 17 hereof, from local and foreign assistance agencies without necessity of securing clearance or approval therefor from any department, agency, or office of the national government or from any higher local government unit: Provided, That projects financed by such grants or assistance with national security implications shall be approved by the national agency concerned: Provided, further, That when such national agency fails to act on the request for approval within thirty (30) days from receipt thereof, the same shall be deemed approved.

The local chief executive shall, within thirty (30) days upon signing of such grant agreement or deed of donation, report the nature, amount, and terms of such assistance to both Houses of Congress and the President.

**SECTION 24. Liability for Damages.** – Local government units and their officials are not exempt from liability for death or injury to persons or damage to property.

### **CHAPTER 3. – INTERGOVERNMENTAL RELATIONS**

#### **Article One. – National Government and Local Government Units**

**SECTION 25. National Supervision over Local Government Units.** –(a) Consistent with the basic policy on local autonomy, the President shall exercise general supervision over local government units to ensure that their acts are within the scope of their prescribed powers and functions. The President shall exercise supervisory authority directly over provinces, highly urbanized cities, and independent component cities; through the province with respect to component cities and municipalities; and through the city and municipality with respect to Barangays.

(b) National agencies and offices with project implementation functions shall coordinate with one another and with the local government units concerned in the discharge of these functions. They shall ensure the participation of local government units both in the planning and implementation of said national projects.

(c) The President may, upon request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. Such assistance shall be extended at no extra cost to the local government unit concerned.

(d) National agencies and offices including government–owned or –controlled corporations with field units or branches in a province, city, or municipality shall furnish the local chief executive concerned, for his information and guidance, monthly reports including duly certified budgetary allocations and expenditures.

**SECTION 26. Duty of National Government Agencies in the Maintenance of Ecological Balance.** – It shall be the duty of every national agency or government–owned or –controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non–renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to consult with the local government units, nongovernmental organizations, and other sectors concerned and explain the goals and objectives of project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

**SECTION 27. Prior Consultations Required.**– No project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 hereof are complied with, and prior approval of the Sanggunian concerned is obtained: Provided, That occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution.

## **Article Two. – Relations with the Philippine National Police**

**SECTION 28. – Powers of Local Chief Executives over the Units of the Philippine National Police.** – The extent of operational supervision and control of local chief executives over the police force, fire

protection unit, and jail management personnel assigned in their respective jurisdictions shall be governed by the provisions of Republic Act Numbered Sixty–nine hundred seventy–five (R.A. No. 6975), otherwise known as "The Department of the Interior and Local Government Act of 1990", and the rules and regulations issued pursuant thereto.

### **Article Three. – Inter–Local Government Relations**

**SECTION 29. Provincial Relations with Component Cities and Municipalities.** – The province, through the governor, shall ensure that every component city and municipality within its territorial jurisdiction acts within the scope of its prescribed powers and functions. Highly urbanized cities and independent component cities shall be independent of the province.

**SECTION 30. Review of Executive Orders.** – (a) Except as otherwise provided under the Constitution and special statutes, the governor shall review all executive orders promulgated by the component city or municipal Mayor within his jurisdiction. The city or municipal Mayor shall review all executive orders promulgated by the Punong Barangay within his jurisdiction. Copies of such orders shall be forwarded to the governor or the city or municipal Mayor, as the case may be, within three (3) days from their issuance. In all instances of review, the local chief executive concerned shall ensure that such executive orders are within the powers granted by law and in conformity with provincial, city, or municipal ordinances.

(b) If the governor or the city or municipal Mayor fails to act on said executive orders within thirty (30) days after their submission, the same shall be deemed consistent with law and therefore valid.

**SECTION 31. Submission of Municipal Questions to the Provincial Legal Officer or Prosecutor.** – In the absence of a municipal legal officer, the municipal government may secure the opinion of the provincial legal officer, and in the absence of the latter, that of the provincial prosecutor on any legal question affecting the municipality.

**SECTION. 32. City and Municipal Supervision over Their Respective Barangays.** – The city or municipality, through the city or municipal Mayor concerned, shall exercise general supervision over component Barangays to ensure that said Barangays act within the scope of their prescribed powers and functions.

**SECTION 33. Cooperative Undertakings Among Local Government Units.** – Local government units may, through appropriate ordinances, group themselves, consolidate, or coordinate their efforts, services, and resources for purposes commonly beneficial to them. In support of such undertakings, the local government units involved may, upon approval by the Sanggunian concerned after a public hearing conducted for the purpose, contribute funds, real estate, equipment, and other kinds of property and appoint or assign personnel under such terms and conditions as may be agreed upon by the participating local units through Memoranda of Agreement.

## **CHAPTER 4. – RELATIONS WITH PEOPLE'S AND NONGOVERNMENTAL ORGANIZATIONS**

**SECTION 34. Role of People's and Nongovernmental Organizations.** – Local government units shall promote the establishment and operation of people's and nongovernmental organizations to become active partners in the pursuit of local autonomy.

**SECTION 35. Linkages with People's and Non–Governmental Organizations.** – Local government units may enter into joint ventures and such other cooperative arrangements with people's and nongovernmental organizations to engage in the delivery of certain basic services, capability–building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well–being of the people.

**SECTION 36. Assistance to People's and Nongovernmental Organizations.** – A local government unit may, through its local chief executive and with the concurrence of the Sanggunian concerned, provide assistance, financial or otherwise, to such people's and nongovernmental organizations for economic, socially–oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction.

