

Republic of the Philippines
Province of Tarlac
MUNICIPALITY OF PURA
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PURA, TARLAC HELD AT THE SB SESSION HALL ON THURSDAY, JUNE 30, 2016

PRESENT:

Hon. MANUEL N. MADDELA JR. -----	Municipal Vice Mayor & Presiding Officer
Hon. FREDDIE D. DOMINGO-----	Municipal Councilor
Hon. REBHENJER J. CARATIQUIT -----	Municipal Councilor
Hon. ALAIN CARLO F. SAWIT-----	Municipal Councilor
Hon. TIMOTEO D. BALMORES-----	Municipal Councilor
Hon. JOHN PAUL M. BALMORES-----	Municipal Councilor
Hon. NENITA M. CABARIOS-----	Municipal Councilor
Hon. BERNABE P. IDMILAO-----	Municipal Councilor
Hon. KELLY G. AGANON-----	Municipal Councilor

ABSENT:

Hon. NOEL C. MELEGRITO-----	Ex-Officio Councilor (<i>Liga</i>)
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RESOLUTION NO. 044

Series of 2016

A RESOLUTION ADOPTING THE INTERNAL RULES OF PROCEDURE OF THE SANGGUNIANG BAYAN OF PURA, TARLAC

WHEREAS, pursuant to Section 50 of Republic Act 7160, otherwise known as the “*Local Government Code of 1991*”, the Sangguniang Bayan shall on the first regular session following the election of its members, adopt or update its existing rules of procedure;

WHEREAS, the members of this Sanggunian Bayan, after deliberation, adopted the following rules of procedure, to wit:

**INTERNAL RULES OF PROCEDURE
OF THE SANGGUNIANG BAYAN OF PURA, TARLAC**

RULE I – COMPOSITION

Section 1. The composition of this Sanggunian shall be as provided by existing laws, especially by 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 under ART. 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 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 of procedure of the Sanggunian;
- (d) To maintain order during sessions and render a ruling on questions of order, subject to appeal by the member concerned to the body for final decision;
- (e) To sign all the legislative documents, papers or checks requiring his signature;
- (f) To declare a fifteen (15) minutes recess during the sessions anytime he deems it necessary;
- (g) To declare the session adjourned to some other date, time and place in cases of extreme emergencies, serious and uncontrollable disorder, public disturbance 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;
- (i) To vote but only to break a tie. His right to vote to break a tie is not compulsory. He may or may not exercise it;
- (j) To relinquish the Chair to the Presiding Officer Pro-Tempore or in the latter's absence, to any member of the Sanggunian who shall act as "temporary presiding officer", but only if he is going out of the session hall for whatever reason. Since the Vice Mayor is neither a regular member nor an "ex-officio" member of the Sanggunian, he cannot relinquish the Chair in order to participate in the deliberation of the body; thus, there is no reason for him to relinquish the Chair but remain idly on the floor.

RULE V – PRESIDING OFFICER "PRO-TEMPORE" AND TEMPORARY PRESIDING OFFICER

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

Section 2. In the absence or the inability of the regular Presiding Officer and the Presiding Officer "Pro-Tempore" 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 Presiding Officer “Pro-Tempore” or 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 temporarily presided.

Section 4. While presiding, the Presiding Officer “Pro-Tempore” or the Temporary Presiding Officer, as the case may be, shall have no right to vote even if there is a tie.

Section 5. The Presiding Officer “Pro-Tempore” or the “Temporary Presiding Officer” may, on his own discretion, relinquish the Chair temporarily to any member of the Sanggunian if he would like to go down to the floor and participate in the deliberation in his capacity as a regular member.

RULE VI – REGULAR AND SPECIAL SESSIONS

Section 1. Pursuant to SB Resolution No. 043, Series of 2016, the regular session of this Sanggunian shall be once a week to be held at the Sanggunian session hall every Thursday at exactly 9:00 o’clock in the morning.

