

SEVENTEENTH SANGGUNIANG PANLUNGSOD)
113TH REGULAR SESSION)

SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY

COMMITTEE REPORT NO. 17-391

Submitted by the **COMMITTEE ON BARANGAY AFFAIRS & COMMITTEE ON LAWS, RULES, AND REVIEW OF BARANGAY ORDINANCES AND EXECUTIVE ORDERS AND INTERNATIONAL RELATIONS**

Date of Hearing: OCTOBER 16, 2015

Re: **SPPO NO. 2015-1097**

RECOMMENDING APPROVAL FOR ITEM NO. 1

Author/Sponsor/s: Councilor Rogelio D. Pacquiao (Author); Councilor Ramon R. Melliza (Co-Author) & Councilor Dominador S. Lagare (Co-Author)

MADAM PRESIDENT:

The Committee on Barangay Affairs and the Committee on Laws, Rules, and Review of Barangay Ordinances and Executive Orders and International Relations to which were referred this ordinance:

TITLE	RECOMMENDATION
SPPO NO. 2015-1097: AN ORDINANCE PRESCRIBING GUIDELINES IN THE GRANT OF SERVICE BENEFITS/INCENTIVES TO ALL ELECTED BARANGAY OFFICIALS IN GENERAL SANTOS CITY WHO HAVE RENDERED THREE (3) CONSECUTIVE TERMS OF OFFICE (Hon. Rogelio D. Pacquiao-Author; Hon. Ramon R. Melliza (Co-Author) & Hon. Dominador S. Lagare III (Co-Author))	APPROVED AS AMENDED ON COMMITTEE LEVEL - FOR ANOTHER HEARING

have considered the same and have the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

ATTY. RAMON R. MELLIZA
City Councilor/ Presiding Officer



MINUTES OF THE JOINT COMMITTEE HEARING OF THE COMMITTEE ON LAWS, RULES AND REVIEW OF BARANGAY ORDINANCES AND EXECUTIVE ORDERS AND INTERNATIONAL RELATIONS AND COMMITTEE ON BARANGAY AFFAIRS OF THE 17TH SANGGUNIANG PANLUNGSOD OF THE CITY OF GENERAL SANTOS.

October 16, 2015, Friday
10: 44 A.M. – 12.00 NOON.
SP Session Hall, 2/F Legislative Building,
Roxas Avenue corner City Hall Drive, General Santos City

COUNCILORS PRESENT: HONORABLE RAMON R. MELLIZA (Chairperson- LAWS & Vice-Chair- BRGY. AFFAIRS) HONORABLE DOMINADOR S. LAGARE III (Member- BRGY. AFFAIRS) AND HONORABLE ROSALITA T. NUÑEZ, MNSA/Ph.D

GUESTS/RESOURCE PERSONS: (SEE THE ATTACHED ATTENDANCE SHEET)

Agendum:

SPPR NO. 2015-1097: AN ORDINANCE PRESCRIBING THE GUIDELINES IN THE GRANT OF SERVICE BENEFITS/INCENTIVES TO ALL ELECTED BARANGAY OFFICIALS IN GENERAL SANTOS CITY WHO HAVE RENDERED THREE (3) CONSECUTIVE TERMS OF OFFICE.

The hearing was formally opened by the Chairperson, City Councilor, Honorable Ramon R. Melliza to discuss the foregoing agendum.

When asked, the City Treasurer, Mr. Rodilon Lacap informed the committee that they have initially discussed this proposal in the Local Finance level but since they have still some queries on this, hence, they wanted to get the DILG opinion.

When given the floor, Atty. Sero, DILG Director admitted that she was in receipt of the endorsement letter from the City Treasurer for comment of draft proposed ordinance. She said, there is already a DILG opinion on this, DILG Opinion No. 6, Series of 2009 dated January 22, 2009. This cited Iloilo City for having also this kind of ordinance of which the Legal Officer of DILG in Iloilo City opined that the proposed benefit is allowed because it is within the power of the Sangguniang to enact pursuant to Section 458A of the Local Government Code and the primary basis would be Section 16 of the General Welfare Clause.

Anent this, she furthered that the term "general welfare clause" was also mentioned in their letter saying that it is not defeated nor considered unconstitutional merely because it benefits a limited number of persons and considering that there was that jurisprudence of *Binay versus Domingo* as basis, hence she opined that in the case of this proposed ordinance, it is allowed. Also stated therein that while it is tenable for the Sangguniang to enact service benefits incentives to all qualified barangay officials its grant is of course subject to the availability of funds of the City Treasury. Further, an appropriation ordinance must be enacted accordingly by

the Sangguniang Panlungsod consistent with Section 305 of the Local Government Code that no money shall be paid out of the local treasury except in pursuance of an appropriation ordinance.

After deliberations ensued, the 3rd and 4th whereas were amended to, "***Whereas, the Sangguniang Panlungsod may enact such ordinance pursuant to Section 458A of the Local Government Code of 1991 which provides that may enact ordinances and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of the same Code.***

4th Whereas, the Sanggunian may enact measures for the benefits/ incentives to all qualified barangay officials that would be implemented in an appropriation ordinance for that purpose.

When asked, Mr. Lacap said the Local Finance Board has not yet establish as to how much is the required budget for this. But he suggested that it must to go through the budget process and most especially be included in the AIP approved by the SP before allocating such budget.

Honorable Nuñez opined that the City Budget Office will have to look at the term of office of the existing barangay officials so that the budget for this will be incorporated in the city budget.