## **CHAPTER 5. – LOCAL PREQUALIFICATION, BIDS AND AWARDS COMMITTEE**

**SECTION 37. Local Prequalification, Bids and Awards Committee (Local PBAC).**

(a) There is hereby created a local prequalification, bids and awards committee in every province, city, and municipality, which shall be primarily responsible for the conduct of prequalification of contractors, bidding, evaluation of bids, and the recommendation of awards concerning local infrastructure projects. The governor or the city or municipal Mayor shall act as the chairman with the following as members:

- (1) The chairman of the appropriations committee of the Sanggunian concerned;
- (2) A representative of the minority party in the Sanggunian concerned, if any, or if there be none, one (1) chosen by said Sanggunian from among its members;
- (3) The local treasurer;

(4) Two (2) representatives of nongovernmental organizations that are represented in the local development council concerned, to be chosen by the organizations themselves; and (11) Any practicing certified public accountant from the private sector, to be designated by the local chapter of the Philippine Institute of Certified Public Accountants, if any.

Representatives of the Commission on Audit shall observe the proceedings of such committee and shall certify that the rules and procedures for prequalification, bids and awards have been complied with.

(b) The agenda and other information relevant to the meetings of such committee shall be deliberated upon by the committee at least one (1) week before the holding of such meetings.

(c) All meetings of the committee shall be held in the provincial capitol or the city or municipal hall. The minutes of such meetings of the committee and any decision made therein shall be duly recorded, posted at a prominent place in the provincial capitol or the city or municipal hall, and delivered by the most expedient means to elective local officials concerned.

**SECTION 38. Local Technical Committee.** – (a) There is hereby created a local technical committee in every province, city and municipality to provide technical assistance to the local prequalification, bids and awards committees. It shall be composed of the provincial, city or municipal engineer, the local planning and development coordinator, and such other officials designated by the local prequalification, bids and awards committee.

(b) The chairman of the local technical committee shall be designated by the local prequalification, bids and awards committee and shall attend its meeting in order to present the reports and recommendations of the local technical committee.

## **TITLE TWO. – ELECTIVE OFFICIALS**

### **CHAPTER 1. – QUALIFICATIONS AND ELECTION**

**SECTION 39. Qualifications.** – (a) An elective local official must be a citizen of the Philippines; a registered voter in the Barangay, municipality, city, or province or, in the case of a member of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sanggunian bayan, the district where he intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.

(b) Candidates for the position of governor, vice– governor or member of the Sangguniang Panlalawigan, or Mayor, vice–mayor or member of the Sangguniang Panlungsod of highly urbanized cities must be at least twenty–three (23) years of age on election day.

(c) Candidates for the position of Mayor or vice–mayor of independent component cities, component cities, municipalities must be at least twenty–one (21) years of age on election day.

(d) Candidates for the position of member of the Sangguniang Panlungsod or Sangguniang bayan must be at least eighteen (18) years of age on election day.

(e) Candidates for the position of Punong Barangay or member of the Sangguniang Barangay must be at least eighteen (18) years of age on election day.

(f) Candidates for the Sangguniang kabataan must be at least fifteen (15) years of age but not more than twenty–one (21) years of age on election day.

**SECTION 40. Disqualifications.** – The following persons are disqualified from running for any elective local position:

(a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(b) Those removed from office as a result of an administrative case;

(c) Those convicted by final judgment for violating the oath of allegiance to the Republic;

(d) Those with dual citizenship;

(e) Fugitives from justice in criminal or nonpolitical cases here or abroad;

(f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of this Code; and

- (g) The insane or feeble-minded.

**SECTION 41. Manner of Election.** – (a) The governor, vice-governor, city Mayor, city vice-mayor, municipal Mayor, municipal vice-mayor, and Punong Barangay shall be elected at large in their respective units by the qualified voters therein. However, the Sangguniang kabataan chairman for each Barangay shall be elected by the registered voters of the katipunan ng kabataan, as provided in this Code.

(b) The regular members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang bayan shall be elected by district, as may be provided for by law. Sangguniang Barangay members shall be elected at large. The presidents of the leagues of Sanggunian members of component cities and municipalities shall serve as ex officio members of the Sangguniang Panlalawigan concerned. The presidents of the liga ng mga Barangay and the pederasyon ng mga Sangguniang kabataan elected by their respective chapters, as provided in this Code, shall serve as ex officio members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang bayan.

(c) In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the Sanggunian concerned within ninety (90) days prior to the holding of the next local elections, as may be provided for by law. The Comelec shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives.

**SECTION 42. Date of Election.** – Unless otherwise provided by law, the elections for local officials shall be held every three (3) years on the second Monday of May.

**SECTION 43. Term of Office.** – (a) The term of office of all local elective officials elected after the effectivity of this Code shall be three (3) years, starting from noon of June 30, 1992 or such date as may be provided for by law, except that of elective Barangay officials: Provided, That all local officials first elected during the local elections immediately following the ratification of the 1987 Constitution shall serve until noon of June 30, 1992.

(b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

(c) The term of office of Barangay officials and members of the Sangguniang kabataan shall be for three (3) years, which shall begin after the regular election of Barangay officials on the second Monday of May 1994.



## CHAPTER 2. – VACANCIES AND SUCCESSION

**SECTION 44. Permanent Vacancies in the Offices of the Governor, Vice–Governor, Mayor, and Vice–Mayor.** – If a permanent vacancy occurs in the office of the governor or Mayor, the vice–governor or vice–mayor concerned shall become the governor or Mayor. If a permanent vacancy occurs in the offices of the governor, vice–governor, Mayor, or vice–mayor, the highest ranking Sanggunian member or, in case of his permanent inability, the second highest ranking Sanggunian member, shall become the governor, vice–governor, Mayor or vice–mayor, as the case may be. Subsequent vacancies in the said office shall be filled automatically by the other Sanggunian members according to their ranking as defined herein.

(b) If a permanent vacancy occurs in the office of the Punong Barangay, the highest ranking Sanggunian Barangay member or, in case of his permanent inability, the second highest ranking Sanggunian member, shall become the Punong Barangay.

(c) A tie between or among the highest ranking Sanggunian members shall be resolved by the drawing of lots.