Section 2. Special sessions may be called by the Mayor or by a majority of the members of this Sanggunian.

a) 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 household at his usual place of residence at least twenty four (24) hours before the special session is held.

b) 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 session, except those stated in the notice.

Section 3. 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 4. No two (2) sessions, whether regular or special, may be held in a single day.

Section 5. Adjourned Session. An “adjourned session” may be held:

(a) 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, in order to finish very important business which needs immediate action.

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” members and the Sectoral representatives 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 that shall exclude the following:

- Presiding Officer (regular);
- A member who is abroad or on official leave of absence;
- A deceased member;
- A member who has resigned; and
- A member who has been suspended or expelled or removed by final judgment.

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

In the absence of a quorum after calling the session to order, the Presiding Officer may perform any of the following:

1. He may adjourn the session from hour to hour if he would like to wait for other members who may be late in coming to the session;
2. He may adjourn the session from day to day; or
3. He may adjourn the session for lack of quorum.

Section 5. During the session, which was started with a quorum and a question on 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 or motion to determine the presence of a quorum is not debatable.

Section 6. In the absence of a quorum, the Presiding Officer may declare a recess of not more than one (1) hour and wait for other members to come or a majority of the members 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, the Presiding Officer may, *motu proprio* or upon proper motion from the floor duly adopted by the body, then declare the session adjourned for lack of quorum.

RULE VIII – ORDER OF BUSINESS

Section 1. The Order of Business of this Sanggunian shall be as follows:

- (a) Call to order
- (b) Invocation
- (d) Roll Call
- (e) Reading and Consideration of the minutes of the previous session
- (f) Privilege Hour
- (g) Question Hour
- (h) First Reading and Referral of proposed measures (ordinances, resolutions); petitions, letters and other communications
- (i) Committee Reports
- (j) Calendar of Business
 - Unfinished Business
 - Business for the Day
 - Unassigned Business
- (k) Announcements (if any)
- (l) Adjournment

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 two (2) days before the date of the regular session. 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 includes items of business left unfinished or unacted upon at 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 includes those items for the body’s session on “third and final reading.”

(c) *Unassigned Business* – refers to pending matters or measures including new ones that arises 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 petitions, letters, endorsements and other communications, the source or the name of senders shall be read.

Section 5. In rendering committee reports, priority shall be given to regular committees (a.k.a. standing committees) to be followed by special (a.k.a. Ad Hoc) committees.

Section 6. As a general rule, committee reports shall be rendered by its Chairman, unless he dissents with the majority decision. In his absence, the Vice Chairman shall take his 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 action and that the 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 the 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 committee unless he submits his dissenting opinion to the majority decision in writing or orally in open session before the said committee renders its reports. Otherwise, he shall be precluded to oppose it on the floor.

Section 9. Deviations from the prescribed Order of Business may be done only under the following circumstances:

- (a) When the Sanggunian decides to suspend the rules through an “assumed motion” by the Chair or thru a motion to suspend the rules by a member.
- (b) When the measure to be acted upon by the Sanggunian is “certified by Local Chief Executive as urgent”, which shall have priority over all other items of business and shall be considered without need of suspending the rules or even if is not included in the Calendar of Business.

RULE IX – LEGISLATIVE PROCESS

Section 1. Rules in the Enactment of the 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 a 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 on its next meeting.
- (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 all the Sanggunian members.
- (d) No ordinance or resolution 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 (LCE).
- (e) Any legislative matter duly certified by the LCE 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 resolution 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 Sanggunian 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. Approval of Ordinance and Veto Power of the Local Chief Executive. The approval of an ordinance by the Mayor 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 10 days upon receipt thereof, 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 reason 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 a liability. In such a case, the veto shall not affect the item or items which are not objected to. The vetoed item or items shall not take effect, unless the Sanggunian overrides the veto in the manner as provided in this section, otherwise, the item or items in the appropriation

ordinance of the previous year corresponding to those vetoed, if any, shall be deemed re-enacted.

