



Republic of the Philippines  
Province of Davao del Norte  
Municipality of Braulio E. Dujali

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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE MAIDEN SESSION OF THE SEVENTH (7TH) SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON JULY 4, 2013, THURSDAY.

**PRESENT:**

HON. SAMUEL F. PACRES	Vice Mayor & Presiding Officer
HON. LEAH MARIE A. MORAL	Sangguniang Bayan Member
HON. GREGORIO S. FACULA	Sangguniang Bayan Member
HON. DONNA MAE B. BERNADAS	Sangguniang Bayan Member
HON. MELFAR C. AGUILUZ	Sangguniang Bayan Member
HON. RESTIE E. TABIRAO	Sangguniang Bayan Member
HON. JOELITO B. JURIANA	Sangguniang Bayan Member
HON. ROMULO S. ESMINO, JR.	Sangguniang Bayan Member
HON. DANIEL G. HILARIO	Sangguniang Bayan Member
HON. EDUARDO M. ZAPATA	ABC Pres/Ex-Officio Member
HON. MARCELINO O. FACULA	SKF Pres/Ex-Officio Member

**ABSENT:**

NONE

**RESOLUTION NO. 2013-01**

**RESOLUTION ADOPTING THE INTERNAL RULES OF PROCEDURE OF THE SEVENTH (7<sup>TH</sup>) SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE.**

**WHEREAS**, elected into office is a new set of members of the Sangguniang Bayan of Braulio E. Dujali;

**WHEREAS**, R.A. 7160, otherwise known as the Local Government Code of 1991, particularly in Section 50, mandates the following: On the first regular session following the election of its members and within ninety (90) days thereafter, the Sangguniang Bayan concerned shall adopt or update its existing rules of procedure for the proper discharge of legislative functions;

**WHEREAS**, in the maintenance of good order in the Sangguniang deliberations, it is necessary that specific rules be adopted and enforced in the interest of effective legislation;

**WHEREFORE**, on motion of Hon. Gregorio S. Facula and duly seconded by Hon. Joelito B. Juriana; Hon. Melfar C. Aguiluz and Hon. Romulo S. Esmino, Jr. , it is hereby

**RESOLVED TO ADOPT AS THIS BODY HEREBY ADOPTS THE INTERNAL RULES OF PROCEDURE OF THE SEVENTH (7<sup>TH</sup>) SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE.**

**RULE I – TITLE**

**SECTION 1. TITLE.** This Resolution shall be known as “ A Resolution Adopting the Internal Rules of Procedure of the Seventh (7th) Sangguniang Bayan of Braulio E. Dujali, Davao del Norte.

**SECTION 2. COMPOSITION** - The Sangguniang Bayan, the legislative body of this municipality, shall be composed of the Municipal Vice Mayor, as the Presiding Officer, the regular

Sangguniang Members, the President of the Municipal Chapter of the Liga Ng Mga Barangay, and the President of the Pambayang Pederasyon Ng Mga Sangguniang Kabataan.

**SECTION 3. TERM OF OFFICE** – The term of office of the regular Sangguniang Bayan Member shall be three (3) years, which shall commence on such date as may be provided by law.

**SECTION 4. OATH OF AFFIRMATION** – All regular members of the Sangguniang Bayan shall upon assumption to office, take an oath of Office or Affirmation in the prescribed form, duly subscribed and sworn to before a person authorized to administer oath. Copies of the oath of office or affirmation shall be filed in the Office of the Municipal Mayor of Braulio E. Dujali.

## **RULE II - DUTIES AND RESPONSIBILITIES OF INDIVIDUAL SANGGUNIAN MEMBERS**

**SECTION 5.** Every member of this sanggunian shall make a full disclosure of his financial and business interest as required of him under Art. 104, Rule XVII of the rules and regulations implementing the Local Government Code of 1991.

**SECTION 6.** Every member shall attend all the session of this Sanggunian unless he is prevented from doing so by reason of sickness and other unavoidable circumstances provided that, as general rule, previous notice thereto shall be sent to the Sanggunian thru the Presiding Officer or the Secretary to the Sanggunian.

**SECTION 7.** As a general rule, every member is required to vote on every question or proposed measure being voted upon by the Sanggunian. ***Abstentions may be allowed only if it can be shown that the member concerned has a pecuniary interest, either directly or indirectly, on the matter being acted upon by the body.***

**SECTION 8.** Every member shall observe proper deportment and decorum during sessions.

## **RULE III - THE PRESIDING OFFICER**

**SECTION 9. THE PRESIDING OFFICER** – The Municipal Vice Mayor shall vote only in case of a tie;

a.) In the event of 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 who shall not vote even in case of a tie but shall certify within ten (10) days from the passage of ordinances and resolutions adopted by the Sanggunian in the session over he temporarily presided.

**SECTION 10. POWERS AND DUTIES OF THE REGULAR PRESIDING OFFICER** - The regular Presiding Officer shall;

- a.) Preside over the session of the Sangguniang Bayan;
- b.) Preserve order and decorum during sessions, and in case of disturbance and disorderly conduct in the session hall or within the premise take measures as he may deem advisable or as the Sanggunian may direct;
- c.) Decide all questions of order, subject to appeal by any Sangguniang Member in accordance with these rules;
- d.) Sign all acts, ordinances, resolutions, memorials, writs issued by the Sanggunian;
- e.) May act as moderator in heated debate;
- f.) May be entitled to participate in the deliberations of any question before the

- assembly, and do only from the floor after surrendering the Chair temporarily to some other members; and
- g.) Exercise such other powers and performs such other functions as may be provided by law, ordinance or regulation.
  - h.) Enforce the IRP of the Sanggunian
  - i.) Declare a recess during sessions anytime he deems it necessary provided that the duration of the recess is less than 15 minutes.
  - j.) Declare the session adjourned to some other date, time and place in cases of extreme emergencies, serious and uncontrolled disorder, public disturbance and other unavoidable circumstances.
  - k.) Make brief remarks, comments or seek clarification on any measure pending deliberation by the body provided that he shall not express himself either for or against the said measure or question.
  - l.) Vote only to break a tie. Hence, he cannot vote in order to create a tie.
  - m.) In the event of inability of the regular Presiding Officer to preside at sanggunian session, the members present and constituting a quorum shall elect from among themselves a temporary Presiding Officer.