(d) The successors as defined herein shall serve only the unexpired terms of their predecessors. For purposes of this Chapter, a permanent vacancy arises when an elective local official fills a higher vacant office, refuses to assume office, fails to qualify, dies, is removed from office, voluntarily resigns, or is otherwise permanently incapacitated to discharge the functions of his office.

For purposes of succession as provided in this Chapter, ranking in the Sanggunian shall be determined on the basis of the proportion of votes obtained by each winning candidate to the total number of registered voters in each district in the immediately preceding local election.

### **SECTION 45. Permanent Vacancies in the Sanggunian.**

(a) Permanent vacancies in the Sanggunian where automatic successions provided above do not apply shall be filled by appointment in the following manner:

(1) The President, through the Executive Secretary, in the case of the Sangguniang Panlalawigan and the Sangguniang Panlungsod of highly urbanized cities and independent component cities;

(2) The governor, in the case of the Sangguniang Panlungsod of component cities and the Sangguniang bayan;

(3) The city or municipal Mayor, in the case of Sangguniang Barangay, upon recommendation of the Sangguniang Barangay concerned.

(b) Except for the Sangguniang Barangay, only the nominee of the political party under which the Sanggunian member concerned had been elected and whose elevation to the position next higher in rank created the last vacancy in the Sanggunian shall be appointed in the manner hereinabove provided. The appointee shall come from the same political party as that of the Sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions sine qua non, and any appointment without such nomination and certification shall be null and void ab initio and shall be a ground for administrative action against the official responsible therefor.

(c) In case the permanent vacancy is caused by a Sanggunian member who does not belong to any political party, the local chief executive shall, upon recommendation of the Sanggunian concerned, appoint a qualified person to fill the vacancy.

(d) In case of vacancy in the representation of the youth and the Barangay in the Sanggunian, said vacancy shall be filled automatically by the official next in rank of the organization concerned.

**SECTION 46. Temporary Vacancy in the Office of the Local Chief Executive.** – (a) When the governor, city or municipal Mayor, or Punong Barangay is temporarily incapacitated to perform his duties for physical or legal reasons such as, but not limited to, leave of absence, travel abroad, and suspension from office, the vice-governor, city or municipal vice-mayor, or the highest ranking Sangguniang Barangay member shall automatically exercise the powers and perform the duties and functions of the local chief executive concerned, except the power to appoint, suspend, or dismiss employees which can only be exercised if the period of temporary incapacity exceeds thirty (30) working days.

(b) Said temporary incapacity shall terminate upon submission to the appropriate Sanggunian of a written declaration by the local chief executive concerned that he has reported back to office. In cases where the temporary incapacity is due to legal causes, the local chief executive concerned shall also submit necessary documents showing that said legal causes no longer exist.

(c) When the incumbent local chief executive is traveling within the country but outside his territorial jurisdiction for a period not exceeding three (3) consecutive days, he may designate in writing the officer-in-charge of the said office. Such authorization shall specify the powers and functions that the local official concerned shall exercise in the absence of the local chief executive except the power to appoint, suspend, or dismiss employees.

(d) In the event, however, that the local chief executive concerned fails or refuses to issue such authorization, the vice–governor, the city or municipal vice–mayor, or the highest ranking Sangguniang Barangay member, as the case may be, shall have the right to assume the powers, duties, and functions of the said office on the fourth (4th) day of absence of the said local chief executive, subject to the limitations provided in subsection (c) hereof.

(e) Except as provided above, the local chief executive shall in no case authorize any local official to assume the powers, duties, and functions of the office, other than the vice–governor, the city or municipal vice– Mayor, or the highest ranking Sangguniang Barangay member, as the case may be.

**SECTION 47. Approval of Leaves of Absence.** – (a) Leaves of absence of local elective officials shall be approved as follows:

(1) Leaves of absence of the governor and the Mayor of a highly urbanized city or an independent component city shall be approved by the President or his duly authorized representative;

(2) Leaves of absence of a vice–governor or a city or municipal vice–mayor shall be approved by the local chief executive concerned: Provided, That the leaves of absence of the members of the Sanggunian and its employees shall be approved by the vice–governor or city or municipal vice– mayor concerned;

(3) Leaves of absence of the component city or municipal Mayor shall be approved by the governor; and

(4) Leaves of absence of a Punong Barangay shall be approved by the city or municipal mayor: Provided, That leaves of absence of Sangguniang Barangay members shall be approved by the Punong Barangay.

(b) Whenever the application for leave of absence hereinabove specified is not acted upon within five (5) working days after receipt thereof, the application for leave of absence shall be deemed approved.

### **CHAPTER 3. – LOCAL LEGISLATION**

**SECTION 48. Local Legislative Power.** – Local legislative power shall be exercised by the Sangguniang Panlalawigan for the province; the Sangguniang Panlungsod for the city; the Sangguniang bayan for the municipality; and the Sangguniang Barangay for the Barangay.

**SECTION 49. Presiding Officer.** – (a) The vice–governor shall be the presiding officer of the Sangguniang Panlalawigan; the city vice–mayor, of the Sangguniang Panlungsod; the municipal vice–mayor, of the Sangguniang bayan; and the Punong Barangay, of the Sangguniang Barangay. The presiding officer shall vote only to break a tie.

(b) In the event of the inability of the regular Presiding officer to preside at a Sanggunian session, the members present and constituting a quorum shall elect from among themselves a temporary presiding officer. He shall certify within ten (10) days from the passage of ordinances enacted and resolutions adopted by the Sanggunian in the session over which he temporarily presided.

**SECTION 50. Internal Rules of Procedure.** – (a) On the first regular session following the election of its members and within ninety (90) days thereafter, the Sanggunian concerned shall adopt or update its existing rules of procedure.

