

SEVENTEENTH SANGGUNIANG PANLUNGSOD)

113th Regular Session

SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY

COMMITTEE REPORT NO. 17-392

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

Date of Hearing: 20 May 2015

RE: RESOLUTION NO. 2015-1097

Principal Sponsor: Hon. Rogelio D. Pacquiao

RECOMMENDING APPROVAL FOR THIS ITEM

MADAM PRESIDENT:

The above-mentioned committee to which was referred the hereunder resolution

TITLE	RECOMMENDATION
RESOLUTION 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	APPROVED ON COMMITTEE LEVEL-FOR SECOND READING ON NOVEMBER 3, 2015

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

Respectfully submitted:

ATTY. RAMON R.MELLIZA
City Councilor & Chairperson



**MINUTES OF THE JOINT 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**

Friday, October 23, 2015

10:04 A.M. – 11:35 A.M.

Session Hall, 2/F Legislative Building

Corner Roxas Avenue and City Hall Drive, General Santos City

COUNCILOR PRESENT: Hon Ramon R. Melliza (Chairperson-Laws) Hon. Franklin M. Gacal, Jr. (Member-Laws)

GUESTS/RESOURCE PERSONS: (Please see attached attendance sheet.)

AGENDUM:

**RESOLUTION 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**

The committee chairperson, City Councilor Ramon R. Melliza, called the consultative meeting to order and after which, he acknowledged the presence of all attendees.

He then informed that in the last hearing, the said proposed ordinance was reworded to read as follows: An ordinance granting service benefits/incentives to all elected barangay officials in General Santos City who have rendered three (3) consecutive terms of office and prescribing guidelines thereof. (subject to style). The proposed incentive for the punong barangay was in the amount of P100,000.00 and P50,000.00 for the barangay kagawad.

Moreover, he said the city's proposed incentives for both the punong barangay and barangay kagawad are based on the guidelines set forth on the grant of incentives and could not be compared to what the cities of Quezon, Cebu, and Davao are giving as they have big budgets.

The chair also apprised that after the first hearing, they notified the DILG as regards the said ordinance, and he read the stand of the DILG addressed to the city mayor where there contained that it has nothing against the said proposal as the sanggunian may enact such ordinance pursuant to Section 458-a and Section 16 of the Local Government Code of 1991. Though it is tenable for the Sanggunian to enact an ordinance, still the grant will be subject to the availability of funds and must be in accordance to an appropriation ordinance enacted by the SP consistent with Section 305 of the Local Government Code and with the national DILG Opinion No. 6, Series of 2009 dated January 22, 2009, retrieved on October 12, 2015.

Responding to the query of Brgy. Captain Gerry Jugarap of Bawing, City Councilor Gacal said that the original intention of the author was to grant incentives to the ones elected/chosen by the entire population not by a sector. So, he presumed that the IP representatives are not included as they are only indorsed by the IP community. However, the chair said they can amend the ordinance and discuss this matter with the NCIP if there is a legal way to include the IP later on.

Likewise, the inquiry of Brgy. Captain Diamante of Baluan, City Councilor Gacal clarified that a barangay official who rendered service as a barangay councilor for two consecutive terms and thereafter a barangay captain for his last term, he is entitled to get an incentives he has served for 3 consecutive terms.

As to whether or not the city would have the capacity to grant the said benefits/incentives, Mr. Rodilon Lacap disclosed that the amount is not so significant based on the current statistics he gathered from the DILG because it will only entail less than P2 million. He then encouraged the barangay officials to help the city government in the collection of Real Property Tax so that next year the city would be able to implement such incentives and other support services needed in their respective barangays. The 1% of the RPT will be for the SEF/Local School Board Fund and the $\frac{3}{4}\%$ will be for the basic amount in which the barangay gets a share of 30% and 70% goes to the city's General Fund. He likewise informed that the city will conduct a public auction sale of the delinquent properties on November 5 involving approximately 800 delinquent tax declarations published in the newspaper. He assured that the summary procedure as prescribed under the Local Government Code of 1991 was completely complied. And the public auction sale is in compliance with what they agreed during the amnesty period. In fact, he said everyone concerned was given an ample time to settle his tax delinquency.

However, City Councilor Gacal said they should be lenient and compassionate in the collection of taxes because they might not have been duly notified. He also requested the city treasurer to coordinate with the radio and TV stations for the information dissemination of this matter. City Councilor Melliza added that the owners might have just forgotten to pay their real property taxes as he himself received a notice because the in-charge of his property failed to settle the real property tax.

The chair also viewed that on tax cases, compromise is the most available remedy in which Mr. Lacap informed that he already requested the honorable city mayor for the passage of an urgent ordinance allowing the city government to impose and recover the cost of sales on auction sale which was already submitted yesterday to the SP.

Nonetheless, the chair believed that the owners will be given priority and still have the right to redeem their properties. For information dissemination purposes, Barangay Captain Parreñas asked a copy of the list of delinquent taxpayers in which Mr. Lacap assured to give him a copy of the original publication.

When the discussion was back to the main topic, it was assured that a barangay official who has rendered two consecutive terms as a kagawad and as a barangay captain for his third, fourth, and fifth term then graduates, he gets an incentive on his third term as a barangay captain. As to another question raised whether or not he would still be given the same incentive once he would retire for the better after serving consecutively for three years as a barangay captain, City Councilor Gacal said he should still be given an incentive.

