



Republic of the Philippines  
Province of Sorsogon  
**CITY OF SORSOGON**



*Office of the Sangguniang Panlungsod*

EXCERPTS FROM THE MINUTES OF THE INAUGURAL SESSION OF THE SEVENTH CITY COUNCIL  
HELD AT THE SESSION HALL ON JUNE 30, 2019.

**PRESENT:**

**HON. MARK ERIC C. DIONEDA**  
City Vice Mayor/Presiding Officer

**BACON DISTRICT**

Hon. Jo Abegail C. Dioneda  
Hon. Melchor P. Atutubo  
Hon. Hilario D. Dioneda  
Hon. Danilo A. Deladia

**EAST DISTRICT**

Hon. Ralph Walter R. Lubiano  
Hon. Mary Ellen D. Jamisola  
Hon. Franco Eric O. Ravanilla  
Hon. Joven G. Laura

**WEST DISTRICT**

Hon. Nestor J. Baldon  
Hon. Erwin J. Duana  
Hon. Fernando David H. Duran, III  
Hon. Rebecca D. Aquino

**EX-OFFICIO MEMBERS**

ABC President Ma. Teresa D. Perdigon  
SK Federation Pres. Lorenz S. Abenion

**ABSENT:** None

***Resolution No. 001, Series of 2019***

(Author: **Unanimously Proposed**)

**RESOLUTION ADOPTING THE PARLIAMENTARY AND ADMINISTRATIVE RULES  
AND PROCEDURE OF THE 7<sup>th</sup> SANGGUNIANG PANLUNGSOD OF THE CITY OF  
SORSOGON**

**WHEREAS**, similar to any deliberative body, the Sangguniang Panlungsod of the City of Sorsogon will successfully and expeditiously conduct its proceedings thru adherence to a set of rules that serves as a guide in its effective and orderly discussion which in effect will protect and preserve the dignity of this body;

**WHEREAS**, pursuant to Section 50 of the Local Government Code of 1991, the Sangguniang Panlungsod of the City of Sorsogon is authorized to adopt its own Internal Rules of Procedure for the effective and proper discharge of its legislative functions;

**BE IT, THEREFORE,**

**RESOLVED**, by the Sangguniang Panlungsod through and by the 7<sup>th</sup> City Council in session assembled, to adopt, as it hereby adopts, the following **Internal Rules** for Parliamentary and administrative Procedures to govern its deliberations and proceedings.

## BOOK I

### THE RULES ON PARLIAMENTARY PROCEDURE OF THE 7<sup>th</sup> SANGGUNIANG PANLUNGSOD OF THE CITY OF SORSOGON

#### RULE I MEMBERSHIP

##### SECTION 1            COMPOSITION

The Sangguniang Panlungsod, being the legislative body of the City of Sorsogon, shall be composed of the City Vice Mayor as Presiding Officer, the regular Sangguniang Panlungsod Members elected at large, the President of the City Chapter of the Liga ng mga Barangay (Liga President), Sangguniang Kabataan City Federation President (SKCF President) and such sectoral representatives as may be chosen/elected pursuant to law.

##### SECTION 2            DISCIPLINARY SANCTIONS

The Sangguniang Panlungsod shall discipline its members for disorderly conduct and behavior, for 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 otherwise expelled: Provided, that the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the Sangguniang Panlungsod members: Provided, further, that a member convicted by final judgment to imprisonment for commission of any crime involving moral turpitude shall be automatically expelled from the Sangguniang Panlungsod as member thereof.

##### SECTION 3            OATH OR AFFIRMATION

All members of the Sangguniang Panlungsod of the City of Sorsogon, upon assumption to office, shall take an oath of office or affirmation in prescribed form, duly subscribed and sworn to before a person authorized to administer oath.

#### RULE II ELECTION OF OFFICERS

##### SECTION 1            SET OF OFFICERS

The Sangguniang Panlungsod of the City of Sorsogon shall designate a Sergeant-at-Arms, the Chairmen of the respective committees in consonance with the provisions under Rule V, Section 2 hereof, and the temporary presiding officer in the absence of the City Vice-Mayor during any session.

The City Vice-Mayor shall be automatically the presiding officer in all kinds of sessions of the Sangguniang Panlungsod.

##### SECTION 2            MANNER OF SELECTION/ELECTION

The officers of Sangguniang Panlungsod shall be elected by the majority vote of its members present constituting a quorum. Should there be more than one candidate for the same position, a nominal vote shall be taken; otherwise, the election shall be by viva voce.

**RULE III  
THE PRESIDING OFFICER**

**SECTION 1                    RIGHTS AND DUTIES OF THE VICE MAYOR AS PRESIDING OFFICER**

The Sorsogon City Vice-Mayor shall be the Presiding Officer of the Sangguniang Panlungsod, and as such, shall have the following rights and duties:

- a) To preside over the meetings/sessions of the Sangguniang Panlungsod.
- b) To preserve order and decorum during the meetings and to exact from all present due respect and proper deportment, prevent disturbance and disorder and to order the session hall cleared of any or all persons behaving improperly.
- c) To decide all questions of order, subject to appeal by any member.
- d) To sign all ordinances, resolutions, orders, proceedings, minutes and other documents of which he is required by law to sign.
- e) To declare the meeting adjourned to some other time or place in case of serious disorder or great emergency.
- f) To call for a special session at his own initiative as exigencies may warrant;
- g) All such other rights and duties deemed just and proper and those imposed by law and administrative issuances in consonance with functions inherent in the Office of the City Vice-Mayor and as Presiding Officer.

**SECTION 2                    BRIEF REMARKS ON DEBATABLE QUESTIONS**

The Presiding Officer shall assist in the expeditious transactions of the business of the Sangguniang Panlungsod and shall, for this purpose, be permitted to make brief remarks on matters pertaining to any pending debatable questions without expressing himself for or against said questions.

**SECTION 3                    VOTE TO BREAK A TIE**

The Presiding Officer, whether regular, acting or temporary, shall vote only to break a tie. He may not, however, be compelled to vote, except by reasons and circumstances as prescribed herein.

**SECTION 4                    THE TEMPORARY PRESIDING OFFICER**

In the event of the inability of the Vice-Mayor, as presiding officer, to preside at the Sangguniang Panlungsod session, the members present and constituting a quorum thereof shall elect from among themselves a temporary presiding officer, **EXCEPT**, when an acting Vice Mayor is officially appointed or designated, in which case, he shall automatically act as the acting presiding officer.

**SECTION 5                    MEMBERSHIP OF COMMITTEES**

The Regular Presiding Officer shall not be appointed or elected as chairman or member of any standing/permanent committee but he may participate in all committee deliberations. He may, however be elected as chairman of any special or *ad hoc* committee which the Sangguniang Panlungsod may organize for specific purposes as prescribed under Rule V, Sec. 3.

**RULE IV  
THE SECRETARIAT**

**SECTION 1                    THE SECRETARY TO THE SANGGUNIANG PANLUNGSOD**

There shall be a Secretary to the Sangguniang Panlungsod who shall take charge of the Office of the Secretary and shall discharge the following tasks:

- (a) Attend meetings/sessions of the Sangguniang Panlungsod and keep a record/journal of its proceedings.
- (b) Keep the seal of the City of Sorsogon and affix the same with his signature to all ordinances, resolutions and other official acts of the Sangguniang Panlungsod and present the same to the presiding officer for his signature.
- (c) Forward to the City Mayor, for appropriate action, ordinances and resolutions enacted or adopted by the Sangguniang Panlungsod which have been certified as such by the Presiding Officer, within eight (8) days after their enactment or adoption.
- (d) Forward to the Sangguniang Panlalawigan a copy of each approved ordinance in the manner prescribed by law.
- (e) Furnish, upon request of any interested party, certified copies of records of public character in his custody, upon payment to the city treasurer of such fees as may be prescribed by ordinance.
- (f) Record in a book under his custody all ordinances and resolutions enacted or adopted by the Sangguniang Panlungsod, with the dates of passage and publication thereof.
- (g) Keep in his office all confidential and non-confidential records open to the public during the usual business hours and subject to observance of existing rules and regulations for the purpose.
- (h) Transmit to proper committees all matters referred thereto by the Sangguniang Panlungsod or the presiding officer.
- (i) Take custody of the archives, the city library and annually account therefore.
- (j) To perform such other duties and functions as the Sangguniang Panlungsod or its presiding officer may direct.
- (k) Perform other duties deemed just and proper under the law and inherent to the office of the Secretary to the Sangguniang Panlungsod.

**RULE V  
COMMITTEES AND COMMITTEE REPORTS**

**SECTION 1                    STANDING COMMITTEES**

The following permanent committees are hereby created with the corresponding general jurisdiction.

- (a) **COMMITTEE ON RULES** – All matters relating to the Internal Rules of the Sangguniang Panlungsod, order of business, creation and reorganization of Committees and the disorderly conduct and investigation thereof, and the privileges of its members as well as the review of ordinances submitted by the barangays. (City Councilor Joven G. Laura)
- (b) **COMMITTEE ON LAWS, JUSTICE & HUMAN RIGHTS** -all matters relating to the legal aspects of action taken by and submitted to the Sangguniang Panlungsod; the conduct, rights, dignity, integrity and reputation of the members of the Sangguniang Panlungsod. And all matters relating to human rights violation

and prevention thereof and protection of the natural and legal rights of every person. (City Councilor Hilario D. Dioneda)

- (c) **COMMITTEE ON BUDGET, FINANCE AND APPROPRIATION**– All matters related to the approval of the budget and appropriation of funds or payment of obligations, allocation of funds for projects and other services, and all matters pertaining to public expenditures. (City Councilor Nestor J. Baldon)
- (d) **COMMITTEE ON WAYS AND MEANS** - All matters related to local taxes, fees and charges; loans and other sources of local revenues; revision of tax measures including codification of tax ordinances. (City Councilor Ralph Walter Lubiano)
- (e) **COMMITTEE ON WOMEN, CHILDREN AND FAMILY WELFARE**– All matters related to the protection of women, children and family; measures to protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and potentials; measures to protect the rights of spouses and children, including assistance for proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development; measures to protect the rights of families or family associations to participate in the planning and implementation of policies and problems that affect them; and other measure that will safeguard the development and welfare of women, children and family. (City Councilor Jo Abegail C. Dioneda)
- (f) **COMMITTEE ON ENVIRONMENTAL PROTECTION AND CLIMATE CHANGE**– All matters relating to the conservation and protection of the environment in the City of Sorsogon, the regulation of the impact of human and business activities; the promotion of environmental awareness of our citizens and all matters relative to environment-related issues and measures pertaining to climate change. (City Councilor Danilo A. Deladia)
- (g) **COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURE** – All matters relative to planning, construction, maintenance, improvement and repair of public buildings, bridges, roads, parks, drainage, flood control and protection and other infrastructure projects and similar activities. (City Councilor Erwin J. Duana)
- (h) **COMMITTEE ON TRADE, COMMERCE AND INDUSTRY** – All matters relating to domestic and foreign trade, public market, standard weights and measures, handicrafts and cottage industries, consumer protection, control of prices of commodities; and matters relating to development of economic enterprises. (City Councilor Ralph Walter R. Lubiano)
- (i) **COMMITTEE ON LIVELIHOOD, COOPERATIVES, PO's, GOs' and NGOs'** –Matters relative to the concerns or questions pertaining to cooperatives, Government Organizations (GOs') and Non-Governmental Organizations (NGOs') their organization, operation and development; incentives to cooperatives, GOs' and NGOs' and all other matters affecting them. (City Councilor Mary Ellen Jamisola)
- (j) **COMMITTEE ON AGRICULTURE AND FOOD** – All matters related to agriculture, food production and agri-business; agricultural economic research, soil survey and conservation; agricultural education and extension services; animal industry and livestock quarantine, farm credits; fisheries and aquatic resource preservation and development of fishing grounds; and construction of fish

ponds, corrals, oyster beds, and regulatory measures thereof. (City Councilor Erwin J. Duana)