(b) The rules of procedure shall provide for the following:

(1) The organization of the Sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committees on appropriations, women and family, human rights, youth and sports development, environmental protection, and cooperatives; the general jurisdiction of each committee; and the election of the chairman and members of each committee;

(2) The order and calendar of business for each session;

(3) The legislative process;

(4) The parliamentary procedures which include the conduct of members during sessions;

(5) The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days, or expelled: Provided, That the penalty of suspension or expulsion shall require the concurrence of at least two–thirds (2/3) vote of all the Sanggunian members: Provided, further, That a member convicted by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude shall be automatically expelled from the Sanggunian; and

- (6) Such other rules as the Sanggunian may adopt.

**SECTION 51. Full Disclosure of Financial and Business Interests of Sanggunian Members.** – (a) Every Sanggunian member shall, upon assumption to office, make a full disclosure of his business and financial interests. He shall also disclose any business, financial, or professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he may have with any person, firm, or entity affected by any ordinance or resolution under consideration by the Sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

(1) Ownership of stock or capital, or investment, in the entity or firm to which the ordinance or resolution may apply; and

(2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect. In the absence of a specific constitutional or statutory provision applicable to this situation, "conflict of interest" refers in general to one where it may be reasonably deduced that a member of a Sanggunian may not act in the public interest due to some private, pecuniary, or other personal considerations that may tend to affect his judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing and submitted to the secretary of the Sanggunian or the secretary of the committee of which he is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

(1) Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: Provided, That, if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

(2) Disclosure shall be made when a member takes a position or makes a privilege speech on a matter that may affect the business interest, financial connection, or professional relationship described herein.

**SECTION 52. Sessions.** – (a) On the first day of the session immediately following the election of its members, the Sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum number of regular sessions shall be once a week for the Sangguniang Panlalawigan, Sangguniang Panlungsod, and Sangguniang bayan, and twice a month for the Sangguniang Barangay.

(b) When public interest so demands, special sessions may be called by the local chief executive or by a majority of the members of the Sanggunian.

(c) All Sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality. No two (2) sessions, regular or special, may be held in a single day.

(d) In the case of special sessions of the Sanggunian, a written notice to the members shall be served personally at the member's usual place of residence at least twenty-four (24) hours before the special session is held. Unless otherwise concurred in by two-thirds (2/3) vote of the Sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice.

(e) Each Sanggunian shall keep a journal and record of its proceedings which may be published upon resolution of the Sanggunian concerned.

**SECTION 53. Quorum.** – (a) A majority of all the members of the Sanggunian who have been elected and qualified shall constitute a quorum to transact official business. Should a question of quorum be raised during a session, the presiding officer shall immediately proceed to call the roll of the members and thereafter announce the results.

(b) Where there is no quorum, the presiding officer may declare a recess until such time as a quorum is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the Sanggunian, to be assisted by a member or members of the police force assigned in the territorial jurisdiction of the local government unit concerned, to arrest the absent member and present him at the session.

(c) If there is still no quorum despite the enforcement of the immediately preceding subsection, no business shall be transacted. The presiding officer, upon proper motion duly approved by the members present, shall then declare the session adjourned for lack of quorum.

**SECTION 54. Approval of Ordinances.** – (a) Every ordinance enacted by the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang bayan shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the Sanggunian, which may proceed to reconsider the same. The Sanggunian concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes.

(b) The veto shall be communicated by the local chief executive concerned to the Sanggunian within fifteen (15) days in the case of a province, and ten (10) days in the case of a city or a municipality; otherwise, the ordinance shall be deemed approved as if he had signed it.

(c) ordinances enacted by the Sangguniang Barangay shall, upon approval by the majority of all its members, be signed by the Punong Barangay.

**SECTION 55. Veto Power of the Local Chief Executive.** – (a) The local chief executive may veto any ordinance of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sangguniang bayan on the ground that it is ultra vires or prejudicial to the public welfare, stating his reasons therefor in writing.

(b) The local chief executive, except the Punong Barangay, shall have the power to veto any particular item or items of an appropriations ordinance, an ordinance or resolution adopting a local development plan and public investment program, or an ordinance directing the payment of money or creating liability. In such a case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect unless the Sanggunian overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.

(c) The local chief executive may veto an ordinance or resolution only once. The Sanggunian may override the veto of the local chief executive concerned by two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the local chief executive concerned.

**SECTION 56. Review of Component City and Municipal Ordinances or Resolutions by the Sangguniang Panlalawigan.** – (a) Within three (3) days after approval, the secretary to the Sanggunian Panlungsod or Sangguniang bayan shall forward to the Sangguniang Panlalawigan for review, copies of approved ordinances and the resolutions approving the local development plans and public investment programs formulated by the local development councils.

(b) Within thirty (30) days after receipt of copies of such ordinances and resolutions, the Sangguniang Panlalawigan shall examine the documents or transmit them to the provincial attorney, or if there be none, to the provincial prosecutor for prompt examination. The provincial attorney or provincial prosecutor shall, within a period of ten (10) days from receipt of the documents, inform the Sangguniang Panlalawigan in writing of his comments or recommendations, which may be considered by the Sangguniang Panlalawigan in making its decision.

(c) If the Sangguniang Panlalawigan finds that such an ordinance or resolution is beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang bayan concerned, it shall declare such ordinance or resolution invalid in whole or in part. The Sangguniang Panlalawigan shall enter its action in the minutes and shall advise the corresponding city or municipal authorities of the action it has taken.

(d) If no action has been taken by the Sangguniang Panlalawigan within thirty (30) days after submission of such an ordinance or resolution, the same shall be presumed consistent with law and therefore valid.

**SECTION 57. Review of Barangay Ordinances by the Sangguniang Panlungsod or Sangguniang Bayan.**

– (a) Within ten (10) days after its enactment, the Sangguniang Barangay shall furnish copies of all Barangay ordinances to the Sangguniang Panlungsod or Sangguniang bayan concerned for review as to whether the ordinance is consistent with law and city or municipal ordinances.