With the foregoing, Mr. Lacap inquired if on the third term the barangay official failed to serve completely the said term, City Councilor Gacal responded that if he is incapacitated or if he dies then he will receive it. But if he was convicted for an offense and penalized where all his benefits were forfeited then he will not receive.

As to the query of Barangay Captain Veneracion regarding a third- term kagawad who assumes the remaining term of a barangay captain who died or incapacitated, City Councilor Gacal clarified that even if he was not elected as a barangay captain, still he will receive the incentive of a barangay captain. Mr. Lacap and Brgy. Captain Veneracion, however, recalled that in their last meeting about this matter, the basis for the grant was the last position he was holding. City Councilor Gacal made it clear that whatever position the barangay official finished on third term, it's the basis of his reward whether elected or assumed by operation of law.

Regarding the suggestion of Barangay Captain Veneracion to make the incentive uniform for both kagawad and barangay captain City Councilor Gacal did not agree because he said the availability of funds should be considered and besides there should be a distinction between a kagawad and a barangay captain. Mr. Lacap on the other hand manifested that if only the barangay officials will assist in the revenue generation, there is no problem with the suggestion of Barangay Captain Veneracion since the amount is not so significant. He even encouraged each barangay unit because one of its mandates is to work with the city government in terms of revenue generation particularly on the real property tax collection wherein it has a share with the proceeds. City Councilor Gacal then suggested to sit down with the barangay captains and find a way to formulate a scheme to help augment in the collection of the real property tax. In fact, he said they have been coordinating with the barangays particularly on the identification and delivering of notices of statement of accounts or delinquencies. But since the outcome was not so good, they were enhancing their strategies by providing them incentives to as high as P300,000 next year. He clarified that this incentive is not yet included in the 2016 budget.

Concerning accountabilities of a last term barangay officials, City Councilor Melliza stated that the ones found guilty of a criminal or administrative case will not receive such incentive. In this connection, Mr. Lacap suggested that before the awarding of the incentives, the qualified officials must secure a certification or a clearance from their respective barangay. If there is an unliquidated amount, it will be deducted from the incentive since the same will be released through the office of the city treasurer. Barangay Captain Parreñas remarked it has been the practice that a barangay captain cannot receive his last salary without securing a clearance. As to his further query, City Councilor Gacal clarified that for every three consecutive term, a barangay official is entitled to receive an incentive even if he has already graduated but elected again.

Barangay Kagawad Parreñas than thanked the city officials for such effort since this is of great help especially to the barangay captain who even spends his own money being a frontliner in the delivery of services.

After Brgy. Captain revealed that the Commission on Audit disallowed their clothing allowance on the ground that they are not considered employees, Barangay Kagawad Salanio of Tinagacan informed that during the regional convention in Davao City last May, Senator Guingona spoke on Barangay Reform Law particularly on the issue of honorarium which is to be leveled up to salary.

Anent this, City Councilor Melliza was toying the idea of passing a resolution urging Congress to amend a particular provision of the Local Government Code making the honorarium of the barangay officials into salary. Though there's already a move on this, but he said there's still a need to urge the Congress for the immediate amendment of such provision. He then reiterated the statement from the DILG which states: Although the proposed ordinance will benefit directly but the effect benefits also the people in general. And as already decided by the Supreme Court in some cases where there states, "General Welfare is not defeated nor considered unconstitutional merely because it benefits a limited number of persons," the case of barangay officials who have rendered three consecutive terms applies because he said this particular law has been interpreted by the Supreme Court indirectly benefiting the people because the effect of which is for the barangay officials to be self-motivated.

As agreed to include the fifth term, City Councilor Galal moved for an amendment by insertion/inclusion as Section 5 of the provision hereof which states: Section 5.- In the event where an elected official is elected for five (5) consecutive terms, and on his 5th term he is deemed a graduate, the said elected official shall likewise receive the incentive under this ordinance upon completion of the 5th term, subject to style.The succeeding sections will be adjusted accordingly.

When Mr. Lacap queried about the meaning of the word, "graduate" as provided in Section 5, City Councilor Galal said it means, "retire" wherein the official has completed three consecutive terms for the same position, and he then cited the case of a certain official serving as a barangay councilor for two consecutive terms and subsequently as a barangay captain for another three consecutive terms. Under the law, he said he has already served three consecutive terms as a barangay captain.

When Brgy. Captain Veneracion sought another clarification for an official who would decide to run for kagawad after the fifth term if he would still be receiving an incentive, City Councilor Galal said that he still has to complete the three terms before he can receive the incentive.

With no more concern to address, the proposed ordinance was approved on committee level as amended to be calendared for second reading on the first Tuesday of November 2015 regular session. The Chair at this point requested that in the final draft, all the amendments must be underlined.

There being nothing further to discuss, both City Councilors Galal and Melliza expressed appreciation to everyone for coming and sharing their brilliant ideas. The joint committee hearing was adjourned at 11:35 o'clock in the morning.

JOINT COMMITTEE HEARING ADJOURNED @ 11:35 A.M.

Prepared by:

JOYCE A. CORUÑA
Stenographic Reporter IV

INOCENCIA J. TUMBAGA
Stenographic Reporter III

Edited by:

Noted by:

CARMELITA A. GENOTA
Stenographic Reporter III

LOLITA PO. PEDRO
Board Secretary IV
Division Chief-Journal & Minutes

Attested:

ATTY. RAMON R. MELLIZA
City Councilor and Chairperson