- (k) **COMMITTEE ON PERSONNEL** – All matters or questions pertaining to organization and management; personnel administration, position classification and pay plan, staffing patterns; creation of positions and policy formulation. (City Councilor Ralph Walter R. Lubiano)
- (l) **COMMITTEE ON SOCIAL SERVICES** – All matters related to public and social welfare and ameliorative services and public social services for the disadvantaged groups. All matters related to labor or employment; maintenance of industrial peace; promotion of employee-employer cooperation; and all matters relating to the general welfare of the city residents and implementation of the provisions of the constitution on social justice. (City Councilor Mary Ellen D. Jamisola)
- (m) **COMMITTEE ON EDUCATION, ARTS, CULTURE AND HERITAGE** – All matters relating to education, schools, libraries, museums, shrines, monuments and other public edifices of historic interest; non-formal and community adult education; implementation of the constitutional provisions on free elementary and secondary education; enrichment of Filipino arts, heritage and culture. (City Councilor Joven G. Laura)
- (n) **COMMITTEE ON HEALTH AND SANITATION** – All matters related to health, sanitation and hygiene; health centers, medical hospitals and clinics; purchase of medicine and other health and sanitary measures. (City Councilor Mary Ellen D. Jamisola)
- (o) **COMMITTEE ON LAND USE, URBAN PLANNING AND HOUSING** – All matters relating to urban planning and housing development/program. All matters that relate to real estate and subdivision development, measures pertaining to land use; Zoning Code enactment or zonification, land reclassification and all matters relating to housing and land utilization. (City Councilor Nestor J. Baldon)
- (p) **COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES** – All matters relating to public utilities, public services; communications and transportation. (City Councilor Franco Eric O. Ravanilla)
- (q) **COMMITTEE ON PEACE, PUBLIC ORDER AND SAFETY** – All matters related to police matters, maintenance of peace and order, protective measures; fire prevention and control measures; and jail management, and all matters pertaining to peace and order and public safety. (City Councilor Danilo A. Deladia)
- (r) **COMMITTEE ON TOURISM AND INVESTMENT PROMOTION** – All matters relating to tourism industry and all matters relating to all investments in the City of Sorsogon and its promotion. (City Councilor Jo Abegail C. Dioneda)
- (s) **COMMITTEE ON TRICYCLE FRANCHISE** - All matters pertaining to the issuance, renewal and all other related transactions relative to tricycle franchise. The Committee shall, in the exercise of their functions, coordinate with the Sangguniang Panlungsod Franchising Section. (City Councilor Nestor J. Baldon)
- (t) **COMMITTEE ON GAMES AND AMUSEMENT** - All matters pertaining to the issuance of legislative permit in relation to the conduct of any game and amusement activities in the city. (City Councilor Nestor J. Baldon)

- (u) **COMMITTEE ON ENERGY** - All matters pertaining to the use and conservation of energy in the city. (City Councilor Franco Eric O. Ravanilla)
- (v) **COMMITTEE ON URBAN POOR** - All matters pertaining to projects, programs, activities and all such other measures relative to the upliftment of the condition of the marginalized sector of the Urban Poor. (City Councilor Jo Abegail C. Dioneda)
- (w) **COMMITTEE ON PUBLIC AFFAIRS AND INFORMATION** - all matters pertaining to information and activities of the Sangguniang Panlungsod that should be disseminated to the public that the public ought to know and be informatively educated for the purpose. (City Councilor Fernando David H. Duran III)
- (x) **COMMITTEE ON PEOPLE'S EMPOWERMENT** - all matters pertaining to direct and indirect actions of the people concerning their political and socio-economic growth, public hearing and consultation. (City Councilor Melchor P. Atutubo)
- (y) **COMMITTEE ON GOOD GOVERNANCE, ETHICS AND ACCOUNTABILITY** – all matters or questions pertaining to the public office; for the economical efficient and effective local government administration; conduct and ethical standards for local officials and employees; public accountability of local officials and employees and all matters related to good governance. (City Councilor Rebecca D. Aquino)
- (z) **COMMITTEE ON MARKET AFFAIRS** - all matters pertaining to the execution of laws, ordinances, administrative issuances and all such other measures relative to the effective and efficient administration of public and private markets in the city. (City Councilor Joven G. Laura)
- (aa) **COMMITTEE ON CITY PROPERTIES** – all matters and issues concerning maintenance, availability, accessibility, disposal and inventory of all city properties of any kind or classification. (City Councilor Mary Ellen D. Jamisola)
- (bb) **COMMITTEE ON BARANGAY AFFAIRS** – All matters relating to the affairs and activities of all barangays within the City, including the creation of new barangays, merger, abolition or alteration of boundaries of barangays. (City Councilor Ma. Teresa D. Perdigon)
- (cc) **COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT**– All matters relating to youth welfare and sports development and all other activities related thereto and the implementation of the constitutional provisions and other law on sports. (City Councilor Lorenz S. Abenion)

Except only in the event of resignation with the consent of the body, a committee chairmanship and membership shall in no case be transferred or re-assigned for at least one (1) year from election or selection, as the case may be, so as to allow familiarity in the performance of functions.

## **SECTION 2                    MEMBERSHIP IN THE COMMITTEE**

Each committee shall be composed of a chairman, a vice chairman and not more than three (3) members. The chairman shall be elected by the Sangguniang Panlungsod and he/she shall have a full authority to designate his vice chairman and members thereof.

**SECTION 3                    PRESIDING OFFICER AS CHAIRMAN OF AN AD HOC COMMITTEE**

The presiding officer shall not be a member of any regular committee but may be designated by the body as chairman of a special committee created for special purposes, provided that the purpose for which it was created does not involve legislative matters or policy making.

**SECTION 4                    PERSONAL AND PECUNIARY INTEREST**

No member shall be elected to any committee which has jurisdiction over a matter in which such member has a direct or indirect personal or pecuniary interest.

**SECTION 5                    CALL FOR COMMITTEE/PUBLIC HEARINGS**

Committees shall meet at the instance of their respective committee chairmen or a majority of its members, provided, due notice duly noted by the Presiding Officer is served upon each and every member including concerned parties thereof.

**SECTION 6                    COMMITTEE QUORUM**

A majority of the members of a committee shall constitute a quorum to do business.

Chairmen of their respective committees shall determine such unexplained absences of their respective members and shall report the same to the plenary for appropriate action as herein prescribed in the next succeeding sections.

**SECTION 7                    VACANCY**

When a vacancy occurs in a committee, the same shall be filled by the chairman.

**SECTION 8                    INVITATION AND APPEARANCE AT THE COMMITTEE HEARING**

Any committee may request, in aid of legislation and in pursuant to public service, through the Presiding Officer, the appearance before it of any official or employee of Sorsogon City over which the Sangguniang Panlungsod exercises jurisdiction. Any person may appear at a committee hearing/meeting and present his view on matters for consideration before it at such time as the committee may designate.

**SECTION 9                    SPECIAL COMMITTEES**

The Sangguniang Panlungsod shall organize such special committees as it deems necessary, the membership and general jurisdiction of which shall be determined by the Sangguniang Panlungsod. They shall cease as soon as the body shall have received the corresponding reports from the committee unless new assignments are given to the latter. They are subject to the same rules governing permanent committees.

**SECTION 10                    REFERRALS**

A resolution or ordinance and/or any matters submitted to the plenary which covers subject matter/s falling within the jurisdiction of more than one committee, shall be referred to the concerned committee which has the primary jurisdiction over the subject matter. The movant of the referral shall indicate the lead committee in case the referral involves two (2) or more committees.



**SECTION 11****COMMITTEE REPORTS**

All committees shall submit a written report to the Sangguniang Panlungsod on every matter referred to it on or before the third session of the Sangguniang Panlungsod after the referral was made. The report must be signed by the majority of all the members thereof. And all the members of the Sangguniang Panlungsod shall likewise be furnished a copy thereof. When a measure is referred to several standing committees, the committees concerned shall submit a joint or a separate report thereon.

The Committee Report shall contain the following information, to wit:

- (a) Subject matter (resolution/ordinance/request etc.);
- (b) Facts (date of referral and date of Committee/Public Hearing);
- (c) Discussions (shall serve as the minutes of the Committee/Public Hearing conducted for the purpose);
- (d) Recommendation/s (statement of Committee's approval or disapproval or such other recommendation/s the committee/s deemed it proper and appropriate for the purpose);
- (e) Date of submission to the plenary;
- (f) Signature of the Committee/s Chairmen and its members.

Committee reports shall be adopted formally by the Sangguniang Panlungsod.

**SECTION 12****DISSENTING VOTE OF A MEMBER**

A committee member, unless he has entered his objection to the committee report or in lieu thereof, has filed with the Secretary his dissenting vote in writing before the report is submitted to the body in open session, shall be presumed to have concurred in the report and shall thus be precluded from opposing it on the floor.

**SECTION 13****COMMITTEE REPORT FOR THE PROPOSED ORDINANCE**

A committee report resulting from a proposed ordinance shall be submitted inclusive of a copy of its report and a copy of the proposed ordinance to the Secretary who shall calendar the same for second reading. Copies thereof shall also be furnished to every Sangguniang Panlungsod member preparatory to its consideration on the floor.

A committee report with a recommendation for the approval of a proposed measure on its second reading may automatically be deliberated during the approval of the said committee report. Upon approval and adoption of the committee report with such recommendation and upon or after deliberation, the proposed measure shall be considered approved on its second reading and shall be calendared on the next following session on its third and final reading.

**SECTION 14****FAILURE TO ACT/SUBMIT COMMITTEE REPORT**

Should any committee fail to render a report on matters referred to it within the reglementary period herein provided, the said committee may be discharged by the body from further consideration of said question whereby the body may act for the final disposition of the issue.

**RULE VI  
SESSIONS AND QUORUM**

**SECTION 1                    THE REGULAR SESSION**

The Sangguniang Panlungsod shall hold its regular sessions every Tuesday of the week at 2:00 o'clock in the afternoon at the Sangguniang Panlungsod Session Hall, Legislative Building, City Hall Compound, Barangay Cabid-an, East District, Sorsogon City.

**SECTION 2                    SPECIAL SESSIONS**

As often as necessary, when public interests so demand, a special session may be called by the City Mayor, the Presiding Officer or by a majority of the Sangguniang Panlungsod members. A written notice shall be served personally on each member or at the member's office, or to his/her (official) staff at the Sangguniang Panlungsod at least twenty four (24) hours before a special session is held. The Notice of Special Session must indicate the day, time, place and the agenda to be discussed and transacted during the session called for. Unless otherwise concurred in by two-thirds (2/3) vote of the Sangguniang Panlungsod member present, there being a quorum, no other matters may be considered at the Special Session except those stated in the notice.

**SECTION 3                    EXEMPTIONS TO THE ISSUANCE OF NOTICE OF SPECIAL SESSION**

The Notice of Special Session may, however, be dispensed with or its necessity may be waived in the following cases:

- (a) If all the members of the Sanggunian are present and consent to the Special Session.
- (b) Where it is impracticable to give notice to a member who is absent from the City or country or his where about is unknown or, if known, is far away that if notified the member in all probability could not reach the place of the session on time.
- (c) Where it is shown that the member in fact had actual notice and requested to be excused.

**SECTION 4                    SESSIONS/ADJOURNMENT SINE DIE**

Any session, regular or special, may in case the volume and complexity of business shall require, be adjourned from day to day, until the business is completed and addressed.

**SECTION 5                    SESSIONS IN PUBLIC; EXEMPTION**

The session of the Sangguniang Panlungsod shall be open and public unless a closed door session is ordered by the Presiding Officer or agreed upon by an affirmative vote of the majority of the members present, there being a quorum, for reasons of security, decency, morality, or for reasons affecting the dignity of the Sangguniang Panlungsod or any of its members or when confidential matters are being considered.

**SECTION 6                    QUORUM**

Quorum shall be determined by the number of all the members of the Sangguniang Panlungsod who have been elected and qualified. The term "elected and qualified" for purposes of these rules, shall be construed to include not only the regular members but also the "ex-officio" members and sectoral representatives of the Sangguniang Panlungsod.

**SECTION 7**                    **NO QUORUM DURING THE SESSION WHICH WAS STARTED WITH A QUORUM**

During a session which was started with a quorum and a question on lack of quorum is raised by any member, the Presiding Officer shall immediately cause the reading of the roll of members and announce the result thereof and then declare whether or not there exists a quorum.

**SECTION 8**                    **COMPELLING THE ATTENDANCE TO CONSTITUTE QUORUM**

When there is no quorum, the presiding officer may declare a recess until such time 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 Sangguniang Panlungsod, to be assisted by a member of the police force assigned in the territorial jurisdiction of the City of Sorsogon to arrest the absent member and present him at the session.

If there is still no quorum, despite the enforcement of the immediately preceding paragraph, no business shall be transacted. The presiding officer may, *motu proprio* or upon proper motion duly approved by the members present, shall then declare the session adjourned for lack of quorum.

**SECTION 9**                    **QUESTION OF QUORUM**

Should the question of lack of quorum be raised, the presiding officer, without debate, shall immediately proceed to a verification thereof by causing the reading of the roll of members and announcing the result forthwith.

**SECTION 10**                    **SUSPENSION/ADJOURNMENT OF SESSION**

No meeting/session shall be suspended or adjourned except when so directed by the Sangguniang Panlungsod, but the presiding officer may, in his discretion, declare a recess in short intervals or suspend or adjourn the meeting or session in case of emergency or when the same becomes unruly or uncontrollable.

**SECTION 11**                    **LANGUAGE TO BE USED DURING SESSIONS/MEETINGS**

During session or committee hearings, the official language to be used shall be English, Filipino or Bicol dialect.