(b) If the Sangguniang Panlungsod or Sangguniang bayan, as the case may be, fails to take action on Barangay ordinances within thirty (30) days from receipt thereof, the same shall be deemed approved.

(c) If the Sangguniang Panlungsod or Sangguniang bayan, as the case may be, finds the Barangay ordinances inconsistent with law or city or municipal ordinances, the Sanggunian concerned shall, within thirty (30) days from receipt thereof, return the same with its comments and recommendations to the Sangguniang Barangay concerned for adjustment, amendment, or modification; in which case, the effectivity of the Barangay ordinance is suspended until such time as the revision called for is effected.

**SECTION 58. Enforcement of Disapproved ordinances or Resolutions.** – Any attempt to enforce any ordinance or any resolution approving the local development plan and public investment program, after the disapproval thereof, shall be sufficient ground for the suspension or dismissal of the official or employee concerned.

**SECTION 59. Effectivity of Ordinances or Resolutions.** (a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the provincial capitol or city, municipal, or Barangay hall, as the case may be, and in at least two (2) other conspicuous places in the local government unit concerned.

(b) The secretary to the Sanggunian concerned shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the provincial capitol and the city, municipal, or Barangay hall in at least two (2) conspicuous places in the local government unit concerned not later than five (5) days after approval thereof.

The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned, and the secretary to the Sanggunian shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

(c) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and



cities of the province where the Sanggunian of origin is situated.

(d) In the case of highly urbanized cities, the main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the city: Provided, That in the absence thereof the ordinance or resolution shall be published in any newspaper of general circulation.

#### **CHAPTER 4. – DISCIPLINARY ACTIONS**

**SECTION 60. Grounds for Disciplinary Actions.** – An elective local official may be disciplined, suspended, or removed from office on any of the following grounds:

- (a) Disloyalty to the Republic of the Philippines;
- (b) Culpable violation of the Constitution;
- (c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;
- (d) Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor;
- (e) Abuse of authority;
- (f) Unauthorized absence for fifteen (15) consecutive working days, except in the case of members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang bayan, and Sangguniang Barangay;
- (g) Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
- (h) Such other grounds as may be provided in this Code and other laws. An elective local official may be removed from office on the grounds enumerated above by order of the proper court.

**SECTION 61. Form and Filing of Administrative Complaints.** – A verified complaint against any erring local elective official shall be prepared as follows:

- (a) A complaint against any elective official of a province, a highly urbanized city, an independent component city or component city shall be filed before the Office of the President;
- (b) A complaint against any elective official of a municipality shall be filed before the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President; and
- (c) A complaint against any elective Barangay official shall be filed before the Sangguniang Panlungsod or Sangguniang bayan concerned whose decision shall be final and executory.

**SECTION 62. Notice of Hearing.** – (a) Within seven (7) days after the administrative complaint is filed, the Office of the President or the Sanggunian concerned, as the case may be, shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent.

- (b) When the respondent is an elective official of a province or highly urbanized city, such hearing and investigation shall be conducted in the place where he renders or holds office. For all other local elective officials, the venue shall be the place where the Sanggunian concerned is located.
- (c) However, no investigation shall be held within ninety (90) days immediately prior to any local election, and no preventive suspension shall be imposed within the said period. If preventive suspension has been imposed prior to the 90–day period immediately preceding local election, it shall be deemed automatically lifted upon the start of aforesaid period.

**SECTION 63. Preventive Suspension.**

- (a) Preventive suspension may be imposed:

- (1) By the President, if the respondent is an elective official of a province, a highly urbanized or an independent component city;

(2) By the governor, if the respondent is an elective official of a component city or municipality; or

(3) By the mayor, if the respondent is an elective official of the Barangay.

(b) Preventive suspension may be imposed at any time after the issues are joined, when the evidence of guilt is strong, and given the gravity of the offense, there is great probability that the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence: Provided, That, any single preventive suspension of local elective officials shall not extend beyond sixty (60) days: Provided, further, That in the event that several administrative cases are filed against an elective official, he cannot be preventively suspended for more than ninety (90) days within a single year on the same ground or grounds existing and known at the time of the first suspension.

(c) Upon expiration of the preventive suspension, the suspended elective official shall be deemed reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him. However, if the delay in the proceedings of the case is due to his fault, neglect, or request, other than the appeal duly filed, the duration of such delay shall not be counted in computing the time of termination of the case.

(d) Any abuse of the exercise of the power of preventive suspension shall be penalized as abuse of authority.

**SECTION 64. Salary of Respondent Pending Suspension.** – The respondent official preventively suspended from office shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension.

**SECTION 65. Rights of Respondent** – The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

**SECTION 66. Form and Notice of Decision.** – (a) The investigation of the case shall be terminated within ninety (90) days from the start thereof. Within thirty (30) days after the end of the investigation, the Office of the President or the Sanggunian concerned shall render a decision in writing stating clearly and distinctly the facts and the reasons for such decision. Copies of said decision shall immediately be furnished the respondent and all interested parties.

(b) The penalty of suspension shall not exceed the unexpired term of the respondent or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office.

(c) The penalty of removal from office as a result of an administrative investigation shall be considered a bar to the candidacy of the respondent for any elective position.

**SECTION 67. Administrative Appeals.** – Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:

(a) The Sangguniang Panlalawigan, in the case of decisions of the Sangguniang Panlungsod of component cities and the Sangguniang bayan; and

(b) The Office of the President, in the case of decisions of the Sangguniang Panlalawigan and the Sangguniang Panlungsod of highly urbanized cities and independent component cities. Decisions of the Office of the President shall be final and executory.

**SECTION 68. Execution Pending Appeal.** – An appeal shall not prevent a decision from becoming final or executory. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal in the event he wins such appeal. In the event the appeal results in an exoneration, he shall be paid his salary and such other emoluments during the pendency of the appeal.

