

Republika ng Pilipinas  
LALAWIGAN NG TIMOG DABAW  
**STA. CRUZ**

**TANGGAPAN NG SANGGUNIANG BAYAN**  
**25<sup>th</sup> REGULAR SESSION**  
July 23, 2014

**RESOLUTION NO. 205-14**

Authored and Sponsored by: **HON. ALAN B. ANGUB**

Co-Sponsored by: Hon. Lolita P. Legaspi  
Hon. Michelle O. Orpilla  
Hon. Mila M. Lim  
Hon. Fernando C. Ugdoracion  
Hon. Alvin Rey C. Almendras  
Hon. Ronald R. Cruda  
Hon. Carolino A. Ruiz

**ADOPTING THE REVISED INTERNAL RULES OF PROCEDURE  
OF THE SANGGUNIANG BAYAN OF STA. CRUZ  
PROVINCE OF DAVAO DEL SUR**

**WHEREAS**, as mandated under Section 50 of R.A. 7160, the Sangguniang Bayan of Sta. Cruz, Davao del Sur has adopted its Internal Rules of Procedure (IRP) last July 3, 2013 regular session;

**WHEREAS**, the said rules of procedure shall govern the conduct of the legislative process by the sanggunian;

**WHEREAS**, the August Body felt of revising its existing IRP to enhance its parliamentary rules and/or procedures for efficient and effective local governance;

**WHEREFORE**, on motion of Hon. Alan B. Angub, unanimously seconded by the members present, it was

**RESOLVED**, as it is hereby resolved by the Sangguniang Bayan of Sta. Cruz, assembled in session to adopt the Revised Internal Rules of Procedure of the Sangguniang Bayan of Sta. Cruz, Davao del Sur, to wit:

**MUNICIPAL ORDINANCE NO. 09**  
Series of 2014

**THE REVISED INTERNAL RULES OF PROCEDURE OF THE SANGGUNIANG BAYAN  
OF STA. CRUZ, PROVINCE OF DAVAO DEL SUR**

Be it ordained by the Sangguniang Bayan of Sta. Cruz, in session assembled that:

**RULE I - COMPOSITION**

SECTION 1 - The composition of this Sanggunian shall be provided by existing law, specifically by RA 7160 otherwise known as the "Local Government Code of 1991".

**RULE II – POWERS, DUTIES AND FUNCTIONS**

## **OF THE SANGGUNIAN**

SECTION 1 - The powers, duties and functions of this Sanggunian shall be as provided for under Rule XVII of the Rules and Regulations Implementing the Local Government Code of 1991.

### **RULE III – DUTIES AND RESPONSIBILITIES OF INDIVIDUAL MEMBERS**

SECTION 1 - Every member of this Sanggunian shall make a full disclosure of his financial and business interests as required of him/her under Article 104, Rule XVII of the Rules and Regulations Implementing the Local Government Code of 1991.

SECTION 2 - Every member shall attend all the sessions of this Sanggunian unless he/she is prevented from doing so by reason of sickness or other unavoidable circumstances provided that, as a general rule, previous notice thereto shall be sent to the Sanggunian thru the Presiding Officer or the Secretary.

SECTION 3 - As a general rule, every member is required to vote on every question or proposed measure being voted upon by the Sanggunian. Abstentions may only be allowed if it can be shown that the member concerned has a pecuniary interest, either directly or indirectly, on the matter being acted upon by the Body.

SECTION 4 - Every member shall observe proper deportment and decorum during sessions.

### **RULE IV – PRESIDING OFFICER**

SECTION 1 - The Vice-Mayor shall be the Presiding Officer of this Sanggunian and, as such, shall have the following rights and duties.

- (a) To preside over the sessions of the Sanggunian.
- (b) To exact from all the members present during the sessions proper deportment and decorum.
- (c) To enforce the internal rules and procedures of the Sanggunian.
- (d) To maintain order during sessions and render a ruling on questions of order, subject to appeal by the members concerned to the body for final decision.
- (e) To sign all the legislative documents, papers or checks requiring his/her signature.
- (f) To declare a recess during sessions anytime he/she deems it necessary provided that the duration of the recess is less than fifteen (15) minutes.

- (g) To declare the session adjourned to some other date, time and place in cases of extreme emergencies, serious and uncontrollable disorder, public disturbances and other unavoidable circumstances.
- (h) To make brief remarks, comments or clarificatory questions on any measure pending deliberation by the Body provided that he shall not express himself either for or against the said measure or question.
- (i) To vote but only to break a tie. Hence he cannot vote in order to create a tie. His/her right to vote to break a tie is not compulsory. He/she may or may not exercise it.
- (j) To relinquish the Chair to the Temporary Presiding Officer or to any member of the Sanggunian who shall act as “temporary presiding officer” but only if he/she is going out of the session hall for justifiable reasons. Since the Vice-Mayor is not a regular member nor an “ex-officio” member of the Sanggunian as he is only a “composite member”, he/she can not relinquish the Chair in order to participate in the deliberation of the Body, and thus, there is no reason for him/her to relinquish the Chair but remain idly on the floor.

#### **RULE V – TEMPORARY PRESIDING OFFICER**

SECTION 1 - There shall be a Temporary Presiding Officer to be elected from among the members of the Sanggunian who, without losing his/her status as a regular member including his/her rights and prerogatives, shall temporarily exercise all the powers, duties and functions of the Presiding Officer whenever the latter is absent during the session of the Sanggunian.

SECTION 2 - In the event of the inability of the regular Presiding Officer and the Temporary Presiding Officer to preside over a Sanggunian session, the members present thereby constituting a “quorum” shall elect from among themselves a “temporary presiding officer”.

SECTION 3 - The Temporary Presiding Officer as the case may be, shall certify within ten (10) days from the passage of ordinances enacted or resolutions adopted by the Sanggunian in the session over which he/she temporarily presided.

SECTION 4 - While presiding, the Temporary Presiding Officer, as the case may be, **shall have the right to vote even if there is a tie, provided he/she will vote only once.**

SECTION 5 - The Temporary Presiding Officer may, on his/her discretion, relinquish the Chair temporarily to any member of the Sanggunian if he/she would like to go down the floor and participate in the deliberation in his/her capacity as a regular and constituent member.