**RULE VII**  
**ORDER OF BUSINESS**

**SECTION 1**                    **ORDER OF BUSINESS IN THE AGENDA**

The order and calendar of business in the Sangguniang Panlungsod shall be as follows:

- (a) Installation of the official mace
- (b) Call to Order
- (c) Prayer
- (d) National Anthem (every first session of the month)
- (e) Solemn Besa Mano Ritual
- (f) Roll Call
- (g) Reading and Approval of the Previous Minutes

- (h) Approval of the agenda
- (i) Committee Report/s
- (j) Business for the Day
- (k) First Reading/Referral to Committee/s

- (1) Proposed Resolution/s
- (2) Proposed Ordinance/s

- (l) Unfinished Business
- (m) Second Reading
- (n) Third and Final Reading
- (o) Privilege Hour
- (p) Other Matters
- (q) Adjournment

### **SECTION 2                    PREPARATION OF AGENDA**

The Committee on Rules shall prepare the calendar of business every session and shall cause the Secretary to the Sangguniang Panlungsod to furnish a copy thereof to every member of the Sangguniang Panlungsod, including the Notice of the Session, not less than twenty-four (24) hours before every regular session.

### **SECTION 3                    CONTENTS OF THE AGENDA**

The calendar of business shall contain a brief description of each item of business to be taken up during the session, indicating the sources in the case of communications, endorsements, petitions, and memoranda; the name of the author or authors in the case of motions, resolutions, and ordinances; and the committee or committees to which they have been referred in case of committee reports.

### **SECTION 4                    DRAFT RESOLUTIONS/ORDINANCES CALENDARED FOR 1<sup>ST</sup> READING**

Draft resolutions and/or Ordinances to be calendared for first reading shall be submitted to the Office of the Secretary to the Sangguniang Panlungsod duly signed by the author/s and co-author/s in each and every page thereof.

Only draft resolutions with full text of its contents and duly signed by the author/s and co-author/s shall be calendared for agenda in compliance with the preceding paragraph.

Draft ordinances may be accepted to be calendared in the agenda for first reading in the absence of the full text thereof; however, the title of the draft ordinance shall be in writing and duly signed by the author/s and co-author/s thereof. The full text of its contents may be submitted thereafter at the Office of the Secretary to the Sangguniang Panlungsod. Without the required full text of its contents, the Office of the Secretary to the Sangguniang Panlungsod shall not act on its referral to the Committee/s concerned as it was referred thereto during the previous session.

### **SECTION 5                    SCHEDULE FOR SUBMISSION OF MEASURES AND OTHER CONCERNS FOR INCLUSION IN THE AGENDA FOR THE NEXT SCHEDULED SESSION**

Members of the Sangguniang Panlungsod with legislative measure or other legitimate concerns to be calendared during the next session of the Sangguniang Panlungsod shall submit the same to the Office of the Secretary to the Sangguniang Panlungsod on or before 12:00 o'clock noon of every Friday of the week.

Proposed measures that are not calendared in the agenda shall not be deliberated upon. No motion for inclusion in the agenda shall be allowed except those legislative matter duly certified by the Mayor as **URGENT**. Urgent measures, duly certified by the City Mayor, whether or not it is included in the calendar of business, may without need of suspending the rules, be presented and considered by way of inclusion to the agenda at the same session.

**SECTION 6**                    **RELEASE/DISTRIBUTION OF THE AGENDA FOR THE NEXT SCHEDULED SESSION**

The Office of the Secretary to the Sangguniang Panlungsod shall release and distribute the Agenda for the next scheduled session at 4:00 in the afternoon of every Friday of the week.

The copies of the Agenda shall be distributed to any assigned staff of the Council Member at their respective offices at the 2<sup>nd</sup> Floor of the City Hall and as such shall be construed as a valid service of the agenda to the members of the Sangguniang Panlungsod.

**SECTION 7**                    **RENDITION OF COMMITTEE REPORT**

Committee reports shall be rendered first by the regular committee/s in the order they are listed in the Rules of the Sangguniang Panlungsod, then by special committees, in the order of their creation.

The report consisting of the findings and recommendations of the majority members of the committee shall be made by its chairman, or, if he dissents with the majority opinion the Vice Chairman or by any committee member concurring therein and duly designated for the purpose. If the recommendation is favorable, the committee on rules shall calendar it for second reading, otherwise, it shall be considered laid on the table, or the committee may recommend to file it away.

**SECTION 8**                    **THE BUSINESS FOR THE DAY**

The business for the day shall consist of letters, endorsement, requests, issues and matters requiring legislative actions or interference and each shall be taken up in the order in which it is set in the calendar.

**SECTION 9**                    **LEGISLATIVE MEASURES SCHEDULED FOR FINAL READING**

Ordinances, resolutions and other legislative matters scheduled for final reading shall be called in the order set forth in the calendar of business and shall be considered in the manner prescribed hereafter.

**SECTION 10**                    **SUSPENSION OF THE RULES**

On a motion to suspend the rules, items of business may be taken away from their fixed order and considered forthwith by the body.

Motion to suspend the rules shall be moved by the Chairman of the Committee on Rules, in the absence of the Chairman, the Vice-Chairman or any of its members.

**RULE VIII  
THE LEGISLATIVE PROCESS**

**SECTION 1                    RESOLUTIONS AND ORDINANCES DISTINGUISHED**

Legislative actions of a general and permanent character shall be enacted in the form of ordinances. On the other hand, those that involve the declaration of the sentiment or opinion of the body or any specific matter and is temporary in character shall be passed in the form of a resolution as well as those which are ministerial or administrative in nature and temporary character.

**SECTION 2                    DRAFT MEASURES**

Every ordinance and resolution presented for consideration shall be respectively, denominated as a “Draft Ordinance” and “Draft Resolution”.

**SECTION 3                    PROPOSAL IN WRITING**

Ordinances and resolutions shall be proposed in writing and shall contain an assigned number, a title or caption, an enacting or ordaining clause, and the date of its effectivity.

**SECTION 4                    THE THREE (3) READINGS**

Before an ordinance is finally enacted, it shall undergo three readings, as follows:

- a) **FIRST READING** – which shall consist of the reading by the City Secretary of the title of the proposed ordinance or resolution and the name of its author or authors. After which it shall be referred by the Presiding Officer to the appropriate Committee or Committees without debate.
- b) **SECOND READING** – for which proposed ordinance or resolution, after having been sponsored on the floor by the Committee Chairman or by any Committee member designated for the purpose, shall be read in full in the manner recommended by the Committee or Committees, whereupon the measure shall be subject, first to debate, and then to amendments and all proper parliamentary motions.
- c) **THIRD AND FINAL READING** – for which no debates or amendments shall be allowed on the proposed ordinance or resolution but the title thereof shall be read and the question upon its passage shall be immediately taken.

A resolution shall be enacted in the manner prescribed for an ordinances but it need not go through a second and third reading for its final consideration if it is one of sentiment or granting of awards and the like unless it partakes of the nature of an ordinance or unless decided otherwise by a majority of all members.

**SECTION 5                    ERRONEOUS REFERRAL TO COMMITTEE**

In case of an erroneous referral of a measure to a committee, the same may be corrected at a subsequent session after the reading of the minutes containing the referral, by a majority vote of the body on motion of the Committee on Rules or the Committee claiming jurisdiction over it or the committee to which it was erroneously referred which referral maybe rectified during the actual session of the council.

**SECTION 6                    CONSOLIDATION AND/OR SUBSTITUTION OF MEASURE**

In a proposed ordinance or resolution resulting from a consolidation or substitution made by a committee, there shall be named as authors every member who has signed as such, as the names reflected therein and according to the date of their filing.

**SECTION 7                    COMMITTEE REPORT PRIOR TO SECOND READING**

No ordinance or resolution shall be considered on second reading in any regular session which has no corresponding report by the proper committee except those prepared and introduced by committees having proper jurisdiction over the subjects thereof and those certified as urgent by the City Mayor.

**SECTION 8                    REQUIRED COPIES DURING THE FINAL READING**

The Secretary shall prepare copies of the proposed ordinance or resolution in the form it was passed on second reading, and shall distributed to each member of the Sangguniang Panlungsod a copy thereof at least two (2) days before it is voted upon for final approval except if the measure has been certified by the City Mayor as urgent in which case it may be submitted for final reading immediately after the second reading.

**SECTION 9                    EXCEPTION TO THE THREE READING RULE**

No ordinance may be approved unless it has passed the three (3) readings and copies thereof in its final form have been distributed to the members except when the City Mayor or the Sangguniang Panlungsod itself certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

**SECTION 10                    VETO MESSAGE; OVERRIDING THE VETO**

Every ordinance passed or approved by the Sangguniang Panlungsod shall be approved and signed by the City Mayor. If the City Mayor approves the same, he affixes his signature under the word "Approved" on the ordinance; otherwise he vetoes it and returns the same with his objections to the Sangguniang Panlungsod, which may proceed to reconsider the same. After reconsideration, the Sangguniang Panlungsod shall proceed to vote on the ordinance or the vetoed item or items thereof, and the votes of each member shall be recorded on the minutes. If the ordinance or the vetoed item or items thereof are passed by the vote of two-thirds (2/3) of all the members of the Sangguniang Panlungsod, such ordinance shall be valid even without the Mayor's approval.

**SECTION 11                    CERTIFIED URGENT MEASURE**

Any legislative matter duly certified by the Mayor as **URGENT**, whether or not it is included in the calendar of business, may without need of suspending the rules, be presented and considered by way of inclusion to the agenda at the same session. An urgent matter is one which involves great public interest, the delay of which shall prejudice essential government activities and services.

**SECTION 12                    APPROVAL OF LOCAL DEVELOPMENT PLAN AND PUBLIC INVESTMENT PROGRAM**

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 the bulletin board at the entrance of City Hall

or Sangguniang Panlungsod Legislative Building; and in at least two other conspicuous places within the territorial jurisdiction of the City of Sorsogon. The Secretary shall certify to the fact of posting, although failure to post an ordinance shall not invalidate the same.

### **SECTION 13                    REVIEW POWER OF THE SANGGUNIANG PANLALAWIGAN**

An ordinance duly enacted by the Sangguniang Panlungsod shall be submitted by the Secretary within three (3) days after its approval to the Sangguniang Panlalawigan for review.

## **RULE IX MINUTES**

### **SECTION 1                    CONTENTS OF THE MINUTES**

The Sangguniang Panlungsod shall keep the minutes of its proceedings which shall contain or comprise a succinct, accurate and exact account of the business transacted and the actions taken thereon. The minutes must clearly reflect the following:

- (a) Nature of the session, whether regular or special, and if special, a copy of the call for such meeting;
- (b) Date, time and place of the session;
- (c) Name of members present and absent;
- (d) Whether the minutes of the previous meeting were read and approved, citing corrections, if any;
- (e) Every resolution and ordinance, if not approved unanimously, shall contain a brief statement of the minority opinion;
- (f) Nominal voting;
- (g) All main motion;
- (h) Points of Order and Appeal;
- (i) Veto Message of the City Mayor;
- (j) Adjournment.

### **SECTION 2                    SIGNATURES IN THE MINUTES**

The original copy of the minutes shall be signed by the presiding officer, the Secretary and the members of the Sangguniang Panlungsod present at the session.

### **SECTION 3                    READING AND APPROVAL OF THE MINUTES**

The minutes of every session shall be read and approved by a majority of the members present at the session and if necessary corrected by the same vote or by general consent. The reading of the minutes shall not be interrupted or suspended except by unanimous consent of the body.

For this purpose, the minutes of the last session of the previous City Council may be adopted and approved by the newly constituted set of members of the City Council.

### **SECTION 4                    POSTPONEMENT OF THE READING/APPROVAL OF THE MINUTES**

The reading and approval of the minutes cannot be dispensed with but may be postponed to a later date or session and no motion to amend thereon shall be entertained after it has been read and approved.



**RULE X  
DEBATES AND DECORUM**

**SECTION 1                    RECOGNITION TO HAVE THE FLOOR**

When any member desires to deliver any remarks to the plenary, he shall rise and request the Chair to grant him the floor, which consent shall be necessary before he may proceed. When two or more members rise at the same time, the presiding officer shall name the member who is to speak first, and shall grant alternately the floor among those who wish to speak for or against a given question.

**SECTION 2                    WHOM TO ADDRESS REMARKS**

The member who has obtained the floor shall address his remarks to the Chair, confine himself to the question under debate, avoiding personalities, speak and amplify his position thru the use of decent language and shall conduct himself with proper decorum.

**SECTION 3                    TIME ALLOCATION FOR DEBATE AND DELIBERATION**

No member of the Sangguniang Panlungsod shall speak and explain more than ten (10) minutes in debate on any question at the same meeting without leave of the body.

After three (3) members have spoken in favor and two (2) against a question, or if only has spoken and shall have delivered and none against it, a motion to close the debate shall be in order. If said motion is approved, the Sangguniang Panlungsod shall proceed to consider amendments to the question. Remarks on each amendment by any member shall not exceed five (5) minutes.

**SECTION 4                    VOTES FOR CLOSURE OF DEBATE**

The Sangguniang Panlungsod may, by a two-thirds majority vote of the members' present, close debate on any question, upon motion for the previous question, and proceed to vote on the main question without debate.