## **CHAPTER 5. – RECALL**

**SECTION 69. By Whom Exercised.** – The power of recall for loss of confidence shall be exercised by the registered voters of a local government unit to which the local elective official subject to such recall belongs.

**SECTION 70. Initiation of the Recall Process.** – (a) Recall may be initiated by a preparatory recall assembly or by the registered voters of the local government unit to which the local elective official subject to such recall belongs.

(b) There shall be a preparatory recall assembly in every province, city, district, and municipality which shall be composed of the following:

- (1) Provincial level. – All mayors, vice–mayors, and Sanggunian members of the municipalities and component cities;
  - (2) City level. – All Punong Barangay and Sangguniang Barangay members in the city;
  - (3) Legislative District level. – In cases where Sangguniang Panlalawigan members are elected by district, all elective municipal officials in the district; and in cases where Sangguniang Panlungsod members are elected by district, all elective Barangay officials in the district; and
  - (4) Municipal level. – All Punong Barangay and Sangguniang Barangay members in the municipality.
- (c) A majority of all the preparatory recall assembly members may convene in session in a public place and initiate a recall proceeding against any elective official in the local government unit concerned. Recall of provincial, city, or municipal officials shall be validly initiated through a resolution adopted by a majority of all the members of the preparatory recall assembly concerned during its session called for the purpose.
- (d) Recall of any elective provincial, city, municipal, or Barangay official may also be validly initiated upon petition of at least twenty–five percent (25%) of the total number of registered voters in the local government unit concerned during the election in which the local official sought to be recalled was elected.

(1) A written petition for recall duly signed before the election registrar or his representative, and in the presence of a representative of the petitioner and a representative of the official sought to be recalled, and in a public place in the province, city, municipality, or Barangay, as the case may be, shall be filed with the Comelec through its office in the local government unit concerned. The Comelec or its duly authorized representative shall cause the publication of the petition in a public and conspicuous place for a period of not less than ten (10) days nor more than twenty (20) days, for the purpose of verifying the authenticity and genuineness of the petition and the required percentage of voters.

(2) Upon the lapse of the aforesaid period, the Comelec or its duly authorized representative shall announce the acceptance of candidates to the position and thereafter prepare the list of candidates which shall include the name of the official sought to be recalled.

**SECTION 71. Election on Recall.** – Upon the filing of a valid resolution or petition for recall with the appropriate local office of the Comelec, the Commission or its duly authorized representative shall set the date of the election on recall, which shall not be later than thirty (30) days after the filing of the resolution or petition for recall in the case of the Barangay, city, or municipal officials, and forty–five (45) days in the case of provincial officials. The official or officials sought to be recalled shall automatically be considered as duly registered candidate or candidates to the pertinent positions and, like other candidates, shall be entitled to be

voted upon.

**SECTION 72. Effectivity of Recall.** – The recall of an elective local official shall be effective only upon the election and proclamation of a successor in the person of the candidate receiving the highest number of votes cast during the election on recall. Should the official sought to be recalled receive the highest number of votes, confidence in him is thereby affirmed, and he shall continue in office.

**SECTION 73. Prohibition from Resignation.** – The elective local official sought to be recalled shall not be allowed to resign while the recall process is in progress.

**SECTION 74. Limitations on Recall.** – (a) Any elective local official may be the subject of a recall election only once during his term of office for loss of confidence.

(b) No recall shall take place within one (1) year from the date of the official's assumption to office or one (1) year immediately preceding a regular local election.

**SECTION 75. Expenses Incident to Recall Elections.** – All expenses incident to recall elections shall be borne by the Comelec. For this purpose, there shall be included in the annual General Appropriations Act a contingency fund at the disposal of the Comelec for the conduct of recall elections.

### **TITLE THREE. – HUMAN RESOURCES AND DEVELOPMENT**

**SECTION 76. Organizational Structure and Staffing Pattern.** – Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission.

**SECTION 77. Responsibility for Human Resources and Development.** – The chief executive of every local government unit shall be responsible for human resources and development in his unit and shall take all personnel actions in accordance with the Constitutional provisions on civil service, pertinent laws, and rules and regulations thereon, including such policies, guidelines and standards as the Civil Service Commission may establish: Provided, That the local chief executive may employ emergency or casual employees or laborers paid on a daily wage or piecework basis and hired through job orders for local projects authorized by the Sanggunian concerned, without need of approval or attestation by the Civil Service Commission: Provided, further, That the period of employment of emergency or casual laborers as provided in this Section shall not exceed six (6) months.

The Joint Commission on Local Government Personnel Administration organized pursuant to Presidential Decree Numbered Eleven Hundred thirty–six (P.D. No. 1136) is hereby abolished and its personnel , records, equipment and other assets transferred to the appropriate office in the Civil Service Commission.

**SECTION 78. Civil Service Law, Rules and Regulations, and Other Related Issuances.** – All matters pertinent to human resources and development in local government units shall be governed by the civil service law and such rules and regulations and other issuances promulgated pursuant thereto, unless otherwise specified in this Code.

**SECTION 79. Limitation on Appointments.** – No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing or recommending authority.

**SECTION 80. Public Notice of Vacancy; Personnel Selection Board.** – (a) Whenever a local chief executive decides to fill a vacant career position, there shall be posted notices of the vacancy in at least three (3) conspicuous public places in the local government unit concerned for a period of not less than fifteen (15) days.

(b) There shall be established in every province, city or municipality a personnel selection board to assist the local chief executive in the judicious and objective selection of personnel for employment as well as for promotion, and in the formulation of such policies as would contribute to employee welfare.

(c) The personnel selection board shall be headed by the local chief executive, and its members shall be determined by resolution of the Sanggunian concerned. A representative of the Civil Service Commission, if any, and the personnel officer of the local government unit concerned shall be ex officio members of the board.