#### **RULE VI – INAUGURAL, REGULAR AND SPECIAL SESSIONS**

SECTION 1 - There shall be an inaugural session which shall be conducted immediately upon assumption of office by the Sangguniang Bayan. Inaugural session refers to the first session day of the Sangguniang Bayan set immediately after the qualification of its members as well as the first session day called after the beginning of the calendar year which shall be held at the legislative building of the Municipality of Sta. Cruz, Davao del Sur. The notice shall contain the following:

- ◆ Call to Order
- ◆ Prayer
- ◆ National Anthem
- ◆ Roll Call
- ◆ Councilors' Creed
- ◆ Privilege Hour (Inaugural Speeches)
  - (a) Sangguniang Bayan Members
  - (b) Municipal Vice-Mayor
- ◆ Message – Municipal Mayor
- ◆ Calendar of Business (if any)
- ◆ Adjournment

SECTION 2 - Except as otherwise provided, every regular session of the Sanggunian shall be held at the legislative building of the Municipality of Sta. Cruz, Davao del Sur every **WEDNESDAY** of each week at exactly 9:00 o'clock in the morning except for legal holidays.

SECTION 3 - Upon a vote by the majority of the members present, any regular session of the Sangguniang Bayan maybe held at the barangay hall or public building of the barangay of choice in the municipality.

SECTION 4 - All members of the Sangguniang Bayan and its Presiding Officer including the Secretary shall wear formal attire during sessions, the proper attire being either coat and tie or long sleeves barong in the regular session. In special sessions, the prescribed attire shall be short sleeved polo with collar or any casual attire with collar and in committee hearings the no wearing of short pants, sandals or slippers shall be observed.

SECTION 5 - Special sessions may be called by the Mayor when public interest so demands or by a majority of the members of this Sanggunian.

SECTION 6 - A written notice to the Sanggunian members stating the date, time and purpose of the session shall be served personally or left with a member of his/her household at his/her usual place of residence and/or business or his/her secretary at the office at least twenty-four (24) hours before the special session is held.

SECTION 7 - Unless otherwise agreed upon by two-thirds (2/3) vote of the members present, there being a quorum, no other matter may be considered at a special sessions except those stated in the notice.

SECTION 8 - All sessions shall be open to the public unless a closed door session is ordered by an affirmative vote of a majority of the members present, there

being a quorum, in the public interest or for reasons of security, decency or morality.

SECTION 9 - No two (2) sessions, whether regular or special, may be held in a single day.

SECTION 10 - Adjourned Session. An "adjourned session" may be thru:

(a) The initiative of the Chair by using the "assumed motion", or by a majority of the members present in a session where there is NO QUORUM, wherein they may decide to adjourn from time to time, or day to day, and compel the attendance of the absent members in order to obtain the necessary quorum.

(b) By a majority vote of the members present in any regular or special session, there being a quorum.

## **RULE VII - QUORUM**

SECTION 1 - A majority of the members of the Sanggunian who have been elected and qualified shall constitute a quorum to transact official business.

SECTION 2 - Other interpretations to the contrary notwithstanding, the term "elected and qualified" shall be construed to include not only the regular members but also the "ex-officio" member of this Sanggunian.

SECTION 3 - In computing the presence of a "quorum" the term "majority" shall be based on the actual membership or incumbents in the Sanggunian which shall exclude the following:

- A member who is abroad or on official leave of absence;
- A deceased member;
- A member who has resigned;
- A member who has been suspended, expelled; or removed by final judgment.

SECTION 4 - When the scheduled time has come to start the session, the Presiding Officer (regular or temporary, as the case may be) shall call the session to order, with or without a quorum.

SECTION 5 - In the absence of a quorum, the Presiding Officer may declare a recess of not more than one (1) hour and wait for the other members to come until such time quorum is constituted, or a majority of the member present may adjourn from time to time or day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the sanggunian, to be assisted by a member or members of the police force, to arrest the absent member and present him at the session hall.

If there is still no quorum despite the enforcement of the above remedial measures or if it is determined with certainty that other Sangguniang Bayan members cannot attend the session, the Presiding

Officer, upon proper motion from the floor duly adopted by the body, shall then declare the session adjourned for lack of quorum.

SECTION 6 - During a session which started with a quorum and a question of the 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 there exists a quorum or not. (A request of motion to determine the presence of a quorum is not debatable.

If determined that there is no quorum, the procedures instituted in the preceding section be observed.

## **RULE VIII – ORDER OF BUSINESS**

SECTION 1 - The Order of Business of this Sanggunian shall be as follows:

- (a) Call to Order
- (b) Prayer
- (c) National Anthem
- (d) Councilors' Creed
- (e) Roll Call
- (f) Approval of the agenda of the day's session
- (g) Reading and consideration of the minutes of the previous session
- (h) Privilege Hour
- (i) Question Hour
- (j) Reading and referral of proposed measures (ordinances, resolutions); petitions, letters and other communications
- (k) Committee Reports
- (l) Calendar of Business
  - Unfinished Business
  - Business for the Day
  - Unassigned Business
  - Urgent Matters
  - Other Matters
- (m) Announcements (if any)
- (n) Adjournment

(Note: The customary singing or playing of the National Anthem, Pledge of Allegiance to the Flag and invocation are optional items in the Order of Business and hence, the Sanggunian may or may not adopt or include them in its own order of business.)

SECTION 2 - The Calendar of Business shall be prepared by the Committee on Rules and a copy thereof shall be furnished to every member of this Sanggunian not less than one (1) day before the date of regular session. **All copies of proposed ordinances, resolutions, letters and correspondence must be attached to the notice.** The Presiding Officer shall cause the Office of the Secretary to the Sanggunian to provide the necessary administrative support or secretarial services to the Committee on Rules and other standing or special committees.

SECTION 3 - The Calendar of Business shall contain the following:

- (a) **Unfinished Business** – refers to proposals or measures that have been left unacted upon, postponed or left unfinished during the previous meeting or session. This also include items of business left unfinished or unacted upon the end of the term of the previous administration.
- (b) **Business for the Day** – refers to a list of items that have been reported out by committees and are ready for deliberation on “second reading” as determined by the Committee on Rules. This also include those items for the body’s decision on “third and final reading”
- (c) **Unassigned Business** – refers to pending legislative matters or measures including new ones arising out during the deliberation but not yet assigned or referred to any committee for appropriate action.

SECTION 4 - The Calendar of Business shall contain brief description of the item of business to be taken up during the regular session including, but not limited to the following:

- The title of the proposed ordinance or resolution; name of the sponsor or authors and the committee to which it was referred or the committee sponsoring it;
- In the case of petition, letters, endorsements and other communications, the source or the name of senders.