**SECTION 5                    COMMITTEE REPORTING AND SPONSORSHIP SPEECH**

The member reporting a measure from a committee or delivering the sponsorship speech of a proposed legislation may open and close the debate within the time permitted for each member as allowed by the Rules of the Sangguniang Panlungsod.

**SECTION 6                    PRESIDING CHAIR CALLING FOR ORDER IN SESSION**

If any member, by his speech or behavior, transgresses the Rules of the Sangguniang Panlungsod, the presiding officer, on his own initiative or at the request of any member, shall call him to order, and the Sangguniang Panlungsod shall, if appealed to, decide on the case without debate except for brief remarks by the appellant, explaining his appeal for not more than five (5) minutes. If the decision is in favor of the member called to order, he may proceed, but not otherwise.

**SECTION 7                    PROPER DECORUM SHALL BE OBSERVED**

During meetings of the Sangguniang Panlungsod, the members shall observe proper decorum. They shall remain in their seats during roll call or when a vote is being taken or no one shall pass between a member who has the floor.

No member of the council shall be allowed to humiliate, embarrass, and degrade any of its co-member and any of its guests, invitees and/or visitor at any given time in session. All members shall use decent words in addressing and propounding questions.

**SECTION 8**                    **WALK OUTS**

While the presiding officer is addressing the Sangguniang Panlungsod, no member shall leave or walk to and from his seat inside the session hall.

**SECTION 9**                    **SMOKING AND CELLPHONE MODE DURING SESSIONS AND MEETINGS**

No person or member of the Sangguniang Panlungsod shall be permitted at anytime to smoke within the session hall during sessions or committee or executive meetings. Likewise, all cellular phones shall be turned “off” or put in a “silent mode” during sessions or meetings.

**SECTION 10**                    **DRESS CODE**

During session, all members of the Sangguniang Panlungsod shall wear barong tagalong, coat and tie, or any other proper attire as may be agreed upon by the members. Any member who violates this Dress Code shall either be considered absent for the particular session, or pay a fine of five hundred (500) peso.

**SECTION 11**                    **USE OF ROSTRUM/PODIUM**

Any member who shall render a committee report or sponsor an ordinance or resolution or deliver a speech or interpellate a speaker must use the rostrum/podium.

**SECTION 12**                    **WITHDRAWAL OF MOTION/PROPOSITION**

No member shall speak against his own motion or proposition. He may, however, be permitted to withdraw his motion or proposition if his request to withdraw is denied, he may vote against it.

**SECTION 13**                    **INTERPELLATION**

While having the floor, a member may be interpellated in his speech or confer with the Presiding Officer to state a point of order, to respond to questions from the floor, to clarify something related to the issue being discussed or to make certain remarks within his privilege.

**SECTION 14**                    **PRIVILEGE TO INTERPELLATE**

The speaker may also be interpellated by another member if the latter desires to ask question thru his privilege to interpellate and proposing the following motions:

- Point of order
- Point of information
- Point of parliamentary inquiry
- Call for Orders of the Day
- Divide the assembly
- Raise a question of privilege
- Reconsider

- Appeal from the decision of the Chair

## **RULE XI VOTES AND VOTING**

### **SECTION 1            METHODS TO DIVIDE THE HOUSE**

Voting in the Sangguniang Panlungsod shall be done by viva voce, by raising of hand, or by roll call **EXCEPT** when a different method is approved by the majority of the Sangguniang Panlungsod members present in a particular question.

### **SECTION 2            BREAKING THE TIE**

A tie votes defeats any measure or motion except an appeal from the decision of the Chair which shall be considered sustained by a vote. In case of tie, the Presiding Officer is allowed to cast his vote, to break the tie. He, however, is precluded to cast his vote in order to create a tie.

### **SECTION 3            VOTES NEEDED FOR MEASURES CREATING INDEBTEDNESS**

To pass an ordinance or any proposition creating an indebtedness, the affirmative vote of two-thirds (2/3) of all members of the Sangguniang Panlungsod is necessary.

### **SECTION 4            NOMINAL VOTING**

When voting nominally, the Secretary to the Sangguniang Panlungsod shall call the roll of the members of the Sanggunian in alphabetical order and as the member is called, he shall announce his vote either "Yes", "No" or "Abstain". A member may explain his vote but not to exceed three (3) minutes.

After the roll has been called, when voting nominally, the Secretary shall call in alphabetical order the names of those, who failed to vote or those not voting in order to give them a second chance to vote. After the second call of the roll, no request shall be entertained by the Chair to record a vote.

### **SECTION 5            PERSONAL AND PECUNIARY INTEREST ON ISSUES/MEASURES TO BE VOTED UPON**

No member can vote on a question in which he or any member of his family, within the third degree of consanguinity or affinity, has a direct or personal pecuniary interest.

### **SECTION 6            UNANIMOUS SPONSORSHIP**

When an ordinance or any measure or resolution is passed by general consent, as when there is no objection thereto, the Secretary shall enter in the minutes the names of all members present at that particular time, this having the effect of nominal voting unless nominal voting is expressly required by law for a particular ordinance, resolution or measure.

### **SECTION 7            CHANGE OF VOTE**

A member may change his vote only before the Chair announces the result of the voting; thereafter a member may change his vote only by unanimous consent of the members present. Provided that this rule shall not be applied if voting is by ballot.

## **SECTION 8**

### **VOTE OF MEMBERS THAT ARE LATE**

A member who arrives late during the meeting or session shall be permitted to vote, provided, the result of the voting has not yet been announced by the Chair.

## **RULE XII RULES ON MOTIONS**

### **SECTION 1**

#### **MOTIONS ALLOWED**

The following motions, in the order of their precedence (from highest to lowest rank), together with other motions hereinafter specified, shall be used in doing business in the Sangguniang Panlungsod:

#### **PRIVILEGED MOTIONS**

1. Fix the time at which to adjourn.
2. Adjourn
3. Take recess
4. Raise a question of privilege
5. Call for the Order of the Day

#### **SUBSIDIARY MOTIONS**

6. Lay on the table
7. Call for the Previous Question
8. Modify the Limits of Debate
9. Postpone definitely
10. Commit or refer to a Committee
11. Amend
12. Postpone indefinitely

**MAIN MOTIONS** – collectively ranked number 13 with no order of precedence.

13. General Main Motions:
  - Specific Main Motions
  - Taken from the Table
  - Reconsider
  - Reconsider and have entered on the minutes
  - Rescind or Repeal
  - Expunge
  - Adopt a Committee Report
  - Adjourn (if qualified)

**INCIDENTAL MOTIONS** – have no fixed rank but shall take precedence over the question from which they arise:

- Suspend the Rules
- Withdrawn or modify motion
- Point of order
- Parliamentary Inquiry
- Point of Information
- Appeal the Decision of the Chair

- Divide the House and
- Divide the Question

## **SECTION 2                    PRESENTATION AND CONSIDERATION OF EVERY MOTION**

Every motion presented to the body shall be stated by the Chair, or, if it be in writing, the Chair shall cause it to be read aloud by the Secretary, and the same shall be deemed as having been brought to the attention of the body for its consideration.

## **SECTION 3                    MOTION TO ADJOURN/RECESS; WHEN PROPER**

A motion to adjourn or to take a recess is in order even if a quorum is not present but not when the body is engaged in voting or during the verification of the vote. If the body has, voted to adjourn but there are still important announcements to be made, the presiding officer may defer the adjournment of the session to allow the making of the announcement.

## **SECTION 4                    PRIVILEGED MOTIONS**

Privileged motions may be presented, according to the order of their precedence, even if any other motion or question is pending before the body. The motion to raise a question of privilege and to call for order of the day may be made even if someone has the floor.

## **SECTION 5                    QUESTIONS/ISSUES LAID ON THE TABLE**

Questions laid on the table must be taken up not later than the next regular meeting, otherwise, they shall be considered abandoned and may be reconsidered only by a new motion.

## **SECTION 6                    PRINCIPAL MOTION AND MOTION CALLING FOR THE PREVIOUS QUESTION**

A motion calling for the previous question require for its approval by a majority vote of the members present, but action on the principal question to which it is applied shall be determined by the vote necessary in each particular case as prescribed by the Rules of the Sangguniang Panlungsod.

## **SECTION 7                    SUSPENSION OF THE RULES**

No order of the day may be considered before the time to which it was assigned except by general consent or by a two-thirds vote of the members present by suspending the rule fixing its time as an order of the day.

## **SECTION 8                    AMENDMENTS**

When a question is under consideration, a motion to amend and a motion to amend an amendment shall be in order, and any of said amendments may be withdrawn before a decision is had thereon.

**SECTION 9**                    **DIFFERENT SUBJECTS UNDER COLOR OF AMENDMENT**

No motion on subject different from that under consideration shall be admitted under color of amendment. An amendment which merely negates an affirmative proposition is likewise out of order.

**SECTION 10**                **AMENDMENTS DULY ADOPTED/REJECTED CANNOT BE REINTRODUCED AT THE SAME SESSION**

Once an amendment has been adopted or rejected, the same or substantially the same amendment cannot be reintroduced at the same session unless the vote on the original amendment has been reconsidered or the motion to amend has been withdrawn.

**SECTION 11**                **AMENDMENT TO THE TITLE OF THE MEASURE**

Amendments to the title of an ordinance or resolution shall not be in order until after the text thereof has been approved. Amendments to the title shall be decided without debate.

**SECTION 12**                **MOTION FOR RECONSIDERATION**

When an ordinance or any other measure, decided by nominal voting, has been adopted or lost, it shall be in order for any member who voted with the majority, at the same or the next meeting, to move for the reconsideration thereof, and such motion shall take precedence over all other questions, except the motions to fix the time to which to adjourn and to take a recess. The motion to reconsider shall be passed by a majority vote of the members present regardless of the vote required by the question to be reconsidered. When voting is not nominal, any member may ask for reconsideration.

**SECTION 13**                **MOTION TO RESCIND/REPEAL/EXPUNGE A MEASURE**

An ordinance, resolution or any other question may be rescinded, repealed or expunged at any subsequent meeting where it was earlier adopted, by a majority vote of the members present, with notice thereof given at the previous meeting, or by a two thirds vote of the members present without need of such notice. A motion to rescind, repeal, or expunge may be made only if the time to reconsider the controverted question has not already elapsed.

**SECTION 14**                **SUSPENSION OF RULES RELATING TO ORDER OF BUSINESS AND PROCEDURES**

Rules relating to the order of business, business procedure, and similar standing rules, except those prescribed by statutory law, may be suspended by a two-thirds vote of the members present, provided, that said suspension shall be effective for as long as the question for which the rule is suspended remains pending before the body.

**SECTION 15**                **APPEAL AND DEBATABLE QUESTIONS**

An appeal must be made immediately after the decision appealed from has been made; if any business has intervened, it shall be out of order. It is debatable except when it relates to indecorum, priority of business, transgression of the rules of speaking, or if it arises out of an undebatable question. If the question is debatable any member may speak in respect to the appeal once, but the presiding officer may speak on it twice, first in explaining his decision and then, in answer to the arguments against his decision.

**SECTION 16**                    **CALL FOR A DIVISION OF THE HOUSE**

A call for a division of the house/assembly should be made immediately after the result of the vote has been announced, even if someone has the floor but before another motion has been started by the Chair.

**SECTION 17**                    **MOTIONS WITHDRAWN/MODIFIED; AS A MATTER OF RIGHT AND AS A MATTER OF DISCRETION**

A motion may be withdrawn or modified as a matter of right before it has been stated by the Chair. If the request is made after the motion has been stated by the Chair, it may be withdrawn only by general consent, or if there be an objection, by a majority vote of the members present.

**SECTION 18**                    **MOTIONS FAILED TO PASS AT THE SESSION**

No motion, having failed passage, shall again be allowed at the same meeting unless there is a substantial change in the proposition.

**RULE XIII**  
**UNFINISHED BUSINESS**  
**AT THE END OF THE SESSION**

**SECTION 1**                    **RESUMPTION OF BUSINESS**

All business before the Sangguniang Panlungsod and its committees at the end of one session shall be resumed at the commencement of its next session.

**SECTION 2**                    **UNFINISHED BUSINESS OF THE PREVIOUS COUNCIL AND THE ROLE OF THE SUCCEEDING COUNCIL**

Business left unacted and incomplete upon at the termination of one Sanggunian (City Council) may be considered by the succeeding Sanggunian/Council as matters of unfinished business.

**RULE XIV**  
**SUSPENSION OF RULES**

**SECTION 1**                    **SUSPENSION OF THE RULES NOT OTHERWISE PRESCRIBED BY STATUTORY LAW/S**

Any part of these Rules, not prescribed by or based on statutory law, may be suspended by a two-thirds vote of the members present, provided that the suspension of the rules shall be for the sole purpose of the question pending at the time the motion for which said suspension is declared.