**SECTION 81. Compensation of Local Officials and Employees.** – The compensation of local officials and personnel shall be determined by the Sanggunian concerned: Provided, That the increase in compensation of elective local officials shall take effect only after the terms of office of those approving such increase shall have expired: Provided, further, That the increase in compensation of the appointive officials and employees shall take effect as provided in the ordinance authorizing such increase: Provided, however, That said increases shall not exceed the limitations on budgetary allocations for personal services provided under Title Five, Book II of this Code: Provided, finally, That such compensation may be based upon the pertinent provisions of Republic Act Numbered Sixty–seven fifty–eight (R.A. No. 6758), otherwise known as the "Compensation and Position Classification Act of 1989".

The Punong Barangay, the Sangguniang Barangay members, the Sangguniang kabataan chairman, the Barangay treasurer, and the Barangay secretary shall be entitled to such compensation, allowances, emoluments, and such other privileges as provided under Title One, Book III of this Code.

Elective local officials shall be entitled to the same leave privileges as those enjoyed by appointive local officials, including the cumulation and commutation thereof.

**SECTION 82. Resignation of Elective Local Officials.** – (a) Resignations by elective local officials shall be deemed effective only upon acceptance by the following authorities:

(1) The President, in the case of governors, vice– governors, and mayors and vice–mayors of highly urbanized cities and independent component cities;

(2) The governor, in the case of municipal mayors, municipal vice–mayors, city mayors and city vice–mayors of component cities;

(3) The Sanggunian concerned, in the case of Sanggunian members; and

(4) The city or municipal mayor, in the case of Barangay officials.

(b) Copies of the resignation letters of elective local officials, together with the action taken by the aforesaid authorities, shall be furnished the Department of Interior and Local Government.

(c) The resignation shall be deemed accepted if not acted upon by the authority concerned within fifteen (15) working days from receipt thereof.

(d) Irrevocable resignations by Sangguniang members shall be deemed accepted upon presentation before an open session of the Sanggunian concerned and duly entered in its records: Provided, however, That this subsection does not apply to Sanggunian members who are subject to recall elections or to cases where existing laws prescribe the manner of acting upon such resignations.

**SECTION 83. Grievance Procedure.** – In every local government unit, the local chief executive shall establish a procedure to inquire into, act upon, resolve or settle complaints and grievances presented by local government employees.



**SECTION 84. Administrative Discipline.** – Investigation and adjudication of administrative complaints against appointive local officials and employees as well as their suspension and removal shall be in accordance with the civil service law and rules and other pertinent laws. The results of such administrative investigations shall be reported to the Civil Service Commission.

**SECTION 85. Preventive Suspension of Appointive Local Officials and Employees.** – (a) The local chief executives may preventively suspend for a period not exceeding sixty (60) days any subordinate official or employee under his authority pending investigation if the charge against such official or employee involves dishonesty, oppression or grave misconduct or neglect in the performance of duty, or if there is reason to believe that the respondent is guilty of the charges which would warrant his removal from the service.

(b) Upon expiration of the preventive suspension, the suspended official or employee shall be automatically reinstated in office without prejudice to the continuation of the administrative proceedings against him until its termination. If the delay in the proceedings of the case is due to the fault, neglect or request of the respondent, the time of the delay shall not be counted in computing the period of suspension herein provided.

**SECTION 86. Administrative Investigation.** – In any local government unit, administrative investigation may be conducted by a person or a committee duly authorized by the local chief executive. Said person or committee shall conduct hearings on the cases brought against appointive local officials and employees and submit their findings and recommendations to the local chief executive concerned within fifteen (15) days from the conclusion of the hearings. The administrative cases herein mentioned shall be decided within ninety (90) days from the time the respondent is formally notified of the charges.

**SECTION 87. Disciplinary Jurisdiction.** – Except as otherwise provided by law, the local chief executive may impose the penalty of removal from service, demotion in rank, suspension for not more than one (1) year without pay, fine in an amount not exceeding six (6) months' salary, or reprimand and otherwise discipline subordinate officials and employees under his jurisdiction. If the penalty imposed is suspension without pay for not more than thirty (30) days, his decision shall be final. If the penalty imposed is heavier than suspension of thirty (30) days, the decision shall be appealable to the Civil Service Commission, which shall decide the appeal within thirty (30) days from receipt thereof.

**SECTION 88. Execution Pending Appeal.** – An appeal shall not prevent the execution of a decision of removal or suspension of a respondent–appellant. In case the respondent–appellant is exonerated, he shall be reinstated to his position with all the rights and privileges appurtenant thereto from the time he had been deprived thereof.

**SECTION 89. Prohibited Business and Pecuniary Interest.** – (a) It shall be unlawful for any local government official or employee, directly or indirectly, to:

- (1) Engage in any business transaction with the local government unit in which he is an official or employee or over which he has the power of supervision, or with any of its authorized boards, officials, agents, or attorneys, whereby money is to be paid, or property or any other thing of value is to be transferred, directly or indirectly, out of the resources of the local government unit to such person or firm;
  - (2) Hold such interests in any cockpit or other games licensed by a local government unit.
  - (3) Purchase any real estate or other property forfeited in favor of such local government unit for unpaid taxes or assessment, or by virtue of a legal process at the instance of the said local government unit.
  - (4) Be a surety for any person contracting or doing business with the local government unit for which a surety is required; and
  - (5) Possess or use any public property of the local government unit for private purposes.
- (b) All other prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interest so provided for under Republic Act Numbered Sixty-seven thirteen (R. A. No. 6713) otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" and other laws shall also be applicable to local government officials and employees.

**SECTION 90. Practice of Profession.** – (a) All governors, city and municipal mayors are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as local chief executives.

(b) Sanggunian members may practice their professions, engage in any occupation, or teach in schools except during session hours: Provided, That Sanggunian members who are also members of the Bar shall not:

- (1) Appear as counsel before any court in any civil case wherein a local government unit or any office, agency, or instrumentality of the government is the adverse party;
- (2) Appear as counsel in any criminal case wherein an officer or employee of the national or local government is accused of an offense committed in relation to his office.