SECTION 5 - In rendering committee reports, priority shall be given to regular committees (or standing committees) to be followed by special (or Ad Hoc) committees,

SECTION 6 - As a general rule, committee reports shall be rendered by its Chairperson, unless he/she dissents with the majority decision. In his/her absence, the Vice-Chairperson shall take this place. If neither of them is present any committee member concurring with the report and duly designated by the said committee shall render the report.

SECTION 7 - If the reporting committee recommends a favorable action on the measure referred to it or if the reporting committee recommends the proposed measure for appropriate action by the Sanggunian, the Committee on Rules shall calendar it for “second reading”. If the reporting committee’s recommendation is for the Sanggunian not to take an action and that recommendation has been adopted by the Body, the proposed measure remains shelved in the committee. If the reporting committee’s recommendation is for the Sanggunian to file the proposed measure away and that recommendation has been adopted, then it is “filed away” which means in layman’s language that the proposal will be filed in the archive of the Sanggunian.

SECTION 8 - As a general rule, no member of a committee shall oppose or object to the report of his/her committee unless he/she submits his/her dissenting opinion to the majority decision in writing or orally in open session before the said

committee renders its reports. Otherwise, he/she shall be precluded to oppose it on the floor.

SECTION 9 - Deviation from the prescribed Order of Business may be done only under the following circumstances:

- (a) When the Sanggunian decides to suspend the rules thru an “assumed motion” by the Chair or thru a motion to suspend the rules by a member. In any case, the decision to suspend the rules shall require a vote by general consent, a unanimous vote, or at least a two-thirds (2/3) vote of the members present.
- (b) When the measure to be acted upon by the Sanggunian is “certified by the local chief executive as urgent”, it shall have priority over all other items of business, and shall be considered without need of suspending the rules or even if it is not included in the calendar of business.

### **RULE IX – LEGISLATIVE PROCESS**

SECTION 1 - **Rules in the enactment of ordinance and adoption of resolutions.** In the enactment of ordinances and adoption of resolutions including other matters requiring legislative actions, the following rules shall be observed:

- (a) Legislative actions of a general and permanent character shall be enacted in the form of ordinances, while those which are of temporary character shall be passed in the form of resolutions. Matters relating to proprietary functions and to private concerns shall also be acted upon by resolution.
- (b) Proposed ordinances and resolutions shall be in writing and shall contain an assigned number, a title or caption, an enacting or ordaining clause, and the date of its proposed effectivity. In addition, every proposed ordinance shall be accompanied by a brief explanatory note containing the justification for its approval. It shall be signed by the author or authors and submitted to the secretary to the sanggunian before the start of the regular session.
- (c) A resolution shall be enacted in the same manner prescribed for an ordinance, except that it need not go through a third reading for its final consideration unless decided otherwise by a majority of the sanggunian members present.
- (d) No ordinance shall be considered on second reading in any regular meeting unless it has been reported out by the proper committee to which it was referred or certified as urgent by the local chief executive.
- (e) Any legislative matter duly certified by the local chief executive as urgent whether or not it is included in the calendar of business may be presented and considered by the body at the same meeting without need of suspending the rules.



- (f) The secretary to the Sanggunian shall prepare copies of the proposed ordinance or resolutions in the form it was passed on second reading, and shall distribute to each sanggunian member a copy thereof except that a measure certified by the local chief executive concerned as urgent may be submitted for the final voting immediately after debate or amendment during the second reading.
- (g) No ordinance or resolution passed by the Sanggunian in a regular, or special session duly called for the purpose, shall be valid unless approved by a majority of the members present, there being a quorum.
- (h) Upon the passage of all ordinances and resolutions directing the payment of money or creating a liability, and at the request of any member, the Sangguniang Secretary shall record the ayes and the nays. Each approved ordinance or resolution shall be stamped with the seal of the Sanggunian and recorded in a book kept for the purpose.

**SECTION 2 - Three-reading Principle.** The so-called “three-reading principle” which is commonly adopted in legislative bodies shall also be followed by this Sanggunian. Hence, as a general rule, before an ordinance is finally enacted, it shall undergo the following stages:

- (a) **First Reading.** At this stage, the Secretary shall read the number of the proposed draft ordinance (e.g. Draft Ordinance No. \_\_\_); its title; name of the author or authors or the name of the members introducing it. Thereafter, the Presiding Officer shall refer it to the appropriate committee with or without instructions. At this stage no debate shall be allowed.
- (b) **Second Reading.** At this stage, any proposed ordinance that has already been reported out by the concerned committees and has been calendared by the Committee on Rules for “Second Reading” may be sponsored by the reporting committee Chairperson, or his vice-Chairperson, or any committee member designated for that purpose. Since every member of the Sanggunian is supposed to have been furnished a copy thereof, the proposed ordinance may no longer be read in full unless the sponsoring committee or the Sanggunian itself decided otherwise.

After the usual sponsorship speech has been delivered, the proposed ordinance shall be subjected to the following:

- Period of Debate
- Period of Amendment
- Approval on “second reading”

- (c) **Third (Final) Reading.** At this stage, the Secretary shall read the proposed draft ordinance by its number, title and the name of its sponsor or co-sponsor, if any. Immediately thereafter, the Presiding Officer shall put the proposed ordinance to a vote. The Presiding Officer shall then formally announce the result thereof and directs the Secretary to enter it in the record.

**SECTION 3 - Approval of Ordinance and Veto Power of the Local Chief Executive.**

The approval of the ordinance by the Mayor, as the case may be, and the exercise of his veto power shall be governed by the following rules:

- (a) Every ordinance enacted by the Sanggunian shall be presented to the Mayor for his approval. If he approves the same, he shall affix his signature on each and every page thereof, otherwise, he shall veto it and return the same with his objections to the Sanggunian, which may proceed to reconsider the same. The Sanggunian may override the said veto by two-thirds (2/3) vote of all its members thereby making the ordinance or resolution effective for all legal intents and purposes.
- (b) The veto shall be communicated by the Mayor to the Sanggunian within ten (10) days otherwise, the ordinance shall be deemed approved as if he had signed it.
- (c) The Mayor may veto any ordinance of the Sanggunian on the ground that it is “ultra vires” or prejudicial to the public welfare, stating his reasons thereof in writing.
- (d) The Mayor shall have the power to veto any particular item or items of an appropriation ordinance, an ordinance or resolution adopting a local development plan and public investment program or an ordinance directing the payment of money or creating liability. **In such case the veto shall not affect the item or items that are not objected to. Item or items subject of the veto shall not take effect unless the Sanggunian overrides the veto in the manner as provided in this section.** The item or items in the appropriation ordinance of the previous year corresponding to those vetoed, if any, shall deemed re-enacted.