**SECTION 2**                    **LIMITS TO SUSPEND THE RULES**

Notwithstanding the provision of the immediate preceding section, no part of these Rules may be suspended if its effect is to protect an absentee member or members thereof or inevitably expose a member's vote.

**RULE XV  
DISCIPLINARY ACTIONS**

**SECTION 1                    PENALTIES**

Any member who commits an act in transgression of the foregoing Internal Rules of Procedure shall be meted out with the corresponding penalties prescribed, to wit:

	<b>Penalty</b>
1. For disorderly conduct or behavior during a session, committee hearing or meeting.	1 <sup>st</sup> Offense – Reprimand 2 <sup>nd</sup> Offense – Exclusion from the membership in the committee concerned; and suspension to expulsion as a Sangguniang Panlungsod member.
2. For any “justified” absence without prior notice	Fine of P 300.00.
3. For any “unjustified” absence in less than four (4) consecutive sessions	Fine of P 500.00
4. For “unjustified” absence in four (4) consecutive sessions	Reprimand, or excluded from the session or suspended for not more than sixty (60) days.
5. For coming late in any kind of sessions, per hour of being late or fraction thereof –	Fine of P 200.00/hour
6. For violation of dress code	Fine of P 300.00.
7. Conviction by final judgment to imprisonment (of at least six (6) months) for any crime involving moral turpitude	Automatic expulsion from finality of judgment
8. For violation of any other provision of this Internal Rules of Procedure not specified herein	Fine of P 300.00

**SECTION 2                    REQUISITES FOR SUSPENSION OR EXPULSION**

The penalty of suspension or expulsion to be imposed shall require the concurrence of at least two-thirds (2/3) vote of all the members of this Sangguniang Panlungsod. For other kinds of penalties, only a majority vote of all the members of the Sanggunian shall suffice.

**SECTION 3                    INITIATION OF ACTION AND CONDUCT OF INVESTIGATION**

The Committees on Laws and Rules and of Personnel shall jointly take cognizance of all the offenses enumerated in the preceding section chaired by any member of this Sangguniang Panlungsod, both composite and constituent members, i.e. including the Regular Presiding Officer and who shall initiate the necessary disciplinary action. It shall forthwith conduct the necessary fact-finding investigation and thereafter, shall submit its committee report together with the corresponding recommendation for consideration of the Sangguniang Panlungsod sitting en banc.

For purposes of this section, only a fact-finding investigation and NOT an “administrative investigation” shall be conducted, and thus, the technical rules of court



practice, procedure and evidence shall not be applied. However, the substantive due process requirement of fairness and reasonableness should be observed.

Should any member of the herein described Committees be the respondent, the Presiding Officer (Regular or Temporary) shall designate a replacement to complete the membership thereof but only insofar as the conduct of the fact-finding investigation is concerned. In performing the other function of the said committee, the respondent is still considered a member of that committee.

#### **SECTION 4                    COLLECTION OF FEES AND ITS DISPOSITION**

The Secretary to the Sangguniang Panlungsod shall collect the fines as may be imposed by the Sanggunian and shall take custody thereof as a private trust fund. In the disposition or disbursement of the said fund, the Sangguniang Panlungsod shall convert itself into a "Committee of the Whole" and then decide thru a majority vote of all its members the manner of the disposition fund and the purpose thereof.

### **RULE XVI AMENDMENTS**

#### **SECTION 1                    NOTICE AND VOTE FOR THE AMENDMENT/S OF THESE RULES**

These Rules may be amended at any regular meeting by a two-thirds (2/3) vote of all members of the Sangguniang Panlungsod, provided that notice of the proposed amendment has been given at the meeting previous to the party in interest and at which said amendment is to be considered.

#### **SECTION 2                    RULES EXEMPTED FROM AMENDMENT**

No provision of these Rules which is prescribed by or based on statutory law or any other higher authority may be amended or revised.

### **RULE XVII SUPPLEMENTARY RULES**

#### **SECTION 1                    SUPPLEMENTARY AUTHORITIES**

The Rules of Procedure and parliamentary practices of the legislative bodies of the Philippines and the Parliamentary Rules by Orendain shall serve as supplementary authorities of the Sangguniang Panlungsod insofar as they are not inconsistent with these Rules.

### **RULE XVIII REPEALING LAWS**

#### **SECTION 1                    REPEALING CLAUSE**

All provision under House Resolution No. 02-2001, as amended, and all other Internal Rules of Procedures adopted by the previous Sanggunian/Council are hereby repealed.

**RULE XIX  
EFFECTIVITY**

**SECTION 1            EFFECTIVITY**

These Rules shall take effect upon its adoption.

**BOOK II**

**QUASI-JUDICIAL FUNCTION  
(For Administrative Cases)**

**RULE I  
GENERAL PROVISIONS**

**SECTION 1            COVERAGE**

This rules and procedures shall cover all administrative cases filed before the Sangguniang Panlungsod against any elective barangay officials of any barangay in the East, West and Bacon Districts of the City of Sorsogon.

**SECTION 2            DEFINITION OF TERMS**

- (a) **ADMINISTRATIVE CASE:** -Is an action filed before any competent authority, tribunal or quasi-judicial body which has jurisdiction thereto against public officers for the act or omission constituting malfeasance and/or misfeasance or any grounds the law may prescribed or provided affecting and related to public/governmental duties and responsibilities.
- (b) **CHAIRMAN:** The City Vice-Mayor and/or the temporary presiding officer.
- (c) **COUNCIL:** The Sangguniang Panlungsod
- (d) **EX-PARTE:** In behalf of one side or party only.
- (e) **INCAPACITY:** Shall refer to the inability and ineligibility (lack of ability) of the party to initiate the institution of an administrative complaint/action due to prohibition and/or exclusion of the same within the tenets of this measure and other related laws, rules and regulations.
- (f) **JURISDICTION:** Shall refer to the power of the Sangguniang Panlungsod to hear and decide cases submitted to them by virtue or pursuant to this measure and of other related laws.
- (g) **MEMORANDA:** -Is a written position paper by the complainant and of the respondent alleging there at the strength of their evidence presented during the trial, the operative facts and circumstances, law, rules and regulations relied upon to support their respective claim, relief sought for and the cause/s of action or defense/s as the case maybe.
- (h) **PRACTICE IN PROPTIA PERSONA (PROSE PRACTICE):** A practice of a party litigant who is not a lawyer in appearing before any administrative or judicial body for or in his behalf.
- (i) **PREVENTIVE SUSPENSION:** Is an imposition by the City Mayor through a legislative action against the respondent//s to temporarily suspend the continuance in office at any time after the issues are joined subject to a certain prescribed limitations.

- (j) **REMOVAL:** A verdict whereby the respondent/s barangay elective official/s is/are removed from office on the grounds herein enumerated by order of the proper court.
- (k) **ROLLO:** Consist of the original of the pleadings, notices, memoranda or briefs, minutes of each hearing, documentary evidences and other relevant documents that are filed before the Sangguniang Panlungsod in the pending administrative cases. These are fastened or stitched in chronological order in a folder.
- (l) **SUBPOENA AD TESTIFICANDUM:** Is a process directed to a person requiring him to attend and testify at the hearing.
- (m) **SUBPOENA DUCES TECUM:** Is a process directed to a person requiring him to bring with him to bring with him any books, documents or other things under his control in the scheduled hearing.
- (n) **SUBSTANTIAL EVIDENCE:** A weight and sufficiency of evidence in the administrative case/action whereby a fact maybe deemed established if it is supported by substantial evidence or that amount of relevant evidence which a reasonable mind might accept as adequate to justify conclusion.
- (o) **SUMMON:** An order directed to the respondent, signed by the Sangguniang Panlungsod Secretary, and contained: (a) the name of the Sangguniang Panlungsod and the name of the parties including the docketed number corresponding to the complaint; (b) a direction to answer the same within fifteen (15) days from receipt of summon.
- (p) **TECHNICAL RULES:** Promulgated rules and procedures and such other laws and similar issuances that are usually adhered in the judicial proceedings for the administration and disposition of cases submitted/filed before the Sanggunian.
- (q) **VERIFICATION:** An affidavit in the complaint and answer annexed thereto and simultaneously filed therewith containing a statement that the affiant has read the pleading and that the allegations therein are true and correct of his knowledge and belief. A pleading required to be verified which contains a verification based on "information and belief" or upon "knowledge", information and belief" or lacks a proper verification shall be treated as an unsigned pleading and shall not be considered as filed.

### **SECTION 3                    TECHNICAL RULES IN ADMINISTRATIVE INVESTIGATION**

Administrative investigation shall be conducted without necessarily adhering strictly to the technical rules and procedures and evidence applicable to judicial proceedings.

### **SECTION 4                    JURISDICTION OF THE SANGGUNIANG PANLUNGSOD**

A verified complaint against any erring barangay elective officials in the city of Sorsogon shall be filed before the Sangguniang Panlungsod on any ground or grounds as enumerated in the next following section or rule

**RULE II**  
**ADMINISTRATIVE ACTIONS**

**SECTION 5**            **BASIS**

Every administrative actions/cases must be based on ground or grounds as enumerated in the next following section and shall constitute as the cause of action in the filing of the case.

**SECTION 6**            **GROUND FOR ADMINISTRATIVE ACTIONS/CASES**

An elective Barangay Official of the City of Sorsogon may be disciplined, suspended or removed from office on any of the following grounds:

- (a) **DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES:** An act announcing or seeking to remove allegiance from the Republic such as for instance, rebellion or insurrection.
- (b) **CULPABLE VIOLATION OF THE CONSTITUTION:** A deliberate or willful, not unintentional, violation of the fundamental law. A ground for a disciplinary action;
- (c) **DISHONESTY, OPPRESSION, MISCONDUCT IN OFFICE, GROSS NEGLIGENCE OR DERELICTION OF DUTY:**

**Dishonesty:** Lack of honesty or integrity or disposition to deceive or defraud, such as for instance, malversation, falsification, etc. Including concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duties.

**Misconduct in Office:** A transgression of some established and definite rule of conduct, more particularly unlawful behavior or gross negligence by the public officer. Misconduct, whether involving dishonestly, oppression or any form of misdeeds, must comprehend a wrongful intention and not a mere error of judgment. It must be misconduct that affects the performance of duties as a public officer and not as a private individual.

**Neglect of Duty:** The omission or refusal, without sufficient excuses, to perform an act or duty, which it was the officer's legal obligation to perform. The acts of disregarding of some duties impose by law.

**Oppression:** An act of cruelty, severity, unlawful exaction, domination or excessive use of authority.

- (d) **COMMISSION OF ANY OFFENSE INVOLVING MORAL TURPITUDE OR AN OFFENSE PUNISHABLE BY AT LEAST PRISION MAYOR;**

**Moral Turpitude:** Acts of bareness, vileness or depravity in the private and social duties which a man owes to his fellowmen or to society in general, contrary to the accepted and customary rules of right and duty between man and woman, or conduct contrary to justice, honesty or good morals.

**Offense involving moral turpitude:** These are acts considered to be immoral in itself. Most of these acts are those classified as “*mala en se*” (acts wrong in themselves) as *contra* distinguished from “*mala prohibita*” (acts which are considered wrong because they are prohibited by law).

- (e) **ABUSE OF AUTHORITY:** Excessive use of power or authority unbecoming of a public official. Acts committed in excess of one’s power or authority as conferred on him by the law or outside of one’s duties and functions. A ground for a disciplinary action;
- (f) **UNAUTHORIZED ABSENCE FOR FIFTEEN (15) CONSECUTIVE WORKING DAYS, EXCEPT IN THE CASE OF MEMBERS OF THE SANGGUNIANG BARANGAY;**
- (g) **APPLICATION FOR, OR ACQUISITION OF FOREIGN CITIZANSHIP OR RESIDENCE OR THE STATUS OF AN IMMIGRANT OF ANOTHER COUNTRY; AND**
- (h) **SUCH OTHER GROUNDS AS MAY BE PROVIDED IN THE RA 7160 OR OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES OF 1991 AND OTHER APPLICABLE LAWS.**

**SECTION 7                    REMOVAL FROM OFFICE**

Any elective barangay officials referred herein may be removed from office on the grounds enumerated in the preceding section only by order of the proper court.

**RULE III  
THE PARTIES**

**SECTION 8                    PARTIES IN THE ADMINITRATIVE CASES**

Only elected barangay officials of any barangay in the city shall become a party as the respondent/s to an administrative cases filed before the Sangguniang Panlungsod. Only the natural or juridical persons, or entities authorized by law shall become a party as the complainant in the same action.

**SECTION 9                    RESPONDENT**

Respondent/s must always be an elective barangay official of any barangay in the city. Elective officials are those elected by the people in an election conducted by the Commission on Election as upon prescribed or order by law.

**SECTION 10                    COMPLAINANT**

Any individual or group of individual, collectively or otherwise, natural or juridical or entities authorized by law, resident or not of the barangay where the respondent/s was/were duly elected may become a complainant/s for the administrative case when the same was/were injured and there right/s was/were violated by the act or omission of the respondent/s.