Section 3. 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 been reported out by the concerned committee and has been calendared by the Committee on Rules for “second reading” may be sponsored by the reporting committee chairman, or his vice chairman, 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 decides 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 direct the Secretary to put it on the record.

Section 4. Methods 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 (a.k.a. show of hand);
- (c) By rising;
- (d) By ballot; or
- (e) By nominal voting (a.k.a. roll call).

Section 5. Putting the Question to a Vote. The Presiding Officer shall rise whenever he is putting a question to a vote. In taking the 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.

RULE X – VOTES AND VOTING

Section 1. Voting on the Question. Whenever a nominal voting (or roll call voting) is being applied, the Secretary shall call the roll members either in alphabetical order, by rank, or by representative districts. 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 names of those who failed to vote shall be called. This is to give another opportunity to those who failed to cast their votes 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 2. 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 3. 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 4. Vote by Late-Comer. A member who comes-in late during the session, but who happens 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 5. 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 6. 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 decides 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 7. 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 8. Majority Vote of All the Members. As provided for under the Local Government Code of 1991 and its implementing rules and regulations, “a majority vote of all 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 or specific purposes, and granting tax exemptions, incentives or relief. (Sec. 447, par. 2 (ii), of RA 7160).
- (b) Adoption of resolution authorizing the Mayor to negotiate and contract loans and other forms of indebtedness. (par. 2-ii, 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-IV, 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 such 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 appointment issued by the Mayor to heads of departments and offices as required under RA 7160. (Sec. 443, par. D).

Section 9. Majority 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 10. 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 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 11. Percentage Vote. For purposes of this section, a percentage vote shall be construed to mean as a “proportion of a certain whole.” Percentage vote shall be applied in the following:

(a) A two-thirds (2/3) vote of all the members of this Sanggunian shall be required in overriding the veto of the LCE for any ordinances or resolution, thereby making the particular ordinance or resolution effective for all intents and purposes. (Sec. 54, RA 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), RA 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 the Sanggunian members.” (Sec. 50, b-5, RA 7160).

(d) With the concurrence of at least two-thirds (2/3) of all the members of the Sanggunian, grant tax exemptions, incentives or relief to entities engaged in community growth-inducing industries. (See Sec. 447 and Sec. 458 of RA 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 extend or limit debate.
4. Motion to call for the previous question.

(f) At least a two-thirds 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 12. Abstentions. Indubitably, a member of this Sanggunian is representing the people and not necessarily his own self and as 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 2, Rule X, of the Internal Rules of Procedure.

Abstentions, 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 or of negative votes. (Quien Vs. Serina, 17 SCRA 567, 1966; Ortiz Vs. Posadas, 55 Phil. 741; 62 CJS, p. 761.)

Section 13. 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 propositions, 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 move 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 close 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 interpellate 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 interpellated 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 it 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. The 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 question” is proposed by a member, which would result in the closing of debate on a pending question, a two-thirds 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 a 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. 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 Committees 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 not more than three (3) members, including the Chairman and Vice-Chairman, except for the Committee on Budget and Appropriations which shall be composed of five (5) members including the Chairman and Vice-Chairman.

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 Chairman 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 committee.
- (c) No member shall participate in the committee’s deliberations if he 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 measures shall be enacted by this Sanggunian in the absence of a public hearing duly conducted by the committee concerned.

Section 5. Committee Meetings. As a general rule, committee meetings shall be attended only by committee members, unless a majority of the members thereof decided to allow other 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 to be 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 different task, the committee is not precluded from inviting and seeking advice from technical persons.

Section 7. Quorum. A majority of all the 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) Chairman
- (b) Vice-Chairman, if he is in the capacity of acting Chairman
- (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 the 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/Offices in Committee Meetings. The following rules shall be observed in requesting for the appearance of heads of department 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 local head of the national offices in this locality;
- (b) The invitation or request shall specify the reason for such appearance or the assistance needed, as the case maybe and shall be sent to the official concerned at least three (3) days prior thereto.