#### **RULE IV - TEMPORARY PRESIDING OFFICER**

**SECTION 11.** The temporary Presiding Officer to be elected from among the members of the Sanggunian who, without losing his status as a regular member including his rights and prerogatives, shall temporarily exercise all the power, duties and functions of the regular Presiding Officer.

**SECTION 12.** The Temporary Presiding Officer shall certify within ten (10) days from the passage of ordinance enacted or resolution adopted by the Sanggunian in the session over which he temporarily presided.

**SECTION 13.** While presiding, the temporary Presiding Officer shall have no right to vote if there is a tie.

**SECTION 14.** The temporary Presiding Officer may, on his discretion, relinquish the Chair temporarily to any member of the sanggunian if he would like to go down the floor and participate in the deliberation in his capacity as a regular and constituent member.

#### **RULE V – THE SECRETARY TO THE SANGGUNIAN**

**SECTION 15. APPOINTMENT AND COMPENSATION** – The Sanggunian Secretary shall be appointed by the Municipal Vice Mayor who shall be a career official with the rank and salary equal to a head of department or office and or his/her compensation, allowances and other emoluments shall be determined by law or ordinance.

The appointment of the Sanggunian Secretary shall be in accordance with the Civil Service Law, Rules and Regulations.

**SECTION 16. POWERS AND DUTIES OF THE SECRETARY** – The Secretary to the Sanggunian shall take charge of the Office of the Secretary to the Sanggunian and shall:

- a.) Attend meetings of the Sanggunian and keep a journal of its proceedings;
- b.) Keep the seal of the Local Government Unit and affix the same with his/her signature to all ordinances, resolutions, and other official acts of the Sanggunian and present the same to the Presiding Officer for his/her signature;
- c.) He/she shall notify all officers and special committees of their appointments or creations;
- d.) Transmit to the proper committees for proper referral to them by the Sangguniang Bayan;
- e.) Send out proper notices of all called sessions; other meetings and public hearings;
- f.) Certify as to the correctness of all ordinances and resolutions adopted by the Sangguniang Bayan and to be approved by the local chief executive;
- g.) Forward to the Municipal Mayor, for approval, all resolutions and ordinances adopted and enacted by the Sanggunian, attested to be duly adopted/enacted by the Presiding Officer as provided in Section 56 and 57 Book I of R.A. 7160;
- h.) Forward to the Sangguniang Panlalawigan copies of duly approved ordinances and resolutions as provided in Section 56 and 57 Book I of R.A. 7160;
- i.) Furnish upon request of any interested party, certified copies of records of public character in his/her custody, upon payment to the Municipal Treasurer of such fees as may be prescribed by ordinance;
- j.) Prepare and certify minutes of the proceedings, record in a book, kept for the purpose all ordinances and resolutions enacted and adopted by the Sanggunian with the dates of passage and publication thereof;
- k.) Keep his/her office and all non-confidential records therein open to the public during the usual business hours;
- l.) Translate into the dialect used by the majority of the inhabitants all ordinances and resolutions immediately after their approval, and cause the posting of the same together with the original version in the manner provided under R.A. 7160;
- m.) Take custody of the local archives and, if applicable, the library and annually account for the same;
- n.) Exercise such other functions or powers or perform such other duties as may be prescribed by law or ordinance relative to his/her position;
- o.) Authorized to institute policies in the Office of the Secretary to the Sanggunian, which she deem very vital in achieving swift, effective and effective legislative output. (i.e.. cut-off day and time in accepting proposals for consideration on an immediately succeeding session; to check on the completeness of copies, pages and signatories of proposals and documents and to accept for integration in the order of business, proposed resolutions and ordinances, only with accompanying drafts.
- p.) To see to it that no activity, other than those of the SB Members' and the OSS's shall be allowed to take place inside the session hall. And if not in use, the person she may assign shall keep the session hall always closed. Lights and air-conditioning units shall be put off.

## **RULE VI – SANGGUNIAN SERGEANT AT ARMS**

**SECTION 17.** The Presiding Officer (Vice Mayor) may designate competent employee or may request the PNP thru the Local Chief Executive to deputize a PNP personnel to act as Sergeant At Arms during sessions, committee hearings and conferences;

### **SECTION 18. POWERS AND DUTIES OF THE SANGGUNIAN SERGEANT AT ARMS**

– The Sanggunian Sergeant At Arms shall:

- a.) Ensure the safety of all the members of Sangguniang Bayan during the sessions, committee hearings and conferences conducted within the municipal hall;
- b.) Log in all visitors who wish to attend the sessions and committee hearings or conferences. Ensure that firearms and other deadly weapons shall be properly deposited in his possession and take custody of the same until such time that the owner claims said firearm or deadly weapon only after he so decides to leave the SB Session Hall.
- c.) Call upon the employees/department heads and others not connected to the government service within the territorial jurisdiction as the Sanggunian may desire or direct in an actual situation in aid of legislation;
- d.) Upon official invitation or request by any committee through the Presiding Officer, who shall then endorse it to the head of local and national offices concerned.

The invitation or request shall specify the reason for such appearance or the assistance needed, as the case may be.

- e.) Exercise such other powers and performs such other duties and functions as may be prescribed by ordinance relative to his/her position.

## **RULE VII – SESSIONS**

**SECTION 19. REGULAR SESSIONS** – The regular session of the Sangguniang Bayan shall be every Thursday at 9:00 o'clock in the morning of each week, to be held at the SB Session Hall. Conduct of session in places other than the SB Session Hall shall be determined and approved by the two third (2/3) votes of the members present, there being quorum.