**SECTION 11**                    **MISJOINDER AND NON-JOINDER OF PARTIES**

Parties may be dropped or added by the Sangguniang Panlungsod during the Pre-Hearing Conference to conform to the provisions prescribed in this rules and on such other terms as are just. Neither misjoinder nor non-joinder of parties is ground for the outright dismissal of the case.

**SECTION 12**                    **CLASS SUIT**

When the complaint consists of many persons as complainants that are so numerous that it is impracticable to join all as complainants, a number of them or one of them may be appointed by the Council as representative/s to fully protect the interest of all the complainants in the case.

**SECTION 13**                    **DEATH OF THE COMPLAINANT**

The death of one of the complainants named in the complaint as such during the pendency of the administrative proceedings shall not affect the validity of the complaint and continuity of such proceedings. The prosecution of the existing administrative complaint before the Council shall be continued until terminated by the rest of the complainants. If the complaint has only one complainant named threat and he died during the pendency of the proceedings at any stage, the counsel if any or in the absence of such counsel, any representative, shall inform the Council within Ten (10) days of such death and give the name and address of the substitute willing to continue to prosecute the case or the legal counsel itself may represent the deceased complainant, failure to do so the case is deemed terminated or dismissed after the lapse of the said Ten (10) day period.

**SECTION 14**                    **DEATH OF THE RESPONDENT**

The death of the respondent shall extinguish the administrative complaint only against him/her without prejudice to the continuation of the proceedings against the other respondents named in the complaint.

**SECTION 15**                    **INCOMPETENCY OR INCAPACITY OF THE COMPLAINANT AND/OR RESPONDENT**

If the incompetency or incapacity of one or all or any of the complainants or respondents occurred during the pendency of the administrative proceedings, the same shall not affect the validity of the complaint and continuity of such proceedings. The prosecution and defense of the existing administrative complaint before the committee shall be continued until terminated by the rest of the able parties. If the complaint/respondent suffered incompetency or incapacity during the pendency of the proceeding, the counsel if any or in absence of such any representative, shall inform the Council within Ten (10) days after such incompetency or incapacity and give the name and address of the substitute willing to continue to prosecute the case or the legal counsel itself may represent the deceased complainant, failure to do so the case is deemed terminated or dismissed after the lapse of the said Ten (10) day period.

**RULE IV  
EVIDENCE**

**SECTION 16            EVIDENCE DEFINED**

Evidence is the means, sanctioned by the rules, of ascertaining in a judicial proceeding the truth respecting a matter of fact (*Rule 128, Sec. 1, Revised Rules on Evidence*)

**SECTION 17            ADMISSIBILITY OF EVIDENCE**

Evidence is admissible when it is relevant to the issues and it is not excluded by the law and of the Revised Rules on Evidence or under the Revised Rules of Court of the Philippines.

**SECTION 18            OMNIBUS PRESENTATION OF EVIDENCE**

All evidences of the complainant/s and of the respondent/s shall be incorporated in their respective complaint and/or answer to the complaint. No additional evidences in any form and kind shall be entertained during the pendency of action unless otherwise the Sangguniang Panlungsod conducting the hearing, for the interest of justice and for the judicious disposition of the case, may require the party or parties to adduce additional evidence.

**SECTION 19            SUBPOENA DUCES TECUM**

Upon motion of either or both of the parties, or on the initiative of the Sangguniang Panlungsod may request any person, board, body tribunal or government office, agency or instrumentality or corporation to produce real or documentary evidences necessary for the proper adjudication of the issues.

**SECTION 20            SUBPOENA AD TESTIFICANDUM**

The committee may request any person to give testimony at any proceedings conducted by the Sangguniang Panlungsod in the performance of its “*quasi-judicial function*”.

**SECTION 21            OCULAR INSPECTIONS**

The Sangguniang Panlungsod or any of its committee or an ad-hoc committee as authorized and appointed by the council, may at any time during the pendency of the proceedings after notice to the parties who may, if they so desire, be present, conduct an ocular inspection of nay building, place or premises, including any work, material, or any object therein, and ask any residence or any person in the barangay concerned, for any information or data concerning any matter or questions relative to the object of the investigation. The committee or the ad-hoc committee so assigned shall make the necessary report of the ocular inspection and shall be presented to the council and to the parties on

the next following scheduled hearing. The said report shall form part of evidence without regard to the prejudicial and/or beneficial effects to either party.

**SECTION 22                    TECHNICAL RULES ON EVIDENCE**

The Sangguniang Panlungsod shall act according to justice and equity and merits of the case, without regard to technicalities or legal forms and need not be bound by any technical rule on evidence. All evidence shall be taken in the presence of the Sangguniang Panlungsod and all of the parties, except where any of the parties is absent, or has waived his right to be present thereat. Documentary evidences shall be properly marked for purposes of identification.

**SECTION 23                    SUBSTANTIAL EVIDENCE**

In cases filed before the administrative or quasi-judicial bodies, a fact may deemed established if it is supported by substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

**RULE V  
COMMENCEMENT OF ACTION**

**SECTION 24                    COMPLAINT**

A complaint against any elective barangay officials in the city shall not be given due course unless it is in writing, subscribed and sworn to by the complainant, verified and with the required certification against forum shopping. The same shall have the valid certification to file action as required by the herein rules for its admissibility. No complaint shall be entertained unless the same are in four (4) original legible clear copies, attached therewith is the official receipt paid to the City Government of Sorsogon.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment. Provided further, that the same shall in all cases complied the requirements established and required by this rules.

The complaint should be written in a clear, simple and concise language and in systematic manner as to appraise the respondent/s concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The complaint shall contain the following:

- (a) Full name and address of the complainant;
- (b) Full name and address of the official/s complained of as well as his or their respective position or office in the barangay;
- (c) A narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent/s;



- (d) Certified true copies of documentary evidences and affidavits of his witnesses, if any;
- (e) Certification or statement of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed.

**SECTION 25                    WITHDRAWAL OF THE COMPLAINT**

Withdrawal of the complaint shall be made before the conduct of formal investigation otherwise the proceeding shall continue until terminated. If the party or parties to the case appeared to be disinterested to continue the case the same shall considered as an implied withdrawal of the case, hence, the conduct of an investigation is deemed terminated. The Sangguniang Panlungsod shall also make the outright adoption and approval of the measure to that effect and issue a corresponding resolution for its proper and definite dismissal of the administrative case.

**SECTION 26                    WHEN AND WHERE TO FILE A COMPLAINT**

The administrative complaint shall be filed at the Office of the Secretary to the Sangguniang Panlungsod at any time during office hours.

**RULE VI  
SUMMON**

**SECTION 27                    ISSUANCE OF SUMMON**

Summon shall be immediately issued upon order of the Presiding Officer on the next day following the order. It shall have the priority in all businesses of the Office of the Secretary to the Sangguniang Panlungsod on that office day.

**SECTION 28                    ANSWER**

The respondent/s shall file their separate and respective answer to the complaint in four (4) legible copies within fifteen (15) days from receipt of summon by responding with admissions or if this cannot be done, by averring lack of sufficient knowledge thereof, which will be deemed as a specific denial. A mere general denial will not be deemed as an answer.

**SECTION 29                    FAILURE TO FILE ANSWER**

Should the respondents fail to answer the complaint within the reglementary period as provided for in the summons, he shall be declared in default and the Sangguniang Panlungsod shall proceed with the hearing ex-party, and shall decide the case on the evidence presented. If the Sangguniang Panlungsod finds the respondent/s guilty thereof or warrant disciplinary action, the same shall render the corresponding committee report for the purpose and shall proceed with Rule VIII (Investigation Report).

**SECTION 30**

**QUALIFIED PERSONS WHO CAN RECEIVE SUMMONS**

Summons as a rule should be received personally by the respondent/s, however, if the latter refuse and/or intentionally failed or ignore the same, summons may be received by any members of his immediate family and/or any persons in the family household. In case all persons mentioned herein also refuse and/or intentionally failed or ignore the same, the server may tender or leave the summons in the house or its premises and shall cause the notation of the same in his file copy of the summons.

**RULE VII**

**INVESTIGATION/HEARING PROPER**

**SECTION 31**

**OPTIONS**

In the conduct of administrative investigation by the Sangguniang Panlungsod it may adopt any of the following options:

- (a) To convert the Sanggunian into what is known as the “committee of the whole” in order to free itself from the intricacies of its own internal rules. While sitting as a “whole body” (“full court” or “en banc”) a quorum is therefore required.
- (b) To conduct the administrative investigation either in a regular or special session, provided that the internal rules would be suspended. A quorum is required.

The presence of a quorum is always required in all kinds of deliberative bodies. It is a *sine qua non* for the validity of its decision.

**SECTION 32**

**WHEN TO START**

Within ten (10) days from receipt of the verified answer, the Sangguniang Panlungsod shall start to conduct the preliminary hearing of the case.

**SECTION 33**

**PRE-HEARING CONFERENCE**

In any action the Sangguniang Panlungsod shall direct the parties before the actual hearing to appear before them for a pre-trial/hearing conference to consider the following:

- (a) The possibility of an amicable settlement;
- (b) The simplification of issues;
- (c) The necessity or desirability of amendment in the pleading;
- (d) The possibility of obtaining admission or stipulation of facts;
- (e) The exchange and acceptance of service of exhibits to offered the evidence;
- (f) The limitation of the number of witnesses;
- (g) The admissibility and relevance of evidence proposed to be submitted by the parties;
- (h) Such other matters as may aid in just speedy and inexpensive disposition of the case.

The parties and the members of the Sangguniang Panlungsod may also stipulate therein the schedules or dates for the next and subsequent hearings for the formal investigation of the case.

The Chairman shall inform the respondent/s of his right to a counsel or to secure the services of a lawyer. If he chose not to avail the services of a lawyer he shall be deemed waive his right thereto and the same shall be considered as having in practice in *propia persona* (*PROSI Practice*) in defending his cause.

All parties and their attorneys if they have shall attend the pre-trial/hearing of the case. The presence of the party is indispensable unless his counsel is authorized in writing to enter into agreement on any or all the above matters. The parties shall inform each other of the nature and character of evidence they proposed to offer, indicating the purpose of each item of evidence.

#### **SECTION 34                    RECORDS OF PRE-HEARING CONFERENCE**

After the pre-trial/hearing conference, the Sangguniang Panlungsod shall issue an order which recites the action taken thereat, the amendments allowed on the pleadings, and/or the agreements made by the parties as to any of the matters considered. Such order shall limit the issues for the formal hearing to those not disposed of by admissions and agreements of the parties and when entered shall serve as the guide in the subsequent course of action or hearing unless modified before the formal hearing to prevent manifest injustice. The same shall be signed by the parties and by their counsel (if any) during the first formal hearing of the case. After signing the records the formal hearing or the formal investigation of the case begins to run.

#### **SECTION 35                    AMICABLE SETTLEMENT**

Unless it shall be prejudicial to public interest or to third parties, the Sangguniang Panlungsod shall endeavour to effect an amicable settlement of the case at any stage of the proceeding especially during pre-hearing conference, provided it shall not be contrary to any law, rule or regulation or against public policy. The settlement shall be reduce in writing duly signed by the parties and their counsel (if they have), which shall be the basis of an order or decision of the Sangguniang Panlungsod.

#### **SECTION 36                    FAILURE TO APPEAR**

The failure of the complainant to appear in the pre-hearing conference shall be cause for dismissal of the complaint or action. The dismissal shall be with prejudice. A similar failure on the part of the respondent/s shall be cause to allow the complainant to present his evidence *ex-parte* and the Sangguniang Panlungsod shall render judgment on the basis thereof by way of a resolution to that effect.

**SECTION 37****CONTINUES HEARING UNTIL TERMINATED**

Formal hearings shall be conducted on the hearing dates set by the chairman as agreed upon during the pre-hearing conference.

If the parties do not stipulated or agreed during the pre-trial/hearing conference as to the schedules or dates of hearings the parties, their council and witnesses, if any, shall be given a notice of at least three (3) days before the scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. However, the schedule of hearings previously agreed upon during the pre-hearing shall be strictly followed without further notice.

A party shall be granted only one (1) postponement upon oral or written request. A second postponement may be granted only upon written request and subject to the discretion of the Council.

If the respondents fails or refuses to appear during the scheduled hearings despite due notice, the investigation shall proceed ex-parte and determine the case base on evidences submitted and that the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

The investigations shall be terminated at any time within ninety (90) day from the date of the pre-hearing conference.

**SECTION 38****APPEARANCE OF COUNSEL**

Any counsel appearing before any hearing or investigation shall manifest orally or in writing, his appearance for either the respondent or complainant, stating his full name, IBP receipt and exact address where he can be serve with notices and other pleadings including communications from the Sangguniang Panlungsod. Any pleading or appearance of a counsel without complying with the above stated requirements shall not be recognized.