Section 11. Standing Committees. The Sanggunian shall, thru a resolution, create the following mandatory standing (a.k.a. regular) committees:

a.) COMMITTEE ON BUDGET AND APPROPRIATION

This committee shall be composed of not more than five (5) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Annual and supplemental budgets
- Appropriation ordinances
- All other matters related to fiscal administration

b.) COMMITTEE ON WOMEN, FAMILY AND SOCIAL SERVICES

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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
- Social welfare services
- All other matters related to women, family and social welfare

c.) COMMITTEE ON HUMAN RIGHTS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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

d.) COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Sports development
- Youth welfare and development

e.) COMMITTEE ON HEALTH

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

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

f.) COMMITTEE ON COOPERATIVES AND LIVELIHOOD PROGRAMS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- a. Cooperative organizations and development
- b. Incentives to cooperatives
- c. All matters affecting the cooperatives development and livelihood programs of the government

g.) COMMITTEE ON RULES, PRIVILEGES AND LEGAL MATTERS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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 members and investigation thereof
- Privileges of members
- Enactment, revision or amendment of all kinds of ordinances except appropriations ordinance
- Exercise of the legislative powers (taxing power, police power, corporate powers and proprietary rights)
- Legality of proposed measures to be acted upon by the Sanggunian

h.) COMMITTEE ON PEACE, ORDER AND PUBLIC SAFETY

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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

i.) COMMITTEE ON AGRICULTURE

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

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

j.) COMMITTEE ON EDUCATION, CULTURE AND SOCIAL AFFAIRS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Formal and non-formal education
- Educational facilities
- Promotion of the culture and the arts
- Operation of educational institutions, both private and public
- Observance of legal holidays and other related occasions
- All matters related to education, culture and social affairs

k.) COMMITTEE ON GOOD GOVERNMENT, PUBLIC ETHICS AND ACCOUNTABILITY

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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 pattern
- Creation of positions
- Policy formulation for the economical, efficient and effective local government administration
- Conduct an ethical standards for local officials and employees
- All other matters related to good governance

l.) COMMITTEE ON PUBLIC UTILITIES, FACILITIES, MARKET AND SLAUGHTERHOUSE

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Administration/operation of the public plaza, public market, slaughterhouse and other government facilities
- Measures pertaining to market rental fees and other market and slaughterhouse charges
- Improvement of market facilities and its premises
- Enactment/revision of the market code
- All other matters related to market and slaughterhouse administration

m.) COMMITTEE ON GAMES AND AMUSEMENT

This committee shall be composed of not more than three (3) members including its Chairman and Vice-chairman, 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 amusements including, but not limited to, the promotion or holding of cockfights, boxing, basketball tournaments, and other kinds of games and amusements
- All other matters related to games and amusements.

n.) COMMITTEE ON WAYS AND MEANS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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
- All other matters related to taxation

o.) COMMITTEE ON PUBLIC WORKS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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 other matters related to public works and infrastructure projects

p.) COMMITTEE ON HOUSING AND LAND USE & MANAGEMENT

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Housing program
- Subdivision development/real estate development
- Measure pertaining to land uses
- Zonification or Zoning Code enactment
- Squatter problems
- All matters related to housing and land utilization

q.) COMMITTEE ON TRANSPORTATION & COMMUNICATION

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- All matters related to regulation, planning, modernization, installation and construction of transportation and communication facilities.

r.) COMMITTEE ON BARANGAY AFFAIRS

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, to which shall be referred all matters or questions pertaining to or connected with the following:

- Creation, division, merging, abolition or alteration of boundaries of Barangays
- Naming or renaming of Barangays
- Naming or renaming of Barangay roads
- Review of Barangay ordinances and executive orders issued by the Punong Barangays
- All matters pertaining to barangay affairs

s) *COMMITTEE ON ENVIRONMENTAL PROTECTION*

This committee shall be composed of not more than three (3) members, including its Chairman and Vice Chairman, 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
-

RULE XIII – COMMITTEE REPORTS

Section 1. Submission of Committee. Any committee to which a particular measure is referred by the Presiding Office shall submit its report in writing to the Sanggunian, thru the Secretary, after finishing its task.