**RULE X – VOTES AND VOTING**

**SECTION 1 - Method of Voting.** Unless a different method is prescribed by the Sanggunian for a particular measure, voting shall be either one of the following methods:

- (a) By voice (viva-voce);
- (b) By raising of hand (or show of hand);
- (c) By rising;
- (d) By ballot; or
- (e) By nominal voting (or roll call).

**SECTION 2 - Putting the Question to a Vote.** The Presiding Officer shall rise whenever he is putting a question to a vote. In taking a vote, the Presiding Officer shall take first the affirmative votes and then the negative votes. While still in standing position the Presiding Officer shall announce the result thereof.

**SECTION 3 - Voting on the question.** Whenever a nominal voting (or roll call voting) is being applied, the Secretary shall call the roll of members either in alphabetical order, by rank. As each name is called, the member shall announce his vote by stating “YES” or “NO” as the case may be. As a

general rule, a member may explain his vote but not to exceed three (3) minutes.

A second roll call may be requested by any member from the Chair but this time only the name of those who failed to vote shall be called. This is to give another opportunity to those who failed to cast their vote to exercise their right and also to determine the number of members who might have violated the “rule on abstention”. After this second roll call, no other request of the same kind shall be entertained by the Chair.

SECTION 4 - **Voting Restriction.** No member can vote, or be allowed to vote, on any measure in which he or any of his relatives within the third degree of consanguinity or affinity, has a direct or personal pecuniary interest. This rule, however, does not apply in voting for elective positions in the Sanggunian where a member, as a matter of right, can vote for himself.

SECTION 5 - **Change of Vote.** A member may change his vote but only when the result of the voting has not yet been announced by the Chair. Otherwise, he can only change his vote by a unanimous consent of the members present. Provided that this rule shall not be applied if voting is by ballot.

SECTION 6 - **Vote by Late-comer.** A member who comes-in late during the session but who happen to arrive while voting is in progress shall be allowed to vote, provided that the result of the voting has not yet been announced by the Chair.

SECTION 7 - **Allowable Motion during Voting.** Except for a motion pertaining to a question of quorum, no other motion shall be entertained by the Chair while voting is in progress.

SECTION 8 - **Tie Vote.** A tie vote resulting from a vote taken on any motion, measure or proposal shall be construed to mean that the particular motion, measure or proposal is defeated, unless the Chair decided to break it. Exception to this rule is when a “motion to appeal from the decision of the Chair” is put to a vote and it resulted in a tie. In this case the tie vote is considered to sustain the decision of the Chair.

SECTION 9 - **Breaking a Tie.** In case of a tie, the Presiding Officer of this Sanggunian is allowed to cast his vote if he so desires. He is, however, precluded under existing laws to cast his vote in order to create a tie.

SECTION 10 - **Majority Vote of All the Members.** As provided for under R.A. 7160 and its Implementing Rules and Regulations, “a majority vote of all the members of the Sanggunian” is required in the following circumstances:

(a) Enactment of ordinance levying taxes, fees or charges prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or relief. (Section 447, R.A. 7160 par. 2-ii).

(b) Adoption of resolution authorizing the Mayor to negotiate and contract loans and other forms of indebtedness. (par. 2-iii, *ibid.*).

- (c) Enactment of ordinance authorizing the floating of bonds or other instruments of indebtedness for the purpose of raising funds to finance development projects. (par. 2-iv, *ibid.*).
- (d) Adoption of resolution authorizing the Mayor to lease to private parties such buildings held in a proprietary capacity subject to existing laws, rules and regulations. (par. 2-v, *ibid.*).
- (e) Enactment of ordinance granting a franchise to any person, partnership, corporation or cooperative to establish, construct, operate and maintain ferries, wharves, markets or slaughterhouses, or other similar activities within the municipality as may be allowed by applicable laws; Provided, that cooperatives shall be given preference in the grant of such franchise. (par. 3-vii, *ibid.*).
- (f) Adoption of resolution concurring with the appointments issued by the Mayor to heads of departments and offices as required under R.A. 7160. (Sec. 443, R.A. 7160, par. d).

SECTION 11 - **Majority Vote of the Members Present** (thereby constituting a quorum). Except as provided in Section 8 hereof, all other legislative matters or measures shall require only a “majority vote of the members present therein having a quorum” for its passage, adoption or enactment, as the case may be.

SECTION 12 - **Plurality Vote**. A decision of the Sanggunian thru a “plurality vote” shall be valid only and enforceable if it is the result of an election of officers of the sanggunian or members of committees. No legislative proposal or measure of whatever nature shall be passed, adopted or enacted by this Sanggunian thru a mere plurality vote.

SECTION 13 - **Percentage Vote**. For purposes of this Section, a percentage vote shall be construed to mean as a “proportion of the certain whole”. Percentage vote shall be applied in the following:

- (a) A two-thirds ( $2/3$ ) vote of all members of this Sanggunian shall be required in overriding the veto of the Local Chief Executive for any ordinance or resolutions thereby making the particular ordinance or resolution effective for all intents and purposes. (Sec. 54, R.A. 7160).
- (b) Unless otherwise concurred in by two-thirds ( $2/3$ ) vote of the Sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice. (Sec. 52 (d), R.A. 7160).
- (c) The penalty of suspension or expulsion that may be imposed or meted out by the Sanggunian to an erring member “shall require the concurrence of at least two-thirds ( $2/3$ ) vote of all Sanggunian members”. (Sec. 50, b-5, R.A. 7160).
- (d) With the concurrence of at least two-thirds ( $2/3$ ) vote of all the members of the Sanggunian, grant tax exemptions, incentives or reliefs to entities engaged in community growth-inducing industries, (Note: This particular

provision applies only to Sangguniang Bayan and Sangguniang Panlungsod and hence, does not apply to Sangguniang Panlalawigan. (Sec 447 and Sec. 458 of R.A. 7160).