**SECTION 39****ORDER OF HEARING**

Unless the Chairman directs otherwise, the order of the hearing may be as follows:

- (a) The complainant shall present its evidence subject to the pre-hearing/conference agreement;
- (b) Cross-examination by the Council members;
- (c) The respondent/s shall then offer evidence in support of his defense, subject also to the pre-hearing agreement;
- (d) Cross-examination of the members of the Sangguniang Panlungsod.

Lawyers of both parties, shall not intervene or participate in any cross-examination of the members of the Sangguniang Panlungsod, except to object to any questions and/or conduct of the members of the Sangguniang Panlungsod that are prejudicial to their respective client in the case. Both lawyer/s of the parties in the case may give any legal

opinions and jurisprudence to help the committee in the judicious determination of the case. However, any opinion made by either of the lawyer in the case shall not be binding to the Sangguniang Panlungsod. The council may or may not consider the same.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objection thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memoranda which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

#### **SECTION 40**            **OBJECTIONS**

All objections raised during the hearing shall be resolved right thereafter by the Chairman. However, objection that cannot be ruled upon by the chairman alone, the latter may call upon its members to decide and rule upon the objections. If the council cannot resolve the objections called for, the same shall be noted with the information that the unresolved objections shall be included in the memoranda of the concerned party. In all cases, no objections shall be allowed except if made during the conduct of the investigation or hearing.

The council shall accept all evidence deemed material and relevant o the case. In case of doubt, he shall allow the admission of evidence subject to the objections interposed against its admission.

#### **SECTION 41**            **MARKING**

All documentary evidence or exhibits shall be properly marked by letter (A, B, C, etc.) if presented by the complainant and by number (1, 2, 3 etc) if presented by the respondent. These shall form part of the complete records of the case and the rollo.

#### **SECTION 42**            **REQUEST OF SUBPOENA**

If a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance of the necessary *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena ducestecum*, at least three (3) days before the scheduled hearing. The party requesting the same may also manifest the issuance of which during the hearing for the attendance of the witness or the production of documents to be presented on the next following hearing.

#### **SECTION 43**            **RECORDS OF THE PROCEEDINGS**

Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of the recording.

**SECTION 44**                    **MOTIONS AND PETITIONS**

No motions and petitions in any kind or form shall be allowed during the conduct of the formal investigations. All motions and petitions the party may have shall be raised in omnibus during the pre-hearing conference of the case.

**SECTION 45**                    **DECISION**

Within thirty (30) days after the conclusion or terminations of the formal investigations of the case, the entire members of the Sangguniang Panlungsod shall convene to discuss the issues that were raised, the respective evidence of the parties that are submitted and duly accepted by the chairman and/or by the council. The council shall after consideration of all the record in the case shall formulate decision or the proper and applicable disciplinary sanction and the same shall be calendared for the next hearing for the finality of the decision.

**SECTION 46**                    **PROHIBITION**

No investigation shall be held within Ninety (90) days immediately prior to any local election.

**RULE VIII**  
**INVESTIGATION REPORT**

**SECTION 47**                    **FORMAL INVESTIGATION REPORT**

The **FORMAL INVESTIGATION REPORT** of the Sangguniang Panlungsod containing a narration of material facts established during the investigation, the findings and the evidence supporting said findings shall be prepared by the Sangguniang Panlungsod itself.

The Sangguniang Panlungsod may delegate the drafting and formulation of the Formal Investigation Report to any of its member/s or to any of its committee/s or it may create an “ad hoc” committee for the purpose.

**SECTION 48**                    **CONTENTS**

The Formal Investigation Report shall have the following contents:

- (a) The minutes of each and every hearing of the case;
- (b) Evidence that are submitted by both parties;
- (c) Findings or assessment of the case;
- (d) The decision of the committees or of the members/s delegated or by the “ad hoc committee” that was created by the Sangguniang Panlungsod that shall equivocally expressed thereat; and
- (e) Such other recommendation/s that are deemed necessary and proper for the judicious disposition of the case.

All necessary attachments and the photocopies of all records of the case that are incorporated in the rolo shall be properly attached to the Investigation Report and shall be distributed to all members of the Sangguniang Panlungsod.

**SECTION 49            PREPARATION**

The complete records of the case shall be attached to the Investigation Report. The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. The same shall be distributed to all or each and every members of the Sangguniang Panlungsod. Thereafter, The Secretary to the Sangguniang Panlungsod, shall calendar the same on the next following hearing purposely to finally terminate the case in all respect and subsequently promulgate the result and its decision.

**RULE IX  
ACTION BY THE PLENARY**

**SECTION 50            DISCIPLINARY AUTHORITY**

The Sangguniang Panlungsod has the disciplinary authority of all erring elected barangay officials in the city and shall render the final decision of whether or not the respondent barangay official/s committed an act or omission that warrants the imposition administrative sanction. The decision of the Sangguniang Panlungsod in session shall be based on the Formal Investigation Report submitted before them by the delegated Committee/s or member/s or by the created “*ad hoc committee*” for the purpose.

**SECTION 51            ADOPTION OF THE REPORT**

The Sangguniang Panlungsod shall adopt/approved or disapproved the Formal Investigation Report. No referral or deferment shall be made in the Report and same shall be discussed or disposed on that very day of session. Failure of the Sangguniang Panlungsod to dispose the same within that particular day of session will render the Formal Investigation Report good as approved. If in the discussion or disposal of the report, conflicting views and interpretations arises. The council shall endeavour by all means to resolve the same.

**SECTION 52            PASSAGE OF RESOLUTION**

The Sangguniang Panlungsod, after the issue on the adoption/approval or disapproval of the Formal Investigation Report or after the deliberation on the determination of issues, appreciation of evidence and decision for the imposition of administrative sanctions or dismissal of the case, shall pass a resolution to that effect. If votation was conducted during the deliberation on the matter, the result and names of the members voted in an affirmative and on the negative shall be specifically identified in the contents of the resolutions. The resolution shall also contain the status of the case or the administrative sanction imposed by the Sangguniang Panlungsod, its affectivity and termination thereof or the duration of the penalty.

The resolution approved by the Sangguniang Panlungsod in the disposition of the administrative case shall be transmitted to the parties to the case within Seven (7) days from its approval. All other concerned agencies of the government to affect the administrative sanction imposed thereat, shall also be furnished within that prescribed period of transmittal.

**RULE X**  
**PREVENTIVE SUSPENSION**

**SECTION 54**            **IMPOSITION**

Preventive suspension may be imposed by the Chief Executive (City Mayor) at the time after the conduct of the pre-hearing of the case, when the evidence of guilt is strong, and given the gravity of the offense, there is a great probability that the continuance in office of the respondent could influence the witness or pose a threat to the safety and integrity of the records and other evidence.

Preventive suspension in administrative cases is different from the preventive suspension which the court, upon prior determination of the validity of criminal information may order or issue against any public officer or employee. (*Bayos vs Villacruz, G.R. No. L-48982*).

In administrative actions against local elective local officials, the Supreme Court had classified the grounds for suspension into two (2) categories, viz:

- a) Those related to the discharge of the functions of the officer concerned (neglect of duty, oppression, corruption or other forms of mal-administration in office); and
- b) Those not so connected with said functions.

Under the second (2<sup>nd</sup>) category, when the crime involving moral turpitude is not linked with the performance of official duties, conviction by final judgment is required as a condition precedent to administrative action. (*Festijos vs Crisologo, et. Al., 17 SCRA 868; Palma Sr. vs Fortich, 147 SCRA 397*)

**SECTION 55**            **EXTENT**

Any single preventive suspension of the elected barangay officials shall not extend beyond (60) days: Provided, further, that in the event that several administrative case are filed against an elective officials, he cannot preventively suspended for more than Ninety (90) days within a single year on the same ground or grounds existing and known as the time of the first suspension.



**SECTION 56                    PROHIBITION**

No preventive suspension shall be imposed within Ninety (90) days immediately prior to any local election. If preventive suspension has been imposed prior to the Ninety (90) day period immediately preceding local election, it shall be deemed automatically lifted upon the start of the aforesaid period.

**SECTION 57                    EXPIRATION**

Upon expiration of the preventive suspension, the suspended elective barangay officials shall be deemed reinstated in office without prejudice to the continuation of the proceeding 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.

**SECTION 58                    THE SALARY PENDING SUSPENSION**

The respondent official preventively suspended from the 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 59                    PROCESS**

The Sangguniang Panlungsod after the issues are joined or after the conduct of pre-hearing of the case, shall determine the necessity of the imposition of the preventive suspension, its duration and termination. If the Sangguniang Panlungsod agreed to impose the same against the respondent/s, the same shall pass a resolution requesting or authorizing the City Mayor to impose the necessary suspension of the respondent/s for the judicious disposition of the case. Preventive suspension shall commence upon approval of the suspension and receipt of the respondent/s.

**RULE XI  
ADMINISTRATIVE APPEAL**

**SECTION 60                    ADMINISTRATIVE APPEAL**

Decision of the administrative cases filed and resolved by the Sangguniang Panlungsod may, within Thirty (30) days from receipt thereof, be appealed to the Sangguniang Panlalawigan.

**SECTION 61                    GROUNDS**

The appeal may be entertained only on any of the following grounds:

- (a) If there is prima facie evidence of abuse of discretion on the part of the committee/s investigating the case and/or of the Sangguniang Panlungsod.
- (b) If the decision, order or award was secured through fraud or coercion, including graft and corruption;
- (c) If made purely on questions of law; and/or
- (d) If serious errors in the findings of facts are raised which, if not corrected, would cause grave or irreparable damage or injury to the appellant.

**SECTION 62            MOTION FOR RECONSIDERATION**

No motions for reconsideration of any order or decision of the Sangguniang Panlungsod shall be allowed.

**SECTION 63            EXECUTION PENDING APPEAL**

An appeal shall not prevent a decision from becoming final or executory. The respondent/s 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 exoneration, the respondent/s shall be paid his/their salary and such other emoluments during the pendency of the appeal.

**RULE XII  
THE FULL COURT**

**SECTION 62            NON-ASSIGNMENT TO COMMITTEE/S**

The Sangguniang Panlungsod in the exercise of its “quasi judicial function” shall not in all cases refer or delegate the same to any of its member/s or committee/s or to create an “ad hoc committee” for the purpose.

**SECTION 64            DISQUALIFICATION**

No member of the Sangguniang Panlungsod shall sit in any case in which he or his spouse or child is related to any party within the sixth (6<sup>th</sup>) civil degree of consanguinity or affinity, or to the counsel of any of the parties within the (3<sup>rd</sup>) civil degree of consanguinity or affinity, or in which he has publicly expresses prejudgment as may be shown by convincing proof, without the written consent of all the parties, signed by them and entered in the records of the case.

**SECTION 65            INHIBITION**

Any member of the Sangguniang Panlungsod in the exercise of his sound discretion, inhibit himself from sitting in a case for just or valid reasons other those mentioned under the next preceding section.

**SECTION 66****QUORUM**

During the investigation or hearing of the case, the Sangguniang Panlungsod shall constitute a quorum of qualified majority of all of its members for the purpose of transacting business. The concurrence of a majority of all of the members of the Council shall be necessary for the pronouncement of a decision, resolution, order or ruling.

**SECTION 67****ROLLO**

The Sangguniang Panlungsod through its Secretary shall make and preserve a rollo of the case. The rollo shall consist of the original of the pleading, notices, memoranda or briefs, minutes of each hearing, documentary evidence and other relevant documents that are filed before the Sangguniang Panlungsod in the pending administrative cases. These records shall be fastened or stitched in chronological order in a folder separate from the records of the case of each and every member of the Sangguniang Panlungsod.

**RULE XIII****POWERS OF THE SANGGUNIANG PANLUNGSOD IN THE EXERCISE OF ITS  
"QUASI-JUDICIAL" FUNCTIONS****SECTION 68****EXPRESS POWERS**

In the performance of its administrative and quasi-judicial functions, the Sangguniang Panlungsod shall exercise all such powers and functions as are expressly vested upon it by the constitution, by other laws and of this internal rules and procedure.

**SECTION 69****IMPLIED POWERS**

The Sangguniang Panlungsod shall likewise exercise such powers as are implied in or are necessary to the effective exercise of its express powers.

**SECTION 70****INHERENT POWERS**

When performing its constitutional or statutory functions, the Sangguniang Panlungsod shall have inherent power to:

- (a) Preserve and enforce order in its immediate presence;
- (b) Enforce order in proceeding before it;
- (c) Compel obedience to its judgments, orders and processes;
- (d) Control its ministerial officers and all other persons in any manner connected with a case before it, and in any manner appertaining thereto;
- (e) Compel the attendance of persons to testify in a case pending before it;
- (f) Administer or cause to be administered oaths in a case pending before it, and in all other cases where it may be necessary in the exercise of its powers;
- (g) Amend and control its processes and orders so as to make them conformable to law, these rules and procedures and of justice;

- (h) Authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and to restore, and supply deficiencies in its records and proceedings.