**SECTION 20.** If schedule of a regular session falls on a holiday, training and seminars, or any official activity that necessitate attendance of the members, the Sangguniang Bayan shall conduct said session a day before or any day as agreed upon by the majority.

**SECTION 21. SPECIAL SESSION** – As often as necessary when public interest so demands, special sessions may be called by the Local Chief Executive with the confirmation of the Vice Mayor or may be called by the majority (6 members) of the Sangguniang Bayan.

In special sessions, a written notice to the Sanggunian Members, stating the date, time and purpose of the session, shall be served personally or left to a member of the household of the SB Member at his/her usual place of residence at least within 24 hours before the schedule.

Unless otherwise agreed upon by the two third (2/3) votes of the members present, there being a quorum, no other matter may be considered at a special session except those stated in the notice. Venue of the special session may be changed by a majority vote of all members present.

In the event that the Presiding Officer is not available, the Secretary shall be authorized to send out notices to all the members in case of conduct of special sessions.

**SECTION 22. CALL TO ORDER** – The Presiding Officer shall open the session by calling the Sanggunian to order.

On every session day, an opening prayer shall be done, by any of the SB Member, at the discretion of the Presiding Officer, followed by the singing of the national anthem and the members' recommitment to the PCL Creed.

**SECTION 23. ATTENDANCE IN SESSIONS** – Every member of the Sanggunian shall be present in all sessions, unless prevented from doing so by sickness or other unavoidable circumstances duly reported to the Sanggunian through the Secretary.

**SECTION 24.** Any member who is on official business shall be exempted from the provision of the preceding section.

**SECTION 25. OPEN TO PUBLIC** – Sanggunian sessions or meeting of any committee thereof, shall be open to the public unless a closed session is decided by an affirmative vote of majority of the members present, there being quorum, in the public interest or for reasons of security, decency or morality, or for reasons affecting the dignity of the Sanggunian or any of its members, or when confidential matters are being considered.

On motion to hold closed session duly approved, the Presiding Officer shall direct the session hall cleared and door closed.

The Secretary of the Sanggunian, Sergeant at Arms of the Sanggunian, and such other persons as are specially authorized by the Sanggunian shall be admitted to the closed sessions. They shall preserve the secrecy of whatever may be read or said at the session.

**SECTION 26. HOLDING OF REGULAR SESSION AT DIFFERENT BARANGAYS** – There shall be session to be held at the different barangays upon request of the barangay council concerned subject to the affirmative votes of the Sanggunian Members there being quorum (of the total SB membership) in the manner of time and specific barangay to discuss purposely the problems of the concerned barangay and to bring the barangay inhabitants close to the government;

**SECTION 27. SUSPENSION/ADJOURNMENT OF SESSION** – Sessions of the Sanggunian shall not be suspended or adjourned except by direction of Sanggunian itself, but the Presiding Officer may, in his discretion, declare a recess of short intervals.

**SECTION 28. OPENING AND ADJOURNMENT TO BE ENTERED IN MINUTES** – The exact hour of opening and adjournment of session shall be entered in minutes.

#### **RULE VIII – ROLL CALL AND QUORUM**

**SECTION 29. QUORUM** – The Presiding Officer shall be included in computing a quorum. There shall be six (6) members in attendance in order to constitute a quorum and to transact official business including the ex-officio members and the vice mayor.

Should a question of quorum raised during session, the Presiding Officer shall immediately proceed to direct the secretary to call the roll of members and thereafter announce the results.

**SECTION 30. ABSENCE OF QUORUM** – Where there is no quorum in a given session, the Presiding Officer may declare a fifteen-minute recess until such time as that quorum is constituted, or a majority of the members present may adjourn from day to day and or may compel the immediate attendance of any member absent without good cause or reason, by

issuing to the Sanggunian Sergeant At Arms or to the Philippine National Police (PNP) assigned in the area an order for the arrest and presentment of the absent member at the session.

If still there is no quorum despite the foregoing, no business shall be transacted. The Presiding Officer shall declare the session adjourned for lack of quorum.

**SECTION 31. MOTION TO ADJOURN VACATES CALL** – At any time after the roll call has been completed, a motion to adjourn shall be in order, and if approved by the majority those present, all proceedings shall be vacated.

#### **RULE IX – COMMITTEES**

**SECTION 32. STANDING COMMITTEES** – The Sangguniang Bayan shall elect the Chairman and the following standing committees, the general jurisdiction of which shall be as hereunder provided;

#### **SECTION 33. RULES TO BE OBSERVED IN THE CREATION OF COMMITTEES.**

a) A regular standing committee may be created or re-organized by a majority vote of all the members of the Sanggunian, there being a quorum.

b) The Presiding Officer may recommend the creation or re-organization of any regular or standing committee. The Sanggunian shall act on his recommendation without debate and vote on it immediately.

c) Special or Ad-Hoc committee may be created upon the initiative of the Chair or any member subject to the affirmative votes of a majority of the members present, there being a quorum.

#### **SECTION 34. THE STANDING COMMITTEES**

1.) Committee on Finance, Budget and Appropriation, Ways and Means and Games and Amusements

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Local taxes, fees and charges
- Loans and other sources of local revenues
- Annual and supplemental budgets
- Appropriation ordinances
- All other matters related to local taxation and fiscal administration
- Operation/establishment of amusement places
- Measures that affect the regulation of games and amusements including, but not limited to, the promotion or holding of cockfights, boxing basketball tournaments, and other kinds of games and amusements
- Sources of local revenue
- All other matters related to local taxation.