(e) At least a two-thirds (2/3) affirmative vote of the members present, there being a quorum, shall be required for the adoption of the following motions:

1. Motion to suspend the rules
2. Motion to expunge
3. Motion to expunge or limit debate
4. Motion to call for the previous question

(f) At least two-thirds (2/3) negative vote of the members present, there being a quorum, shall be required in order to sustain the "motion to object to the consideration of a question".

**SECTION 14 - Abstentions.** Indubitably, a member of this Sanggunian is representing the people and not necessarily his own self and such he should be required to take a stand, one way or the other, on every issue or measure submitted for decision of this August Body. Hence, it is hereby made as a general rule that no member of this Sanggunian shall abstain from voting, except as provided under Section 4, Rule X of this Internal Rules of Procedure.

Abstention, if ever allowed to a member, shall not be considered in computing the majority vote. Since abstention is not a vote, it does not count either way. Mere silence and abstention are not the equivalent of affirmative votes nor of negative votes. (Quien vs. Serina, 17 SCRA 567, 1966; Ortiz vs. Posadas, 55 Phil. 741; 62CJS, p. 761).

**SECTION 15 - Simple Majority.** Except as otherwise provided in the Internal Rules of Procedure and existing laws, rules and regulations, a vote by a "simple majority" shall prevail on other measures, motions or proposition provided there is a quorum. In parliamentary parlance, the term "simple majority" means one-half plus one ( $1/2 + 1$ ) of the total votes cast by the members present there being a quorum. It might be less than the majority of the entire membership.

## **RULE XI – RULES ON DEBATES AND AMENDMENTS**

**SECTION 1 -** As a general rule, no member shall speak before this Sanggunian without first "obtaining the floor". A member who has obtained the floor shall address all his remarks to the Chair. He shall conduct himself with proper decorum by confining his remarks or arguments to the question under debate and by avoiding personalities.

**SECTION 2 -** No member rendering a committee report or delivering the sponsorship speech shall speak for more than thirty (30) minutes unless allowed by a majority of the members present.

SECTION 3 - No member shall speak for more than twenty (20) minutes on a particular issue or question being debated upon unless he is allowed to do so by a majority of the members present.

SECTION 4 - During the period of amendments, every member shall observe the so-called "five-minute rule", i.e., remarks or argumentation by any member on each proposed amendment shall not exceed five (5) minutes.

SECTION 5 - The member rendering a committee report or delivering the sponsorship speech of a proposed measure may more to open or close the debate within the thirty-minute period allowed to him. If he fails to exercise his option, the Chair may use the "assumed motion" to open or closed the debate, or any member may formally move for it. In any case, after a member has rendered a committee report or has finished his sponsorship speech of a proposed measure, it shall be considered open to debate.

SECTION 6 - While having the floor, a member may be interrupted in his speech or talk by 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 7 - The speaker may also be interrupted by another member if the latter desires to ask questions thru his privilege to interpolate and by 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

SECTION 8 - All questions addressed to the speaker or the member having the floor must always be coursed thru the Presiding Officer.

SECTION 9 - The speaker being interpolated may decline to answer questions, if he so desires.

SECTION 10 - No member shall speak against his own motion or proposition. He may, however, be permitted to withdraw his motion or proposition and if his request to withdraw is denied he may vote against it.

SECTION 11 - While the period of debate is in progress, no member shall roam around the session hall or leave the premises without the permission of the Chair.

SECTION 12 - A motion to close the debate is in order if three (3) members have already spoken in the affirmative side and two (2) in the negative side; or, only one (1) member has spoken in favor but none against it.

SECTION 13 - Subject to the requirement of the preceding Section, if no member moves to close the period of debate, the Chair, motu proprio, may use the "assumed motion" in order to close the period of debate.

SECTION 14 - When a motion "to call for the previous questions" is proposed by a member which would result in the closing of debate on a pending question, or two-thirds (2/3) affirmative vote shall be required.

SECTION 15 - Whenever the Presiding Officer is addressing the Sanggunian, no member shall leave his seat nor interrupt the former in his talk.

SECTION 16 - After the period of debate has been closed, the period of amendment shall immediately follow.

SECTION 17 - Unless a different method is adopted by the members present in particular session, amendments to any proposed measure, or parts thereof, shall be in seriatim. Under this seriatim method, the proposed measure is read paragraph by paragraph or section by section and after each one is read, amendments can be proposed and debated upon. Thereafter, a vote is taken on the proposed amendment. Eventually, this process will reach its conclusion and the original measure or proposition is said to have passed the "second reading".

## **RULE XII – COMMITTEES**

SECTION 1 - **Creation of Committees.** The following rules shall be observed in the creation of committees:

- (a) A regular or standing committee may be created or re-organized by a majority vote of all the members of the Sanggunian.
- (b) The Presiding Officer may recommend the creation or re-organization of any regular or standing committee. The Sanggunian shall act on his recommendation without debate and vote on it immediately.
- (c) Special or Ad Hoc Committee may be created upon the initiative of the Chair or any member subject to the affirmative votes of a majority of the members present, there being a quorum.

SECTION 2 - **Composition.** Every regular committee to be created shall be composed of **seven (7) members** including the Chairperson and Vice-Chairperson.

SECTION 3 - **Restrictions.**

- (a) The Presiding Officer shall not be a member of any regular committee. However, he may be designated by the Body as Chairperson of an Ad Hoc or Special Committee, provided that the purpose or task for which the committee is created does not involve legislative matters or policy-making.
- (b) No person other than members of the Sanggunian shall be made a member of any regular committee.

(c) Any member of the Sanggunian is allowed of not more than three (3) committee chairmanships.

(d) No member of the Sanggunian shall participate in the committee's deliberations if he/she has a direct or indirect personal or pecuniary interest on the matter being handled by that committee.

SECTION 4 - **Committee Hearings or Public Hearings.** No tax ordinance or revenue measure shall be enacted by the Sanggunian in the absence of a public hearing duly conducted by the committee concerned.

SECTION 5 - **Committee Meetings.** As a general rule, a committee meeting shall be attended only by the committee members unless a majority member thereof decided to allow other persons to be present especially invited resource persons or consultants.

SECTION 6 - **Committee Hearing distinguished from Committee Meeting.** For purposes of this Internal Rules, a committee hearing is an activity of the Sanggunian, thru its committees, wherein the general public particularly those representing different sectors that may be interested or affected by a proposed measure are invited to attend to hear and be heard on that matter. This is synonymous to the term "public hearing". On the other hand, a committee meeting, as the term implies, is a "meeting" of the members of the committee for the primary purpose of decision-making. Since decision-making is a difficult task, the committee is not precluded from inviting and seeking advice from technical persons.