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 a separate report thereon.

Section 3. Contents 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) Findings or conclusions
- (d) Recommendations (preferably, in the form of resolution)
- (e) Name and signature of concurring members
- (f) Appendixes (Minutes of the committee hearings or meetings as the case maybe).

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 re-committed or return back to that committee for further study.

Section 6. How to Calendar 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 Chairman concerned.

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 the 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 session 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 thereof beforehand. Being all responsible men and women, the members are presumed to have read the minutes already before they came 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 session;
- (b) Whether it is special or regular;
- (c) Names of the members present therein and those who were absent;
- (d) Action taken on the minutes on 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 and enacted;
- (f) Brief resume of the minority opinion, if any;
- (g) The “Ayes” and “Nays” or “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 or approved it at the appropriate space therein. The Presiding Officer at that particular session and the Secretary shall also sign or affix their signatures on it.

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 Chairman, or the reporting committee member, 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 orders of the day
- (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 in the minutes
- (k) Raise a Question of Privilege

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

Section 5. When there is no quorum present, a motion to adjourn or 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 resolutions, except when proposed by the reporting committee Chairman 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 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 in 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 (amendment of the first degree) and motion to amend an amendment (amendment of the second 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 “amend an 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.

RULE XVI – DISCIPLINARY ACTION

Section 1. Penalty. Any member who commits an act in transgression of the foregoing Internal Rules of Procedure shall be punished with the corresponding penalties hereunder prescribed, to wit:

OFFENSE	PENALTY
For disorderly conduct or behavior during a session, committee hearing or committee meeting	1 st Offense – reprimand 2 nd Offense – exclusion from membership in the committee concerned
For any “justified” absence with prior notice	None
For any “justified” absence without prior notice	Fine of P 300.00
For any “unjustified” absence with prior notice	Fine of P300.00
For absence in three (3) consecutive sessions whether justified or unjustified	Fine of P3,000.00 without prejudice to the filing of the corresponding administrative charge as per Art. 124 (6), IRR of RA 7160
For coming late in any kind of session whether regular or special, committee hearings or meetings	1 st Offense – Fine of P 100.00 2 nd Offense – Fine of P 200.00 3 rd Offense – onwards – Fine of P 500.00
For refusal without valid excuse to perform the task assigned to him by the Sanggunian or Committee of which he is a member	Fine of P 1,000.00
For “unjustified” absence in committee hearing	Expulsion from membership in that committee of which he is a composite member and a fine of P 1,000.00 without prejudice to the filing of corresponding administrative charge for neglect of duty
Conviction by final judgment to imprisonment of at least (1) year for any crime involving moral turpitude	Automatic expulsion
For violation of any other provision of this Internal Rules of Procedures not specified herein	Fine of not less than P500.00 but not more than P 1,000.00 or suspension of not more than fifteen (15) days without remuneration

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; 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 Committee on Rules be the respondent, the Presiding Officer (regular or temporary presiding officer 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 Disposition. The Secretary to the Sanggunian shall collect the fines as may be imposed by this Sanggunian and shall take custody thereof as a private trust fund. 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 the said fund would be spent.

RULE XVII – SUSPENSION OF RULES

Section 1. Any part of this “Internal Rules 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 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.

UNANIMOUSLY ADOPTED.

CERTIFIED CORRECT:

JOVITO P. PUNZALAN
SB Secretary

ATTESTED:

Hon. MANUEL N. MADDELA JR.
Municipal Vice Mayor & *Presiding Officer*