Chairman : Hon. Leah Marie A. Moral  
Vice Chairman : Hon. Joelito B. Juriana  
Members : Hon. Melfar C. Aguiluz  
                  : Hon. Restie E. Tabirao  
                  : Hon. Gregorio S. Facula







- All matters related to health

Chairman : Hon. Restie E. Tabirao  
Vice Chairman : Hon. Joelito B. Juriana  
Member : Hon. Daniel G. Hilario  
Hon. Romulo S. Esmino, Jr.  
Hon. Eduardo M. Zapata

5.) Committee on Peace and Order and Public Safety/Anti-Drug Abuse

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Police matters
- Maintenance of peace and order
- Protective services
- Traffic rules and regulations
- Fire prevention and control measures
- Public morals
- All matters related to peace and order and public safety
- All matters related to the prevention of drug abuse and rehabilitation of drug users/dependents through appropriate activities.

Chairman : Hon. Daniel G. Hilario  
Vice Chairman : Hon. Romulo S. Esmino, Jr.  
Member : Hon. Restie E. Tabirao  
Hon. Eduardo M. Zapata  
Hon. Joelito B. Juriana

6.) Committee on Rules and Privileges

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Sanggunian internal rules and violations thereof
- Order of business and calendar of business
- Disorderly conduct of members and investigation thereof
- Privileges of members

Chairman : Hon. Gregorio S. Facula  
Vice Chairman : Hon. Restie E. Tabirao  
Member : Hon. Daniel G. Hilario  
Hon. Leah Marie A. Moral  
Hon. Donna Mae B. Bernadas

7.) Committee on Public Works, Facilities and Utilities and Transportation and Communication

- This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:
- Operation/establishment of all kinds of public utilities, including but not limited to transportations and communications system

- Maintenance or upkeep of public facilities including, but not limited to, plaza, parks, jail and other government buildings owned by this LGU
- Construction, maintenance and repair of roads, bridges and other government infrastructure projects
- Measures that pertain to drainage and sewerage system and similar projects
- All other matters related to public facilities and utilities
- All matters related to transportation and communication services

Chairman : Hon. Romulo S. Esmino, Jr.  
 Vice Chairman : Hon. Daniel G. Hilario  
 Members : Hon. Restie E. Tabirao  
                   Hon. Melfar C. Aguiluz  
                   Hon. Joelito B. Juriana

#### 8.) Committee on Youth and Sports Development

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Sports development
- Youth welfare and development
- All matters affecting the youth and sports development

Chairman : Hon. Marcelino O. Facula  
 Vice Chairman : Hon. Daniel G. Hilario  
 Member : Hon. Leah Marie A. Moral  
                   Hon. Restie E. Tabirao  
                   Hon. Eduardo M. Zapata

#### 9.) Committee on Barangay Affairs/Civil Society Organization

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Boundary conflict
- Implementation of barangay projects, promotion of better relationship among the different barangays
- Other activities which concerns welfare and benefit of the barangays and its inhabitants.
- Review and evaluation of documents of Civil Society Organization and Private Organization including application for accreditation.
- All matters to Private Sector Organization.
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Chairman : Hon. Eduardo M. Zapata  
 Vice Chairman : Hon. Joelito B. Juriana  
 Member : Hon. Marcelino O. Facula  
                   Hon. Daniel G. Hilario  
                   Hon. Restie E. Tabirao

#### 10.) Committee on Local Economic Enterprises

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Administration/operation of public market, slaughterhouse, auction center, cemetery, public terminal, trade center, asphalt plant and other economic enterprise
- Measures pertaining to rental, fees, and charges of the above mentioned economic enterprise
- Improvement of economic facilities and its premises
- Enactment/revision of the economic enterprises
- All other matters related to economic enterprises administration

Chairman : Hon. Melfar C. Aguiluz  
 Vice Chairman : Hon. Leah Marie A. Moral  
 Members : Hon. Donna Mae B. Bernadas  
                   Hon. Joelito B. Juriana  
                   Hon. Romulo S. Esmينو, Jr.

#### 11.) Committee on Environmental Protection and Housing and Land Utilization

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Environmental protection
- Air and water pollution
- Wanton destruction of the environment and its natural resources
- All other matters or measures affecting the environment
- Housing program
- Subdivision development/real estate development
- Measures pertaining to land uses
- Zonification or zoning code enactment
- Squatter problems
- All matters related to housing and land utilization

Chairman : Hon. Daniel G. Hilario  
 Vice Chairman : Hon. Restie E. Tabirao  
 Member : Hon. Eduardo M. Zapata  
                   Hon. Gregorio S. Facula  
                   Hon. Leah Marie A. Moral

#### 12.) Committee on Labor and Employment, Tourism/Investment Promotion and Trade and Industry

This committee shall be composed of a Chairman, Vice Chairman, and three (3) Members, to which shall be referred matters or questions pertaining to or connected with the following:

- Organization and management; personnel administration, position classification and pay plan and staffing patterns
- Creation of position and including promotion
- Labor
- Employment and manpower development
- Employees welfare and benefits
- Maintenance of industrial peace and promotion of employer-employee cooperation
- Labor education, standards and statistics
- Organization of the labor market including promotion, development,



**SECTION 35. CHAIRMANSHIP/MEMBERSHIP** – Each standing committee shall have a Chairman, Vice Chairman and three (3) members, who shall be elected by majority vote of the Sanggunian among its members. In the absence of Committee Chairman, the Committee Vice Chairman will automatically spearhead in all activities.

**SECTION 36. LIMITATIONS** – No Sanggunian member shall be a Chairman of more than three (3) standing committees.

No member of a committee shall act upon or participate in any matter in which he has a special, direct substantial interest.

**SECTION 37. SPECIAL COMMITTEE** – The Sanggunian may organize a special committee as it may deem necessary. The officers and members of the special committee shall likewise be elected by a majority vote of the Sanggunian members.

a.) Committee of the Whole – Any matter that needs action by the entire membership of the Sangguniang Bayan.

**SECTION 38. VACANCY** – Whenever a vacancy occur or is declared to exist in any of the committees, the same shall be filled by election of the Sanggunian.

**SECTION 39. COMMITTEE MEETINGS/HEARINGS** – All committee meetings and hearings shall be held only in a public place wherein a majority of the members of the committee should constitute a quorum.