**SECTION 71                    POWERS AND DUTIES OF THE CHAIRMAN**

The powers and duties of the presiding officer or the chairman conducting the investigation, when discharging its functions in case pending before the Sangguniang Panlungsod shall be as follow:

- (a) To issue calls for the sessions/hearings of the council;
- (b) To preside over the sessions/meetings/hearings of the council;
- (c) To preserve order and decorum during the sessions/meetings/hearings of the council;
- (d) To sign interlocutory resolutions, orders, or rulings pertaining to the administrative case submitted before the council;
- (e) To take such other measures as he may deem proper upon consultation with the other members of the council.

**SECTION 72                    CONSOLIDATION OF CASES**

When an action or proceeding involves questions of law and fact which is similar to or common with that of another action or proceeding, the same may be consolidated by the Sangguniang Panlungsod with the action or proceeding bearing the lower docket number.

**RULE XIV  
ADMINISTRATIVE SANCTIONS**

**SECTION 73                    FORMS OF DISCIPLINARY MEASURES**

The following are forms or kind of disciplinary measures that the Sangguniang Panlungsod may impose to the erring barangay Officials (respondents). The Sangguniang Panlungsod on its discretion may impose any of the following sanctions depending on their own determination of the degree of violation and/or the respondent's culpability.

- (a) **WARNING:** An act or fact of putting one on his guard against an impending danger, evil consequences or penalties.
- (b) **ADMONITION:** A gentle or friendly reproof, mild, rebuke. Warning or reminder counseling, on a fault, error or oversight an expression of authoritative advice.
- (c) **REPRIMAND:** A public and formal censure or severe reproof, administered to a person in fault by his superior officer or a body to which he belongs.
- (d) **SUSPENSION:** Temporary withholding of a public officer's right to his office for a certain period.
- (e) **CENSURE:** Official reprimand.

**SECTION 74**                    **EXTENT OF PUNITIVE SUSPENSION**

The penalty of suspension shall not exceed the unexpired term of the respondents 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.

**SECTION 75**                    **REMOVAL FROM OFFICE**

The removal from office of the respondent/s shall take effect only upon order of the proper court as prescribed under the Local Government Code of 1991.

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

**RULE XV**  
**SEPARABILITY CLAUSE**

If for any reason or reasons, any part or provision of this rules shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

**RULE XVI**  
**EFFECTIVITY**

These rules shall take effect immediately upon its adoption and approval by the Sangguniang Panlungsod.

**BOOK III**  
**OTHER FUNCTIONS**

**(A) DISPOSITION OF BOUNDARY DISPUTES**

**SECTION 1**                    **COVERAGE**

This rules and procedures shall cover all cases of boundary disputes filed before the Sangguniang Panlungsod among or involving two (2) or more barangays in the East, West and Bacon Districts of the City of Sorsogon pursuant to Section 118 RA 7160 otherwise known as the Local Government Code of 1991.

**SECTION 2**                    **COMPLAINT**

A complaint for boundary dispute shall not be given due course unless it is in writing supported by documentary or direct evidence such as sketch map of the complaining barangay and the complained barangay/s. No anonymous complaint shall be entertained.

The complaint should be written in a clear, simple and concise language and in systematic manner as to appraise the complained barangay/s the nature of the complaint to enable the latter prepares his defense or answer.

The complaint shall contain the following:

- (a) The name of the complaining barangay and its authorized representative;
- (b) The name of the complained barangay;
- (c) A narration of the relevant and material facts that supports their claims;
- (d) Certified true copies of documentary evidences and affidavits of his witnesses, if any.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed.

### **SECTION 3**                    **WHEN AND WHERE TO FILE A COMPLAINT**

Complaint for boundary disputes shall be filed at the Office of the Secretary to the Sangguniang Panlungsod at any time during office hours.

### **SECTION 4**                    **ISSUANCE OF SUMMON**

Summon shall be immediately issued upon order of the Presiding Officer on the next day following the order. It shall have the priority in all businesses of the Office of the Secretary to the Sangguniang Panlungsod on that office day.

### **SECTION 5**                    **ANSWER**

The complained barangay/s shall file their separate and respective answer within fifteen (15) days from receipt thereof.

### **SECTION 6**                    **FAILURE TO FILE ANSWER**

Should they complained barangay/s fail to answer the complaint within the reglementary period as provided for in the summons, the barangay/s shall be declared in default and the Sangguniang Panlungsod shall proceed with the hearing ex-party, and shall decide the case on the evidence presented.

### **SECTION 7**                    **QUALIFIED PERSONS WHO CAN RECEIVE SUMMONS**

Summons should be received personally by the Barangay Chairman of the complained barangay, however, in his or her absence or inability to do summons may be received by any members of the barangay council or its Barangay Secretary. In case all persons mentioned herein are absent, or refuse and/or intentionally failed or ignore the

same, the server my tender or left the summon in the Barangay Hall or its premises and shall cause the notation of the same in his file copy of the summon.

## **SECTION 8                    MEDIATION AND ARBITRARY COMMITTEE**

Complaint and the answer shall be referred to an ad hoc committee that will serve as mediation and arbitration committee to be created by the Sangguniang Panlungsod and shall be composed of the President of the Barangay Chairmen (ABC) as the Chairman of the Committee, the City-DILG Officer as the Vice-Chairman. The members are the Chairman of the Committee on Rules, Peace and Order, Land Use and of Justice and Good Government, City Engineer and the City Assessor.

In case the Chairman of the Committee is one of the parties thereto or his/her barangay is in dispute he/she must relinquish the position as such and the Vice-Chairman shall automatically appointed as the chairman for that particular case.

## **SECTION 9                    COMMITTEE MEDIATION**

The Committee shall convene and prepare a plan for visits to the party barangays.

Before a schedule of visit, letter to the Barangay Chairman concerned shall be sent at least three (3) days prior to the scheduled visit to advise the same of the purpose.

## **SECTION 10                 AMICABLE SETTLEMENT**

In case the dispute is amicably settled by the committee, the minutes thereof and the corresponding Memorandum of Agreement (MOA) that reflect the agreed actual position of the landmarks of the barangay boundaries shall be signed by both parties and of the committee.

Committee report of the Mediation and Arbitration Committee and the Memorandum of Agreement (MOA) duly signed by both parties shall be adopted through a resolution by the Sangguniang Panlungsod.

## **SECTION 11                 FAILURE TO AMICABLY SETTLE**

In the event the event the Committee fails to effect an amicable settlement within Sixty (6) days from referral by the Sangguniang Panlungsod to the Committee, the latter shall issue a certification to that effect by way of Committee Report and thereafter the dispute shall be formally tried by the Sangguniang Panlungsod which shall be decided within Sixty (60) days from the date of the certification referred to above.

## **SECTION 12                 DECISION**

After termination of the formal investigation of the case, the entire members of the Sangguniang Panlungsod shall convene to discuss the issues that were raised, the respective evidence of the parties that are submitted and duly accepted by the chairman and/or by the council. The council shall after consideration of all the record in the case shall formulate decision.

**SECTION 13**                    **FORMAL INVESTIGATION REPORT**

The **FORMAL INVESTIGATION REPORT** of the Sangguniang Panlungsod containing a narration of material facts established during the investigation, the findings and the evidence supporting said findings shall be prepared by the Sangguniang Panlungsod itself.

**SECTION 14**                    **CONTENTS**

The Formal Investigation Report shall have the following contents:

- a) The minutes of each and every hearing of the case;
- b) Evidence that are submitted by both parties;
- c) Findings or assessment of the case; and
- d) Decision and such other recommendation/s that are deemed necessary and proper for its judicious disposition.

**SECTION 15**                    **PASSAGE OF RESOLUTION**

The Sangguniang Panlungsod, after adoption/approval of the Formal Investigation Report or after the deliberation on the determination of issues and appreciation of evidence shall make the decision and shall pass a resolution to that effect. If votation was conducted during the deliberation on the matter, the result and names of the members voted in an affirmative and on the negative shall be specifically identified in the contents of the resolutions.

**SECTION 16**                    **TRANSMITTAL TO PARTIES**

The decision or the approved resolution of the Sangguniang Panlungsod in the disposition of boundary disputes shall be transmitted to the parties to the case within Seven (7) days from its approval. All other concerned agencies of the government to affect the decision thereat, shall also be furnished within that prescribed period of transmittal.

**(B)                    ACCREDITATION OF PEOPLE’S ORGANIZATION (POs), and NONGOVERNMENTAL ORGANIZATIONS (NGOs)**

**SECTION 1**                    **CALL FOR ACCREDITATION**

Within Thirty (30) days from the organization of the 5<sup>th</sup> City Council, the latter shall call all community-based people’s organizations or NGOs, including business and professional groups, and other similar aggrupation to apply with the City Government of Sorsogon through the Sangguniang Panlungsod for accreditation for membership in the local special bodies.



## **SECTION 2                    REQUIREMENTS**

The application shall include a duly approved board resolution of the Pos, NGOs or the private sector concerned, certificate of registration, list of officers, accomplishments and financial data of the organization.

## **SECTION 3                    ACCREDITATION CRITERIA**

The Sangguninang Panlungsod shall accredit the organizations based on the following criteria:

- a) Registration with the Securities and Exchange Commission, Cooperatives Development Authority, Department of Labor and Employment, Department of Social Welfare and Development, or any recognized NGA that accredits people's organizations, NGOs, or the private sector. If not formally registered, the said organizations may be recognized by the Sanggunian for purposes only of meeting the minimum requirements for membership of such organizations in local special bodies;
- b) Organizational purpose and objectives include community organization and development, institution-building, local enterprise development, livelihood development, capability-building, and similar developmental objectives and considerations;
- c) Community-based with project development and implementation track record of at least one (1) year;
- d) Reliability as evidenced by the preparation of annual reports and conduct of annual meetings duly certified by the board secretary of the organization; and
- e) In the case of PBACs, the organization of any of its members shall have no conflict of interest in the awarding of infrastructure or other projects.

## **SECTION 4                    COMPLETION OF THE ACCREDITATION PROCESS**

The Sangguniang Panlungsod shall complete the accreditation process within sixty (60) days.

If the Chair finds the application inadequate for non-compliance of some requirements for accreditation and does not warrant outright approval, the latter may refer the same to the Committee on Livelihood, Cooperatives, POs, GOs and NGOs for further perusal.

The Committee shall within fifteen (15) days submit before the plenary a committee report with its recommendation/s.

## **SECTION 5                    TERM OF OFFICE OF SELECTED REPRESENTATIVES**

The term of office of a selected representative shall be coterminous with that of the Local Chief Executive and of the 5<sup>th</sup> City Council. Should a vacancy arise, the selected people's organization, NGOs, or the private sector shall designate a replacement for the unexpired term.

**(C) CONFIRMATION OF APPOINTMENT OF APPOINTIVE CITY OFFICIALS BY THE 7<sup>TH</sup>  
CITY COUNCIL  
(Permanent and Co-terminus Positions)**

**SECTION 1 CONCURRENCE OF APPOINTMENT**

Heads of Offices and department heads shall be concurred by majority of all the members of the Sangguniang Panlungsod subject to compliance of Civil Services Laws, Rules and Regulations (Article 119 (a), IRR of RA 7160).

**SECTION 2 CONFIRMATION PROCEEDINGS**

- a) Submission of Appointment by the Local Chief Executive to the Sangguniang Panlungsod through the City Vice Mayor.
- b) Inclusion of the submitted appointment in the regular agenda of the 7<sup>th</sup> City Council;
- c) Mandatory referral of the submitted appointment to the Committee on Good Governance, Ethics and Accountability;
- d) Conduct of Committee Hearing with the presence of the Appointee;
- e) Presentation of Committee Report relative to the appointment in plenary stipulating therein if the appointee committed malfeasance and misfeasance which shall be considered a valid ground for the denial of the concurrence of appointment, if none, the committee shall recommend for the passage of a resolution concurring the said appointment.

The public is encouraged to provide the committee or the Sangguniang Panlungsod any information of malfeasance and/or misfeasance in office the appointee may have committed during his/her previous positions and file necessary complaint before the Sangguniang Panlungsod.

A complaint against the applicant shall not be given due course unless it is in writing and subscribed and sworn to by the complainant and verified.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the applicant may be required to comment.

**SECTION 3 IMPLIED CONFIRMATION**

The Sangguniang Panlungsod shall act on the appointment fifteen (15) days upon submission by the local chief executive otherwise the same shall be deemed confirmed. (Article 119 (b) IRR of RA 7160)

**SECTION 4                    SEPARABILITY CLAUSE**


If for any reason or reasons, any part or provision of this rules shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 5                    EFFECTIVITY**


These rules shall take effect immediately upon its adoption and approval by the Sangguniang Panlungsod.

DATE APPROVED:    *June 30, 2019*

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

  
**NOEL G. DREU**  
Secretary to the Sangguniang Panlungsod

**Attested:**

  
**MARK ERIC C. DIONEDA**  
City Vice Mayor/Presiding Officer