SECTION 7 - **Quorum.** A majority of all members of the committee shall constitute a quorum to do business.

SECTION 8 - **Calling a Committee Meeting.** A committee meeting may be called by the following:

- (a) Chairperson
  - (b) Vice-Chairperson, if he is in the capacity of "Acting Chairperson"
  - (c) Majority of the committee members
- Provided that due notice is served upon each and every committee member.

SECTION 9 - **Vacancy.** Vacancy in a committee shall be filled:

- (a) By a majority vote of all members of the Sanggunian; or
- (b) By the Presiding Officer; by general consent (unanimous assent) of the members present, there being a quorum.

SECTION 10 - **Appearance of Head of Department/Office in Committee Meetings.** The following rules shall be observed in requesting for the appearance of head of departments or offices.

- (a) Official invitation or request by any committee to appear before it of any head of department or offices, whether local or national, shall be coursed



thru the Presiding Officer. The Presiding Officer shall then endorse it to the head of local and national offices concerned.

- (b) The invitation for request shall specify the reason for such appearance or the assistance needed as the case maybe
- (c) **NO PROXY** for those invited heads of offices shall be indicated in the communication.

**SECTION 11 - Mandatory Standing Committees.** The Sanggunian shall, thru a resolution, create the following mandatory standing (or regular) committees:

**a.) COMMITTEE ON FINANCE, BUDGET AND APPROPRIATION**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Local taxes, fees and charges
- Loans and other sources of local revenues
- Annual and supplemental budgets
- Appropriation ordinances
- All other matters related to local taxation and fiscal administration

**b.) COMMITTEE ON WOMEN AND FAMILY**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Women's welfare, rights and privileges
- Women's organizations
- Family welfare
- Family planning
- All other matters related to women and family

**c.) COMMITTEE ON HEALTH, SANITATION AND SOCIAL SERVICES**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Health, sanitation and hygiene
- Cleanliness and beautification of the community
- Proposed measures related to hospitals, health centers and health programs
- Social welfare services
- All matters related to health and social welfare

**d.) COMMITTEE ON HUMAN RIGHTS AND LABOR**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Human rights
- Prevention of human rights violation
- All matters affecting human rights
- All matters affecting labor problems, workers' plight and implementation of labor laws, rules and regulations

**e.) COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Police matters
- Maintenance of peace and order
- Protective services
- Traffic rules and regulations
- Fire prevention and control measures
- Public morals
- All other matters related to peace and order and public safety

**f.) COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Sports development
- Youth welfare and development
- All other matters related to youth and sports development

**g.) COMMITTEE ON GAMES AND AMUSEMENT**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Operation/establishment of amusement places
- Measures that affect the regulation of games and amusement including but not limited to, the promotion or holding of cockfights, boxing, basketball tournaments and other kinds of games and tournaments
- All other matters related to games and amusement

**h.) COMMITTEE ON AGRICULTURE**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Agriculture production
- Agriculture inputs
- Agriculture facilities
- Development of agri-business enterprises
- All other matters related to agriculture, including plants and animals

**i.) COMMITTEE ON COOPERATIVES**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Cooperatives organization and development
- Incentives to cooperatives
- All matters affecting the cooperative development program of the government

**j.) COMMITTEE ON RULES & PRIVILEGES, ORDINANCE AND LEGAL MATTERS**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Sanggunian Internal Rules and violations thereof
- Order of Business and Calendar of Business
- Disorderly conduct of member and investigation thereof
- Privileges of members
- Enactment, revision and amendment of all kinds of ordinances except appropriation ordinance
- Exercise of legislative powers (taxing power, police power, corporate powers and proprietary rights)
- Legality of proposed measures to be acted upon by the Sanggunian
- Review of ordinances and certain resolutions submitted by lower level LGUs

**SECTION 12 - Other Standing Committees.** In addition, the Sanggunian shall also create by resolution other necessary standing committees which may include, but not limited to, the following:

**a.) COMMITTEE ON EDUCATION**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Formal and non-formal education

- Educational facilities
- Operation of educational institutions, both private and public
- All matters related to education

**b.) COMMITTEE ON CULTURE AND TRIBAL AFFAIRS**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Tribal and cultural communities preservation
- Promotion of culture and the arts
- All matters related to culture and tribal affairs

**c.) COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS & ACCOUNTABILITY**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Organization and management; personnel administration, position, classification and pay plan, staffing patterns
- Creation of positions
- Policy formulation 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
- All other matters related to good governance
- All complaints against barangay officials

**d.) COMMITTEE ON ECONOMIC ENTERPRISES**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Administration/operation of all economic enterprise of the LGU
- Measures pertaining to market rental fees and other market and slaughterhouse charges
- Improvement of market and other economic enterprises facilities and its premises
- Enactment/revision of the market code
- All other matters related to economic enterprises

**e.) COMMITTEE ON TOURISM, TRADE, COMMERCE AND INDUSTRY**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Establishment/operation of all kinds of trade and industry and tourism
- Measures that affect trade, commerce and industry and tourism
- Incentives to promote trade, commerce and industry and tourism
- All matters related to trade, commerce and industry and tourism

**f.) COMMITTEE ON ENVIRONMENTAL PROTECTION & CLEAN AND GREEN**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Environmental protection
- Air and water pollution
- Wanton destruction of the environment and its natural resources
- All matters or measures affecting the environment

**g.) COMMITTEE ON PUBLIC WORKS, TRANSPORTATION AND PUBLIC UTILITIES**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Construction, maintenance and repair of roads, bridges and other government infrastructure projects
- Measures that pertain to drainage and sewerage systems and similar projects
- All matters related to public works, transportation and public utilities

**h.) COMMITTEE ON PLANNING, HOUSING AND LAND UTILIZATION**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Housing program
- Subdivision development/real estate development
- Measures pertaining to land uses
- Zonification or zoning code enactment
- Squatters problems
- All matters related to housing and land utilization

**i.) COMMITTEE ON BARANGAY AFFAIRS**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Review of all barangay ordinances, resolutions, executive orders issued and promulgated by the barangay council of the municipality
- Barangay boundary conflicts
- Barangay development

**j.) COMMITTEE ON CONSUMERS PROTECTION**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Consumerism and consumer rights
- Price control
- Product monitoring, marketing and promotion

**k.) COMMITTEE ON ENERGY**

This committee shall be composed of seven (7) members, including its Chairperson and Vice-Chairperson, to which shall be referred all matters or questions pertaining to or connected with the following:

- Review of any Memorandum of Agreement entered into by the Local Government Unit of Sta. Cruz and the investors
- Security and stability of power supply
- Review of energy rates of the Municipality of Sta. Cruz
- Other matters pertaining to energy and any other matter appurtenant thereto

**RULE XIII – COMMITTEE REPORTS**

**SECTION 1 - Submission of Committee Report.** Every committee to which a particular measure is referred by the Presiding Officer shall submit its report in writing to the Sanggunian, through the Secretary, after finishing its tasks

**SECTION 2 - Joint Committee or Multiple Committee Report.** When a measure is referred to two or more committees, the committees concerned may submit a “joint committee report” or “multi – committee report “ as the case may be, or separate report thereon.