Notice of the committee meeting/hearing shall be served to a member who is absent in the session during which said meeting was scheduled.

If a particular business is referred for study to a certain committee, it is the Chair or in his absence, the Vice Chair who shall set the schedule of meeting. Either of the two shall sign in the communication inviting personalities.

One (1) hour is allotted for each committee to conduct meeting/hearing.

**SECTION 40. COMMITTEE REPORT** – Committee report on any ordinance or resolution considered in formal meetings shall be submitted to the Sangguniang Bayan and shall be accompanied by the minutes of the meetings or hearings of the committee which adopted them.

When a committee submits a report, the members thereof shall be presumed to have concurred in the report except when said committee member is absent during said committee meeting/hearing, and shall be precluded from opposing the same, unless they have entered their objection thereto during the committee meeting. Committee report submitted to the Sangguniang Bayan shall have been resolved from the committee members present.

Both the dissenting and affirming members of a committee shall affix their signatures in their report. Dissenting members need not come up with a separate report, provided that their opposition on the matter discussed upon has been put on record.

**SECTION 41. CONTENT OF COMMITTEE REPORT.** The committee report shall contain the following information:

- Name of reporting committee or committees
- Brief statement of the subject matter referred to it and the action taken thereon

including information gathered during the conduct of committee hearings and meetings and other relevant information

- Findings or conclusions
- Recommendations (either to “file it away” or “calendar it for second reading”)
- Names and signatures of concurring members
- Appendices (minutes of the committee hearings or committee meetings, as the case may be)

**SECTION 42. RECOMMITTING A MEASURE.** When the Sanggunian is not satisfied with the report of a particular committee on a measure referred to it, the same may be recommitted or returned back to that committee, for further study.

#### **RULE X – THE CHAIRMAN OF THE COMMITTEE ON RULES AND PRIVILEGES**

**SECTION 43. DUTIES OF THE CHAIRMAN.** The Chairman of the Committee on Rules and Privileges shall:

- a.) Responsible in prioritizing the business to be calendared and sign all prepared order of business before the approval of the Vice Mayor.
- b.) Other functions and duties as may be set forth by the Sanggunian or upon verbal authority or approval by the Presiding Officer during session.
- c.) He shall screen all other matters that would be presented by any member of the council during the start of the session for inclusion/exclusion of the business for the day.
- d.) He shall accept only three (3) other matters as an additional business to be discussed every session, in excess hereof should be prioritized for the next session.

#### **RULE XI – ORDER AND CALENDAR OF BUSINESS**

**SECTION 44. ORDER OF BUSINESS.** The Order of Business of the Sanggunian for every session shall be:

- a.) Call to Order
- b.) Invocation, Singing of the National Anthem and Recommitment to the PCL Creed
- c.) Roll Call/Determination of Quorum
- d.) Reading and Adoption of Journal/Minutes of Previous Session
- e.) Privilege Hour
- f.) Question Hour
- g.) Adoption of the Business for the day
- h.) Measures for the First Reading (Reference of Business)
  - 1.) Proposed Ordinance/Ordinances
  - 2.) Proposed Resolution/Resolutions
  - 3.) Letters, Endorsements, Official Communications, etc.
- i.) Committee Report
- j.) Calendar of Business
  - 1.) Unfinished Business
  - 2.) Business for the Day
  - 3.) Unassigned Business
- k.) Measures for the Third and Final Reading
- l.) Announcement
- m.) Adjournment

**SECTION 45. APPROVAL OF MINUTES –** The Minutes of each Session shall be submitted to the

Sanggunian for approval.

**SECTION 46. CALENDAR OF BUSINESS** – The Calendar of Business shall consist of the following parts:

- a.) Unfinished Business – Business being considered by the Sanggunian at the time of its adjournment. If consideration shall be presumed until such unfinished business is disposed of. Thereafter the Presiding Officer shall call for the Business for the day.
- b.) Business for the day – Proposed Ordinances, Resolutions and other measures set on the calendar for consideration on that day, to be considered in the order in which they are listed on the calendar.
- c.) Unassigned Business – Proposed Ordinances, Resolutions and other measures may be reported out by committees but not calendared earlier. Any business included in this part of the calendar may be set for consideration on motion of a member with unanimous approval of the Sangguniang Members present at the session, there being a quorum.

**SECTION 47. DISTRIBUTION OF CALENDAR** – The calendar shall be distributed each day of a session, unless there will be no addition to the one previously distributed, in which case a note of this effect on the Order of Business shall be insufficient

- a.) All other matters shall be submitted to the Majority Floor Leader a day before the scheduled session. Other matters shall only be entertained during regular session.

## **RULE XII – ORDINANCES AND RESOLUTIONS**

**SECTION 48. ORDINANCES AND RESOLUTIONS, DISTINGUISHED** – Legislative actions of the general and permanent character shall be enacted in the term of ordinance, while those which are of temporary proprietary functions and to private concern shall also be acted upon by resolutions.

**SECTION 49. ESSENTIAL PARTS OF ORDINANCES AND RESOLUTIONS** – Proposed Ordinances and resolutions shall be in writing and shall contain an assigned number, title or caption, an enacting or ordaining clause, and the date of which they become effective. In addition, every proposed ordinance shall be accompanied by brief explanatory note containing the justification for its approval. It shall be signed by the author or authors and submitted to the Secretary who shall report the same to the Sanggunian to its session.

**SECTION 50. FIRST READING** – The Secretary shall report all proposed ordinances and resolutions to the Sanggunian Members filed at least three (3) days before a regular or special session.

On first reading only the title, the assigned number, the name of the author or authors are read, and thereafter, the same shall be referred to the appropriate committee.

An erroneous referrals of proposed ordinance or resolution may be corrected any day after the approval of the minutes.

In case of erroneous referrals, the Chairman or any member of the committee claiming to have jurisdiction over a proposed ordinance or resolution may move that the referral be declared erroneous and for its correction, however, the Presiding Officer may motupropio and rectifies an erroneous referral.