Honorable Lagare manifested that during the previous hearing it was raised that in case a certain punong barangay will be elected as barangay kagawad or a barangay kagawad to a punong barangay during its third term, such will be entitled to receive the benefit accrued to the latter position being occupied. Honorable Gacal propounded the same was already agreed in the previous hearing that the basis in the granting of benefits would be in the third term.

As to the concern of Punong Barangay Veneracion, Honorable Gacal clarified that any elected barangay officials who died one month before his last third term is allowed to receive the said benefit and be received by their immediate families because it is the spirit of the law that "he or she gets elected". The Chair remarked that the law of succession will apply for this scenario. But Honorable Gacal further clarified that the first *barangay kagawad* who will succeed the position of a *punong barangay* will get the benefit of a *punong barangay* respectively..

The Chair, after discussing Section 1 of the proposed ordinance and as proposed by Honorable Gacal the second paragraph was amended accordingly (in **bold** print).

Only the Punong Barangay or *barangay kagawad* who has not been declared guilty ***by final judgment in any*** administrative or criminal ***case in relation to his/her office wherein the judgment includes for the forfeiture of all benefits of his/her position or*** by any government agency quasi-judicial body or court of justice at any time during his/her term of office shall be entitled to the benefits provided under this ordinance. Said amendment was thereupon ruled approved as amended in the committee level.

In Section 2, the in the phrase, "Public Service" the same was change to, "**Public Servant**" so as to use this term in the preceding or succeeding sections of this proposed ordinance.

Letter b of Section 2, the amount **P30,000.00** for each three-termer *punong barangay* was amended to **P100,000.00** and the amount of **P20,000.00** for each three-termer barangay kagawad was amended to **P50,000.00**. Thereupon, Section 2 was ruled approved as amended in the committee level.

With the deletion of Section 3, Section 4 becomes Section 3 respectively.

In the last portion of Section 3 the phrase, "***plaque of appreciation or***" was inserted between the word, "***same and cash***". The chair ruled section 3 approved as amended on committee level.

On Section 3, the phrase "***plaque of appreciation and***" was inserted after the word "same."

City Councilor Franklin Gacal reiterated that the barangay officials which rendered three (3) consecutive terms will get the benefits from his/her present position before his retirement.

Concerning the barangay officials who serves in his present position for more than three terms, City Councilor Lagare believed that it would only qualify once based on Section 1 of the proposed ordinance.

Thereafter, Councilor Lagare introduced an amendment that the word "completed" in Section 1 be changed to "elected".

On the other hand, Councilor Gacal retorted that the spirit of the ordinance is to award a distinguished public servant. He added that once the Punong Barangay will be elected for five (5) consecutive terms, it entailed that there is so much trust given by the people to him and on his fifth term as elected officials he should also be given the same benefit.

Barangay Captain Yumang stated that the spirit of the law is to confer awards to those who are elected three (3) consecutive terms regardless of position. He added that there's no question to the barangay officials who got elected for three (3) consecutive terms, but what will happened if the barangay official elected as punong barangay for two (2) consecutive terms and on his last term he was elected as a barangay kagawad. Contemplating such possibility, the chair maintained that the corresponding amount that will be given to him will be based on his present position as a duly elected public servant.

City Councilor Nuñez furthered that to make things easier and clearer the phrase "***for the position he was last elected***" be added in the proposed ordinance.

Mr. Lacap stated that he is amenable with the statement of Punong Barangay Yumang that the corresponding award to be given to the barangay officials will be in accordance with the number of terms he or she gets elected based on the last elected position. This is to differentiate the award of the Barangay kagawad and punong barangay Captain which is simpler to interpret and implement.

Mr. Cunanan manifested to put it in the Implementing Rules and Regulations (IRR) the specific details in the interpretation of the proposed ordinance as basis in the giving incentives to the barangay officials. However, the chair stated that there's no need of an IRR because it is already stated in Section 3 of the proposed ordinance.

Punong Barangay Veneracion also clarified that what was stipulated in the ordinance is not 'appointed' but rather 'elected'. Hence, in case of vacancy wherein the City Mayor may appoint for such vacancy, the same will not be counted as a part of being 'elected'.

City Councilor Nuñez emphasized that regardless of how many terms the barangay officials completed, such will receive the award commensurate to the last position he/she was elected.

Concerning the terms rendered by the barangay officials, Punong Barangay Yumang suggested to categorize the award to be given to the barangay officials who rendered three (3) consecutive terms and five (5) consecutive terms respectively.

City Councilor Gacal stated to discuss said matter on the next committee hearing.

Mr. Lacap informed the body that as of October 16, 2015, there are seven (7) Punong Barangays and twenty (20) barangay kagawads as the last term with a rough estimate of ₱1.7 million for service benefits/incentives which may accrue to the concerned barangay officials.

Further deliberations ensued, the chair ruled to call for another committee hearing for fine tuning and requested to invite all the Barangay Captain and Barangay kagawad to be present on Friday, October 23, 2015 at 9:00 o'clock in the morning.

FOR ANOTHER HEARING

There being no more matter to discuss, the chair declared the consultative meeting on recessed at exactly 12:00 o'clock in the afternoon.

HEARING - ADJOURNED

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City Councilor & Chairperson
Committee on Laws, Rules and Review
of Barangay Ordinances, and Executive
Orders and International Relations

ROGELIO D. PACQUIAO
City Councilor & Chairperson
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