**SECTION 3 - Content of Committee Report.** The committee report shall contain the following information:

- (a) Name of the reporting committee or committees
- (b) Brief statement of the subject matter referred to it and the action taken thereon including information gathered during the conduct of committee hearings or meetings and other relevant information.

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

SECTION 4 - **Discharge of Committee.** A committee which failed to submit a committee report within the time required may be discharged by the Sanggunian from further consideration of the measure or question referred to it. Upon motion by any member, the said measure can be re-assigned to another committee or submit to the Body for proper disposition.

SECTION 5 - **Recommitting a Measure.** When the Sanggunian is not satisfied with the report of a particular committee on a measure referred to it, the same may be recommitted or return back to that committee for further study.

SECTION 6 - **Calendaring a Measure for Second Reading.** After the committee has rendered its report and is recommending favorably the enactment of a proposed ordinance it has “reported out” a copy of the proposed ordinance shall be furnished the Committee on Rules which shall calendar it for “second reading”. Before the said proposed ordinance is sponsored on the floor, a copy thereof shall be furnished every Sanggunian member by the committee Chairperson concerned.

SECTION 7 - **Automatic inclusion of a measure in the Calendar of Business.** After referral of a proposed measure to a committee and said committee failed to act within a period of 30 days thereof, the proposed measure shall be calendared for 2<sup>nd</sup> reading.

#### **RULE XIV – JOURNAL AND RECORD OF PROCEEDINGS**

SECTION 1 - **Record of Proceedings.** The Sanggunian shall keep a “journal and record” of its proceedings which may be published upon resolution of these majority of the members thereof.

SECTION 2 - **Minutes.** In addition to the “journal of proceedings” which is required by law (RA 7160) to be kept, the Sanggunian, thru its Secretary, shall also record its proceedings in the form of a “minutes” which shall be submitted by the Secretary to the Sanggunian for appropriate action.

SECTION 3 - **Reading and Consideration of Minutes.** The minutes of the previous sessions shall be submitted by the Secretary to the Sanggunian during its succeeding regular session. The Sanggunian shall first determine if there are corrections to be made on the minutes and act on it accordingly before the same is adopted by the body and becomes its property. Consideration of the minutes shall not be dispensed with. Reading of the minutes “verbatim” may be dispensed with if the members were already furnished a copy before hand. Being all responsible men and women, the members are presumed to have read the minutes already before they come to the session. In any case,

the minutes submitted by the Secretary shall be acted upon by the members present, one way or the other.

SECTION 4 - **Contents of Minutes.** The minutes shall contain the following information:

- (a) Place, date and time of the session;
- (b) Whether it is special or regular;
- (c) Name of the members present therein and those who were absent;
- (d) Action taken on the minutes of the previous session including the correction, if any; names of those who adopted (or approved) the minutes under consideration and those who did not;
- (e) Text of every measure (resolution or ordinance, etc.) adopted or enacted;
- (f) Brief resume of the minority opinion, if any;
- (g) The "Aye" and "Nayes" of "Yes" or "No" votes on every question (measure) and if voting is done thru nominal or roll call vote; the names of those who voted on either side;
- (h) All motions presented or proposed, whether lost or carried, except those withdrawn;
- (i) Full text of the veto message of the local chief executive, if any;
- (j) Time of adjournment.

SECTION 5 - **Signing of Minutes.** The original copy of the minutes shall be signed by the members who adopted it at the appropriate space therein. The Presiding Officer at that particular session and the Secretary shall also sign or affix their signature on the said minutes.

SECTION 6 - **Excerpts.** Excerpts to be taken out of the minutes shall be certified and attested to as correct by the Secretary and the Presiding Officer on that particular session, respectively.

#### **RULE XV – RULES ON MOTIONS**

SECTION 1 - All motions relating to a committee report, if presented or proposed by the reporting committee Chairperson, or the reporting committee members, shall need NO second.

SECTION 2 - If someone "has the floor", whether or not he is speaking, a "motion to adjourn" shall be ruled "out of order".

SECTION 3 - All "privilege motions" may be proposed even if there is a pending motion or question before the body.

SECTION 4 - The following motions can be presented or proposed even if someone has the floor, viz:

- (a) Appeal from the decision of the Chair
- (b) Call for Order of the Body
- (c) Divide the Assembly, Body (or House, if any)
- (d) Divide the Question



- (e) Object to the Consideration of a Question
- (f) Point of Order
- (g) Point of Information
- (h) Point of Parliamentary Inquiry
- (i) Reconsider
- (j) Reconsider and have entered on the minutes
- (k) Raise a Question of Privileges

In other words, the foregoing enumerated motions can interrupt the speaker.

SECTION 5 - When there is no quorum present, a motion to adjourn one to take a recess is "in order" provided, that nobody else has the floor.

SECTION 6 - Motions or questions which were laid on the table may be taken up thru a motion to that effect during that particular session or during the next regular session but not beyond.

SECTION 7 - The following motions require a SECOND, viz:

- (a) Adjourn
- (b) Adopt a report or resolution, except when proposed by the reporting committee Chairperson or member.
- (c) Amend
- (d) Appeal from the decision of the Chair
- (e) Commit or Refer to a Committee
- (f) Expunge
- (g) Extend or limit the time for debate
- (h) Fix the time to which to adjourn
- (i) Lay on the table
- (j) Postpone Definitely
- (k) Postpone Indefinitely
- (l) Call for the Previous Question
- (m) Recess
- (n) Reconsider
- (o) Reconsider and have entered on the minutes
- (p) Rescind or Repeal
- (q) Suspend the Rules
- (r) Take from the Table
- (s) All main motions

SECTION 8 - A motion to amend (amendments of the 1<sup>st</sup> degree) and motion to amend an amendment (amendment of the 2<sup>nd</sup> degree) may be withdrawn but only before a decision is made thereon.