**SECTION 51. PERIOD TO REPORT** – The committee shall submit a report on the proposed ordinance or resolution. If favorable, it shall be included in the Calendar of Business.



If the committee action on a proposed ordinance or resolution is unfavorable, it shall be laid on the table and within ten (10) days, notice of the action taken will be furnished the author or authors concerned stating the reason or reason for such action, provided that within five (5) days after receipt of the notice the Sanggunian may consider the committee recommendation.

**SECTION 52. URGENT MEASURES** – Any legislative matter duly certified to by the Local Chief Executive as urgent, whether or not it is included by the Sanggunian to the same session without the need of the suspending the rule shall be included in the Agenda under Unassigned Business.

The Sanggunian likewise, may on motion made by the Chairman or Vice Chairman of the committee concerned, consider a proposed ordinance or resolution as urgent and consideration thereof shall schedule according to the timetable.

If said motion is approved, the Sanggunian shall forthwith prepare a detailed timetable fixing the date on or before which the proposed ordinance or resolution must be reported by the committee concerned, the number of days and hour to be allotted to the consideration of the measure on second reading and the date or hour at which proceedings must be concluded and final vote on said measure taken.

**SECTION 53. SECOND READING AND DEBATE** – No proposed ordinance or resolution shall be considered on Second Reading in any regular session unless it had been reported out by the proper committee to which it was referred to or certified as urgent by the Local Chief Executive,

For the consideration of the proposed ordinance or resolution for second reading, the same shall be read by the Secretary in full with the amendments proposed by the committee if any, unless copies thereof have been distributed earlier and such reading is dispensed with. Thereafter, the proposed ordinance or resolution shall be subject to debate.

**SECTION 54. DEBATE AND CLOSURE OF MEMBERS IN THE DISCUSSION OF ANY MEASURE** – A motion to close to debate shall be in order after two speeches or any, or after only one speech has been delivered and none is against it.

When several members have registered or signified intention to speak on the matter under consideration and when said matters has been sufficiently and thoroughly discussed by the members, the Presiding Officer, by motupropio, or upon motion of a member, order that the member having the floor desist from speaking further as the other members may not be deprived of their opportunity to speak.

**SECTION 55. FIVE-MINUTE RULE** – After a motion to close debate, the Sanggunian shall proceed to the consideration of committee amendments. A member who desires to speak for or against an amendment shall have only five (5) minutes to do so.

The five-minute rule shall apply, likewise, in the consideration of an amendment, to an amendments, or of an amendment by substitution.

**SECTION 56. APPROVAL OF MEASURES ON SECOND READING** – The Sanggunian Secretary shall prepare copies of the proposed ordinance or resolution in the form it was passed in the Second Reading and shall distribute to each Sanggunian member a copy thereof, except that the measure certified to by the Local Chief Executive as urgent may be submitted for final voting immediately after debate or amendments during the Second Reading.

After the amendments have been acted upon the proposed ordinance or resolution shall be voted on Second Reading.

**SECTION 57. THIRD READING**– A proposed ordinance or resolution approved on second reading shall be included in the Calendar under Business for the Day.

No ordinance shall be approved unless it has passed three reading and copies thereof in its final form have been distributed to the members at least three (3) days before its passage, except when the Local Chief Executive or the Sanggunian certified to the necessity of its immediate enactment to meet a public calamity or emergency, upon the third reading of the proposed ordinance or resolution, no amendments thereof shall be allowed, and the vote thereon shall be taken immediately thereafter and the year, day entered in the minutes.

**SECTION 58. APPROVAL OF THE RESOLUTION** – A resolution shall be enacted in the same manner prescribed for ordinance, except that it need not go through a separate Third Reading for its final consideration unless decided otherwise by a majority of all the Sanggunian Members.

**SECTION 59. MAJORITY REQUIREMENTS** – No ordinance or resolution passed by the Sanggunian shall be valid unless approved by the majority of the members present, there being a quorum. Any ordinance or resolution authorizing or directing the payment of money or creating a liability, shall require the affirmative vote of a majority of all the Sanggunian Members for its passage.

Upon the passage of all ordinances or resolutions, the Sanggunian Secretary shall record the ayes and nays. Each approved ordinance and resolution shall be stamped with the seal of the Sanggunian and record in a book kept for the purpose.

**SECTION 60. SPECIAL PROVISIONS ON THE BUDGET ORDINANCE** – The Sanggunian shall in no case inquire the appropriation of any project or program of any office within the municipality over the amount submitted by the Local Chief Executive in his budget proposal.

After the Local Chief Executive shall have submitted the annual general appropriation measure, supplemental appropriation measure shall be considered only if supported by available funds as certified by the Local Treasurer or by funds to be raised by corresponding revenue proposals include therein.

**SECTION 61. APPROVAL BY THE LOCAL CHIEF EXECUTIVE** – Every ordinance or resolution passed by the Sanggunian shall be forwarded to the Local Chief Executive for approval. The Local Chief Executive shall affix his/her initial on each and every page of the ordinance or resolution and the word “APPROVED” shall appear with the signature on last page thereof.

Within ten (10) days after receipt of the ordinance or resolution, the Local Chief Executive shall return the said ordinance or resolution to the Sanggunian with either his approval or his veto, if he does not return it within that time, the ordinance or resolution shall be deemed approved.

**SECTION 62. VETO POWER OF THE LOCAL CHIEF EXECUTIVE** – The Local Chief Executive may veto any ordinance or resolution on the ground that it would be prejudicial to the public welfare particularly stating his reasons thereof in writing.

The Local Chief Executive shall have the power to veto any particular item or items of an appropriation ordinance, or of an ordinance or resolution directing the payment of money or creating liability. In such case, the veto item/s shall not affect the item/s which is/are not objected to. The veto item/s shall have no effect should the Sanggunian may override the veto by 2/3 votes of the members present there being quorum in manner hereunder provided otherwise, the item/s in the appropriations ordinance of the previous year corresponding to those vetoed shall be deemed reenacted

The Local Chief Executive may veto an ordinance or resolution only once.