(3) Collect any fee for their appearance in administrative proceedings involving the local government unit of which he is an official; and

(4) Use property and personnel of the government except when the Sanggunian member concerned is defending the interest of the government.

(c) Doctors of medicine may practice their profession even during official hours of work only on occasions of emergency: Provided, That the officials concerned do not derive monetary compensation therefrom.

**SECTION 91. Statement of Assets and Liabilities.**– (a) Officials and employees of local government units shall file sworn statements of assets, liabilities and networth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

**SECTION 92. Oath of Office.** – (a) All elective and appointive local officials and employees shall, upon assumption to office, subscribe to an oath or affirmation of office in the prescribed form. The oath or affirmation of office shall be filed with the office of the local chief executive concerned. A copy of the oath or affirmation of office of all elective and appointive local officials and employees shall be preserved in the individual personal records file under the custody of the personnel office, division, or section of the local government unit concerned.

**SECTION 93. Partisan Political Activity.** – No local official or employee in the career civil service shall engage directly or indirectly in any partisan political activity or take part in any election, initiative, referendum, plebiscite, or recall, except to vote, nor shall he use his official authority or influence to cause the performance of any political activity by any person or body. He may, however, express his views on current issues, or mention the names of certain candidates for public office whom he supports. Elective local officials may take part in partisan political and electoral activities, but it shall be unlawful for them to solicit contributions from their subordinates or subject these subordinates to any of the prohibited acts under the Omnibus Election Code.

**SECTION 94. Appointment of Elective and Appointive Local Officials; Candidates Who Lost in Election.** – (a) No elective or appointive local official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

Unless otherwise allowed by law or by the primary functions of his position, no elective or appointive local official shall hold any other office or employment in the government or any subdivision, agency or instrumentality thereof, including government–owned or –controlled corporations or their subsidiaries.

(b) Except for losing candidates in Barangay elections, no candidate who lost in any election shall, within one (1) year after such election, be appointed to any office in the government or any government-owned or –controlled corporations or in any of their subsidiaries.

**SECTION 95. Additional or Double Compensation.** – No elective or appointive local official or employee shall receive additional, double, or indirect compensation, unless specifically authorized by law, nor accept without the consent of Congress, any present, emoluments, office, or title of any kind from any foreign government. Pensions or gratuities shall not be considered as additional, double, or indirect compensation.

**SECTION 96. Permission to Leave Station.** – (a) Provincial, city, municipal, and Barangay appointive officials going on official travel shall apply and secure written permission from their respective local chief executives before departure. The application shall specify the reasons for such travel, and the permission shall be given or withheld based on considerations of public interest, financial capability of the local government unit concerned and urgency of the travel.

Should the local chief executive concerned fail to act upon such application within four (4) working days from receipt thereof, it shall be deemed approved.

(b) Mayors of component cities and municipalities shall secure the permission of the governor concerned for any travel outside the province.

(c) Local government officials traveling abroad shall notify their respective Sanggunian: Provided, That when the period of travel extends to more than three (3) months, during periods of emergency or crisis or when the travel involves the use of public funds, permission from the Office of the President shall be secured.

(d) Field officers of national agencies or offices assigned in provinces, cities, and municipalities shall not leave their official stations without giving prior written notice to the local chief executive concerned. Such notice shall state the duration of travel and the name of the officer whom he shall designate to act for and in his behalf during his absence.

**SECTION 97. Annual Report.** – On or before March 31 of each year, every local chief executive shall submit an annual report to the Sanggunian concerned on the socioeconomic, political and peace and order conditions, and other matters concerning the local government unit, which shall cover the immediately preceding calendar year. A copy of the report shall be forwarded to the Department of Interior and Local Government. Component cities and municipalities shall likewise provide the Sangguniang Panlalawigan copies of their respective annual reports.

#### **TITLE FOUR. – LOCAL SCHOOL BOARDS**

**SECTION 98. Creation, Composition and Compensation.** – (a) There shall be established in every province, city, or municipality a provincial, city or municipal school board, respectively.

(b) The composition of local school boards shall be as follows:

(1) The provincial school board shall be composed of the governor and the division superintendent of schools as co-chairmen; the chairman of the education committee of the Sangguniang Panlalawigan, the provincial treasurer, the representative of the pederasyon ng mga Sangguniang kabataan in the Sangguniang Panlalawigan, the duly elected president of the provincial federation of parents–teachers association, the duly elected representative of the teachers' organization in the province, and the duly elected representative of the non-academic personnel of public schools in the province, as members;

(2) The city school board shall be composed of the city mayor and the city superintendent of schools as co-chairmen; the chairman of the education committee of the Sangguniang Panlungsod, the city treasurer, the representative of the pederasyon ng mga Sangguniang kabataan in the Sangguniang Panlungsod, the duly elected president of the city federation of parents–teachers associations, the duly elected representative of the teachers' organizations in the city, and the duly elected representative of the non-academic personnel of public schools in the city, as members; and

(3) The municipal school board shall be composed of the municipal mayor and the district supervisor of schools as co-chairmen; the chairman of the education committee of the Sangguniang bayan, the municipal treasurer, the representative of the pederasyon ng mga Sangguniang kabataan in the Sangguniang bayan, the duly elected president of the municipal federation of parents–teachers associations, the duly elected representative of the teachers' organizations in the municipality, and the duly elected representative of the non-academic personnel of public schools in the city, as members;

(c) In the event that a province or city has two (2) or more school superintendents, and in the event that a municipality has two (2) or more district supervisors, the co-chairman of the local school board shall be determined as follows:

(1) The Department of Education, Culture and Sports shall designate the co-chairman for the provincial and city school boards; and

<span style='font-size:12.0pt;mso-