SECTION 9 - A motion to amend is in order only up to the second degree. Thus, a motion "to amendment" is out of order.

SECTION 10 - A motion can be withdrawn only when it is not yet being discussed or debated upon by the body. Otherwise any request to withdraw it shall require a vote by general consent and if there is an objection raised for its withdrawal, a majority vote of the members present is furnished.

**RULE XVI – DISCIPLINARY ACTIONS**

SECTION 1 - **Penalty.** Any member who commits an act in transgression of the foregoing Internal Rules of Procedure shall be furnished with the corresponding penalties prescribed, to wit:

**PENALTY**

- |  |  |
|--|--|
| 1. For disorderly conduct or behavior during a session, committee hearing or committee meeting.  | 1 <sup>st</sup> offense – reprimand<br>2 <sup>nd</sup> offense – exclusion from membership in the committee concerned.   |
| 2. For any “justified” absence with prior notice   | None   |
| 3. For any “justified” absence without prior notice  | Fine of not more than P100.00  |
| 4. For any “unjustified” absence without prior notice.   | Fine of not less than P50.00 but not more than P200.00   |
| 5. For “unjustified” absence in four (4) consecutive sessions  | Fine of not less than P1,000.00 but not more than P3,000.00 without prejudice to the filing of corresponding administrative charge as per Article 124 (6), IRR of R.A. 7160. |
| 6. For coming late in any kind of sessions per hour of being late or fraction thereof. It will commence in the banging of the gavel of the Presiding Officer | Fine of not less than P25.00 but not more than P50.00.   |
| 7. Conviction by final judgment to imprisonment of at least one (1) year for any crime involving moral turpitude   | Automatic expulsion  |
| 8. For refusal without valid excuse to perform the task assigned to him by the Sanggunian or Committee of which he is a member                               | Fifteen (15) days suspension without remuneration.   |

- |   |  |
|---|--|
| <p>9. For <b>three (3) consecutive</b> “unjustified” absences in the committee hearings of which he is a composite member.</p>  | <p>Expulsion from membership in that committee and fine of not less than P500.00 but not more than P1,000.00 without prejudice to the filing of corresponding administrative charge for neglect of duty.</p> |
| <p>10. For continued “unjustified” absences despite a written warning from the Chairperson of the Committee on Rules to attend to committee hearings of which he/she is a composite member.</p> | <p>Expulsion</p>   |
| <p>11. For “unjustified” wearing of prescribed uniform during sessions.</p>   | <p>Fine of not less than P50.00 as initial for first offense and additional P50.00 or more for the succeeding violations.</p>  |
| <p>12. For violation of any other provision of this Internal Rules of Procedure not specified herein</p>  | <p>Fine of not less than P500.00 but not more than P1,000.00 or suspension of not more than fifteen (15) days without remuneration.</p>  |

SECTION 2 - **Requisites.** 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 Sanggunian. For other kinds of penalty only a majority vote of all the members of the Sanggunian shall suffice.

SECTION 3 - **Initiation of Action and Conduct of Investigation.** The Committee on Rules shall take cognizance of all the offenses enumerated in the preceding Section committed by any member of this Sanggunian, both composite member and constituent member, i.e. including the Regular Presiding Officer and 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 Sanggunian 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 evidences shall not be applied. However, the substantive due process requirement of fairness and reasonableness should be observed.

Should any member of the Committee on Rules be the respondent, the Presiding Officer (regular or temporary, as the case may be) 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 a member of that committee.

SECTION 4 - **Collection of Fines and its Disposition.** The Administrative Officer of the Sanggunian shall collect the fines as may be imposed by this Sanggunian and shall take custody thereof as a private trust fund. **The collection shall be made through an automatic deduction scheme from the salary of the erring member and shall be deposited in a savings account to be opened at the Tagum Rural Bank, Inc. of Sta. Cruz, Davao del Sur.** In the disposition or disbursement of the said fund the Sanggunian shall convert itself into a "Committee of the Whole" and then decide upon a majority vote of all its members how and for what purpose that said fund would be spent.

#### **RULE XVII – SUSPENSION OF RULES**

SECTION 1 - Any part of this "Internal Rule of Procedure", except those prescribed by existing laws may be suspended at any particular session by general consent or by two-thirds (2/3) vote of the members present therein.

#### **RULE XVIII - AMENDMENTS**

SECTION 1 - This "Internal Rules of Procedure" may be amended at any regular session by two-thirds (2/3) vote of all the members of this Sanggunian, provided that prior notice of such proposed amendment is given to all the members of the Sanggunian, and provided further that no provision herein which is based on, or prescribed by, existing laws shall be amended.

#### **RULE XIX – SUPPLEMENTARY RULES**

SECTION 1 - The rules, procedure and parliamentary practices of the Philippine Congress and books detailing on this subject written by Filipino authors, particularly by Dr. Antonio Orendalin, Prof. Reynaldo T. Fajardo and Atty. Reverendo M. Dihan, shall serve as supplementary authorities of this Sanggunian but only insofar as they are not incompatible with the rules and procedures adopted herein.

#### **RULE XX – EFFECTIVITY**

SECTION 1 - This "Internal Rules of Procedure" shall take effect on the date of its adoption and shall remain in full force and effect unless revised, modified, amended or repealed by a subsequent ordinance.

I HEREBY CERTIFY to the correctness of the foregoing Internal Rules of Procedure which was duly adopted by the Sanggunian during its **25<sup>th</sup> Regular Session** held on July 23, 2014.

**BENBENUTO L. CASPI, JR.**  
Secretary to the Sanggunian

ATTESTED:

**MILA M. LIM**  
Acting Mun. Vice-Mayor  
(Temporary Presiding Officer)

APPROVED: \_\_\_\_\_

**CONFORME:**

**ALVIN REY C. ALMENDRAS**  
SB Member

**ALAN B. ANGUB**  
SB Member

**LOLITA P. LEGASPI**  
SB Member

**FERNANDO C. UGDORACION**  
SB Member

**RONALD R. CRUDA**  
SB Member

**MICHELLE O. ORPILLA**  
SB Member

**CAROLINO A. RUIZ**  
IP Mandatory Representative