**SECTION 63. REVIEW BY THE SANGGUNIANG PANLALAWIGAN** – Within seventy two (72) hours after the approval, the Secretary shall forward to the Sangguniang Panlalawigan for review, copies for the approved ordinances and resolutions enacted and adopted by the Sangguian.

Within thirty (30) days after receipt of copies of approved ordinances and resolutions, the Sangguniang Panlalawigan shall examine the documents or transmit them to Provincial Attorney. If there be none to the Provincial Fiscal for prompt examination. The Provincial Fiscal or Provincial Attorney shall within fifteen (15) days from receipt of the documents, give recommendations which may be considered by the said Sanggunian in making its decisions.

If the Sangguniang Panlalawigan finds that the ordinance or resolution is beyond the power conferred upon the Sangguniang Bayan, it shall declare such ordinance, or resolution invalid in whole or in part. The Sangguniang Panlalawigan shall enter its actions upon minutes and shall advise the corresponding municipal authorities of the action it has taken. The action of the Sangguniang Panlalawigan shall be final.

If the Sangguniang Panlalawigan takes no action within thirty (30) days after submission of an ordinance, or resolution the same will be presumed consistent with law, and therefore valid.

**SECTION 64. ENFORCEMENT OF THE DISAPPROVED MEASURES** – Any attempt to enforce, promulgate or execute any ordinance, resolution or executive order after the disapproval thereof shall be a sufficient ground for the suspension or dismissal of the officer making such attempt.

**SECTION 65. EFFECTIVITY OF ENACTMENT** – Unless otherwise stated in the ordinance or resolution, the same shall take effect after the lapse of ten (10) days from the date a copy thereof is posted in the bulletin board at the entrance of the municipal hall and in at least two (2) other conspicuous places, such as the public market, church or chapel.

Not later than five (5) days after passage of the ordinance or resolution, the Sanggunian Secretary shall cause the posting thereof in English together with a copy translated in dialect used by the majority of the people in the area, and shall record such fact in a book kept for the purpose, stating the dates of approval and posting thereof.

### **RULE XIII - DECORUM AND DEBATE**

**SECTION 66. MANNER ADDRESSING THE CHAIR** – When a member desires to speak, he shall rise and respectfully address the chair “Mr. Presiding Officer or Madam Presiding Officer”.

**SECTION 67. RECOGNITION OF MEMBERS TO SPEAK** – When two or more members rise at the time the Presiding Officer shall determine and recognize the member who is to speak first.

**SECTION 68. THE TIME LIMIT FOR SPEECH** – No member shall occupy more than ten (10) minutes in debate or in question or speak more than once on any question without leave of the Sangguniang Bayan, except as herein after provided. The period of interpellation shall not be counted against the time of the member speaking. Any member can interpellate the other during sponsorship speech.

**SECTION 69. SPONSOR TO OPEN AND CLOSE DEBATE** – The members reporting a measure under consideration from a committee may open and close the debate thereon. If the debate extend beyond (1) session day he shall be entitled to an additional fifteen (15) minutes to close.

**SECTION 70. DECORUM TO OPEN/CLOSE DEBATE** – In all cases, the member who has obtained the floor confined to a question under debate personalities. He shall refrain from personalities or uttering words, or performing acts which are inconsistent with decorum.

If it is requested that a member be called to order for words spoken in debate, the member making such request shall indicate the words accepted to, and they shall be taken down in writing by the Secretary and read aloud.

**SECTION 71. WEARING OF PROPER ATTIRE DURING SESSION** – During the regular session, all male members shall wear long sleeved barong Tagalog, slacks of any color and any shoes except rubber shoes, and any decent attire during special session. For lady members, any decent attire.

**SECTION 72. LANGUAGE USE DURING SESSION** – A member shall use English or Tagalog during deliberations and interpellations. A member may use also the vernacular, in some instances, however, it being used during the entire period allotted to him shall not be allowed.

**SECTION 73. DISCIPLINE OF MEMBERS** – The Sanggunian may discipline its members for disorderly behavior and, with the concurrence of two third (2/3) vote of all its members, the member shall be suspended or excluded from the session but if penalty is suspension, it shall not exceed sixty (60) days.

While the Presiding Officer is addressing the Sanggunian or putting a question, no members shall walk out or cross the session hall, except for reasons of personal necessity. Beware of highly emotional speakers in order not to become high tempered when interpellated by other member of the Sanggunian.

Smoking inside the session hall during the session is strictly prohibited. A member/staff may excuse himself/herself from the hall to smoke.

Mobile phones shall be put in a silent mode while the session is on progress.

No other personal business transaction during the session will be entertained. If somebody has business with any of the members, he shall be made to wait at the seats provided for visitors, until the session is finished or the body may declare a recess.

#### **RULE XIV – VOTING AND MOTION**

**SECTION 74. A TIE ON APPEAL** – A tie vote on an appeal from the ruling of the Chair sustains the decision of the Chair.

**SECTION 75. WHO MAY VOTE** – When a motion to report a proposed measure is adopted or lost, it shall be in order for member who votes with the majority to move for the reconsideration thereof on the same or succeeding session day, such motion shall take precedence over all other questions, except motion to adjourn to raise a question of privilege and a call to order.

**SECTION 76. RECORDING OF MOTIONS** – Every motion shall be entered in the minutes with the name of the member making it, unless it is withdrawn on that same day.

**SECTION 77. READING AND WITHDRAWAL OF MOTION** – When a motion is made, the Presiding Officer shall state it before being debated. Except as herein otherwise provided, a motion may be withdrawn at anytime before its approval or amendment.

**SECTION 78. PRECEDENCE OF MOTIONS** – When a question is under debate no motion shall be

entered except to adjourn, raise a question or privilege, declare a recess, lay on the table, postpone to certain day (which motion shall be decided without debate), refer, amend, or postponed indefinitely (which motion shall be decided subject to the five minute rule). Said motion shall have precedence in the foregoing order. No motion to postpone, or defer or postpone indefinitely, having failed passage, shall again be followed on the same day.

**SECTION 79. AMENDMENTS** – When a motion or proposition is under consideration, a motion to amend shall be in order. It shall also be in order to offer further amendment by substitution, but it shall not be voted upon until the original motion or proposition is perfected. Any of said amendments may be withdrawn before a decision is held thereon.

**SECTION 80. RIDER PROHIBITED** – No motion or proposition on a subject different from that under considerations shall be allowed under color of amendment.

**SECTION 81. MOTION TO COVER ONE SUBJECT MATTER** – No motion shall cover more than one subject matter.

**SECTION 82. AMENDMENT ON TITLE** – Amendments to the title of a proposed ordinance or resolution shall not be in order until after the text thereof has been perfected. Amendments to the title are decided without debate.

**SECTION 83. AMENDMENT IN FORM OF WRITING** – Amendment to an Ordinance or Resolution will be introduced in a form of writing so that all members of the Sanggunian will be properly informed so that they will be acquainted to such amendments prior to the floor deliberation.

**SECTION 84. CALL TO ORDER** – A motion to read any part of the rules is equivalent to a call to order and takes precedence over any motion other than to adjourn.

**SECTION 85. QUESTION OF PRIVILEGE** – Question of privilege are:

- a.) Those affecting the rights, of the Sanggunian; its safety, dignity, and the integrity of its member.
- b.) Those affecting the rights, of the Sanggunian and the conduct of the members individually, in their capacity as such member

Privilege questions are those motion or subject matter which, under the rules, take precedence over other motion and subject matter.

**SECTION 86.** No drastic resolutions/ordinances that would be passed by any member of the Sangguniang Bayan without preparing the drafted form, duly reproduced by the Office of the Secretary to the Sanggunian, and all members should be furnished hereof for proper evaluation and perusal.

#### **RULE XV – SUSPENSION OF THE RULES**

**SECTION 87. WHO CAN MOVE** – Any member can initiate or move for the suspension of the rules.

**SECTION 88. VOTE REQUIRED** – Two third (2/3) votes of the members present shall be required in case of objection to the motion for the suspension of the rule.

**SECTION 89. INTERRUPTION OF MOTION** – When a motion to suspend the rule is pending, one motion to adjourn may be entertained. If it is lost, no similar motion shall be entertained until the vote is taken on the motion to suspend.

## **RULE XVI – HEARING OF CASES**

In conducting hearings of administrative cases, the following basic procedures shall be followed:

- a.) Upon receipt of a complaint under oath, the respondent shall be required to answer in writing the complaint within seven (7) days from the date of receipt of complaint.
- b.) A complaint against any elective barangay official shall be filed before the sangguniang bayan whose decision shall be final and executory.
- c.) 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.
- b.) Within ten (10) days after receipt of respondent's answer, hearing shall commence;
- c.) No hearing shall be scheduled ninety (90) days immediately prior to any local election;
- d.) Parties shall be requested to be present by the council;
- e.) Complainant shall be first present his evidence and may be cross-examined by opposing Council and after complainant rests his case, respondents present his defense and may be cross-examined by complaint's Council.

After respondent's presentation of evidence, he rests his case. Both are required to submit simultaneously their respective memoranda. However, parties are not precluded to present rebuttal witnesses and after which position papers may be presented and the case is deemed submitted for resolution.

- f.) In resolving the case, the facts and the law must be cited in the decision;
- g.) All other pertinent rules not herein provided, the rules of court shall apply as suppletory in character.

## **RULE XVII – SUPPLEMENTAL PROVISION**

**SECTION 90. SUPPLEMENTAL PROVISION** – All matters not provided in the rules; "The Sangguniang Bayan in Action" authored by Antonio R. Laurora, the handbook on Effective Legislation authored by Prof. Reverendo Dihan shall be the supplemental parliamentary authority of the body. It means that question of rules which are not included in the House Rules shall be referred to "The Sangguniang Bayan in action, and the Handbook on Effective Legislation".

## **RULE XVIII – OFFICIAL SEAL**

**SECTION 91. OFFICIAL SEAL** – The seal of the Sangguniang Bayan/Municipal Seal basically consist the following; the year of its creation, a bunch of rice, a bunch of banana, pieces of coconut, original 5 barangays of the municipality and a vast rice field which represent that the municipality is mainly agricultural.

## **RULE XIX – AMENDMENTS OF THE RULE**

**SECTION 92. AMENDMENTS** – Any portion of these rules may be amended by a majority vote of all the Sangguniang Bayan Members.

**RULE XX– EFFECTIVITY**

**SECTION 93.** These rules shall take effect immediately upon its approval by the Sangguniang Bayan.

**CARRIED.**

**I HEREBY CERTIFY** to the correctness of the foregoing resolution.

**JULIET E. DAANTON**  
Secretary to the Sanggunian

Attested to be duly adopted:

**SAMUEL F. PACRES**  
Vice Mayor &  
Presiding Officer

Conformed:

**LEAH MARIE A. MORAL**  
Sangguniang Bayan Member

**GREGORIO S. FACULA**  
Sangguniang Bayan Member

**DONNA MAE B. BERNADAS**  
Sangguniang Bayan Member

**MELFAR C. AGUILUZ**  
Sangguniang Bayan Member

**RESTIE E. TABIRAO**  
Sangguniang Bayan Member

**JOELITO B. JURIANA**  
Sangguniang Bayan Member

**ROMULO S. ESMINO, JR.**  
Sangguniang Bayan Member

**DANIEL G. HILARIO**  
Sangguniang Bayan Member

**EDUARDO M. ZAPATA**  
ABC Pres/Ex-Officio Member

**MARCELINO O. FACULA**  
SKF Pres/Ex-Officio Member